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Empire of Faith: Toleration, Confessionalism and the Politics of Religious Pluralism in the Habsburg Empire, 1792-1867

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EMPIRE OF FAITH: TOLERATION, CONFSSIONALISM AND THE POLITICS OF
RELIGIOUS PLURALISM IN THE HABSBURG EMPIRE, 1792-1867

A Dissertation

Submitted to the Graduate Faculty of the
Louisiana State University and
Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

in

The Department of History

by

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B.A., The University of North Texas, 2007

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This dissertation is the result of six years of reading, research, and many lonely months in the archives. This work would not have been possible without the intellectual, material, financial, and moral support I received during my time at Louisiana State University (LSU).

First of all, LSU granted me assistance in multiple ways. The Graduate School, the College of Humanities and Sciences, and the History Department funded travel for several conferences a year for the past few years, allowing me to present parts of this material to other historians. I owe a debt of gratitude to Darlene Albritton in the history office for patiently holding my hand through the bureaucratic mazes at LSU, enabling me not only to obtain university funding for conferences but also to complete the paperwork required for each milestone in my graduate career. The staff at the Interlibrary Loan office put every book in the United States at my fingertips. Finally the LSU Dissertation Year Fellowship from the Graduate School allowed me to incorporate more than I originally intended into this work and helped me polish it into a better draft.

Numerous scholars and friends assisted me and looked over various chapter drafts. Professor Suzanne Marchand advised me on this project from when it was a mere précis from a first-year graduate student and has seen it grow and evolve from a thesis, a prospectus and finally a dissertation. She gave crucial tips on organization, research, writing, and provided encouragement during the many ups and downs of this project. In addition, she introduced me to a wide network of scholars and plugged me into several academic projects. James Brophy read parts of my dissertation and acted as a mentor to me on several conference papers and grant proposals. Karl Roeder supplied me with numerous helpful tips about the Balkans, the Ottoman Empire, and the Habsburgs and gave my final draft a thorough reading. The faculty mentors and student colleagues at the German Historical Institute's Transatlantic Seminar offered

constructive criticism on many of the ideas used throughout the dissertation and led me to alter several problematic terms. Numerous other German and Habsburg scholars read various paragraphs and answered questions I had throughout this dissertation. I would also like to thank my committee: Professors Christine Kooi, David Lindenfeld, Leonard Ray, and Brendan Karch for their suggestions on future revisions to this project. Finally, I made many friends in Baton Rouge, Vienna, and at numerous conferences. There are too many individuals to name here, but these friends provided not only a sounding board for many ideas presented in this dissertation but also much needed camaraderie.

Certainly there are few better places on earth to conduct research than in Vienna. Mercer, a global human resources firm, has ranked Vienna as the number one city in the world in quality of life for six consecutive years as of 2015. This city is a cheery mix of efficiency and *Gemütlichkeit*, and research in the various institutions there reflected this blend. The archivists at the *Haus, Hof, und Staatsarchiv* (HHStA) were prompt in delivering materials and helped me navigate collections that had been damaged or renumbered. Similarly the archives at Erdberg, most notably the *Allgemeines Verwaltungsarchiv* (AVA), proved to be a productive workplace, and the staff there was quick to remedy miscommunications that inevitably occur in any research project. The *Österreichische Nationalbibliothek* (ÖNB) was also a rich source for numerous unpublished dissertations and books not available in North America, and the workers there made these collections easily accessible. These sources were indispensable in my research, and the bulk of this dissertation is made up of archival and unpublished materials from Vienna.

Several institutions in Budapest also proved helpful in this dissertation. The *Magyar Országos Levéltár* (National Hungarian Archives) in Obuda provided materials for substantial portions of three chapters. The staff in Bécsi kapu and Obuda, most notably Ádám Török and Ildikó Szerényi, help me navigate through the Hungarian archives and stumble through forms in

Magyar without wondering (out loud anyway) why an American cared about the Reform Diets of the 1830s and the 1840s and the administration of the Habsburg Palatine. The *Országos Széchényi Könyvtár* (National Szechenyi Library) also held several works helpful to my research, and the employees there provided much-needed assistance in accessing these materials.

This dissertation required four separate trips to the former lands of the Habsburg Empire, none of which would have been possible without the generous support of several organizations. The LSU History Department helped fund my first, exploratory trip to the archives in Vienna and Budapest in 2012. A grant by the Central European History Society (CEHS) allowed me to spend three months in the HHStA and the AVA in 2013. Another grant by the Botstiber Foundation funded a winter trip to the Viennese archives in 2013-2014 and a summer one to Vienna and the Hungarian National Archives in Budapest in 2014.

I reserve, however, my biggest gratitude for my family: my wife, Emily, my children Audrey and Garrett, and my dog Roxie. Each trip to Europe cost me weeks and months away from my family, and the time I spent at home was all too often consumed by reading scanned archival documents or other sources. Most people would find it odd to mention their mother-in-law, but I should probably credit mine, Mary, who stayed with my wife in the final months of her pregnancy and labor while I was in Vienna. For this, and many other reasons, I am in the biggest debt to my wife Emily. While I was away, she took on the dual tasks of working a full time job teaching first-grade students and raising a child. Finally, no return home after a long trip is complete without the non-judgmental kisses and wagging tail from a long-cherished pet.

Despite all the help this project received, all mistakes and errors contained within it are my responsibility.

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MAP OF THE HABSBURG EMPIRE IN 1815¹



¹ This map comes from Paul Robert Magocsi, *Historical Atlas of East Central Europe* (Seattle: University of Washington Press, 1993), 24.

LIST OF ABBREVIATIONS

<i>AHY</i>	Austrian History Yearbook
<i>AK</i>	Alter Kultus
<i>AVA</i>	Allgemeines Verwaltungsarchiv
<i>AAZ</i>	Augsburger Allgemeine Zeitung
<i>CEH</i>	Journal of Central European History
<i>CHR</i>	The Catholic Historical Review
<i>FHKA</i>	Finanz Hofkammerarchiv
<i>HPB</i>	Historisch-Politische Blätter für das katholische Deutschland
<i>KA</i>	Kabinettsarchiv
<i>KFA</i>	Kaiser Franz Akten
<i>I</i>	Interioria
<i>JGPÖ</i>	Jahrbuch der Gesellschaft für die Geschichte des Protestantismus in Österreich
<i>LA</i>	Länderabteilung
<i>LAZ</i>	Leipziger Allgemeine Zeitung
<i>MIÖG</i>	Mitteilungen des Instituts für österreichische Geschichtsforschung
<i>MOL-B</i>	Magyar Országos Levéltár: Bécsi kapu (Hungarian National Archives: Bécsi kapu)
<i>MOL-O</i>	Magyar Országos Levéltár: Obuda (Hungarian National Archives: Obuda)
<i>MÖSTA</i>	Mittheilungen des Österreichischen Staatsarchivs
<i>MKA</i>	Minister Kolowrat Akten
<i>ÖAW</i>	Österreichische Akademie der Wissenschaften
<i>ÖB</i>	Österreichischer Beobachter
<i>ÖCO</i>	Österreichisches Central-Organ für Glaubensfreiheit, Cultur, Geschichte, und Literatur
<i>ÖNB</i>	Österreichische Nationalbibliothek
<i>OSZK</i>	Országos Széchényi Könyvtár (National Szechenyi Library)
<i>HHStA</i>	Haus, Hof und Staatsarchiv
<i>HJ</i>	The Historical Journal
<i>P.O.D</i>	Polizeyoberdirektion
<i>Stk</i>	Staatskonferenz
<i>Str</i>	Staatsrat
<i>UA</i>	Ungarische Akten
<i>UJ</i>	Ungarn Jahrbuch
<i>WKZ</i>	Wiener Kirchenzeitung für Glauben, Wissen, Freiheit, und Gesetz in der katholischen Kirche
<i>ZOH</i>	Zentral-Organisierungs-Hofkommission

STATEMENT ON PLACE NAMES

One of the casualties of the twentieth-century upheavals in eastern and central Europe has been the ethnic diversity of many of its cities. Despite immigration in the past decades, especially to Vienna, the diversity of today's former Habsburg cities does not rival those of the pre-1918 world, which had substantial Jewish and German districts, along with others. As a result, there is no consensus on what to call many of the cities of the region in the nineteenth century. The capital of Galicia, Lemberg, today Lviv in Ukraine, famously (or infamously) has five different names: Lemberg, Lviv, Lvov, Lvow, and Leopoldis. In this work, each city or diocese, will have its name as it appeared in Habsburg documents and as it was commonly called, usually the German or Italian name, along with the contemporary name in the present-day country the first time it is used in each chapter. Lemberg will appear, for example, as Lemberg (Lviv) upon first usage. Cities well known in English, such as Vienna and Prague, will simply have their English name. This decision does not seek to pretend a sort of uniformity that did not exist. This editorial choice is not a statement about the events of the twentieth century and is simply intended to respect the situation as it existed in the nineteenth century, while not ignoring the enormous changes that have taken place since 1918.

TABLE OF PLACE NAMES

Most of the cities and dioceses covered in this study have different names today. In the interest of clarity, the following list contains the names of the place as used under Habsburg rule (usually German or Italian), followed with the contemporary name. Several cities and dioceses overlap and will be placed in the category for which it is most often used in this dissertation.

Towns and Cities

Habsburg Name	Contemporary Name
Agram	Zagreb (Croatia)
Bialakiernica	Bila Krynytsia/ Біла Криниця (Ukraine)
Brünn	Brno (Czech Republic)
Debreczin	Debrecen (Hungary)
Dernis	Drniš (Croatia)
Gross-Mesertisch	Velké Meziříčí (Czech Republic)
Hermannstadt	Sibiu (Romania)
Kashau	Košice (Slovakia)
Kremsier	Kroměříž (Czech Republic)
Kronstadt	Braşov (Romania)
Laibach	Ljubljana (Slovenia)
Lemberg	L'viv/ Львів (Ukraine)
Neu-Pasua	Nova Pazova/ Нова Пазова (Serbia)
Neu-Sandez	Nowy Sącz (Poland)
Neustadtl	Nové Mesto (Czech Republic)
Nikolsburg	Mikulov (Czech Republic)
Ofen	Buda (merged with Budapest today) (Hungary)
Olmütz	Olomouc (Czech Republic)
Pilsen	Plzeň (Czech Republic)
Pressburg	Bratislava (Slovakia)
Prossnitz	Prostějov (Czech Republic)
Sebenico	Sibenik (Croatia)
Szabaldka	Subotica/ СубОТИЦА (Serbia)
Szegedin	Szeged (Hungary)
Tarnopol	Ternopil/Тернопільське (Ukraine)
Znaim	Znojmo (Czech Republic)

Dioceses:

Habsburg Name	Contemporary Name
---------------	-------------------

Bacs	Bač/ Бач (Serbia)
Blasendorf	Blaj (Romania)
Carlowitz/Karlowitz	Sremski Karlovci/ Сремски Карловци (Serbia)
Cattaro	Kotor/ Котор (Montenegro)
Djakovar	Đakovo (Croatia)
Erlau	Eger (Hungary)
Fogarash	Făgăraș (Romania)
Grosswardein	Oradea (Romania)
Karlsburg	Alba Iulia (Romania)
Karlstadt	Karlovac (Croatia)
Katscher	Kiertrz (Poland)
Klausenburg	Cluj-Napoca (Romania)
Königgrätz	Hradec Králové (Czech Republic)
Küstenland	The Austrian Littoral (no longer exists)
Munkacs	Mukacheve/ Мукачеве (Ukraine)
Neusohl	Banská Bystrica (Slovakia)
Pakracz	Pakrac (Croatia)
Posen	Poznańska (Poland)
Rosenau	Rožňava (Slovakia)
Steinamanger	Szombathely (Hungary)
Werschetz	Vršac/ Вршац (Serbia)
Zips	Spiš/Spisz (split between Slovakia and Poland)

Hungarian Counties:

Habsburg Name	Hungarian Name
Abaujwar	Abovsko-turnianska
Bars	Tekovská
Gran	Esztergom
Liptau/Liptov	Liptó
Sohl	Zólyom
Temes/Temesvar	Timișoara
Tolnau	Tolna
Ung	Užská

ABSTRACT

The issues of religious toleration and confessionalism are complex, with deep roots and unresolved, enduring legacies. This project takes a look on one sustained attempt to tackle this problem by looking at the Habsburg Empire after the death of Joseph II (r. 1780-1790), whose far-reaching reforms established extensive state control over the Catholic Church and introduced toleration for Protestants, Orthodox Christians and, in a more limited way, to Jews. Yet ultimately, religious toleration was one of the many factors that caused Joseph's reign to end in failure. In addition, the French Revolution and Napoleonic Wars created conditions that promoted confessionalism, and the problem of religious tolerance remained, even in the nineteenth century. As a result, confessional states emerged throughout Europe, and Catholicism experienced an ultramontane revival across the West.

Yet, Joseph's conservative successors did not follow this path. Instead, they preserved his religious policies and even expanded them. This dissertation focuses on confessionalism and religious toleration in the Habsburg Empire from 1792 until 1867 and argues that the Austrian Empire in this period, until 1848, was a non-confessional state and one that sought to institutionalize religious toleration. This project encompasses the Balkans, Galicia (western Ukraine and southern Poland), Transylvania, Austria, Bohemia, northern Italy, and Hungary and incorporates analysis of the state's day-to-day interactions with Protestants, Jews, Orthodox Christians and Greek Catholics. Officials mediated conflict in such contentious questions as mixed marriages and conversions. In addition, Joseph's successors retained the regulations he had imposed on the Church and worked to rein in zealous Catholics. The government's policies aimed at taming religious passions, which could become unpredictable and incite riots. The state

also imposed censorship in order to squelch public opinion, which it feared; above all, the goal was stability, but religious toleration was instrumental to that stability.

The Habsburgs enjoy a reputation today for benevolent rule. Yet religious toleration, one of the key origins of human rights, only took hold during the conservative regime that ruled the monarchy from 1792-1848. For the only time in its history, the Habsburg monarchy was a non-confessional state during these years, and it expanded the boundaries of toleration. Catholicism had traditionally been a pillar of Habsburg governance, and it was one that the new regime would again lean upon after the upheaval of the 1848 revolutions.

INTRODUCTION

Today, Prague is a popular travel destination filled with castles, old buildings, and bustling with tourists. Yet, beyond the crowds, statues, monuments and other popular attractions in Prague, on the last stop of the tram line, near the airport and buried in a neighborhood, lies an empty field at the top of a hill with a simple stone at the center, called *Bílá Hora* (White Mountain). It is neglected and hidden for good reasons because at this place, in 1620 a dark side of the Habsburg monarchy revealed itself: that of an intolerant Counter-Reformation dedicated to driving out all challengers to Catholic supremacy in the Habsburg lands. This battle opened the Thirty Years War, arguably the most devastating war in Central Europe's bloody history, and marked the apex of the Counter-Reformation, in which the Habsburgs played a prominent role. While the Habsburgs have recently been associated with supranationalist, benovolent governance and toleration, for nearly two centuries, the monarchy carried out some of the most repressive, intolerant policies in the name of religious uniformity.

The Counter-Reformation only ended in the 1780s with the reforms of Joseph II (r.1780-1790), who granted not only toleration to Jews, Protestants, and Orthodox Christians but also removed much of the Catholic Church's influence on state institutions. Joseph's reign had occurred at the height of the Enlightenment, but the French Revolution led to intellectual, geopolitical, and other changes, which encouraged the development of confessionism. This development meant that rulers once again tapped the majority religion of their inhabitants for political legitimacy, as leaders sought to adapt to popular politics and use it to their advantage. As a result, confessionism states persevered, and toleration remained elusive in large parts of Europe, including liberal states in the West.

This study will explore Catholic confessionism and toleration of Protestants, Jews, and Orthodox Christians in the Austrian Empire from the end of Joseph's reign until the 1848

revolutions and its aftermath. Despite the efforts of the Counter-Reformation, the Austrian Empire was only approximately 70% Catholic, and non-Catholics made up large portions of the monarchy, especially after the expansion of the Habsburg realms at the expense of the Ottomans in the late seventeenth and eighteenth centuries. In 1846, the monarchy had 26.3 million Catholics, 6.8 million Orthodox Christians (3.7 million Greek Catholic and 3.1 million “non united” Orthodox), 3.3 million Protestants (1.3 Lutherans and 2 million Calvinists), 729,000 Jews, and a handful of sects and Unitarians, making non-Catholics nearly a third of the monarchy’s population.¹

Although conservative regimes ruled the Habsburg monarchy after Joseph II, his system, known as Josephism (or Josephinism), prevailed. Subsequent monarchs and officials salvaged Josephism in the turbulent years of the French Revolution. They actually expanded the rights of non-Catholics and continued to rein in zealous Catholics. Until 1848, the Habsburg Empire was a non-confessional state, and state officials viewed confessionalism as dangerous to public order. While many other states promoted the majority religion in order to acquire an aura of legitimacy, Austrian officials refused to tap Catholicism for political capital. Only after the revolutionary upheaval in 1848 and 1849 did an ultramontanist, Catholic revival emerge victorious under a new regime that rejected Josephism. In fact, 1780-1848 marked the only period in which Habsburgs disassociated themselves with Catholicism, and it was only in this era that religious toleration finally took hold.

¹ K.K. Direction der administrativen Statistik, *Uebersichts-Tafeln zur Statistik der österreichischen Monarchie* (Statistischen Mittheilungen: 1850). These numbers are meant simply as a rough snapshot, not a precise, definite figure.

Historiography

Curiously, literature on the Church in Austria from the French Revolution to 1848 is limited, and most of the work in this field is flawed and polemical. The most detailed works related to the Catholic Church in this period belong to Eduard Hosp and Ferdinand Maass.² These two historians were members of the Redemptorist and Jesuit orders, respectively, and presented the *Vormärz* (pre-1848 period) as a courageous struggle of the Church against the anti-Catholic Josephist regime.³ Ernst Tomek's three-volume work *Kirchengeschichte Österreichs* is fiercely defensive of the Catholic Church, and Herbert Riesser's *Der Geist des Josephinismus* characterized Josephism as an ideology based on heresy, which put on Austria on path toward atheism and general immorality, seen today in the "smut" (*Schmutz und Schund*) on television, to which the Protestant Peter Barton responded: "Good thing for Josephism that this book appeared before the wave of pornography and terrorism [in the 1970s]."⁴ The theologian Josef Wodka's work *Kirche in Österreich* struck a more moderate tone but still viewed Josephism as an irreligious force. These historians viewed the Enlightenment and Josephism, erroneously, as

² The work of Hosp is nonetheless useful, even if it borders on hagiography for ultramontane Catholics. *Die Kirche Österreichs im Vormärz 1815-1850* (Vienna: Herold Verlag, 1971) provides a study on each diocese of modern-day Austria and a general description of major figures and movements related to the Church. *Bischof Gregorius Thomas Ziegler: Ein Vorkämpfer gegen den Josephinismus* (Linz: Oberösterreichischer Landesverlag, 1956) is a biased portrayal of Bishop Ziegler but provides useful insight on the antagonism between Catholic activists and the state. He also wrote other biographies of other Church figures in the Restoration. Ferdinand Maass's most notable work is his five-volume series *Der Josephinismus* spanning 1760 to 1850. He views Josephism as an aggressive power grab by the state, but his primary contribution in these volumes are the numerous (almost 1,000) documents, many of them lengthy, from the Austrian and Papal archives.

³ *Vormärz* means "pre-March," referring to the 1848 revolutions, which took place in Austria and the German states in March 1848. The *Vormärz* is typically associated with conservatism and stagnation and took place from the defeat of Napoleon until 1848.

⁴ Herbert Riesser, *Der Geist des Josephinismus und Sein Fortleben: Der Kampf der Kirche um ihre Freiheit* (Vienna: Herder Verlag, 1963), 108. Peter Barton responded to Riesser in "'Umstrittener Reformkatholizismus'—Modellfall Josephinismus," in *Brücke zwischen Kirchen und Kulturen* eds. Peter Barton, Mihaly Bucsay, Robert Stupperich (Vienna: Hermann Böhlau, 1976), 25.

anti-Catholic and correspondingly treated the opponents of these movements as heroes in an overly simplistic Josephist-Catholic dichotomy. In contrast, Eduard Winter, a Nazi, an excommunicated priest, and a communist after World War II, argued that Josephism was nothing more than reform Catholicism, appropriate for the Enlightenment.⁵ He also contended, without citation, that the Restoration regime after 1815 relied on the Catholic Church as a key pillar, and he cherry-picked a handful of Catholic activists with vague connections to the government in what amounted to a polemical and ahistorical account.⁶

The historiography on religious minorities in the Habsburg Empire from 1792-1848 is also limited and dated. Works on Protestants and Orthodox Christians are restricted to a few partisan works, usually by Protestant or Orthodox clergy, or general surveys devoid of archival research. Such works tend to ignore Vienna's real efforts to promote toleration and to sideline Catholic zealots. Collections of essays on toleration usually ignore the Habsburg Empire, though one major survey on toleration simply noted that toleration ended under Emperor Francis II/I (r. 1792-1835).⁷ In contrast, substantial literature exists about Jews, due to the rampant anti-Semitism in the late nineteenth and twentieth centuries, in the empire, though only a few works

⁵ Winter, an excommunicated priest, also joined the Nazi party, but after the war chose to live in East Germany, see Wilhelm Baum, "Ferdinand Maass—Leben und Werk," in *Kirche und Staat in Idee und Geschichte des Abendlandes: Festschrift zum 70. Geburtstag von Ferdinand Maass* ed. Wilhelm Baum (Vienna: Herold Verlag, 1973), 18. While most of Winter's work is speculative, he is correct in arguing that Josephism was reform Catholicism, see *Josephinismus und seine Geschichte*.

⁶ This common theme can be found throughout Eduard Winter's unsound work, *Romantismus, Restauration und Frühliberalismus im Österreichischen Vormärz* (Vienna: Europa Verlag, 1968).

⁷ This is Karl Vocelka's conclusion in, "Enlightenment in the Habsburg Monarchy: History of a Belated and Short-Lived Phenomenon," in *Toleration in Enlightenment Europe*, eds. Ole Peter Grell and Roy Porter (Cambridge U.K.: Cambridge University Press, 2000), 15.

cover the empire as a whole and fewer exhaustively utilize archival sources or deal directly with toleration in the 1792-1848 period.⁸

Surveys on the Habsburg Empire reflect the dearth of objective literature on confessionalism and toleration after 1792. General works on this period ignore religion, the dominant marker of identity, in the pre-1848 period. The massive *The Cambridge History of Christianity, 1814-1914* has no section for Austria.⁹ C.A. Macartney's enormous survey, *The Habsburg Empire 1790-1918*, is indispensable to any student of Habsburg history, but it devotes no more than a few lines, out of 300 pages on the *Vormärz*, to religious matters.¹⁰ General surveys by A.J.P Taylor, Oszkár Jászi, Barbara Jelavich, and Alan Sked offer few words on the Austrian Church or religious toleration before 1848.¹¹ Robert Kann acknowledges that Josephism persisted, though in a more conservative form, in *A History of the Habsburg Empire 1526-1918*.¹² The best survey is Robin Okey's *The Habsburg Monarchy, c. 1765-1918*, which attempts to stitch in religion to liberal and national politics, noting the influence of Orthodox clergy on nationalism among the Romanians and Serbs, along with Protestantism for Czechs and Slovaks.¹³ In addition, Okey devotes several paragraphs to the conditions facing the Catholic Church in the Habsburg monarchy, while acknowledging that the entire period is understudied.

⁸ The most notable Jewish historian of the Habsburg Jews in this period is Wolfgang Häusler, though many others have made significant contributions to this field. A more detailed historiography is located in chapter 5.

⁹ Sheridan Gilley and Brian Stanley (eds), *World Christianities c. 1815-1914*, in *The Cambridge History of Christianity* 9 Vols (Cambridge U.K.: Cambridge University Press, 2005)

¹⁰ Carlie Aylmer Macartney, *The Habsburg Empire 1790-1918* (New York: MacMillan, 1969).

¹¹ A.J.P. Taylor, *The Habsburg Monarchy, 1809-1918* (Chicago: University of Chicago Press, 1976); Oszkár Jászi, *The Dissolution of the Habsburg Monarchy* (Chicago: University of Chicago Press, 1929); Barbara Jelavich, *Modern Austria: Empire and Republic, 1815-1986* (Cambridge, U.K.: Cambridge University Press, 1987); Alan Sked, *The Decline and Fall of the Habsburg Empire, 1815-1918* (London: Longman, 1989).

¹² Robert Kann, *A History of the Habsburg Empire 1526-1918* (Berkeley: University of California Press, 1974), 239-240.

¹³ Robin Okey, *The Habsburg Monarchy c. 1765-1918* (Basingstoke: Macmillan, 2001), 78-79; 100-101; 122-123.

In general, most work on the Austrian Empire focuses on nationalism, more of a twentieth-century problem, rather than religion, which was the more powerful force in the nineteenth century.¹⁴

Works on toleration focus on the early modern period, and little literature exists on post-Enlightenment toleration, which was not complete religious freedom but a vast improvement over even the most tolerant states of the pre-Enlightenment era.¹⁵ Henry Kamen's *The Rise of Toleration* ends at the end of the seventeenth century. Perez Zagorin's book *How the Idea of Religious Toleration Came to the West* places disproportionate emphasis on England and the Netherlands and incorrectly places John Locke and Pierre Bayle as the transition points to having a state that favored no specific Church, as if there were a linear path from religious intolerance to Enlightenment with twentieth-century standards of religious freedom.¹⁶ There is little mention of the nineteenth century, a crucial bridge to modern forms of toleration. In general, historiography has adopted the crude assumption that with Napoleon's conquests in Europe, toleration arrived, though, in fact, French armies exacerbated confessional tensions. This state of historiography reflects the lack of research by historians on confessionalism and toleration between the French Revolution and 1848, a period that awkwardly straddles the modern and pre-modern eras.

Yet, there are several good works related to the Church in Austria, but they are understandably concerned with issues other than toleration or confessionalism. Alan

¹⁴ Owen Chadwick, *The Secularization of the European Mind in the Nineteenth Century* (Cambridge U.K.: Cambridge University Press, 1990), 139.

¹⁵ More literature exists for nineteenth-century Catholicism in Germany, though much of the scholarship deals, understandably, with the *Kulturkampf*. The historiography remains victimized by national boundaries drawn by Bismarck, and as a result, Austria, the largest German Catholic state, has little representation in the literature of Catholicism in nineteenth-century Germany.

¹⁶ For an essay critiquing the "rise of toleration" and the Enlightenment, see Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge, MA: Harvard University Press, 2007), 333-358.

Reinerman's two-volume series on Metternich and the papacy is impressive but deals primarily with Austrian foreign policy and domestic policy in Italy.¹⁷ Erika Weinzierl conducted years of scholarly archival research, and her work *Die Österreichischen Konkordate von 1855 und 1933* along with numerous articles are indispensable to understanding Austrian Catholicism.¹⁸ They also touch on a few of the issues concerning confessionalism without the polemics of other Catholic historians. William Bowman's work *Parish and Priest in Vienna, 1780-1880* provides an insightful social history of the Viennese priesthood, arguing that they enjoyed the responsibilities that Josephism placed on them, though this argument is an old one, and he ignores the larger implications for the ideology of the Austrian state.¹⁹

This study contrasts sharply with these aforementioned works and argues that the Austrian Empire between the revolutions was, with a few exceptions, a non-confessional state, which defied the so-called "neo confessional age" for most of the pre-1848 period.²⁰ Despite the chaos that erupted at the end of Joseph's reign and the twenty-five year war with Revolutionary France and Napoleon, the Habsburg Empire emerged from these ordeals with its Josephist Church intact. In the eyes of most Austrian officials, the era of confessional conflict lay in the past, and the religious question was settled. As a result these officials expanded the rights of non-Catholics from 1792 to 1848 in order to provide stability and to create useful, virtuous subjects. Individuals, especially those outside the official Austrian episcopacy, desiring a

¹⁷ See, Alan Reinerman, *Between Conflict and Cooperation* Vol. I of *Austria and the Papacy in the Age of Metternich* (Washington D.C.: The Catholic University Press, 1979) and *Revolution and Reaction*, Vol 2 of *Austria and the Papacy in the Age of Metternich* (Washington D.C.: Catholic University Press of America, 1989) along with numerous articles, which are cited throughout this dissertation and also located in the bibliography.

¹⁸ Erika Weinzierl-Fischer, *Die Österreichischen Konkordate von 1855 und 1933* (Vienna: Verlag für Geschichte und Politik, 1960).

¹⁹ William D. Bowman, *Priest and Parish in Vienna 1780-1880* (Boston: Humanities Press, 1999).

²⁰ This term will be explained later in the introduction.

Catholic revival faced steep resistance from the government as the Habsburg state attempted to conduct itself, in contrast to many European states after 1815, as a non-confessional state.

Habsburg officials simply embraced what Joseph had bequeathed to them: a reformed episcopacy tamed by the strong hand of the state.

This work hopes to make a few other contributions. It will re-evaluate the Restoration (the post-Napoleonic period) in a more positive light, providing substance and nuance to a recent historiographical trend. It will provide another explanation for Austrian stability in the *Vormärz*. Its findings will also shed light on the day-to-day workings of religious toleration in the empire from the French Revolution to 1848. This work hopes to integrate religion and Church history into broader narratives of Austrian history, through a transnational lens. Along these lines, it will illuminate Habsburg strategies of empire-building and conflict resolution, with freedom of conscience and toleration as key pillars, all of which fell under the umbrella of good government.²¹ Finally, this work aims to provide a non-polemical portrait of the Catholic Church in Austria, illuminating its complex relationship to state authority.

The first two chapters deal with the attempted Catholic revival and the Josephist state. Chapter 1 will focus on the role of Catholic *Kreise* (circles), which were of the loudest voices for revival before 1820. In this period, the state resisted the efforts of Catholic activists to overturn Joseph's reforms in the 1790s, scuttled similar plans at the Congress of Vienna, kept out the Jesuits, and retained the form of Catholicism envisaged by reformers in the Enlightenment. Chapter 2 shifts the focus of the revival to bishops and Court, both of which had more success in reviving Catholicism's fortunes in the 1830s and 40s, though they failed to make many real changes. Due to rising ultramontanist, or loyalty to the papacy, across Europe many bishops pushed, usually unsuccessfully, for the loosening of Josephist controls. In this period,

²¹ The Austrian Empire was only created in 1804.

confessional strife erupted in Germany, especially after Prussia arrested the archbishop of Cologne in 1837. Across the western world, Catholics registered numerous gains, but Austria remained isolated from this trend. These two chapters will also shed light on the oddly neglected topic of Prince Metternich's religious views.

The study then shifts toward toleration of religious minorities and analyzes their history in more detail, their structure, relation to the government in Vienna, and the most controversial issues such as mixed marriages and apostasy. Chapter 3 deals with toleration of Protestants and how the state regulated issues such as mixed marriages, conversions, communication with foreign dignitaries, and the Hungarian Diet. Chapter 4 describes toleration of Orthodox Christians and the state's efforts to regulate Catholic-Orthodox relations in issues such as processions, though the main controversial issue was the promotion of Greek Catholicism or Uniatism. Chapter 5 describes the state's effort to integrate Jews into the empire and make them useful to the state. The government desired a gradual emancipation and a slow lifting of the numerous legal restrictions that hampered assimilationist Jews. These efforts were partially fruitless until the 1840s when the state accelerated the pace of emancipation. In the meantime, the state provided protection to Jews, who were mostly despised by their neighbors. In its dealings with religious minorities and confessional disputes, Vienna restrained Catholic zealots and refused to tap Catholicism for political capital.

This dissertation ends with the revolutions of 1848 when Josephism rapidly collapsed. 1848 proved to be a crucial pivot in the religious history of the monarchy. After a brief period of religious freedom, the forces of the counter-revolution, led by Prince Felix zu Schwarzenberg and Archduchess Sophie, the mother of the newly-crowned Francis Joseph, emerged victorious. This new government aggressively pursued an alliance of throne and altar and cleared out the Josephists. This new arrangement resulted in the long-awaited victory of the Catholic activists.

For the religious minorities of the empire, the results of 1848 were mixed. The conclusion will make observations, such as how the famed toleration of the Habsburgs only took root in this conservative era and how it marked the Habsburgs only attempt to disassociate itself with Catholicism.

This study relies on a mixture of letters, published primary sources, unpublished dissertations, journals, documents from Vienna's *Haus-Hof-und Staatsarchiv* (HHStA) and *Allgemeines Verwaltungsarchiv* (AVA) as well as the *Magyar Országos Levéltár* (Hungarian National Archives--MOL). The first two chapters use primarily unpublished dissertations, letters and files from the HHStA. The material in the three chapters on toleration comes mainly from the toleration files in the AVA, the HHStA, and reports in the MOL. The 1848 chapters and conclusion utilize a medley of archival documents, memoirs, secondary literature and unpublished dissertations. In addition this dissertation draws on secondary and published primary sources in English and German dealing with religious histories of England, France, the Germanies, Belgium, Russia, the United States, and the Ottoman Empire.

This work does its best to do justice to the richness and diversity of the Habsburg Empire in the course of sixty years, but it will not be able to treat events in every corner of the empire with equal, sustained attention. The first two chapters on the attempted Catholic revival will revolve around Vienna, where activists congregated and the government made decisions, though Galicia receives much attention. Chapter 3 on Protestantism will focus more on Upper Austria, Bohemia, Galicia, and Hungary. The section on Greek Orthodoxy will shift the geographical lens to Dalmatia, Serbia, Galicia and the eastern portions of the empire. The chapter on Jews in Austria requires more attention on Hungary, Vienna, Bohemia, Moravia, and Galicia. Hungary receives special attention in the chapters on toleration due to its large numbers of non-Catholics and the diet there, which provided a forum for the numerous confessions to engage in a public

political battle. Furthermore, events in Europe, especially in Prussia, Russia, and the Ottoman Empire, strongly influenced Austrian religious politics, and they are covered accordingly.

When the English traveler Peter Evan Turnbull went through Austria in the 1830s, he found the Habsburg Empire's system of toleration ideal.²² He noted glowingly the ease with which Protestants could form congregations and run their affairs, the equality of the confessions in law and civil employment, the controls imposed on the Catholic clergy, and the marriage of several Habsburgs with Protestants. While Turnbull's account is an idealistic portrayal that ignored many of the real shortcomings of Austrian toleration, the Habsburg Empire before 1848 had an ecclesiastical system that protected the vast majority of its citizens, gave them a stake in the monarchy, suppressed confessional hatred, and discouraged confessional politics. If the Habsburg policies of toleration seem rigid by twenty-first-century standards, one must remember that for early nineteenth-century expectations, Austrian toleration was quite progressive, with its majority religion tamed, compared to most western states, earning it a reputation for toleration.

The Enduring Legacy of Religious Intolerance

The Habsburgs were hardly alone in their pursuit of religious homogeneity in the early modern era. Europe possessed an old persecuting society based on religion, and the Reformation exacerbated these tensions and unleashed generations of religious wars.²³ The German states of the Holy Roman Empire underwent a century of warfare, capped off by the most destructive war in German history, the Thirty Years War (1618-1648). The 1648 Treaty of Westphalia, which ended the war, confirmed the confessional states that had arisen. Religious hatreds remained, but

²² Peter Evan Turnbull, *Austria 2 Vols* (London: John Murray, 1840), 2: 73-115.

²³ For a study of how the religious conflict sparked by the Reformation affected every day life, see Kaplan, *Divided by Faith*. For a more apologetic view of the Counter-Reformation see Robert Bireley, *The Refashioning of Catholicism, 1450-1700: a Reassessment of the Counter Reformation* (Washington D.C.: Catholic University of America Press, 1999).

civil wars waged on behalf of the one true faith largely ceased.²⁴ In France, Henry IV legalized Protestantism in certain areas after the brutal French Wars of Religion (1562-1598), but Protestants continued to suffer heavy persecution, especially under the absolutism of Cardinal Richelieu and Louis XIV, who revoked this limited toleration in 1685. Even the famed toleration of the Dutch Republic propped up an intolerant Dutch Reformed Church and simply allowed illegal, quasi-secret worship for Catholics. Here, Catholics had, at best, unreliable toleration, and the public space was filled with vitriolic discourse between Catholics and Calvinists.²⁵

Historians have traditionally been kind to Poland for its toleration, though this resulted more from weak central government than a conscious decision to guarantee rights for non-Catholics.²⁶ The Polish government's attempt to bring Ruthenians (Ukrainians in Poland-Lithuania) to the Catholic Church through the creation of Uniate Christianity or Greek Catholicism in 1596 provoked multiple bloody uprisings in Ukraine, most notably in 1623 and 1648, the latter of which substantially reduced the population of the Ukrainian Jewish community through death or emigration.²⁷ By the eighteenth century, Poland grew more repressive toward its non-Catholic minorities, giving its neighbors pretexts to partition it.²⁸ In

²⁴ See Joachim Whaley, *From Maximilian I to the Peace of Westphalia 1493-1648: Vol.1 of Germany and the Holy Roman Empire* (Oxford: Oxford University Press, 2012), 619-626.

²⁵ Christine Kooi, *Calvinists and Catholics during Holland's Golden Age: Heretics and Idolaters* (Cambridge U.K.: Cambridge University Press, 2012), 84.

²⁶ Paul Knoll, "Religious Toleration in Sixteenth-Century Poland: Political Realities and Social Constraints," in *Diversity and Dissent: Negotiating Religious Difference in Central Europe 1500-1800* ed. Howard Louthan et.al. (New York: Berghahn Books, 2011), 33-36. In fact, King Sigismund moved aggressively against the Reformation when it first appeared in the 1526 and passed anti-Protestant laws, which were unenforceable.

²⁷ For more information, see Mikhail V. Dmitriev, "Conflict and Concord in Early Modern Poland: Catholics and Orthodox at the Union of Brest," in *Diversity and Dissent*, 116; see also: Geoffrey Parker, *Europe in Crisis*, (Ithaca: Cornell University Press, 1979), 207-209.

²⁸ Michael G. Müller, "Toleration in Eastern Europe: the Dissident Question in Eighteenth-Century Poland-Lithuania," in *Toleration in Enlightenment Europe*, 214-217.

1673, the Sejm (diet) barred non-Catholics from being ennobled and banned in 1716 the construction of non-Catholic houses of worship. It also eventually established religious tests to sit in the Sejm.²⁹

The rest of Europe fared no better in the treatment of religious minorities. In Spain, due to multiple expulsions of Jews and Muslims, along with a powerful Inquisition, there were few religious minorities left to persecute by the eighteenth century.³⁰ In Great Britain, Protestantism and anti-Catholicism acted as a common ideology uniting the diverse British Isles.³¹ The Glorious Revolution (1688) and the Act of Toleration (1689) only suspended the “pains” and “penalties” on Protestant dissenters.³² Even John Locke’s landmark *A Letter on Toleration*, which argued for religious liberty, did not even view Catholicism, much less atheism or Islam, as eligible for toleration, and attempts to ease conditions for Catholics incited riots in Britain in the 1780s.

The Habsburgs played a prominent role in the Counter-Reformation, converting Austria, Bohemia, and a portion of Hungary back to Catholicism. The Reformation had found fertile ground in Austria, where by 1580, 90% of the nobility in Lower Austria had adopted the Protestant faith.³³ The Habsburg monarchs gathered their forces around 1580, however, and gradually suppressed Protestant worship in Austria under Emperor Rudolf II, and activists such

²⁹ Brian Porter-Szucs, *Faith and Fatherland: Catholicism, Modernity, and Poland* (Oxford: Oxford University Press, 2011), 6.

³⁰ Henry Kamen, “Inquisition, Tolerance, and Liberty in Eighteenth-Century Spain,” in *Toleration in Enlightenment Europe*, 250.

³¹ This is the general thesis of Linda Colley’s *Britons: Forging the Nation, 1707-1837* (New Haven: Yale University Press, 1992).

³² Martin Fitzpatrick, “Toleration and the Enlightenment Movement,” in *Toleration in Enlightenment Europe*, 30.

³³ Geoffrey Parker ed, *The Thirty Years War* (London: Routledge, 1997), 5.

as Bishop Melchior Klesel established Catholic standards for worship and belief.³⁴ By 1650, Austria had mostly returned to Catholicism as commissions of clergy, soldiers, and governmental officials went from town to town ensuring that their subjects were following the true faith.³⁵ In addition, the Habsburgs copied the Bavarian model of Counter-Reformation and exclusively employed Catholics in public office and invited Jesuits into the country.³⁶ In Bohemia, the Habsburg Emperor, Ferdinand II, implemented the rawest, most uncompromising version of the Counter Reformation, resulting in the Thirty Years War (1618-1648). After crushing the Bohemian Protestant nobility at the battle of White Mountain in 1620, Ferdinand offered the Protestant nobility of Bohemia in 1627 the choice of conversion or exile, and the Renewed Land Ordinance of 1627 outlawed Protestantism.³⁷ Although the 1648 Westphalian Peace established limited toleration in the Holy Roman Empire, these stipulations did not exist in the Habsburg monarchy, where Protestant worship remained banned.³⁸ Although the Counter-Reformation had only limited success in Hungary and Transylvania, from the sixteenth until the late eighteenth century, the House of Habsburg was ideologically and politically Catholic and

³⁴ Josef Wodka, *Kirche in Österreich: Wegwieser durch ihre Geschichte* (Vienna: Herder, 1959), 213-215.

³⁵ Wodka, *Kirche in Österreich*, 223.

³⁶ Thomas A. Brady Jr, *German Histories in the Age of Reformations, 1400-1650* (Cambridge U.K.: Cambridge University Press, 2009), 294-296.

³⁷ Rita Krueger, *Czech, German, and Noble: Status and National Identity in Habsburg Bohemia* (Oxford: Oxford University Press, 2009), 28. Although it was not a linear process, the percentage of non-Catholics in Bohemia dropped from 90 percent in 1620 to two percent in 1781, see Regina Pörtner, “Heresy and Literacy in the Eighteenth-Century Habsburg Monarchy,” in *Diversity and Dissent*, 179.

³⁸ For a legal analysis of how Austria opted out of the Westphalian articles dealing with freedom of belief, see Lukas Wallner, *Die Staatliche Anerkennung von Religionsgemeinschaften: die historische und aktuelle Umsetzung der religiösen Vereinigungsfreiheit in Österreich unter Berücksichtigung des deutschen Religionsrechts* (Frankfurt am Main: Lang, 2007), 59-61.

considered itself a Catholic dynasty *par excellence*, ruling according to the principles of what Anna Coreth has labeled *Pietas Austriaca*.³⁹

The Counter-Reformation expanded beyond German-Austria and Bohemia. In 1670 Emperor Leopold's order to expel Vienna's Jews upset even the Spanish king and the pope.⁴⁰ In addition, Austria had been on the frontlines against the Ottomans and fear of "the Turk" dominated the Habsburg imagination.⁴¹ In the 1680s and 1690s, this angst turned into opportunity as the Habsburg and Holy League armies won a series of smashing victories after repulsing the Ottomans at the gates of Vienna. In this process, the Habsburgs completed their conquest of Hungary and acquired Transylvania from the Ottoman Empire. Most of these new acquisitions contained majority non-Catholic populations, and Habsburg officials promptly subjected the numerous Protestant, Jewish and Orthodox subjects of the crown of St. Stephen to the Counter Reformation, provoking numerous revolts in Hungary.⁴²

During the reign of Maria Theresa (r. 1740-1780), an existential threat to the monarchy, along with the forces of Enlightenment, laid the groundwork for pioneering changes in the 1780s. Faced with extermination by a surprise attack by Prussia and France in 1740, Maria Theresa's advisor, Count Friedrich Wilhelm von Haugwitz, initiated reforms in the bureaucracy, tax collection, education, and the military—all of which transferred power away from the estates

³⁹ For details on this culture of Catholic Habsburg rule, see Anna Coreth, *Pietas Austriaca* trans. William Bowman (West Lafayette: Purdue University Press, 2004).

⁴⁰ Joseph Karniel, *Die Toleranzpolitik Kaiser Josephs II* (Gerlingen: Bleicher, 1986), 30.

⁴¹ Paula Sutter Fichtner, *Terror and Toleration: The Habsburg Empire Confronts Islam* (London: Reaktion Books, 2008), 11. For an analysis of Austria's struggles against the Ottoman Empire, consult Karl Roeder, *Austria's Eastern Question, 1700-1790* (Princeton, NJ: Princeton University Press, 1982); see also Virginia Aksan, *Ottoman Wars 1700-1870: An Empire Besieged* (New York: Longman, 2007).

⁴² Bela K. Kiraly, *Hungary in the Late Eighteenth Century: the Decline of Enlightened Despotism* (New York: Columbia University Press, 1969), 118-121. The position of Protestants, Jews and Orthodox Christians in these lands will be covered in more detail at the start of each chapter on each confession.

to the monarch in Vienna. Although Maria Theresa remained a devout and bigoted Catholic, her centralization project and reforms to strengthen the monarchy brought in enlightened administrators and made the reforms of her son, Joseph II, possible.

Absolutist centralization led to changes in Austria's ecclesiastical structure, though the Counter-Reformation remained. Maria Theresa sympathized with Jansenism, which took on different forms in different regions but at its core taught salvation by faith. She reasoned that the Protestant world had jumped ahead due to its cultural superiority, inducing her to reform Catholicism on more austere, practical lines.⁴³ Her influential foreign minister, Wenzel Anton von Kaunitz, held enlightened, anti-clerical views, and worked to subject the Church to state authority. The efforts of Maria Theresa's doctor, Gerald van Swieten, to remove the Jesuit monopoly on the censorship board had succeeded by 1764, and when the pope, along with the monarchs of Europe, forced the Society of Jesus to disband in 1773, Austria used the property to establish compulsory education.⁴⁴

These setbacks for the Church did not, however, mark the end of the Counter-Reformation. The empress still viewed rulers as responsible for the souls of their subjects, and viewed non-Catholics as disloyal to Vienna. She considered toleration highly dangerous and believed it would lead to "pernicious indifference."⁴⁵ Maria Theresa established networks of permanent missions in 1752 and set up houses to arrest people who refused the Catholic oath,

⁴³ R.J.W. Evans, *Austria, Hungary, and the Habsburgs: Essays on Central Europe, c. 1683-1867* (Oxford: Oxford University Press), 60.

⁴⁴ For information on the struggle to replace the Jesuits on the censorship board, see Eduard Winter, *Josephinismus und seine Geschichte: Die Geschichte des Österreichischen Reformkatholizismus 1740-1848* 2nd edition (Berlin: Rütten & Loening, 1962), 58. For details on the effects on the confiscation of Jesuit property on schools, see James Van Horn Melton, *Absolutism and the Eighteenth-Century Origins of Compulsory Schooling in Prussia and Austria* (Cambridge U.K.: Cambridge University Press, 2003), 210.

⁴⁵ "verderbliche Gleichgültigkeit" according to Erika Weinzierl-Fischer, in "Der Toleranzbegriff in der österreichischen kirchenpolitik," Vol I of *XLLe Congres International des Science Historiques: Rapports* (Vienna: Ferdinand Berger, 1965), 138.

holding them for months at a time. These missions wrested children away from their parents and deported the adults to barren lands in Hungary or Transylvania.⁴⁶ In 1778 she issued the *Religionspatent*, which excluded non-Catholics from owning land or settling in Austria or Bohemia, denied Protestants the right to educate their children, and prescribed flogging for apostasy.⁴⁷ Catholic missions continued into Protestant lands, and Maria Theresa continued to maintain a fund to pay converts who had left Protestantism for Catholicism.⁴⁸ Austria was not unique in this situation, and in the 1770s toleration still remained elusive in the German states, France, England, and most areas of Europe.

By the 1780s, due primarily to the Enlightenment, educated Europeans appeared to have begun leaving behind centuries of brutal religious hatreds. In the late eighteenth century, witch burnings had ceased, the wars of religion had acquired a stigma, in certain countries religious dissenters who were skilled workers found refuge, and intellectuals who questioned the core beliefs of the Church gained fame. In addition, Europe's monarchs had banished the Jesuits, the most visible symbol of the Counter-Reformation. A few select cities and countries even introduced limited legal toleration to religious minorities. On the other side of the Atlantic, the young United States had proclaimed the radical idea of no established church.

More surprisingly, in Europe, Austria had led the way as Joseph II boldly implemented the most progressive Church reforms of any major country in Europe and ended *Pietas Austriaca*.⁴⁹ He abruptly halted the Counter-Reformation, rescinding his mother's

⁴⁶ Regina Pörtner, "Heresy and Literacy in the Eighteenth-Century Habsburg Monarchy" in *Diversity and Dissent*, 177.

⁴⁷ Derek Beales, *Joseph II: Against the World 1780-1790*, Vol. 2 of *Joseph II* (Cambridge U.K.: Cambridge University Press, 2009), 168.

⁴⁸ Beales, *Joseph II*, 2: 51.

⁴⁹ The literature on Joseph II is vast. The most recent and comprehensive work is Derek Beales' two volume series, *Joseph II*; Saul Padover's work *The Revolutionary Emperor: Joseph II of Austria* is tainted by the use of forgeries; for information on the forged letters attributed to

Religionspatent and stopping Catholic missions into Protestant lands. His renowned Toleration Patent of 1781 legalized Calvinism, Lutheranism, and Greek Orthodoxy and allowed Protestants to build churches in communities with at least 100 families. During Joseph's reign, officials removed passages from school texts offensive to religious minorities and assisted Protestants with building churches and settling in the frontier regions of the Habsburg monarchy.⁵⁰ Joseph did not stop there, issuing the Marriage Patent in 1783, which transferred marriage from the ecclesiastical to the civil realm. In addition he confiscated monastic property and used it to create a *Religionsfonds*, which he used to pay and to educate secular clergy to minister to his subjects. New clergy also studied at state-run General Seminaries established by Joseph.

Despite a visit by the Pope Pius VI to Vienna in 1782, the first visit by the pontiff to German-speaking Europe in over 300 years, Joseph refused to change course.⁵¹ In fact, Joseph accelerated his program of reform, establishing state-run General Seminaries to train loyal, enlightened priests, and putting the Church under the firm hand of the state. By the end of the decade, the Austrian Church was cut off from Rome and a new generation of clergy educated in the Enlightenment was ready to carry out the maxims of the new reformed Church. The enlightened Austrian thinker, Johann Pezzl, found Austria's newfound toleration unique to Europe and expressed satisfaction in Joseph's Austria, as enlightened ideas of religious toleration

Joseph II, see Derek Beales "The False Joseph II," *The Historical Journal (HJ)* 18 (1975): 467-495; Works such as Paul Bernard's, *Joseph II* (New York: Twayne, 1968) and Ernst Wangermann's *The Austrian Achievement 1700-1800* (London: Thames and Hudson, 1973) stress continuity of Joseph's reign with Maria Theresa's and view his reforms as modest and limited. For literature specifically on Joseph II and toleration, see Charles O'Brien's "Ideas of Religious Toleration at the Time of Joseph II: A Study of the Enlightenment Among Catholics in Austria," *Transactions of the American Philosophical Society* 59 (1969): 1-80 and Karniel's *Die Toleranzpolitik Kaiser Josephs II*, which argues that foreign policy lay at the heart of Joseph's reforms. Coreth notes that Joseph II dealt a "deathblow" to *Pietas Austriaca*, p. 66.

⁵⁰ Charles H. O'Brien, "Ideas of Religious Toleration at the Time of Joseph II," 26.

⁵¹ For more information, see Derek Beales chapter "The Pope's Visit to Joseph," in Beales, *Enlightenment and Reform in Eighteenth-Century Europe* (London: Tauris, 2005), 256-261.

flourished in Austria in the 1780s.⁵² Even fear of the Turk subsided as Muslims did business comfortably with the Viennese population, and ballets with Turkish themes grew popular.⁵³ As early as 1783, the dramatist and state advisor Todias Philipp von Gebler was able to write that Joseph's accession had brought about a rapid change in attitudes to which there was no parallel.⁵⁴

Toleration remained limited, however, in the rest of Europe until the French Revolution. In France, Louis XVI granted legal recognition to Protestantism in 1787, but Protestants still did not possess the official right to worship, hold office, nor could they employ clergy and teachers.⁵⁵ Lutheran Hamburg granted minor concessions to Calvinists in 1785, and England only removed the most draconian penalties for Catholics in a series of acts in 1778, 1791 and 1793.⁵⁶ In Prussia Frederick II practiced toleration, but only through a system of exemptions that he never codified, despite having no powerful Church to oppose him as in Austria. In 1788, Frederick William II (r.1786-1797) issued a Toleration Edict, which granted legality to the three major Christian denominations but cracked down on Enlightenment theology among Protestant pastors.⁵⁷

Joseph's reforms came at a price, however, as these changes met with harsh resistance from the Church, bureaucrats, other Catholic states and the general population, leading to instability in the monarchy by the end of the 1780s. Joseph's reforms ran up against the Catholic

⁵² Johann Pezzel's work, *Faustin oder das philosophische Jahrhundert* 2 Vols(1783 and 1785), mimicked Voltaire's *Candide* and portrayed an idealistic view of Joseph's reforms against a world still stuck in the dark ages.

⁵³ Fichtner, *Terror and Toleration*, 92-93.

⁵⁴ Beales, *Joseph II*, 2: 663.

⁵⁵ Maria Linton, "Citizenship and Religious Toleration in France," in *Toleration in Enlightenment Europe*, 172.

⁵⁶ Beales, *Enlightenment and Reform in Eighteenth-Century Europe*, 13-14.

⁵⁷ Joachim Whaley, "A Tolerant Society: Religious Toleration in the Holy Roman Empire," in *Toleration in Enlightenment Europe*, 186.

Church, which owned forty percent of land in places such as Lower Austria.⁵⁸ Joseph had to sack officials in Bohemia who tried to discredit or evade enforcing the Toleration Patent, while Tyrolean officials nobles and clergy formed an alliance to prevent its implementation.⁵⁹ The archbishop of Vienna, Cardinal Count Christopher Anton Migazzi, had been a Jansenist supporter in the 1750s and 1760s but came to regret this stance by the late 1770s as he saw more and more positions typically occupied by the clergy go to secular officials.⁶⁰ In Hungary, dawdling from officials and resistance from the Church officials such as John Szilly, bishop of Steinamanger (Szombathely), delayed the Toleration Patent.⁶¹ Hungarian clergymen opposed the granting of offices to Protestants, and Joseph constantly had to intervene to get Protestant Churches built. Joseph Batthyány, the primate of the Catholic Church in Hungary made common cause with Prussia. In a stunning reversal from previous practice, the Prussian government, which during Maria Theresa's reign had stirred up Protestants in the Habsburg lands, entered into an "unholy" alliance with conservative Catholic clergymen and Jesuits taking refuge in Prussia with the goal of creating trouble for Austria. In addition, Austria could no longer look to Catholic German states in the Holy Roman Empire for support as its popularity among Catholics plummeted in the Imperial Diet.⁶² There was also heavy resistance to measures easing the conditions of the monarchy's Jews.

These forces crystallized into a general rebellion, and by 1790, the Habsburg Monarchy appeared, as it had several times throughout the eighteenth century, on the verge of collapse, and

⁵⁸ Beales, *Enlightenment and Reform in Eighteenth-Century Europe*, 292.

⁵⁹ For information on the resistance of Tyroleans to Josephism, see Elfriede Bernhauer, "Kirche und Josephinismus in Tirol" 2 vols, Ph.D. Diss., University of Innsbruck, 1989.

⁶⁰ T.J Hochstrasser, "Cardinal Migazzi and Reform Catholicism in the Eighteenth-Century Monarchy," in *Catholicism and Austrian Culture: Austrian Studies* (10), eds. Ritschie Robertson and Judith Beniston (Edinburgh: Edinburgh University Press, 1999), 22-26.

⁶¹ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 478

⁶² Karniel, 483-489.

Joseph's Austria seemed due for a reactionary reversal.⁶³ Joseph's alliance with Russia drew Austria into a war with the Ottoman Empire in 1788. The campaign sapped his energy, and he contracted tuberculosis in the field. Meanwhile, with Prussian assistance, rebellions against his reforms broke out in Belgium, Hungary, and portions of Austria, as Joseph found himself moaning that he needed "permission to do good."⁶⁴ In the Austrian Netherlands (in present-day western Belgium) riots broke out over the re-opening of a General Seminary in 1788, while in Hungary, Joseph's high-handed absolutism engendered a full-scale revolt as Hungarian nobility sought to restore constitutional rule.⁶⁵ Even Joseph began retracting his own reforms by the end of the decade as troubles began to mount. He strengthened the secret police, canceled agrarian reform, and began censoring religious literature. By the time he was on his deathbed not only had the monarchy lost the Austrian Netherlands, but Joseph had repealed all his reforms in Hungary, except for the Toleration and serfdom patents, and even these reforms remained in doubt in 1790. Ultimately, toleration seemed to have been a political failure in the Habsburg lands at the time of Joseph's death.⁶⁶

Drastic political changes resulting from the French Revolution and Napoleonic Wars also militated against Josephism. Ironically, the French Revolution strengthened the papacy and weakened enlightened Christianity. The French Revolution introduced the radical measure of religious liberty for Jews and Protestants in 1790/91, and as French armies conquered Europe over the next two decades, they brought toleration and persecuted the clergy, polarizing the

⁶³ How close the monarchy was to collapse is subject to debate, clearly outlined in, Matthew Z. Mayer, "The Price for Austria's Security: Part II. Leopold II, the Prussian Threat and the Peace of Sistova, 1790-1791," in *The International History Review* 26 (2004): 473-514. Although the threat was probably less severe than historians have portrayed it, the monarchy faced, nonetheless, serious dangers in 1789-1790.

⁶⁴ Beales, *Enlightenment and Reform*, 16.

⁶⁵ Beales, *Joseph II*, 2: 585.

⁶⁶ Barbara Mutthenthaler, "Der Josephinismus und die Toleranzidee," Ph.D. Diss, University of Vienna, 2001, 115.

religious situation in Europe. As David Sorkin has demonstrated, across Europe a moderate Enlightenment had dominated in the eighteenth century, which embraced toleration but also stressed Christian morality and retained belief in the divinity of Christ.⁶⁷ This middle ground largely disappeared in the radical and Directory phases of the French Revolution due to the leveling of the French Church.⁶⁸ Across Europe, Jacobins and the armies of the Directory terrorized priests and suppressed many ecclesiastical organizations. In the Holy Roman Empire, after series of defeats by French armies, secular princes, with the blessing of Austria and Prussia, confiscated Church property and disbanded the ecclesiastical states in 1803. In the Rhineland, French authorities banned religious symbols, processions and threatened priests with the death penalty for holding illegal masses.⁶⁹ These developments left little room for enlightened Christianity.

The new Church that rose from the ashes in the Concordat of 1801 owed its existence to the pope and crafty politicians such as Napoleon Bonaparte who realized the utility of religion for peace and order. The Jacobins and other radicals had found religion resilient, unable to be dislodged with the guillotine, and discovered to their dismay that, as Nigel Aston noted, “religion rather than royalism was the motor of the counter revolution.”⁷⁰ Only when rulers made peace with the churches did order reappear, but the old checks and balances in the Church, such as

⁶⁷ David Sorkin, *The Religious Enlightenment: Protestants, Jews, and Catholics from London to Vienna* (Princeton, N.J.: Princeton University Press, 2008), 20; Sorkin argues that a religious Enlightenment overlapped with a dominant moderate one that received state patronage. For the way in which Catholics rethought the Church in Germany, see Michael Printy, *Enlightenment and the Creation of German Catholicism* (Cambridge U.K.: Cambridge University Press, 2011).

⁶⁸ Sorkin, *The Religious Enlightenment*, 311.

⁶⁹ For details on the secularization and the French occupation on the Rhine, see Eduard Hegel, *Das Erzbistum Köln zwischen Barock und Aufklärung: Vom Pfälzischen Krieg bis zum Ende der französischen Zeit 1688-1814* (Cologne: Bachem, 1979), 487-513.

⁷⁰ Nigel Aston, *Christianity and Revolutionary Europe, 1750-1830* (Cambridge U.K.: Cambridge University Press, 2002), 231. Aston argues for the vitality of Christianity during the Enlightenment, and notes that the “Gay/Aries/Vovelle model of Enlightenment predicated on overt hostility to institutional Christianity has fallen out of favor,” 3-4.

Gallican bishops in France and the hitherto independent German ecclesiastical states, which had implemented enlightened reforms, had been eliminated by the Revolution. In addition, many Catholics learned to distrust secular rulers, leaving the pontiff not only as the political head of the Catholic world but the moral one as well.⁷¹

When the French Revolution and Napoleonic wars (1792-1815) upended the map of Germany, they also ended the principle of *cuius regio eius religio* (his realm, his religion), which had been practiced since the 1555 Peace of Augsburg and confirmed by the 1648 Peace of Westphalia. Although this system had by no means been tolerant, its unique legal structure had ensured parity at the imperial level by requiring that votes in the Reichstag on religious matters had to be agreed upon by the Protestant and Catholic parties.⁷² In its place was a German Confederation with 39 enlarged, largely autonomous, Protestant states and along with that, an increase in multiconfessional states with Protestant rulers, sharpening old inter-confessional tensions.⁷³ These states pursued, in a post-Napoleonic world, legitimacy through popular politics, which inadvertently promoted confessional politics of the majority religion and, in the words of Christopher Clark, tapped into a “well-spring of legitimacy.”⁷⁴ This new trend can be seen in the new “age of concordats” after 1815 and in Protestant states, most notably Prussia, Union

⁷¹ Paul Misner, “Catholic Anti-Modernism; the Ecclesial Setting,” in *Catholicism Contending with Modernity: Roman Catholic Modernism and Anti-Modernism in Historical Context* ed. Darrell Jodock (Cambridge U.K.: Cambridge University Press, 2000), 60.

⁷² Joachim Whaley, “A Tolerant Society?,” 178.

⁷³ Of the thirty-three small states in the German Confederation, only three were Catholic, see Michael Hundt, “Die Mindermächtigen und die Kirchenartikel: Das Problem der Rechtsstellung der Katholiken in den kleineren deutschen Staaten,” in *Der Wiener Kongress—eine kirchenpolitische Zäsur?* eds. Heinz Duchhardt and Johannes Wichmeyer (Göttingen: Vandenhoeck and Ruprecht, 2013), 149.

⁷⁴ Christopher Clark, “The Napoleonic Moment in Prussian Church Policy,” in *Napoleon’s Legacy*, eds. Daven Laven and Lucy Riall (Oxford: Oxford University Press, 2000). 230.

Churches between Lutherans and Calvinists headed by the monarch.⁷⁵ For Catholics, many of whom now had Protestant rulers, this new situation meant second-class citizenship.

Moreover, an attitudinal shift had occurred in the German lands that put the future of toleration in doubt. In 1787, the Austrian Enlightenment thinker Johann Pezzl predicted a gloomy future for the German lands. He warned that a generation of Enlightenment and toleration was ending and that an era of mistrust and hatred between the confessions, reminiscent of the sixteenth century, was on the horizon. In particular, he criticized travel narratives of Protestant writers, such as Frederick Nicolai, who depicted Catholicism as intolerant and intent on bringing Protestants back to the Catholic fold. Pezzl asked, cynically, “should this be the fruit of our Enlightenment?”⁷⁶ Pezzl referred also to the increasing anti-Catholic literature being produced in Prussia, which began sponsoring propaganda to portray Protestantism as enlightened and cultured and the rest of German-speaking Europe as Catholic, backwards, and controlled from Rome.⁷⁷

Central Europe stood, in fact, at the edge of what Olaf Blaschke has controversially labeled a “neo-confessional age,” which occurred in the nineteenth century.⁷⁸ Lodges and Romantic *Kreise*, which had begun to operate without regard for confession in the eighteenth century, gave way in the nineteenth century to organizations (*Vereine*) running along

⁷⁵ Nicholas Atkin and Frank Tallett, *Priests, Prelates, and People: A History of European Catholicism since 1750*. (Oxford: Oxford University Press, 2003), 89-92.

⁷⁶ Johann Pezzl, *Vertraute Brief über Katholiken und Protestanten* (Strassburg, 1787), 8-11. For a study on these attitudes in the late eighteenth century, see Horst Carl, “Die Aufklärung unseres Jahrhunderts ist ein bloßes Nordlicht:” Konfession und deutsche Nation im Zeitalter der Aufklärung, in *Nation und Religion in der deutschen Geschichte* eds. Heinz-Gerhard Haupt and Dieter Langewiesche (New York: Campus, 2001), 105-141.

⁷⁷ Georg Schmidt, “Nation und Religion im “Konfessionellen Zeitalter,” in *Nation und Religion in der deutschen Geschichte*, 52.

⁷⁸ This term has elicited criticism from numerous scholars, most notably, Anthony Steinhoff, see: “Ein zweites konfessionelles Zeitalter? Nachdenken über die Religion im langen 19. Jahrhundert,” in *Geschichte und Gesellschaft* 30 (2004): 549-570.

confessional lines.⁷⁹ The clergy performed mixed marriages, labeled by Franz Schnabel as the most contentious issue between the two confessions, without much concern for canon law in the late eighteenth century.⁸⁰ Yet by the 1830s, riots and heated battles between bishops and the state took place over the insistence of following canon law in mixed marriages. Ultramontanism rooted itself in Church life at the start of the nineteenth century and would flourish after 1848.⁸¹ The papacy, seemingly headed for extinction at the end of the eighteenth century, reinvigorated itself, and by the 1830s, the pope could cause internal disorder in sovereign states as Catholics, many of whom lived under Protestant rulers after 1815, rallied to Rome.⁸²

Despite Austria's problems in 1790, the Habsburg monarchy defied this trend, as subsequent emperors salvaged the Josephist settlement. Leopold II (r. 1790-1792) pursued a strategy, aptly labeled by Ernst Wangermann and Adam Wandruszka as "one step back, two steps forward," which restored civil peace.⁸³ Although Leopold was an enlightened monarch

⁷⁹ Olaf Blaschke, "Der Dämon des Konfessionalismus: Einführend Überlegungen" in *Konfessionen im Konflikt Deutschland zwischen 1800 und 1970: ein zweites konfessionelles Zeitalter* ed. Olaf Blaschke (Göttingen: Vandenhoeck and Rupprecht, 2002), 58.

⁸⁰ Franz Schnabel, *Die Religiösen Kräfte* Vol. 4 of *Deutsche Geschichte im Neunzehnten Jahrhundert* (Freiburg: Herder Verlag, 1951), 121.

⁸¹ Although Jonathan Sperber argues that a popular, Catholic revival did not begin until after 1848, his work, *Popular Catholicism in Nineteenth-Century Germany* (Princeton, N.J.: Princeton University Press, 1984) is instructive on the every-day practice of Catholicism and its disputes with Prussian, Protestant Germany. See also, Michael B. Gross, *The War Against Catholicism: Liberalism and the Anti-Catholic Imagination in Nineteenth-Century Germany* (Ann Arbor: University of Michigan Press, 2004). Although Gross goes too far in arguing that hatred of Catholicism was a key pillar of liberalism, one can see the strength of popular Catholicism after 1848 in Germany in this work.

⁸² The radical phase occurred from 1792-1794 under the Jacobins, but the Directory, which ruled until 1799, also kept the Churches closed and spread revolutionary ideas into Central Europe. After the death of Pius VI, the papacy only elected a successor due to Austrian generosity. Austria allowed the conclave of 1800 to hold the election in Habsburg-controlled Venetia in hopes of controlling the outcome. Austrian meddling failed, however, in this case; see Owen Chadwick, *The Popes and European Revolution* (Oxford: Oxford University Press, 1981), 483.

⁸³ Ernst Wangermann, *From Joseph II to the Jacobin Trials* (Oxford: Oxford University Press, 1959), 56; Adam Wandruszka, *Leopold II: Erzherzog von Österreich, Grossherzog von*

with a history of Church reform as the duke of Tuscany, he was less abrasive than Joseph and more inclined to constitutional forms of government.⁸⁴ He restored the Hungarian Diet, agreeing to be crowned as king in Pressburg. He also accepted petitions from the clergy and abolished the General Seminaries. But he also retained the key pillars of the Josephist settlement. He rejected requests by the clergy to overturn the Toleration Patent, the Marriage Patent, or any other portion of the Josephist settlement. In the Hungarian Diet of 1791, Leopold overcame the objections of the clergy and fought for constitutional articles, which surpassed Joseph's Toleration Patent in granting toleration to Hungary's confessional minorities. The continuation of Joseph's religious policies was only possible because the Habsburg monarchy, unlike most of the rest of Europe, did not undergo a prolonged French occupation.⁸⁵

Under Francis I (r. 1792-1835), the Josephist system became entrenched as ecclesiastical reform came to a standstill due to the French Revolution and Napoleonic Wars. In the meantime enlightened bureaucrats, educated during the 1780s, retained their positions in the government until 1848 and jealously guarded their jurisdiction over the Church; the clergy continued to study Josephist texts in seminary, new clergymen trained in Joseph's General Seminaries rose in the episcopacy, and Francis' Josephist views were, thus, rarely challenged in the first years of his reign. Francis himself had received an Enlightenment education. As a thirteen-year old, his father forced him to hold daily readings from *Année spirituelle*, a work, which defended Jansenism.⁸⁶ Francis had an understanding father in Leopold, who sympathized with the young

Toskana, König von Ungarn und Böhmen, Römische Kaiser 1780-1792 Vol. 2 of *Leopold II* (Vienna: Herold Verlag, 1965), 249.

⁸⁴ For more information, consult Wandruszka, *Leopold II*, 2: 250-261.

⁸⁵ The Habsburg monarchy was a consistent opponent of the French Revolution and Napoleon, but most fighting was limited to control over northern Italy, Tyrol, and Galicia. After Austria's defeat in 1809, Napoleon briefly occupied Vienna, and Austria agreed to pay an indemnity. The Habsburg Empire entered the conflict again in 1813 after Napoleon's retreat from Russia.

⁸⁶ Wandruszka, *Leopold II*, 2: 16.

Francis who suffered through religious lessons and sighed through prayer. In 1784, Joseph had Francis brought to Vienna, where he continued his studies and adopted similar enlightened attitudes as Joseph on the proper place of Church and state.⁸⁷ Francis came to admire his uncle, calling him a “second father.”⁸⁸

Like his real father, Leopold, Francis was a suspicious man, and when he ascended the throne at age twenty-four after the sudden death of Leopold in 1792, he inaugurated what R.W. Seton Watson has dramatically labeled a “period of stark reaction.”⁸⁹ The next month the French National Assembly declared war on Austria, sparking off a twenty-five year war. The Austrian government grew increasingly repressive, and Francis knew the politics of the Enlightenment had the potential to lead to regicide. In 1792 he forbade local papers to print political discussions and appointed Count Johann Anton Pergen as head of the police. Pergen had been Joseph’s powerful police minister, but Leopold had dismissed him.⁹⁰ In 1801, Francis connected the censors and police forces, and they banned 25,000 books and subjected religious literature to secular censors.⁹¹

Yet, despite the return of censorship and repression, Francis retained his beloved uncle’s ecclesiastical system. Throughout Francis’ reign and the *Vormärz* (pre-1848), the Austrian government maintained religious toleration, restrained extremism, retained enlightened texts in the educational system, and cut off the Church from the papacy. Part of the explanation for this

⁸⁷ Viktor Bibl, *Kaiser Franz, der letzte römisch-deutsch Kaiser* (Vienna: Johannes Günther Verlag, 1938) 13. Bibl called it apathy (*gleichgültigkeit*), but Francis simply adopted a similar attitude as Joseph to the frivolities of court.

⁸⁸ Walter Consuelo Langsam, *Francis the Good: The Education of an Emperor 1768-1792* (New York: The Macmillan Company, 1949), 38, 55.

⁸⁹ R.W. Seton-Watson, *History of the Czechs and Slovaks* (Hamden, CT: Archon Books, 1965), 163.

⁹⁰ Paul P. Bernard, *From the Enlightenment to the Police State* (Champaign: University of Illinois Press, 1991), 183-188.

⁹¹ Isabel Weyrich, “Die Zensur als Mittel der Unterdrückung von Liberal Bestrebungen im Österreichischen Vormärz 1830-1848,” Ph.D Diss., University of Vienna, 1975, 30.

stance was excessive fear of change and desire to control the Church, but Francis' support for the Josephist system went beyond paranoid concerns about his own sovereignty. Even his harshest critics have noted that even in his most religious moments "religious zealotism was to him....at the bottom of his heart abhorrent," and Francis viewed the Counter-Reformation as other enlightened officials did: that matters of the conscience could not be forced.⁹²

In a letter to his brother, archduke Joseph Anton von Austria, who became Palatine of Hungary in 1796, Francis advised him "Religion is the first, holiest and most exquisite of our obligations. They make us happy in the world and give us solace in times of sickness....true religion exists in the hearts and practice of virtue and Christian morals." But Francis added "Overcome your passions and learn the errors of others with patience. Do not tolerate books dangerous to the state...be mistrustful and remove yourself from fanatics, which have the spirit of persecution, which they claim is in the best interests, because this easily goes too far and could lead you into an unforeseeable chasm [*Abgrund*]...all estates and classes of people must be handled and treated justly [*Gerechtigkeitspflege*]."⁹³ The Palatine presided over Habsburg interests in Hungary until his death in 1847 and earned fame as a staunch defender of religious minorities there. He even married three times, each time to a non-Catholic.

When old opponents of the Josephist system died, such as Migazzi, Francis replaced them with trusted friends or moderate bishops.⁹⁴ At the Congress of Vienna, Francis delighted the king of Bavaria when he told him during the Congress that "I see to it, that I must follow the

⁹² Bibl notes that "Ihm war auch der kirchliche Zelotismus....im Grunde seines Herzens zuwider" in *Kaiser Franz, der letzte römisch-deutsch Kaiser*, 384.

⁹³ Emperor Francis to Palatine Joseph, August 8, 1795, in *József Nádor Iratai, 1792-1804*, Vol I of *József Nádor: élete és iratai: Első kötet* ed. Sándor Domanovszky (Budapest: Kiadja a Magyar Történelmi Társulat, 1925), 19-24.

⁹⁴ The bureaucrat, Ignaz Beidtel called them "moderate" (*gemäßigte*) men or "men of the middle way" (Männer des Mittelweges), in *Untersuchungen über die kirchlichen Zustände in den kaiserlich österreichischen Staaten* (Vienna: Carl Herold Verlag, 1849), 174.

teachings of my wise Uncle [Joseph II]. The time when a papal bull could remove the hearts of the people from their ruler has passed.”⁹⁵ Toleration for Austria’s minorities, hotly contested in the 1780s, had been seen as merely an act of grace from the monarch, but under Francis it became an established fact and precedent of Austrian life. Progressive reforms, not only in toleration but also in the legal realm, such as the introduction of the Austrian civil code (ABGB) in 1812, in the Habsburg monarchy did not come from French armies, but rather from legitimate monarchs, obviating the need for reform on the Napoleonic model in Austria.

The Habsburgs had numerous reasons for institutionalizing toleration and rejecting Catholic confessionalism. Conservative Habsburg monarchs feared public opinion, even if favorable and viewed the politicization of Catholicism as an unnecessarily stirring up of the general population. The government thus placed numerous restrictions on Catholic zealots. The state discouraged controversial acts such as apostasy (from any recognized confession), sought to depoliticize and resolve confessional conflict, and considered any alterations to the Josephist religious order as subversive. This power as a supposedly neutral arbiter reinforced police power and the legitimacy of the state. Finally, the effects of the Enlightenment had made deep inroads into the bureaucracy by the early nineteenth century. Texts such as *Grundsätze der Polizey, Handlung und Finanz* by the cameralist Baron Joseph von Sonnenfels were required readings for state officials. Sonnenfels’ work reduced religion’s function to morality and stressed the police’s role in hindering religious quarrels. Adopting toleration and rejecting confessionalism allowed the Habsburg regime to categorize the various confessions under a general unified moral code, making a diverse, complex population easier to manage and to understand.

⁹⁵ Police report from December, 14, 1814, in *Die Geheimpolizei auf dem Wiener Kongress: Eine Auswahl aus ihren Papieren* ed. August Fournier (Vienna: F. Tempsky, 1913), 302.

There was not one department that dealt with toleration or religious affairs in the Habsburg monarchy. A map detailing the structure of the Austrian government would resemble a confusing hodgepodge of overlapping boxes and lines. In Cisleithanian Austria, the empire outside of the Kingdom of Hungary, the central government in Vienna had the final say in disputes over toleration. Here, regional governments, known as the gubernium, and a local imperial official, called the *Kreisämter*, initially handled quarrels. If they could not solve the feud or were unsure how to proceed, the gubernium sent the case to the Court Chancellery in Vienna. The Court Chancellery either sent back decrees to the gubernium or made recommendations to the emperor, who could change the law at will, though dramatic alterations to existing practices or laws were rare. Cases often sat on the emperor's desk for years. In this part of the empire, which included Austria, Bohemia, northern Italy, Galicia (southern Poland and western Ukraine), Moravia, southern Silesia, and Dalmatia, the emperor often ruled on individual disputes regarding toleration.

A different structure prevailed in the Kingdom of Hungary and Transylvania. Here, the counties handled most religious squabbles. The emperor, legally the king in Hungary, could issue decrees, but county officials often ignored them. Effective resolution had to come through the Hungarian and Transylvanian Diets, which were meetings of major and minor nobles, wealthy individuals, and other distinguished individuals, presided over by the Habsburg Palatine. The king called the diet, submitted proposals, and had to approve the final legislation, which were articles added to the Hungarian or Transylvanian constitution.

The state retained in Austria and Bohemia, rather unimaginatively at times, the Josephist system of toleration, which while it did grant not full legal equality, allowed almost all Habsburg subjects, sects and atheists excepted, to carry out their public religious functions in peace and allowed freedom of conscience, a value the Austrian government truly did protect. In Hungary,

Galicia, and Dalmatia, where most non-Catholics lived, officials from Vienna voluntarily adopted rules that granted them near parity with Catholics. The government also tried to appear as a neutral arbitrator in confessional conflicts and expended extraordinary effort to prevent religious conflict, which the state viewed as emotional, dangerous, and capable of arousing the masses to riot. This system, while mildly oppressive, gave its subjects a stake in the new Austrian Empire, regardless of confession. Ultimately, the government excluded political spaces to all confessions, including Catholicism, and the same bureaucratic apparatus that suppressed free speech and political thought also repressed religious zealots. Austria resisted the shift toward neo-confessional states until 1848, when the collapse of the government brought freedom for conservative Catholics, and the new counter-revolutionary government that emerged in late 1848 aligned itself closely with the Church.

Yet, it should be noted that toleration was not the same as equality, and the Austrian government never intended to promote a free market of religious ideas. Rather Joseph sought to come to terms with what had happened centuries before and to put the Counter-Reformation to rest. Officials viewed religious coercion as not only morally wrong but also detrimental to the state, which desired order and needed the talents of non-Catholics harnessed for the good of the monarchy. Joseph, Leopold, Francis and most Josephists, like many adherents of the Enlightenment, were Christians and usually protected the Church from assault. Joseph used, for example, the funds from monastic confiscations and put them into a *Religionsfond*, which paid secular clergy to minister to his subjects.⁹⁶ Toleration in Austria also did not extend to atheists, free thinkers or sects, and even Joseph deported Bohemian deists to barren parts of the

⁹⁶ For exact figures on regular and secular clergy, see P.G.M Dickson, “Joseph II’s Reshaping of the Austrian Church” in *HJ* 36 (1993): 89-114. From Dickson’s numbers, it is clear that Joseph did not exploit the Church, and that though the number of regular clergy dropped sharply due to the closure of monasteries, the number of secular clergy increased, and the *Religionsfonds* was actually a burden on state finances, 107-110.

monarchy.⁹⁷ Joseph famously told his mother Maria Theresa “I would give all I possess if all the Protestants of your states would go over to Catholicism.”⁹⁸ Francis used his authority to protect the Church from anti-clerical assaults and to stamp out sects in the countryside. Josephist officials were Catholics, but in keeping with enlightened Christianity, the imperial government stressed Christian morality instead of confessional dogma. This moderate stance took the wind out of the sails out of resistance, depriving conservative Catholics of a rallying point, while at the same time marginalizing any talk of the return of the Counter-Reformation from the public sphere and language of administration.⁹⁹ While this model of toleration fell short of modern expectations, in an age of confessional states in which the masses remained loyal to their born religion, it was necessary to avoid offending Catholicism, the dominant religion in the empire.

In most of Europe, the toleration that came with the French Revolution had unraveled by 1815, including France itself. In the French restoration numerous royalist gangs murdered hundreds of Protestants in a white terror, while the Catholic Church regained its influence over the state in France.¹⁰⁰ Napoleon reversed much of the Jewish emancipation in France, while in the German states, promises of emancipation, most notably the Prussian Emancipation Act of 1812, did not go in to effect. In Prussia, Frederick William III pursued a deliberate policy of attempting to Protestantize his newly-won Catholic territories in the Rhineland. In England, the

⁹⁷ Ernst Wangermann, “Confessional Uniformity, Toleration, Freedom of Religion: An Issue for Enlightened Absolutism in the Eighteenth Century, in *Diversity and Dissent*, 216.

⁹⁸ T.C.W Blanning, *Joseph II* (London: Longman Group, 1970), 74.

⁹⁹ The controversial historian Fritz Valjevac called the Josephist bureaucrats the “moral police” (*sittenpolizeiliche*) in *Der Josephinismus: Zur geistigen Entwicklung Österreichs im 18. und 19. Jahrhundert* (Munich, 1945), 84. Controversy surrounds Valjevac for joining an *Einsatzgruppen* unit, which in 1941 murdered numerous Jews. Valjevac personally took part in these massacres. The “*Gedenkschrift*” to Valjevac by the *Südostdeutschen Kulturwerks* omitted these facts and simply noted that he had “detractors,” see *Gedenkschrift für Fritz Valjavec* (Munich: Verlag des südostdeutschen Kulturwerks, 1963).

¹⁰⁰ André Encrevé, “French Protestants,” in *The Emancipation of Catholics, Jews and Protestants: Minorities and the Nation State in Nineteenth-Century Europe* eds. Rainer Liedtke and Stephan Wendehorst (Manchester: Manchester University Press, 1999), 75.

Catholic hierarchy remained illegal, there was no Jewish emancipation, and even into the 1850s, “Britishness” and citizenship were expressed in mostly religious terms and “refracted through confessional allegiances.”¹⁰¹ In the Italian states, the evacuation of French forces led to the sacking of ghettos and murdering of Jews.¹⁰² In Spain, King Ferdinand VII, along with a powerful Church and restored Inquisition, squared off against a liberal (albeit still Catholic) opposition, besetting Spain with civil war and political instability for decades.¹⁰³ The tsars of Russia, originators of the Holy Alliance, proclaimed their solidarity with Orthodox Christians outside of Russia. Domestically the tsars forced Greek Catholics (Uniates) to convert to Orthodoxy and led a sustained campaign against Catholics in Poland. In the western world, only in the young United States, where the Enlightenment was hegemonic, there was an abundance of resources, obviating the need for a strict hierarchy, and where the fragmentation of Protestantism into multiple denominations relaxed tensions among minorities such as Catholics and Jews, did modern forms of toleration exist. Yet even in the United States, freedom of religion was often a fiction, for the individual states could and did promote individual confessions, usually various forms of Protestantism.¹⁰⁴ The Establishment Clause in the First Amendment did not apply to the states until a Supreme Court ruling in 1947. Austria, with its unbroken link to its Josephist tradition, its tame Church and decades-old model of toleration, compared, thus, quite favorably to the rest of Europe.

¹⁰¹ David Cesarini, “British Jews,” in *The Emancipation of Catholics, Jews and Protestants*, 37.

¹⁰² Dan V. Segre, “The Emancipation of Jews in Italy,” in *Paths of Emancipation: Jews, States, and Citizenship*, eds. Pierre Birnbaum and Ian Katznelson (Princeton N.J.: Princeton University Press, 1995), 218.

¹⁰³ See William Callahan, *Church, Society and Politics in Spain, 1750-1874* (Cambridge, MA: Harvard University Press, 1984).

¹⁰⁴ For a good description, see David Sehat, *The Myth of American Religious Freedom* (Oxford, U.K.: Oxford University Press, 2011), 13-69.

Today, there is a certain nostalgia now for the Habsburg monarchy, and many of the former lands of the Austrian Empire have undergone a renaissance in popularity in the last thirty years, due to the perceived toleration and supranationalism of the Habsburgs, after a half-century of ethnic genocide, Nazism and communism, all of which followed the collapse of the empire in 1918.¹⁰⁵ As religious toleration is one of the key origins of modern human rights, it is important to note how the Habsburgs developed their reputation for toleration.¹⁰⁶ In fact this answer can be found in the conservative, much-maligned regime (1792-1848) that followed Joseph II's brief, unsuccessful reign. These subsequent officials expanded and fixed the practice of religious toleration, in the face of efforts by many clergy and reactionary individuals to restore the traditional role of the Church and despite the revival of confessionalism and ultramontanism in the western world.

¹⁰⁵ Habsburg nostalgia has been evident in works written since the 1980s and was even the subject of a panel at the 2014 Austrian Studies Association. Otto von Habsburg was involved in pan-European projects in the 1980s and 1990s; see also Catherine Horel, "The Rediscovery of Central Europe" in *The Fall of the Iron Curtain and the Culture of Central Europe* (London: Routledge, 2013), 28-36.

¹⁰⁶ Lukas Wallner notes that freedom of religion was the "original fundamental right" (*Urgrundrecht*) for human rights, in Wallner, *Die Staatliche Anerkennung von Religionsgemeinschaften*, 25.

PART I: THE ATTEMPTED CATHOLIC REVIVAL AND THE NON-CONFESSIONAL STATE IN AUSTRIA, 1792-1848

The first two chapters describe the attempted Catholic revival in the Habsburg monarchy from 1792 to 1848. In this period, activists worked to restore rights lost to the Church under Joseph II: free communication with the papacy, freedom to hold retreats, and reduced state influence on the clergy. Their ultimate goal was to eliminate the decades-long subordination of Church needs to the state. Individuals such as Friedrich Schlegel, Caroline Pichler and others tried to effect a Catholic revival in the first few decades of the nineteenth century, but the most effective spokesman was Clemens Maria Hofbauer, the current patron saint of Vienna. Their goals ran up against a Josephist state that sought to preserve the status quo and that banned religious polemics in the interest of religious peace. In this atmosphere, Catholic activists failed to effect a revival.

By the 1830s, the attempted revival shifted to the bishops, women at Court, and even a few state officials. Ultramontanism, or loyalty to the papacy, emerged as a viable challenger to Josephism, as the former grew throughout the West and captivated many Habsburg clergy. Prussia inadvertently sparked ultramontanism with its promotion of Protestantism in the Rhineland, leading to confessional conflict culminating in the arrest of the archbishop of Cologne. This affair, called the *Kölner Ereignis* at the time, led to numerous riots and confessional polarization throughout Central Europe. Austria served, however, as a neutral mediator in this affair and did not exploit Catholic anger against Prussia for political gain. Prince Metternich, the prominent foreign minister with substantial influence on state policy, had no desire for a culture war. He attempted, however, to restore freedoms to the Catholic Church, such as communication between the papacy and the Habsburg clergy and restoring Church control over marriage. These efforts failed as Josephist bureaucrats upheld Joseph's policies.

Metternich and Archduchess Sophie, the influential mother of the future Francis Joseph, increasingly viewed Habsburg interests as better served by an alliance with the Church. They were unsuccessful in this endeavor, and despite a Western-wide revival of Catholicism and ultramontaniam prior to 1848, Austria, traditionally a close ally of the Church, refused to engage in confessional politics. As a result, Austria remained isolated within the Catholic world until 1848.

CHAPTER ONE: THE HOFBAUER CIRCLE AND THE STRUGGLE OF CATHOLIC ACTIVISTS AGAINST THE STATE, 1792-1820

Around Vienna today, one can find churches, statues, parks, postage stamps, and entire churches dedicated to Clemens Maria Hofbauer. Canonized in 1909, he is, in fact, the patron saint of Vienna. Yet, unlike many other saints, Hofbauer did not perform any miracles nor was he a martyr. Austria has produced many famous Catholics, so what made Hofbauer worthy of this honor? His biographers, most of whom have admired him too much to be objective, pointed to his extraordinary life and the persecution he endured at the hands of the Josephist state. Cardinal Ratzinger, later Pope Benedict XVI (r.2005-2013), claimed that Hofbauer had opposed the Enlightenment and was even reactionary.¹ The Nazis viewed his 1909 canonization as the celebration of a Roman-Jewish attempt to encircle Germany, a threat the Third Reich had defeated with the removal of Kurt Schuschnigg in 1938.² Other writers have called Hofbauer a freedom fighter against totalitarianism, comparing his experience, nonsensically, to victims of the Gestapo.³ While Hofbauer's life has been problematic for historians, most of whom were too biased to analyze his life objectively, the real story should be that of the Restoration-era Austrian Empire and the conditions that made his life so extraordinary.⁴ Through the prism of his life, it is possible to uncover the real story, that of the Austrian Empire he lived in and experienced. This story is of an Austria that projected a non-confessional image, and a Josephist state, one that was inhospitable for Catholic activists. Habsburg officials considered Joseph's reforms an

¹ Otto Weiß, *Begegnungen mit Klemens Maria Hofbauer (1751-1820)* (Regensburg: Verlag Friedrich Pustet: 2009), 21.

² Karl Richard Ganzer, *Der Heilige Hofbauer: Träger der Gegenreformation im 19. Jahrhundert* (Hamburg: Hanseatische Verlagsanstalt, 1939), 11. Schuschnigg was the Catholic chancellor of Austria who had opposed, unsuccessfully, the *Anschluss* with Nazi Germany in 1938. Ganzer called Hofbauer a Czech-German "mischling."

³ Erwin Dudel, *Klemens Hofbauer: Ein Zeitbild* (Bonn: Hofbauer Verlag, 1970), 281. Dudel wrote, astonishingly, that "Im vielem war Hitlers Gestapo brutaler, aber in der Methodik stimmen sie auffallend überein---Terror und Lüge nicht ausgenommen, wie Hofbauer es erfahren mußte."

⁴ Although Otto Weiß is a Redemptorist, his biography of Hofbauer is the most objective.

accomplishment, and any attempt to revive the Church would disrupt this settlement. As a result, the numerous Catholic activists operating in Austria during the French Revolution and the Congress of Vienna faced a government hostile to their goals.

Clemens Maria was born in 1751 in Moravia with the name John Hofbauer.⁵ As an adult in the 1780s, he felt called to the Church, but in Joseph II's Austria, he would have had to study at a state-run General Seminary. He refused, opting instead to join the Redemptorist order in Italy. He traveled around Central Europe in the 1790s looking to setup a Redemptorist congregation, but he found places like Austria too inhospitable, most notably due to requirements that clergy study at Austrian universities, which were hotbeds of heretical theology due to the enlightened texts utilized.⁶ He took over the order of St. Benno German National Church in Warsaw after it had fallen into stagnation due to the abolition of the Jesuits.⁷ At St. Benno he educated over 10,000 men and women in Warsaw, but Prussian officials viewed this school with suspicion.⁸ His time in Warsaw came to an end in 1808 when Napoleon shut down his order, and the archbishop of Vienna obtained for him a travel pass, which he intended to use for a temporary stopover in Vienna.⁹

The idea that Hofbauer would become the patron saint of Vienna would have been unimaginable in 1808, when he returned to the capital city secretly and only with the help of the archbishop of Vienna, Sigismund Anton Graf von Hohenwart (1730-1820). Hofbauer had little hope of staying for an extended period of time. He was a member of a foreign order, the Redemptorists, and in the capital of Josephist Austria, he knew his prospects for establishing a

⁵ He adopted the name Clemens Maria in the 1780s.

⁶ Hofbauer to the Order General, November, 23 1795, in *Klemens Maria Hofbauer: Briefe und Berichte* ed. Hans Schermann (Innsbruck: Redemptoristen kollleg, 2000), 20.

⁷ Eduard Hosp, *Der Heilige Klemens Maria Hofbauer (1751-1820)* (Vienna: Herder Verlag, 1951), 39.

⁸ Hosp, *Der Heilige Klemens Maria Hofbauer*, 47.

⁹ Hosp, 97.

religious order were poor. Due to this fact, and his subjection to constant police harassment, he only planned a temporary stay, scheming, instead, to go to North America. His stay ended up being permanent, and by the time he died in 1820, he had become the most important advocate of Catholic revival in the Austrian Empire.

Emperor Francis Solidifies Josephism

Hofbauer was hardly the first person to push for a Catholic revival in post-Joseph Austria. With Joseph barely in the ground, many clergy petitioned for the removal of the Toleration Patent. Cardinal Migazzi had petitioned Leopold II in 1790 to repeal the Toleration Patent, bemoaning that “widespread” toleration had spread heresy and taught the “error” that Catholicism was not the only way to salvation.¹⁰ Similar complaints appeared in the Tyrolean Diet (see Chapter 3). Clergy in the Bohemian Diet argued that Ferdinand II’s 1627 *Landesordnung* (Renewed Land Ordinance) banning Protestantism had the legitimacy of 163 years in the Bohemian constitution. They requested the repeal of the Toleration Patent, which they claimed allowed heretical ideas to thrive. In addition, they demanded that the government support the one and holy Catholic Church.¹¹ All across the empire, clergy sent in complaints against toleration, joint Protestant-Catholic cemeteries, and the use of Enlightenment

¹⁰ Archbishop Migazzi to Leopold, April 16, 1790, in *Der Spätjosephinismus 1790-1820* Vol 4 of *Der Josephinismus: Quellen zu seiner Geschichte in Österreich* ed. Ferdinand Maass (Vienna, Herold Verlag, 1957), 147-148. Migazzi blamed “die so weit ausgedehnte Toleranz” for confirming the views of heterics and leading Catholics to the error (*Irrwahn*) that there could be salvation outside the Church.

¹¹ Petition of the Bohemian Estate of Prelates to Emperor Leopold, November 20, 1790, in Haus-Hof-und-Staatsarchiv (HHStA), Kabinettsarchiv (KA), Kaiser Franz Akten (KFA), 227/706-710. The title of the pamphlet inside is *Puncte in Politico-Ecclesiasticis, welche der Prälatenstand im Königreich Böhme bey dem zu Prag im Jahr Christi 1790. gehaltenen Landtage in Vorschlag gebracht hat.*

curriculum.¹² Bishops, such as Migazzi, continued to send in formal complaints throughout the 1790s.

Francis's bureaucrats convinced the emperor, however, that these complaints were minor and mostly the work of reactionaries.¹³ Baron Francis Charles von Kressel, who had headed Joseph's commission to reform the Church in the 1780s, warned, for example, as early as 1790 against such a reactionary backlash and of returning to the Counter-Reformation.¹⁴ Francis took advice and commissioned reports from Augustin von Zippe and Baron Francis Joseph von Heinke, architects of the 1780s reforms, both of whom convinced the emperor to reject petitions from figures such as Migazzi throughout the 1790s.

Francis also gradually co-opted the episcopacy. In 1793, the bishop of Rosenau (Rožňava), Antal Andrásy, refused to follow Joseph's marriage patent and insisted on excommunicating a state employee, issuing a pastoral letter to the clergy ordering them to deny the sacraments to this official. Andrásy also threatened to excommunicate a judge who wanted to marry a divorced Protestant. The Palatine of Hungary, Archduke Joseph, urged Francis to remove him, noting that Joseph II had banned the bishops from excommunicating state employees.¹⁵ Vienna summoned Andrásy to the capital and removed him from office. Many of these disgruntled clergymen died by 1800, and Francis replaced them with trusted moderates or

¹² Short Overview of the Petitions by German and Lombardy Bishops, in HHStA, KA, KFA, 229/8-13. A short list of the complaints from the bishops about toleration appear in this document. No date or number is provided, but it was most likely in 1790 due to the complaints about the General Seminaries, which Leopold soon abolished.

¹³ Remarks on the Behavior of Pastors in the Imperial Austrian German States, in HHStA, KA, KFA, 229/61-73. Baron Francis von Heinke probably sent in this report.

¹⁴ Baron Francis Charles von Kressel to Leopold II, December 29, 1790, in Maass, *Der Josephinismus* 4: 214. He noted that the bishops "overstepped" their boundaries and infringed upon state sovereignty with their petitions.

¹⁵ Palatine Joseph to Francis, January 6, 1796, in *József Nádor Iratai, 1792-1804*, Vol I of *József Nádor: élete és iratai: Első kötet* ed. Sándor Domanovszky (Budapest: Kiadja a Magyar Történelmi Társulat, 1925): 73-76.

graduates of Joseph's General Seminaries.¹⁶ In many cases, Vienna did not fill the bishoprics at all in order to save money. In fact, by 1800, even the Palatine warned Francis that half of Catholics in Hungary did not have a bishop and urged him to fill a few of the vacancies.¹⁷

In addition, the long work of establishing a unified civil law code, still in use today in Austria, continued under Francis, and in 1812 the *Allgemeines bürgerliches Gesetzbuch* (ABGB), Austria's civil code, came into existence. Enlightened legal scholars compiled this law code, only keeping portions of canon law, and codifying many of Joseph's reforms, most notably the Marriage Patent.¹⁸ In addition the ABGB established modern forms of citizenship, even using the word *Staatsbürgerschaft*, which had been a subversive term as late as the 1790s.¹⁹ The ABGB granted citizenship regardless of confession, and the only religious element in the citizenship oath was an innocuous reference to God, though the government restricted citizenship for foreign Jews and Turks.²⁰ This civil code, similar in many ways to the Napoleonic Code, came into effect only a few years after the Napoleon's Code in other parts of Europe.

Like Joseph, Francis promoted morality and education. Joseph had protected the Church, banning books that attacked Christianity or ridiculed Catholicism.²¹ Francis' 1804 decree on education described it as an indispensable need of the state and assigned the clergy to provide

¹⁶ Ignaz Beidtel, *Untersuchungen über die kirchlichen Zustände in den kaiserlich österreichischen Staaten* (Vienna: Carl Herold Verlag, 1849), 174. Most priests came from Joseph's General Seminaries, see Erika Weinzierl-Fischer, "Visitationsberichte österreichischer Bischöfe an Kaiser Franz I 1804-1835" in *Mitteilungen des Österreichischen Staatsarchivs (MÖSTA)* 6 (1953), 264.

¹⁷ Palatine Joseph to Francis, August 4, 1800, in *Józsefnádor élete és iratai*, 1: 319.

¹⁸ For a lengthy legal analysis of the Marriage Patent and its relation to canon law, see Johannes Mühlsteiger, *Der Geist des Josephinischen Ehegesetzes*, (Vienna: Herold Verlag, 1967).

¹⁹ The text of the oath can be found in, Hannelore Burger, "Passwesen und Staatsbürgerschaft," in *Grenze Und Staat: Passwesen, Staatsbürgerschaft, Heimatrecht Und Fremdengesetzgebung in Der Österreichischen Monarchie 1750-1867* eds. Waltraud Heindl, Edith Sauer, Hannelore Burger, and Harald Wendelin (Vienna: Böhlau, 2000), 100.

²⁰ Burger, *Passwesen und Staatsbürgerschaft*, 116.

²¹ Derek Beales, *Joseph II: Against the World, 1780-1790* Vol II of *Joseph II* (Cambridge U.K.: Cambridge University Press, 2009), 91.

instruction on Sundays and holidays.²² It ordered schools to stress reading, writing, basic arithmetic, and to limit religious instruction to Christian morality.²³ Francis also ordered the clergy to inspect the schools and give back reports, not as agents of Catholicism but as bureaucrats.²⁴ That same year, he ordered his bishops to visit their parishes and report on issues, such as the following of state laws on religion (*publico ecclesiastico*), ensuring that children attended school and received vaccinations, but most of all, certifying that the populace and clergy were moral, virtuous citizens.²⁵

The government also ceased its assault on the monasteries after Joseph died, and under Francis, officials instead used the monasteries for practical ends. In 1795 the mendicant monks received permission to take on novices to remedy the shortage of secular priests in Tyrol.²⁶ In 1801 Francis permitted the enormous Pannonhalma monastery in Hungary to reopen.²⁷ Francis ordered monks to take up teaching due to the state's inability to pay lay teachers, mandated strict clothing rules in 1802, prescribed strict tests for incoming novices in 1822, subjected the monasteries to the authority of the bishops and prohibited contact with foreign generals.²⁸ In

²² *Allerhöchst vorgeschriebener Plan über die künftige Verfassung und Leitung des ganzen deutschen Schulwesens* (1805), in Allgemeines Verwaltungsarchiv (AVA), Alter Kultus (AK), Evangelisch, 21/203.

²³ Hosp, *Die Kirche Österreichs im Vormärz* (Vienna: Herold Verlag, 1971), 212.

²⁴ Non-Catholic schools were not subject to inspections by Catholic clergy, see Chapter 3.

²⁵ These bishop reports are located in HHStA, KA, KFA, boxes 231-239 (alt). For a summary and article on the reports of the bishops in contemporary Austria, see Erika Weinzierl-Fischer, "Visitationsberichte österreichischer Bischöfe an Kaiser Franz I" The vaccination campaign aroused resistance from parents and quacks who hawked alternative cures for smallpox, see Weinzierl, 257-258.

²⁶ Count Leopold Kollowrat to Emperor Francis, January 30, 1795, in Maass, 4: 273.

²⁷ Derek Beales, *Prosperity and Plunder: European Catholic Monasteries in the Age of Revolution, 1650-1815* (Cambridge U.K.: Cambridge University Press, 2003), 226.

²⁸ Due to financial problems, religious orders frequently staffed many secondary schools until the 1860s, see William D. Bowman, *Priest and Parish in Vienna 1780-1880* (Boston: Humanities Press, 1999), 108; clothing regulations and the general state of monastic life can be found in Count Saurau to Francis, March 10, 1825, in Ferdinand Maass *Lockerung und Aufhebung 1820-1850* Vol 5 of *Der Josephinismus* (Vienna: Herold Verlag, 1961), 214-247; see also Rupert

1812, Vienna granted the Mechitarist order of Armenian Christians the exclusive privilege to print papal briefs and missals for the empire except Hungary, much to the chagrin of Italian printers.²⁹ The government intended these tight controls to produce virtuous monks, who would serve as productive citizens for the state, a task made easier because Joseph had already shut down most of the contemplative monasteries.³⁰

Finally, the sermon laws and the Austrian civil code promoted morality, instead of confessional dogma. The sermon law of 1783 ordered that preachers provide practical and simple instruction and refrain from controversial sermons, and the government frequently reminded clergy of these obligations.³¹ Finally, the Austrian code required a witness to a person's morality in order to obtain citizenship but did not take into account confession.³² This ideal of the clergy as the beacons of education and morality fell well short of reality as the status of monks and the Church remained low in Austria, leading to shortages of qualified clergy. Priests were overburdened with regulations, many parishes lacked priests, and the illegitimacy rate, an admittedly crude measure of moral behavior, remained high.³³ Consonant with the aims

Winkler, *Der Zustand der Klöster in der Wiener Erzdiözese um 1828 (Nach den Visitationsberichten des Wiener Erzbischofs Leopold Maximilian Graf von Firmian)* (Vienna, Kirchenhistorische Institute, 1972) for a general description of the physical condition of the monasteries.

²⁹ The state renewed these privileges in 1824 and 1825. For the collection of reports on this matter, see AVA, AK, Katholischer, 52 (Signatur E)/Faszikel 23.

³⁰ For a concise description of Joseph's campaign against the monasteries, see Derek Beales, *Enlightenment and Reform in Eighteenth-Century Europe* (London: Tauris, 2005), 234-244.

³¹ Beidtel, *Untersuchungen über die kirchlichen Zustände*, 291-292. In the *Vormärz*, the government issued numerous directives to Catholic and Protestant clergymen reminding them of their duty to issue simple, practical, and non-polemical sermons stressing morality.

³² Hannelore Burger, *Passwesen und Staatsbürgerschaft*, 114.

³³ Numerous reports estimated the illegitimacy rate in the range from 40 percent to 50 percent, see Bertram M. Gordon, "Catholic Social Thought in Austria, 1815-1848," Ph.D. Diss., Rutgers, 1969, 133-139. Charles Sealsfield, in *Austria as it is: Sketches of Continental Courts by an Eye-Witness* (London: Hurst, Chance, and Co., 1828), 200, estimated that two-thirds of people left mass early.

of the Enlightenment, these more practical applications of Josephism were meant to encourage general morality, though they produced mixed results, at best.

The Catholic *Kreise* in Vienna

With the clergy mostly co-opted and Josephist, the most important advocates of Catholic revival before the 1820s were individuals who established several *Kreise* (circles) to promote this goal. The first of these individuals was the ex-Jesuit Joseph Albert von Dießbach. He founded the *Amicizia Cristiana* (Christian Friendship) in 1792 to distribute “good books” to the laity and clergy, in order to counteract the effects of the Enlightenment.³⁴ This society blamed the Enlightenment and events in France on bad books and aimed to distribute works promoting dogmatically sound Catholicism.³⁵ Like many activists, Dießbach was a convert to Catholicism, but he had numerous connections at court in Vienna. He had met Hofbauer in 1782, and the two had remained in contact while the latter was in Warsaw.³⁶

Several other revivalists also emerged in the 1790s and 1800s. Closely connected to Dießbach was Joseph Freiherr von Penkler, a lower-level aristocrat who desired a return of the Jesuits to Austria.³⁷ Penkler generated controversy when he held a religious retreat in Enzersdorf in 1792 with the secret support of the archbishop of Vienna, Migazzi. Francis initially approved, but changed course once Charles von Zinzendorf, a high-ranking advisor, warned him that

³⁴ Eduard Winter, *Romantismus, Restauration und Frühliberalismus im Österreichischen Vormärz* (Vienna: Europa Verlag, 1968), 29. Otto Weiß writes that Dießbach wanted to re-establish the Jesuit order, in *Begegnungen mit Klemens Maria Hofbauer*, 53.

³⁵ Brigitte Spiller, “Joseph Freiherr von Penkler (1751-1830),” Ph.D Diss., University of Vienna, 1966, 81.

³⁶ Rolf Decot, “Klemens Maria Hofbauer: Konservativer Erneuer der Kirche Österreichs,” in *Luthers Reformation zwischen Theologie und Reichspolitik* eds. Rolf Decot and Hans Josef Schmitz (Frankfurt am Main: Verlag Otto Lembeck, 2007), 437.

³⁷ Penkler was a noble from Lower Austria but his exact activities are unknown. His family had served the Habsburgs in the Ottoman Empire, and Penkler was active in the Lower Austrian *Herrenstand* (estates), see Spiller, “Joseph Freiherr von Penkler,” 3, 22-24.

unrestrained activist clergy threatened to render state laws useless and planted the “seed” of “anarchy.” Afterward, Francis ordered that the government regulate such retreats.³⁸ In 1806, the government of Lower Austria received word of a secret brotherhood in Schottenfeld, near Vienna, which held secret devotions to St. Johann Nepomuk. The police promptly arrested its leader, John Michael Pietzel, and confiscated the property, giving away its valuables to the local poor houses and “worthy” churches.³⁹ Another activists was the papal nuncio, Antonio Gabrielle Severoli, who arrived in Vienna in 1801, where he began agitating for a return of the Church to canon law and provided an ultramontanist focal point for the *Kreise*.

Yet these voices were faint until 1808, when, within a month of each other, Hofbauer and Friedrich Schlegel, a renowned intellectual, entered Vienna. Prussian officials most likely tipped off the Viennese police about Hofbauer’s activities. The authorities in Vienna immediately harassed him, accusing him of stealing goods from the Church and questioned him about the 200 *thalers* he had on him, an amount the police considered excessive for a clergyman.⁴⁰ After the intervention of Archbishop Hohenwart, Baron Penkler, and Severoli, the police dropped the charges. Due to Hofbauer’s difficult circumstances, Schlegel, an established writer and recent convert to Catholicism, played the bigger role as a social world revolved around the Schlegel household, where writers, historians, and devout Catholics met. Schlegel was a key figure in the Romantic movement, which reacted against the secular Enlightenment and rationalism in favor of religion as a force to unify humanity.⁴¹ Hofbauer was active in this circle, however, and was the confessor to Schlegel and other like-minded intellectuals.

³⁸ Spiller, “Joseph Freiherr von Penkler,” 85-86.

³⁹ Gordon, “Catholic Social Thought in Austria, 1815-1848,” 67.

⁴⁰ Sebastian Brunner, *Clemens Maria Hoffbauer und seine Zeit: Miniaturen zur Kirchengeschichte von 1780 bis 1820* (Vienna: Wilhelm Braumüller, 1858), 125.

⁴¹ Nicholas V. Riasonovsky, *The Emergence of Romanticism* (Oxford, U.K.: Oxford University Press, 1995), 76-93.

Baron Penkler, who was, at that time, an administrator at the Italian National Church (the *Minoritenkirche*) on *Minoritenplatz*, soon obtained for Schlegel a job in the Austrian government, and Hofbauer assumed a leading role in this *Kreis*.⁴² Hohenwart and Severoli kept Hofbauer connected with other *Kreise* in Austria while the police trailed him.⁴³ During the 1809 campaign against Napoleon, an exacerbated shortage of priests offered an opportunity for Hofbauer to preach and hear confessions.⁴⁴ Hofbauer assisted Penkler at the *Minoritenkirche* and was appointed rector of the Ursuline Church where he preached but only intermittently, due to preaching bans imposed on him by state officials, after 1813.

But Hofbauer did not restrict his preaching to the pulpit. Initially the Viennese flocked to hear charismatic sermons he delivered, in a foreign accent and in the street. His sermons were simple, and articulated the primary principle that pure truth could be found in Catholicism. This style suited Hofbauer well in the poorer Viennese suburbs, where he often visited and attracted crowds of workers.⁴⁵ These actions violated laws on preaching from the 1780s, but for the Viennese population, his style was new and exciting, especially for Catholics who found the Josephist sermons boring.⁴⁶ He soon attracted crowds throughout the city, much to the chagrin of the local authorities, and students from the University of Vienna flocked to his apartment. Thumbing their nose at the police and their Josephist professors, forty to fifty students clustered around Hofbauer in the evenings.⁴⁷ He served as a confessor to numerous intellectuals, such as

⁴² Rudolf Till, *Hofbauer und Sein Kreis* (Vienna: Verlag Herder, 1951), 62.

⁴³ Till, *Hofbauer und Sein Kreis*, 37.

⁴⁴ Hosp, *Die Kirche Österreichs*, 253-254.

⁴⁵ Gordon, "Catholic Social Thought in Austria, 1815-1848," 107.

⁴⁶ Adam Bunnell, *Before Infallibility: Liberal Catholicism in Biedermeier Vienna* (Rutherford: Associated University Presses, 1990), 48-49. Sebastian Brunner, a Catholic activist after 1848 noted that *Vormärz* sermons and Church music were boring and timid, in *Woher, Wohin? Geschichten, Gedanken Bilder und Leute aus meinem Leben* 5 vols (Vienna: Verlag J.F. Erck, 1855), 2: 49-51.

⁴⁷ Till, *Hofbauer und Sein Kreis*, 45.

the romantic political theorist Adam Müller, and even theology professors from the University of Vienna visited, most notably Gregory Thomas Ziegler and Roman Zängerle, who would later serve as bishops and agitate for Catholic revival in the 1830s and 40s (see Chapter 2).⁴⁸

A circle also developed around the Viennese novelist Caroline Pichler, who while not a Catholic activist, slowly developed sympathy for a mild Catholic restoration. She had received an Enlightenment education and accepted its tenets, but after the French Revolution she returned to her faith and opened up her salon to Catholic Romantics. Her novel, *Agathocles*, provided, for example, a rebuttal to Edward Gibbon on Christianity in the late Roman Empire.⁴⁹ At her salon a group of literati and Catholic intellectuals congregated. Yet she was quite uncomfortable talking with activists such as the fiery preacher Zacharias Werner and disapproved of him walking around her salon asking people their opinion on transubstantiation.⁵⁰

The Schlegel *Kreis* dissolved when Metternich sent Schlegel to Frankfurt in 1815 as a delegate to the new Bundestag for the German Confederation, and a new *Kreis* replaced it, centered around the wealthy Hungarian Franz Szechenyi, the father of Stephen Szechenyi, the moderate Hungarian reformer in the 1820s, 1830s, and 1840s. Szechenyi had been a freemason, immersed in the Enlightenment, but due to illness found religion again, gave up his offices, and settled in Vienna, where he funded a Catholic revival. He wanted monastic orders and Jesuits restored, the sciences taught by priests, and privileges returned to the Catholic Church.⁵¹ He

⁴⁸ Eduard Hosp, *Bischof Gregorius Thomas Ziegler: Ein Vorkämpfer gegen den Josephinismus* (Linz: Oberösterreichischer Landesverlag, 1956), 27.

⁴⁹ Brian F. Vick, *The Congress of Vienna: Power and Politics after Napoleon* (Cambridge, MA: Harvard University Press, 2014), 146.

⁵⁰ Caroline Pichler, *Denkwürdigkeiten aus meinen Leben* 2 vols, ed. E.K. Blümml (Munich: 1914), 1: 304.

⁵¹ George Barany, *Stephen Szechenyi and the Awakening of Hungarian Nationalism, 1791-1841* (Princeton, N.J.: Princeton University Press, 1968), 23.

funded, for example, a lending library in 1817 to distribute Catholic works.⁵² Penkler contributed books to this library, and it aimed to fulfill what Dießbach had attempted in the 1790s.⁵³ In addition, this circle discussed religion and politics and sent official petitions to the Congress of Vienna.⁵⁴

The archbishop of Vienna, Hohenwart, also quietly worked for a Catholic revival but as an aging man his power was weak. He had been a Jesuit until suppression of the order in 1773 and had served as a tutor for Francis and was loyal to his master. He was a conservative Catholic but tolerant and old enough not to cause trouble unlike his combative predecessor, Migazzi. During the brief French occupation of Vienna in 1809, he refused to publish a pastoral letter praising Napoleon's victory as divine.⁵⁵ The Austrian government tricked him into blessing the marriage of Francis' daughter Maria Louise to the excommunicated Napoleon in 1810.⁵⁶ Severoli had opposed this marriage, but Hohenwart, under pressure from the Austrian government, and under the assumption that Napoleon's previous marriage to Josephine had been a civil marriage, and thus not subject to Catholic rules on divorce, had performed the wedding. Hohenwart supposedly went to his deathbed tortured by this deed.⁵⁷ After 1808, Hohenwart protected Hofbauer, noting to governmental officials that it was not illegal for Austrian subjects to re-enter the empire and that the Redemptorists had never been in Austria, thus Hofbauer had

⁵² The police minister opposed Szechenyi's library, but Francis allowed it, in Hosp, *Die Kirche Österreichs im Vormärz*, 290.

⁵³ Spiller, "Joseph Freiherr von Penkler," 105.

⁵⁴ Hosp, *Die Kirche Österreichs*, 138-139.

⁵⁵ Reingard Witzmann, "Wien um 1800," in *Freiheit, Gleichheit, Brüderlichkeit auch in Österreich?: Auswirkungen der Französischen Revolution auf Wien und Tirol* ed. Karl Albrecht-Weinberger (Vienna: Historisches Museum der Stadt Wien, 1989), 162.

⁵⁶ For Metternich's role in carrying through this marriage plan, against Francis' wife Maria Ludovika's will, see Egon Ceasar and Conte Corti, *Metternich und die Frauen* (Vienna: Kremayr & Scherlau, 1977), 91-109.

⁵⁷ Cölestin Wolfsgruber, *Sigismund Anton Graf Hohenwart: Fürstbischof von Wien* (Graz: Verlagsbuchhandlung "Styria," 1912), 101.

never been banned from the monarchy.⁵⁸ He also reassured the police that he was reading the sermons of Hofbauer and the preacher Zacherias Werner prior to mass.⁵⁹

The attempted revival received reinforcements when Werner entered Vienna in 1814. Werner was a Prussian, but retired from state service in 1807, converted to Catholicism four years later and became a poet and a preacher. Werner learned of Hofbauer through Schlegel and began preaching in Vienna in 1814.⁶⁰ As in the case of Hofbauer, many people showed up to his sermons for entertainment. Werner possessed extraordinary oratory skills; he reportedly screamed at parishioners and preached sermons that moved people to tears.⁶¹ His preaching spread and attracted crowds when the Congress of Vienna moved into town in 1814.

The Congress of Vienna and Catholic Activists

At the Congress of Vienna many Catholics looked to the victors to restore to the Church the property and status it had lost during the French Revolution but left disappointed, as the only major Catholic power, Austria, refused to act on behalf of Catholic activists. The Congress drew in royalty and diplomats from around Europe, all of whom brought their spies, mistresses, and frivolity to the city. To make matters worse for devout Catholics, the Austrian government intentionally opened the Congress without any religious ceremony in order to avoid potential conflicts with their Protestant, Anglican, and Orthodox allies.⁶² The police kept preachers such as

⁵⁸ Wolfsgruber, *Sigismund Anton Graf Hohenwart*, 272. It also benefitted Hofbauer that there was a shortage of priests in 1808.

⁵⁹ Wolfsgruber, *Sigismund Anton Graf Hohenwart*, 275-276.

⁶⁰ Hosp, *Der Heilige Klemens Maria Hofbauer*, 135.

⁶¹ Pichler, *Denkwürdigkeiten aus meinen Leben*, 2: 59-60.

⁶² Jean-Jacque Anstett ed, *Vom Wiener Kongress zum Frankfurter Bundestag (10. September 1814-31. Oktober 1818)* Vol 29 of *Kritische Friedrich-Schlegel-Ausgabe* ed. Ernst Behler et. al. 35 vols (Munich: Paderborn, 1980), 671. There were, however, *Kirchenparade* with masses at the end for the Protestant, Catholic, and Orthodox rulers in private tents, see Vick, *The Congress of Vienna*, 30.

Werner under close surveillance, fearing he would break the sermon laws.⁶³ Although the police expressed concerns about Werner's private mysticism, they could not find anything illegal in his sermons, which attacked vices and other sins but did not mix religion and politics.⁶⁴ Despite police surveillance, Werner attracted dignitaries such as the Crown Prince of Württemberg, Prince Augustus of Prussia and even Protestant clergymen.⁶⁵

At the Congress, Catholic activists worked to block the moves of vicar-general Ignaz Heinrich von Wessenberg and Bishop Charles Theodor von Dalberg, who wanted a concordat for the German Confederation with substantial autonomy for the German bishops and few rights for Rome. Dalberg had grown up in an Enlightenment environment and desired toleration and a gradual re-unification of the confessional split in Christianity.⁶⁶ He had been the archbishop of Mainz, the only ecclesiastical state to escape the *Reichsdeputationshauptschluss* of 1803, which secularized Church property and abolished the ecclesiastical states. As head of the sole remaining ecclesiastical territory, Dalberg claimed the title of primate of Germany with authority stretching to all non-Austrian and non-Prussian German lands.⁶⁷ After the secularization, the German Church was in shambles, and he worked constantly with Napoleon and Austrian officials for a German-wide concordat with Rome to bring order to the Church, along the lines of the 1801 agreement Napoleon had made with the Papacy. Dalberg found little success in this endeavor. In concordat negotiations in 1806, Austrian officials scuttled the talks with their

⁶³ For a list of the preaching regulations, see Beidtel, *Untersuchungen über die kirchlichen Zustände in den kaiserlich österreichischen Staaten*, 291-292

⁶⁴ Police report of October 12, 1814, in *Die Geheimpolizei auf dem Wiener Kongress: Eine Auswahl aus ihren Papieren* ed. August Fournier (Vienna: F. Tempsky, 1913), 170.

⁶⁵ Till, *Hofbauer und Sein Kreis*, 68.

⁶⁶ Klaus Rob, *Karl Theodor von Dalberg (1744-1817): Eine politische Biographie für die Jahre 1744-1806* (Frankfurt am Main: Verlag Peter Lang, 1984), 368.

⁶⁷ Karl Hausberger, "Dalbergs Konkordatspläne für das Reich und den Rheinbund," in *Der Wiener Kongress—eine kirchenpolitische Zäsur?* eds. Heinz Duchhardt and Johannes Wichmeyer (Göttingen: Vandenhoeck and Ruprecht, 2013), 12.

arrogant behavior and by submitting proposals with Josephist foundations, which were unacceptable to Rome.⁶⁸

Dalberg was no longer primate during the Congress, but as the bishop of Regensburg and Constance, he still held an influential voice among the prelates at the Congress through Ignaz Heinrich von Wessenberg, his representative. Like many bishops from the Enlightenment, Wessenberg had been influenced by Joseph II, and desired more simplification and rationalization of liturgy and worship.⁶⁹ In addition, Wessenberg had banned the Redemptorists as vicar-general of Constance and had promoted the use of German hymns during mass.⁷⁰ He also thought that a concordat for the German states, along the lines Dalberg suggested, could heal the confessional divide in Germany. Wessenberg continued Dalberg's efforts for a German concordat and attempted to protect the Church from state intervention and Roman centralization. He argued that a primate of Germany was necessary to defend the Church against improper claims by the Roman curia.⁷¹ He opposed little concordats between the individual states of Germany and Rome, which he labeled derisively as "*privat Konkordate*" (private concordats).⁷²

Most Catholic activists opposed these efforts and sided with the papacy, which misinterpreted Dalberg's suggestions for a German-wide concordat as schismatic and

⁶⁸ Hausberger, "Dalbergs Konkordatspläne," 16-17.

⁶⁹ Franz Schnabel, *Die Religiösen Kräfte* Vol. 4 of *Deutsche Geschichte im Neunzehnten Jahrhundert* (Freiburg: Herold Verlag, 1951), 15.

⁷⁰ Leonard J Swindler, *Aufklärung Catholicism, 1780-1850: Liturgical and other Reforms in the Catholic Aufklärung* (Missoula, Montana: Scholars Press, 1978), 21.

⁷¹ Johannes Wischmeyer, "Religions und Konfessionspolitik am grünen Tisch: Die Wiener Verhandlungen von 1815 über eine Bundeskirchenverfassung," in *Der Wiener Kongress—eine kirchenpolitische Zäsur?*, 131.

⁷² Franz Xavier Bischof, "Die Einheit der Nationalkirche schein mir zunächst das Wesentliche, wenn sich das religiös-kirchliche Leben unseres Volkes heben und gedeihlich sich entwickeln soll," in *Der Wiener Kongress—eine kirchenpolitische Zäsur?*, 107.

reminiscent of the Congress of Ems.⁷³ Schlegel met with Severoli, along with the historian Carl August Buchholz, Joseph Helferrich, cathedral vicar in Speyer, and Francis von Wambold, a senior cathedral dean in Worms, to counter these plans. Helferrich and Wambold, called the “Orators” of the German Church, helped author and submit numerous petitions to the Congress.⁷⁴ The police questioned Schlegel, for any connections with Severoli aroused suspicion.⁷⁵ Schlegel and Buchholz helped the Orators write articles in the *Der Korrespondent von und für Deutschland* and *Hamburgischer Unpartheyischer Correspondent* in 1815. These articles argued that the 1803 secularization of Church property had left Catholics as innocent victims and that state laws lose their original principles without religion.⁷⁶ In addition, along with the Conferati, a group of ultramontanist priests in Bavaria, the Orators opposed Wessenberg’s project and demanded full freedom for the Church in Germany.⁷⁷

The policy-makers at the Congress mostly ignored the religious question and yielded to the German middle states (*Mittelstaaten*), which wanted autonomy in their ecclesiastical affairs. Yet, due to the skill of the moderate papal diplomat Ercole Consalvi, the Congress ended up resurrecting the Papal States. Prince Clemens von Metternich, Austria’s influential foreign minister from 1809-1848, initially opposed restoring the Papal States but came to see the papacy as preferable in central Italy to the revolutionary Joachim Murat, an appointee of Napoleon who

⁷³ Hausberger, “Dalbergs Konkordatspläne,” 30, 38. The Congress of Ems was a meeting in 1786 at Bad Ems of representatives of the German ecclesiastical states, who issued the Ems Punctation proposing that all papal bulls in Germany had to be approved by the German bishops.

⁷⁴ For a list of petitions to Congress of Vienna, see Dominik Burkard, “Der Wiener Kongress—Zäsur oder nur Zwischenspiel?: Vorstellungen, Konzeptionen und Bemühungen zur Reorganisation der ‘deutschen kirche’ vor, währen und nach dem europäischen Konzert,” in *Der Wiener Kongress—eine kirchenpolitische Zäsur?*, 59-61.

⁷⁵ Erst Behler ed, *Studien zur Geschichte und Politik*, Vol 7 of *Kritische Friedrich-Schlegel-Ausgabe*, (Munich: Paderborn, 1966), CI.

⁷⁶ *Hamburgischer unpartheyischer Correspondent*, Nr. 64, April 22, 1815; Nr. 66, April 26, 1815; Nr. 72, May 6, 1815, in *Kritische Friedrich-Schlegel-Ausgabe*, 7: 423-425.

⁷⁷ Bischof, “Die Einheit der Nationalkirche,” 109.

led an uprising against the Allies in 1815.⁷⁸ Wessenberg plan's ultimately floundered on the opposition of the papacy, the *Mittelstaaten*, and German princes who did not want to face a unified German episcopacy.⁷⁹ In its place, much to Bavaria's delight and to Wessenberg's chagrin, the papacy signed a series of concordats with many German states.

Despite the opposition of the smaller states and Bavaria, Austria and Prussia pushed through article XVI of the German Confederation, which guaranteed civil rights for the recognized Christian confessions, namely Catholicism, Lutheranism and Calvinism.⁸⁰ The Orators and Consalvi opposed article XVI because it granted rights to Protestants, who had not lost property and political status during the Napoleonic Wars, and they viewed Catholicism as more than an empty constitutional right.⁸¹ Bavaria opposed article XVI as an infringement on its sovereignty, and most small states, such as Hamburg, opposed it because it violated their older constitutions, which either banned or imposed harsh restrictions on minority confessions. Despite article XVI, few states changed their religious laws, including Austria.⁸²

One of the most well known religious outcomes of the Congress of Vienna, the Holy Alliance, was universally unpopular and mostly symbolic, despite the "ecumenical" spirit at the Congress.⁸³ The brainchild of Tsar Alexander I (r. 1801-1825), the Holy Alliance aimed to

⁷⁸ Alan Reinerman, *Between Conflict and Cooperation* Vol. I of *Austria and the Papacy in the Age of Metternich* (Washington D.C.: The Catholic University Press, 1979), 15-16

⁷⁹ In addition, Metternich, who initially supported Wessenberg's plan, backed away from it by the end of the Congress, in *Kritische Friedrich-Schlegel-Ausgabe*, 29: XIV.

⁸⁰ For more information on the various sketches of article XVI, see Wischmeyer, "Religions und Konfessionspolitik am grünen Tisch," 132-139.

⁸¹ Wischmeyer, "Religions und Konfessionspolitik am grünen Tisch," 138-39.

⁸² Michael Hundt, "Die Mindermächtigen und die Kirchenartikel: Das Problem der Rechtsstellung der Katholiken in den kleineren deutschen Staaten," in *Der Wiener Kongress—eine kirchenpolitische Zäsur?*, 171. Austria also mostly ignored article XVI, for its "constitution" was a Josephist one that had preceded the French Revolution.

⁸³ Brian Vick describes the Congress as an "ecumenical moment in European history that has been in danger of being forgotten," in Vick, *The Congress of Vienna*, 139. This statement is

prevent revolution and to instill Christian principles into European political life.⁸⁴ The sketch of the Holy Alliance arose, probably, from the philosopher, Francis von Baader, who wrote *Über das durch die Französische Revolution herbeiführte Bedürfnis einer neuen innigen Verbindung der Religion mit der Politik* (On the Need for a Closer Connection between Religion and Government due to the French Revolution) in 1815. Baader soon after accepted a job as an advisor to the Russian government.⁸⁵ The police reported that most of the Congress participants viewed the tsar as a phony hypocrite.⁸⁶ Pope Pius VII (r. 1800-1823) disliked the Alliance for its trans-confessional unity.⁸⁷ Metternich found the whole idea “too clothed in religious garb, not practical, and subject to religious misconstrusion [sic].” Tsar Alexander changed several sentences and deleted entire passages to make the Alliance more moderate. Francis did not approve of it either, even in modified form but ended up signing it anyway.⁸⁸ Schlegel opposed it as well, viewing it as a tool of Russian oppression and wrote that a true holy alliance would include peace between the papacy and Protestants of Germany.⁸⁹ The conservative intellectual Adam Müller viewed it as nothing more than a scheme for the tsar to expel the Turks from Europe.⁹⁰

mostly true as there was little confessional polemics at the Congress, and religious activists focused on reviving their own confessions while retaining connections with the larger world.

⁸⁴ Prince Clemens von Metternich, *Metternich: The Autobiography, 1773-1815*, (Welwyn Garden City: Ravenhall Books, 2004), 261.

⁸⁵ Eduard Winter, “Differenzierung in der katholischen Restauration in Österreich: Eine Skizze,” in *Historisches Jahrbuch* 52 (1932): 444.

⁸⁶ Fournier, *Die Geheimpolizei auf dem Wiener Kongress*, 36

⁸⁷ Nigel Aston, *Christianity and Revolutionary Europe, 1750-1830* (Cambridge U.K.: Cambridge University Press, 2002), 309.

⁸⁸ Metternich, *Metternich: The Autobiography*, 260-261.

⁸⁹ Friedrich Schlegel to Philipp Veit, February 12, 1818, in *Kritische Friedrich-Schlegel-Ausgabe*, 29: 414.

⁹⁰ Adam Müller to Friedrich von Gentz, May, 1828, in *Briefwechsel zwischen Friedrich Gentz und Adam Heinrich Müller 1800-1829* (Stuttgart: J.G Cotta'scher Verlag, 1857), 398.

The Catholic *Kreise* and Toleration

What these different Catholic activists thought of toleration is difficult to ascertain because the Austrian state squashed discussion of toleration and did not allow intolerant literature to thrive. Colin Walker is correct, for example, when he notes that Hofbauer did not actively agitate against the Toleration Patent because it would have resulted in expulsion from Austria.⁹¹ Yet, most of these activists were Catholic converts and most certainly desired the re-establishment of a powerful and unified Catholic Church.

Hofbauer's missionary impulse carried the implication that other faiths were invalid. Yet, due to his precarious legal situation, he did not speak out directly against toleration. He believed that outside the Church there was no salvation and viewed Protestants as a threat in places such as Silesia, where he referred to them as the enemy.⁹² He frequently sent missions to Bucharest, complaining that the Germans there did not have Catholic preachers and feared ceding the field to Lutheran and Calvinist pastors, noting the damage it would do to the souls of Catholics there.⁹³ This passion made him tireless. He converted the publicist Joseph von Pilat and his wife and sisters, along with the painter Friedrich von Klinkowström and many other intellectuals to Catholicism.⁹⁴

Hofbauer knew how to speak to Protestants. Complaints arose against him when a servant of the Protestant wife of Archduke Charles, the emperor's brother, converted to Catholicism. In this complaint a fellow servant argued that one should live and die in the faith to

⁹¹ Colin Walker, "Zacharias Werner and the Hofbauer Circle: the Question of Toleration," in *Catholicism and Austrian Culture* eds. Ritchie Robertson and Judith Beniston (Edinburgh: Edinburgh University Press, 1999), 36.

⁹² Walker, "Zacharias Werner and the Hofbauer Circle," 37.

⁹³ Hofbauer to P. Giattini, October 4, 1815, in *Hofbauer: Briefe und Berichte*, 58.

⁹⁴ Pichler, *Denkwürdigkeiten aus meinem Leben*, 2: 249.

which they were born, prompting Hofbauer's response: "Luther did not do that."⁹⁵ Allegedly he told another one of his converts that the Reformation happened because the "Germans had a need to be pious," thus, showing sympathy with concerns about the corruption of the Church on the eve of the Reformation.⁹⁶ Hofbauer knew the limits of the attraction of conversion, however, and did not bother, for example, to preach to the ailing atheist, Joseph Barth, a professor of anatomy at the University of Vienna, though he tended to him in his sickbed.⁹⁷

Werner preached, furiously, that outside the Catholic Church there was no salvation, but he rejected coercion of belief.⁹⁸ He, like most Christians, thought Jews suffered throughout history because they had crucified Christ. But he reserved his greatest animus for Protestants. In a letter to a Protestant friend, he remarked that "I would a thousand times sooner go over to Judaism or to the Brahmins on the Ganges, but never, never, never to the most shallow, most insipid, most self-contradictory, most nullified nullity of Protestantism."⁹⁹ In public, however, he had to proceed cautiously, and here he reserved his fire for "bad Catholics" "false Christians" or the Enlightenment, and attacked the Josephists indirectly.¹⁰⁰

Friedrich Schlegel, who would later take up a state position, differed from his fellow activists and spoke out in favor of toleration for Protestants and Jews. He consistently praised the Westphalian treaty for establishing confessional peace, but he went further and argued for civil rights for Protestants and Jews.¹⁰¹ He had, after all, married the Catholic convert Dorothy

⁹⁵ Brunner, *Hofbauer [sic] und Seine Zeit*, 190.

⁹⁶ Till, *Hofbauer und Seine Kreis*, 53. This account is disputed, yet commonly mentioned in most biographies of Hofbauer.

⁹⁷ Otto Weiß, *Begegnungen mit Klemens Maria Hofbauer*, 71

⁹⁸ Walker, "Werner and the Hofbauer Circle," 44.

⁹⁹ Walker, 44.

¹⁰⁰ Walker, 45; police reports confirm the same thing, see, for example, the police report from October 12, 1814, in *Geheimpolizei auf der Wiener Kongress*, 170-171.

¹⁰¹ *Beilage zur Allgemeinen Zeitung*, Nr. 87, July 10, 1817, in *Kritische Friedrich-Schlegel-Ausgabe*, 7: 452.

Mendelssohn, the daughter of the Jewish Enlightenment thinker Moses Mendelssohn. In a book review published in the *Österreichischer Beobachter*, the newspaper sponsored by Metternich, Schlegel noted that Jews had served voluntarily in the Napoleonic Wars and had become productive members of society, especially in prosperous Bohemia.¹⁰² He argued that it would be reprehensible to re-impose restrictions on Jews simply because the French had initiated emancipation. He opposed efforts in Frankfurt and Lübeck to expel and re-impose restrictions on Jews, citing orders from the Imperial government not to revert back to pre-Napoleonic laws in the realm of toleration of Jews.¹⁰³

Schlegel also consistently advocated Protestant-Catholic unity. As he prepared to establish a new journal, *Concordia*, he intended it to be a joint-Catholic-Protestant project and approached men such as the Protestant theologian Friedrich Schleiermacher for contributions. Schlegel urged Protestants to join Catholics in denouncing the piece *Considérations sur la doctrine et l'esprit de l'église orthodoxe* by the Russian diplomat Alexander Stourdza, which attacked the papacy and argued that the Greek Orthodox community constituted the original Church.¹⁰⁴

Schlegel seemed to worry more about the negative effects of a Catholic revival than to advocate openly for one. His journal, *Concordia*, abhorred the “ultra” party in France and clericalism, both of which he argued inflamed fanaticism and turned the clergy into political tools.¹⁰⁵ Schlegel believed there was “no greater defilement of God” than when politicians

¹⁰² *Österreichischer Beobachter* (ÖB), March 2, 1815, 337; also in *Kritische Friedrich-Schlegel-Ausgabe*, 7: 470-474.

¹⁰³ ÖB, May 21, 1816, 760 and ÖB, July 26, 1816, 1099-1100; also in *Kritische Friedrich-Schlegel-Ausgabe*, 7: 475-476.

¹⁰⁴ Friedrich Schlegel to Friedrich Schleiermacher, October, 11 1817, in *Kritische Friedrich-Schlegel-Ausgabe*, 29: 370-371.

¹⁰⁵ Schlegel, *Concordia*, V, *Anmerkung über die Simonie der Priester 1820*, in *Kritische Friedrich-Schlegel-Ausgabe*, 7: 597.

exploited religion, such as in Restoration France.¹⁰⁶ He opposed the pope's condemnation of bible societies, contending that guided reading was not harmful.¹⁰⁷ He supported a moderate restoration of Church freedoms, embodied in the Bavarian Concordat in 1817, which restored many privileges lost during the ministry of Maximilian von Montgelas but maintained control of the Church (see Chapter 2). Josephist Austria, in which the clergy were barred from the political space, suited Schlegel well.

Schlegel's wife Dorothy, despite being born a Jew, did not share her husband's views on toleration. She was closer to Hofbauer and helped send messages to him from Rome when she stayed there from 1818 to 1820. She was furious in 1819 when the Archduchess of Württemberg, supported by the Prussians, established a permanent place of worship for Protestants in Rome, writing "I consider this thing a great scandal."¹⁰⁸ Friedrich disagreed with this assessment, writing his wife that freedom of religion was appropriate for modern times.¹⁰⁹ Her friend Caroline Pichler also disagreed, arguing that Christian governments should work for improvement of the civil condition of Jews but in a way not offensive to Christians.¹¹⁰ Yet Pichler and Friedrich Schlegel could take solace in that state officials also viewed the conservative Catholic activists with disdain.

¹⁰⁶ Schlegel to Dorothea Schlegel, December 23, 1818, in *Die Epoche der Zeitschrift Concordia (6. November 1818-Mai 1823)* ed. Eugene Susini Vol 30 of *Kritische Friedrich-Schlegel-Ausgabe*, (Munich: Paderborn, 1980), 44.

¹⁰⁷ Schlegel to Philipp Veit, February 12, 1818, in *Kritische Friedrich-Schlegel-Ausgabe*, 29: 414.

¹⁰⁸ Dorothea Schlegel to Friedrich Schlegel, July 21, 1819, in *Kritische Friedrich-Schlegel-Ausgabe*, 30: 172.

¹⁰⁹ Schlegel to Dorothea Schlegel, July 9/10, 1819, in *Kritische Friedrich-Schlegel-Ausgabe*, 30: 160.

¹¹⁰ Pichler, *Denkwürdigkeiten aus meinem Leben*, 2: 212.

The Habsburg Reaction to the Attempted Revival

The state's response to these figures is revealing and demonstrates the extent to which the government did not want to be associated with a Catholic revival. Habsburg officials considered the Counter-Reformation to be a dark period in their history and viewed the ecclesiastical question as settled; in their eyes, a Catholic revival could jeopardize the accomplishments of the 1780s. The bureaucracy was thoroughly Josephist, Emperor Francis was paranoid of change and thus wanted to keep the Josephist settlement.¹¹¹ In addition, Francis feared popular movements and worried that a Catholic revival could become unpredictable and dangerous. Romantics, many of whom were Catholic converts from northern Germany, were foreign to Francis and his advisors. His advisors warned him that the different *Kreise* and Catholic activists were nothing more than sects and extremists. Even Nazi historians conceded that the Austrian state did not identify with the Church until much later in the nineteenth century.¹¹²

The state frequently feuded with the papal nuncio, Severoli, whom the government viewed strictly as a representative of the papal state but who consistently overstepped his boundaries in the eyes of the Austrian government. Austria had narrowly avoided a break with the papacy in the 1780s and came close again in 1794, when the papacy issued the Bull *Auctorem Fidei* condemning the Church system Emperor Leopold II had established as the duke of Tuscany. The Austrian government interpreted this bull as a condemnation of the Austrian Josephist system and promptly suppressed it.¹¹³ In 1795, Francis insisted on appointing Maria Thaddäus von Trautmannsdorff bishop of Königgrätz (Hradec Králové). Trautmannsdorff had been a freemason and had written a dissertation in 1783 on toleration, which Rome placed on the

¹¹¹ Waltraud Heindl, *Gehorsame Rebellen. Bürokratie und Beamte in Österreich, 1780 bis 1848* (Vienna: Böhlau Verlag, 1991), 80. Heindl writes that the bureaucracy contained, until 1848, many anti-clerical elements, which strove to keep the clergy out of state affairs.

¹¹² Ganzer, *Der Heilige Hofbauer: Träger der Gegenreformation*, 59.

¹¹³ Count Leopold Kollowrat to Baron Thugut, November 7, 1794, in Maass, 4: 246.

Index.¹¹⁴ The pope resisted Trautmannsdorff's confirmation but ultimately relented. In 1803, Severoli wrote to the archbishop of Trent asking him to ignore state marriage laws, prompting Francis to order that Severoli be "put in his place" and angrily reminding the nuncio that only the emperor could handle ecclesiastical matters.¹¹⁵ The Austrian foreign minister, Louis von Cobenzl, urged Rome to recall Severoli and personally told the nuncio "You see, you must take shelter with us in all your affairs...I am convinced that Cardinal Consalvi, if I spoke with him for one, could come around to my view...he is well educated in political maxims, namely the one that says: Go with the times!"¹¹⁶ Pius decided, however, to agree to reach out to Francis and conceded to the emperor rights to reorganize Hungarian and Galician dioceses. The pope also agreed to refrain from interfering in episcopal nominations, and once war broke out again in 1805, diplomats focused on other matters.¹¹⁷

It is also the case that Francis' spiritual advisors remained staunch Josephists and took a harsh stance toward Rome. The emperor's chief advisor for ecclesiastical matters, Martin von Lorenz, together with other bureaucrats, including the Palatine of Hungary, warned the emperor that secret clubs and an underground episcopacy would emerge if the nuncio and the bishops had contact with each other.¹¹⁸ Lorenz also advised Francis on bishop nominations and frequently

¹¹⁴ Baron Thugut to Emperor Francis, Maass, 4: 255-260. For information on the efforts of Cardinal Hrzan in mediating this matter, see Maass, 4: 42-44. Trautmannsdorff's name appeared on lists of prominent ecclesiastical officials in a lodge, see Klaus Kottmann, *Die Freimaurer und die katholische Kirche: vom geschichtlichen Überblick zur geltenden Rechtslage* (Frankfurt am Main: Peter Lang, 2008), 107.

¹¹⁵ Emperor Francis to Count Francis Colloredo, October 20, 1803 "Sie werden ihn daher in die gehörigen Gränzen zurückweisen", in Maass 4: 317.

¹¹⁶ Ferdinand Maass, "Der Wiener Nuntius Severoli und der Spätjosephinismus," in *Mitteilung des Instituts für österreichische Geschichtsforschung (MIÖG)* 63 (1955): 489.

¹¹⁷ Maass, "Der Wiener Nuntius Severoli und der Spätjosephinismus," 498-499.

¹¹⁸ Count Francis Colloredo and Count Ludwig Cobenzl to Francis, March 25, 1804, in Maass, 4: 337. The Palatine warned Francis, for example, that Marian congregations were not useful and was, in fact, a secret society out of the political jurisdiction of the *Statthaltere* in Hungary, see Palatine Joseph to Francis, May 19, 1796, in *József nádor élete és iratai*, 1: 86-87.

voted against candidates who did not adhere to Josephism. He voted, for example, against Count Francis Anton von Migazzi, as bishop of Olmütz, noting Migazzi's closeness to the Roman curia. He also urged against allowing the requests of the bishops of Trent and Brixen for the right to suggest candidates for clerical offices (*kollationsrecht*), arguing that allowing this would "promote Ultramontanism and poisonous theories and impart dangerous thoughts."¹¹⁹

Prince Metternich was not a Catholic activist but instead viewed the Church as a potential source of political capital. He had to deal with the nuncio question immediately after being named foreign minister in 1809 due to Napoleon's imprisoning of the pope. Severoli and the bishops received extraordinary powers from the pope during Pius' absence, and Metternich urged the government to take advantage of the nuncio's position in Vienna. He noted that Catholic clergy in Germany, Poland, Russia, and Turkey would have to turn to Vienna and tempted the emperor with making Austria the head of the Catholic world, but Francis turned down this idea.¹²⁰ After the recapture of the Illyrian region (Dalmatia, Croatia, and Serbia) in 1814, Metternich encouraged Francis to retain Dalmatia's political unity with Croatia and Serbia in order to encourage a loyal, Catholic, Slavic regionalism, but Francis also rejected this advice.¹²¹

Metternich held complex and contradictory views on the position of the Church.¹²² He disliked Josephism because he thought the empire was too diverse to be a centralized state.¹²³

¹¹⁹ "welche den Ultramontanismus fördern und verderbliche Grundsätze und böse Gesinnungen verraten," in Andreas Posch, "Staatsrat Josef Jüstel," in *Zeitschrift des Historischen Vereines für Steiermark* 44 (1953): 107.

¹²⁰ Prince Metternich to Emperor Francis, October, 21 1809, in Maass, 4: 455.

¹²¹ Arthur G. Haas, "Kaiser Franz, Metternich und die Stellung Illyriens, in *MÖSTA* 11 (1958): 393.

¹²² Despite the enormous historiography surrounding Prince Metternich, works on his religious views are lacking. Ernst Widmann's *Die Religiösen Anschauungen des Fürsten Metternichs* (Darmstadt: C.F Wintersche Buchdruckereri, 1914) is short, superficial, and outdated. It utilized only a few passages from Metternich's memoirs and lines from his detractors, and argued that he

Although Metternich had received an Enlightenment education, he desired a union of throne and altar and wanted the Church to bless the Restoration order. Yet in his initial years as Austria's foreign minister, he sought to rein in Catholic activists and feared that opponents of monarchy would use the argument that restoration governments were in alliance with priests.¹²⁴ He also bragged to non-Catholic foreign ministers, such as Count Karl Robert Nesselrode of Russia, that no Catholic country showed as much independence from Rome as Austria.¹²⁵ As he grew older and Austria grew increasingly weak, he sought to bind the Habsburg monarchy to the Church, though he continued to support toleration as he had over the course of his life (see Chapter 2).

After the Congress of Vienna, Metternich continually worked for an agreement to unite the papacy with the restored monarchs. In 1816, he pushed for a concordat between Rome and the German Confederation and tried to stop the king of Württemberg from concluding his own concordat.¹²⁶ That same year, he urged Francis to revise the Church laws in order to facilitate a

was a man of the eighteenth century concerned primarily with politics rather than religion. Andreas Posch's article "Kirchenpolitische Einstellungen Metternichs" *Religion-Wissenschaft-Kultur* 13 (1962): 119-127 is only 8 pages long and contains numerous errors, though it is correct in arguing that Metternich held enlightened views but appreciated the order offered by the Church, while noting that he became a practicing Catholic in the 1830s. Alan Reinerman's two volume series on the papacy *Austria and the Papacy in the Age of Metternich* is convincing and contends that Metternich aimed for a *rapprochement* as early as 1809 with the Church and the papacy. The most thorough account of Metternich's religious views comes from Heinrich Ritter von Srbik's three-volume work *Metternich: Der Staatsmann und der Mensch* 3 vols 2nd ed (Munich: Verlag F. Bruckmann KG, 1956), which devotes a few pages to Metternich's Church policies. He argues that Metternich pursued a *rapprochement* with the Church in the 1820s. The general line is that Metternich became religious in the 1830s, which is partially accurate.

¹²³ Metternich, *Metternich: The Autobiography*, 9. Metternich preferred provincial autonomy for the diverse regions of the monarchy, see Andrew Milne, *Metternich* (New Jersey: Rowman and Littlefield, 1975), 110.

¹²⁴ Prince Richard Metternich ed, *Memoirs of Prince Metternich, 1815-1829*, trans. Alexander Napier 5 Vols (London: Richard Bentley & Son, 1881), 4: 148.

¹²⁵ Erika Weinzierl-Fischer, *Die Österreichischen Konkordate von 1855 und 1933* (Vienna: Verlag für Geschichte und Politik, 1960), 17.

¹²⁶ Weinzierl, *Die Österreichischen Konkordate*, 17.

concordat with the papacy.¹²⁷ Lorenz and other ministers opposed these negotiations, and in October, Francis told Count Joseph Wallis, the finance minister whom the emperor also charged with investigating a possible concordat, to limit the talks to Lombardy, Venetia, and Dalmatia, newly acquired territories where the government was trying to implement Josephism. In addition, Francis ordered Wallis not to concede the rights of secular rulers and charged a committee of Josephists with overseeing the negotiations.¹²⁸ Due to this stance, Rome refused to budge, noting that no other government generated more distrust and dislike in the papal government than the Austrian one.¹²⁹

Metternich urged reconciliation between Rome and Austria in order to avoid a public break. Not surprisingly concordat negotiations quickly foundered by 1817, and relations continued to sour over numerous issues.¹³⁰ Francis forbade, for example, bishops in northern Italy from going to Rome to be consecrated. He viewed himself as the legal successor to Napoleon and wanted to restore the edict passed by the Napoleonic Italian Kingdom in 1806 banning the trip to Rome.¹³¹ Francis also insisted that the privileges granted to the Lombard bishops for marriage dispensations in 1782 and 1783 be extended in perpetuity.¹³² By 1819 Metternich had convinced Francis to permit bishops in Lombardy-Venetia to visit the pope, arguing that even Joseph II had allowed this practice.¹³³ Yet, despite these moves, one cannot

¹²⁷ Metternich to Emperor Francis, July 24, 1816, in Maass, 4: 534-536.

¹²⁸ Count George Wallis to Emperor Francis, October 28, 1816, in Maass, 4: 552-555.

¹²⁹ Alois Joseph Jüstel to Metternich, July 15, 1817, in Maass, 4: 604.

¹³⁰ For a complete account of this dispute, see Alan Reinerman, *Between Conflict and Cooperation*, 55-66. Also see Adolf Beer, "Kirchliche Angelegenheiten in Österreich 1816-1842," *MIÖG*, 18 (1897), 494-532.

¹³¹ Francis to Metternich, February 27, 1816, In Maass, 4:505.

¹³² Decision of Francis, March 14, 1816, in AVA, AK, Katholischer, 13 (Lombardei)/221. In 1815 there were six bishops alive in Lombardy with these privileges, see Stahl to Francis I, December 27, 1815, In Maass, 4: 498.

¹³³ Prince Metternich to Emperor Francis, July 11, 1819, In Maass, 4: 629.

view Metternich as a Catholic activist. Foreign policy motivated this behavior, and Metternich constantly sought to mitigate the reach of Catholic activists before the middle of the 1820s.

Metternich mocked, for example, members of the Hofbauer circle, whom he called the “*kirchliche Chateaubriands*,” in reference to the Catholic romantic François-René Chateaubriand. Metternich aimed this comment at men such as Baron Penkler, who desired a return of the Jesuits and was a close associate of Hofbauer, Szechenyi, and Severoli.¹³⁴ The revival of the Society of Jesus by Pope Pius VII in 1814 ignited fears among Austrian officials, including Metternich, that a secret conspiracy conjured up by former Jesuits existed in the empire. The order remained illegal, and the police conducted a swift search of Vienna to clear out suspected Jesuits and closely watched Penkler and other Jesuit sympathizers. Francis ordered the police to put Penkler under surveillance in 1815, and spies noted and scrutinized Penkler’s relationship with Severoli and Hofbauer.¹³⁵ Penkler caught the attention of the police after intercepted letters emerged containing advice to individuals in Hungary on how to obtain travel passes to leave the monarchy and enter the Society of Jesus as well as letters to the Jesuit general Thaddeus Brozowsky.¹³⁶ Yet unlike Hofbauer, Penkler was cautious, sought to avoid conflict with Habsburg officials, and never aroused anything more than suspicion among the police.

Penkler’s interest in a project by the conservative political economist Adam Müller to establish an institution for educating noble children attracted police scrutiny. Müller was from Prussia, had converted to Catholicism in 1805 and admired Hofbauer.¹³⁷ He had helped found the

¹³⁴ Spiller, “Joseph Freiherr von Penkler,” 124.

¹³⁵ Spiller, 116.

¹³⁶ Spiller, 119.

¹³⁷ Eduard Hosp, *Die Kirche Österreichs*, 267.

anti Jewish German Christian Dinner Club.¹³⁸ Müller had received attention from the Habsburg censors for his literature.¹³⁹ Müller suggested the idea of an institute to teach humanities, languages, statecraft and religious education to young noble children, with the idea that they would enter state service in the future. Müller received funding for this institute in 1812 by Archduke Maximilian Joseph von Österreich-Este and applied to the authorities for approval of his project.

The bureaucracy investigated the project and decided that it was not fit for Austria. The police chief Baron Hager wrote that “I am suspicious that Penkler is enthusiastic for this project.”¹⁴⁰ Hager was suspicious of Müller’s mysticism, which the Austrian viewed as a foreign cult from northern Germany.¹⁴¹ Police informants reported that this institute was the secret work of Jesuits and Severoli and that Hofbauer would be a teacher there.¹⁴² In addition, the Court Commission on Education, the *Studienhofkommission*, which Francis charged with investigating this matter, found the proposal strange, noting that this institute and its teachers would consist of bombastic speeches, mysticism, and weaving of God, Jesus and religion into areas not appropriate for statecraft.¹⁴³ Francis, thus, rejected the proposed noble institute, despite the constant pleading of Archduke Maximilian.¹⁴⁴ In 1818, Francis agreed to allow the proposed institute but under the leadership of the painter and Catholic convert, Friedrich August von

¹³⁸ Adam Müller’s work *Der Element der Staatskunst: Öffentliche Vorlesungen vor Sr. Durchlaucht dem Prinzen Bernhard von Sachsen-Weimar und einer Versammlung von Staatsmännern und Diplomaten, im Winter von 1808 auf 1809, zu Dresden* (Berlin: J.D. Sander) depicts Jews throughout history as fallen due to their arrogance. This work was prominent in the German Christian Dinner Club, see Carl Schmitt, *Political Romanticism* trans. Guy Oakes (Cambridge, MA.: The MIT Press, 1986), 45.

¹³⁹ Jakob Baxa, *Adam Müller. Ein Lebensbild aus den Befreiungskriegen und aus der deutschen Restauration*. (Jena: G. Fischer, 1930), 242.

¹⁴⁰ Baxa, *Adam Müller*, 236.

¹⁴¹ Hosp, *Die Kirche Österreichs*, 293.

¹⁴² Baxa, *Adam Müller*, 243-244.

¹⁴³ Hosp, *Die Kirche Österreichs*, 294.

¹⁴⁴ Baxa, *Adam Müller*, 255-259.

Klinkowstrom, and it would only be an *Erziehungsinstitute*, not an *Unterrichtsanstalt*, meaning it was a private institution. It lasted fifteen years.¹⁴⁵

Of all the Catholic revivalists, Friedrich Schlegel had the coziest relationship with the Austrian government. He held various positions as a state official. He was still subject to police surveillance during the Congress of Vienna because of his connections with Severoli, but he represented Austria in Frankfurt and had connections with important figures such as Prince Metternich.¹⁴⁶ He was Austria's face to the German Confederation as an ambassador in Frankfurt. His more enlightened views on toleration facilitated this amicable relationship, and though it was his literary fame that enabled him to obtain these positions, arguing against toleration would have certainly killed his career in Austria. In fact his career came to an end when he decided to found the religious journal, *Concordia*. Metternich had once passed over Schlegel to edit the *Jahrbücher der Literatur* in 1817 because of the latter's perceived favoritism toward the Church, and he considered a religious journal edited by an Austrian official to be unacceptable.¹⁴⁷ Schlegel ultimately resigned his position in the Austrian government to found *Concordia*.

Hofbauer had the longest, most tortured relationship with the Austrian government of any Catholic activist. In 1798 the Austrian police imprisoned him during a visit through Galicia en route to Warsaw. In 1795, Hofbauer had taken a few children from his hometown of Znaim (Znojmo), a town in Moravia, for education in Warsaw. The police accused him of kidnapping children and taking them to his convent in Warsaw, in violation of Joseph's

¹⁴⁵ Spiller, "Joseph Freiherr von Penkler," 103.

¹⁴⁶ Anstett ed, *Vom Wiener Kongress zum Frankfurter Bundestag*, in *Kritische Friedrich-Schlegel-Ausgabe*, 29, XV; The police also mentioned Schlegel in their reports, see, for example, the September 18, 1814 police report, in Fournier, *Die Geheimpolizei auf dem Wiener Kongress*, 120.

¹⁴⁷ Paula Sutter Fichtner, "History, Religion, and Politics in the Austrian Vormärz," in *History and Theory* 10 (1971): 43.

Auswanderungspatent (Emigration Patent), which banned many professionals, such as ironworkers and artisans, from leaving the monarchy.¹⁴⁸ The police sent two officers into his living quarters and confiscated his letters. Hofbauer pleaded innocence, claiming the parents sent off the children voluntarily in order to get a good education.¹⁴⁹ The police deemed this intention questionable because the children came from a town with working laborers, but due to a lack of evidence the police released him half a year later.¹⁵⁰

In 1810, the police reopened their case against Hofbauer but could only find evidence against Hofbauer's brother, Lorenz, and after a few months, the government dropped the case.¹⁵¹ That same year, the police accused Hofbauer of belonging to the Redemptorist order, which was illegal in Austria, and gave him the option of leaving the empire or leaving the order. Hofbauer chose to remain in Vienna and renounced his Redemptorist connections.¹⁵² The police continued, however, to view him as a dangerous religious fanatic and constantly looked for reasons to expel him from Austria. Lorenz, Francis' spiritual advisor, considered Hofbauer a rabble-rouser, and called him a "Roman mercenary" and a "danger" to the state, who should be expelled from Austria.¹⁵³

¹⁴⁸ Burger, *Passwesen und Staatsbürgerschaft*, 45-49.

¹⁴⁹ Hofbauer to the West Galician Court Commission, April 25, 1798, in *Der heilige Klemens Hofbauer und das Auswanderungspatent von 10 August 1784: Sammlung der diesbezüglichen Documenta*, Vol I of *Monumenta Hofbaueriana*, 15 vols (Cracow, 1915-1951), 50-52.

¹⁵⁰ Meeting of the Moravian-Silesian government (Gubernium), June 26, 1798, in *Monumenta Hofbaueriana*, 1: 58.

¹⁵¹ For the most relevant records, see *Monumenta Hofbaueriana*, 1: 72-79.

¹⁵² Hosp, *Die Kirche Österreichs*, 254. Hosp, an admirer of Hofbauer excuses him for cowering in the face of the Austrian police by claiming he was sick, see *Der Heilige Hofbauer*, 228.

¹⁵³ "römische Mietling," and "namenloses Unheil," see Viktor Bibl, *Kaiser Franz, der letzte römisch-deutsch Kaiser* (Vienna: Johannes Günther Verlag, 1938), 290.

Hofbauer's Victory?

Tensions between the *Kreise* and the government climaxed in 1819 and resulted in the biggest apparent victory in the *Vormärz* for the Catholic cause. The police and Hofbauer had played a cat and mouse game for several years. Preaching bans and various forms of harassment by the police only made Hofbauer more popular, and attempts to link him to missing girls who had turned up in Rome failed.¹⁵⁴ The authorities felt they had the evidence required for expulsion when the Redemptorist Giovannia Giuseppe Sabelli, an enemy and rival of Hofbauer, applied for a travel pass to Switzerland. During the application process Sabelli let slip that he needed the passport in order to conduct business with the Redemptorist order. Armed with this new information, the police thought they had the evidence to expel Hofbauer.¹⁵⁵ This order was illegal in Austria, along with communication with foreign monastic superiors. The Viennese Consistory, the local Catholic ecclesiastical authority, which contained many enemies of Hofbauer, also called Hofbauer to appear before them, and a governmental commission from Lower Austria rummaged through Hofbauer's apartment.¹⁵⁶ They gave him the option of leaving the order or Austria, and Francis signed the order expressing regret that one of his subjects would want to leave, under the impression that Hofbauer's departure was voluntary.

In the meantime, Baron von Penkler informed Archbishop Hohenwart of these events, who ultimately rescued Hofbauer. Hohenwart promptly informed Francis, warning him that he was about to lose his best priest.¹⁵⁷ Francis had taken a trip to Italy while these events took place

¹⁵⁴ Hofbauer's past made this story plausible, but there was not enough evidence for the police to expel him; see Dudel, *Hofbauer*, 282-285; Wolfsgruber, *Sigismund Anton Graf Hohenwart*, 277.

¹⁵⁵ Hosp, *Der Heilige Hofbauer*, 227. Hofbauer's admirers do not mention this rivalry and try to present this story as simple persecution by the state.

¹⁵⁶ Brunner, *Hoffbauer* [sic] *und Seine Zeit*, 214-216.

¹⁵⁷ Brunner, *Hoffbauer* [sic], 218.

and reluctantly agreed to visit Pope Pius VII.¹⁵⁸ Francis was finally away from Vienna and his Josephist advisors, who wanted Hofbauer expelled, and the emperor discovered that the pope was not the religious zealot depicted by Austrian bureaucrats. At the end of the trip, Pius gave Francis a list of grievances about the Austrian Church but also intervened on behalf of Hofbauer. This meeting, along with the deception of the police and his advisors on the Hofbauer matter, forced Francis to resolve to compensate Hofbauer for his mistreatment.¹⁵⁹ Francis reversed the expulsion order and agreed in May 1819 to legalize the Redemptorist order. After this decision became official in early 1820, Baron Penkler wrapped his arms around Hofbauer and told him “we have won.”¹⁶⁰ Hofbauer would not live, however, to see the fruits of his labor and died a few months later.

Many historians have argued that Hofbauer courageously chose his order in the face of governmental oppression, but the story is a bit more complicated and less heroic than his biographers have suggested.¹⁶¹ Hofbauer did not wish to be a martyr and preferred to live out the rest of his life in Vienna. For this reason, he had begged for a delay until the end of winter after the initial expulsion order, claiming he was sick.¹⁶² In the summer of 1819, according to the bureaucrat and theologian, Joseph Alois Jüstel, Hofbauer renounced connections with his outside order and agreed to amend his Redemptorist charter to fit Austrian laws. In addition, the officials of the Court Chancellor agreed with Francis’ decision in December 1818 to overturn the

¹⁵⁸ For a fascinating account of Francis’ trip through Italy, see Thomas Kuster, *Das Italienische Reisetagebuch Kaiser Franz I von Österreich aus dem Jahre 1819: Eine kritische Edition* (Münster: Agenda-Verlag, 2010).

¹⁵⁹ Hosp, *Der Heilige Hofbauer*, 29.

¹⁶⁰ Hosp, 230.

¹⁶¹ The Hofbauer biographies of Hosp, Brunner, and Dudel border on hagiography.

¹⁶² Hosp, *Der Heilige Hofbauer*, 228.

expulsion once the truth appeared and did not agitate for Hofbauer's expulsion but rather demanded that Hofbauer give up his illegal connections.¹⁶³

In addition to the legalization of the Redemptorist order, rumors of a pious party at Court around Francis' fourth wife, Caroline August, whom he married in 1816, spread. The empress had brought to Court her confessor Sebastian Francis Job who quickly became the core of this group. Job delivered letters to Hofbauer, helping him communicate with the outside world.¹⁶⁴ Job also worked with Franz Szechenyi to form a *Vereine der katholischen Gelehrten* (Association of Learned Catholics) branch in Austria, leading to fears that Job, due to his position at Court, could do real damage to the Josephist settlement.¹⁶⁵ The police placed Job under surveillance and accused him of belonging to secret groups, such as the Society of 13 Popes, with Hofbauer as its leader.¹⁶⁶ This Court party supported the Catholic revival, and made financial commitments to Catholic charities in the years leading up to 1848 but made no real impact on the attempted Catholic revival in Austria (see Chapter 2).

At this point, there was a general worry among educated circles about a Catholic resurgence.¹⁶⁷ After Francis' trip to Rome, Vienna was rife with numerous rumors, especially of a concordat.¹⁶⁸ To many worried governmental officials, the Redemptorists were no different

¹⁶³ Wolfsgruber, *Sigismund Anton Graf Hohenwart*, 281.

¹⁶⁴ Dorothea Schlegel to Friedrich Schlegel, January 22, 1820, in *Kritische Friedrich-Schlegel-Ausgabe*, 30: 258.

¹⁶⁵ Eduard Hosp, *Sebastian Franz Job: Ein Karitasapostel des Klemens-Hofbauer-Kreises (1767-1834)* (Mödling: St. Gabriel Verlag, 1952), 66-68.

¹⁶⁶ Eugene Susini, ed, *Kritische Friedrich-Schlegel-Ausgabe*, 30: 522. Hofbauer was not mentioned by name but rather called "jener bekannte und berühmte Missionär."

¹⁶⁷ Adolf Beer writes that Francis' trip to Rome generated dissatisfaction in Vienna, in "Kirchliche Angelegenheiten in Österreich," 531.

¹⁶⁸ See, Bibl, *Kaiser Franz*, 381. The emperor did not intend a concordat, and Rome was, in fact, one station of many in his Italian trip on a trip to learn more about his northern Italian territories, see Kuster, *Das italienische Reisetagebuch Kaiser Franz*, 34. There were also rumors that Francis intended to unify the Greek Catholic Church with the Catholic one, that Francis wanted to nullify his oath to the Hungarian constitution or that the emperor intended to convince the

than the illegal Jesuit order. Schlegel expressed concern that partisan interests would exploit religion, and he worried about Hofbauer acceding to the head of this party. Schlegel would have no part in a Catholic revival that mixed politics, even in support of Catholicism, with religion.¹⁶⁹ Events such as the Wartburg Festival, in which students burned books by conservative authors, and the assassination of August von Kotzebue, a German playwright linked with the Russian government, by a radical Kantian student in 1819 ignited fear and horror among governmental officials and intellectuals and led to a rightward turn by governments in the German Confederation.¹⁷⁰

Such fears led to a crackdown on suspected revolutionaries in Austria, most notably the priest and professor of theology at the University of Prague, Bernard Bolzano. Bolzano had been a professor since 1805 in Prague, and had permission to use his own teaching materials, which employed Kantian thought.¹⁷¹ Vienna did not view this as a threat to order, but his links to German *Burschenschaften* and similar student unions in Prague brought him trouble after 1819, and Vienna quietly removed him from his position at the university. It was not the teachings of Bolzano that led to his dismissal or a rivalry with Jacob Frint, the renowned theologian, but

pope to abolish priestly celibacy, in Karl Glossy, "Kaiser Franz' Reise nach Italien im Jahre 1819," in *Jahrbuch der Grillparzer-Gesellschaft*, 14 (1904): 151.

¹⁶⁹ Friedrich Schlegel to Dorothea Schlegel, June 29, 1819, in *Kritische Friedrich-Schlegel-Ausgabe*, 30, 140-144.

¹⁷⁰ The Russian tsars had sheltered Kotzebue, and he often represented the Russian government in Germany, but he was not a spy. Kotzebue's political views are hard to determine. He was "vaguely deist," supported gradual emancipation of Jews and disliked nationalism of the chauvinist variety. The German literary community disliked Kotzebue for he violated sexual boundaries in his plays and supposedly encouraged immorality. See George S. Williamson, "What Killed August von Kotzebue? The Temptations of Virtue and the Political Theology of German Nationalism, 1789-1819," in *The Journal of Modern History* 72 (2000): 890-943.

¹⁷¹ For an overview of this "trial" (*Prozess*), see Jane Regenfelder, "Der sogenannte 'Bolzano-Prozess und das Wartburgfest,'" in *Bernard Bolzano und die Politik: Staat, Nation und Religion als Herausforderung für die Philosophie im Kontext von Spätaufklärung, Frühnationalismus und Restauration* ed. Helmut Rumpler (Vienna: Böhlau, 2000), 157.

rather Bolzano was most likely caught up in the post-1817 crackdown on German *Burschenschaften* after the Wartburg Festival.¹⁷²

These fears of a Catholic revival must have grown a few months later when the Jesuits re-entered Austria, though under severe restrictions that did not threaten Joseph's settlement.¹⁷³ Spain, Portugal and France had expelled the order in the 1760s, and under pressure from these Catholic governments (Austria excluded), Pope Clement XIV had banned the Jesuit order in 1773.¹⁷⁴ The society had survived by emigrating to North America, Prussia, and Russia, and during the French revolution, secret Jesuit organizations existed, such as the one headed by Peter Joseph de Cloriviere.¹⁷⁵ In 1799, the Jesuit father Nicolaus Pacanari appealed to Francis to establish an order in the hereditary lands, offering it as a barrier against the "enemies of the Christian faith, of civil order, and of good morals," noting that it was having great effect in Italy.¹⁷⁶ Francis demanded more information after hearing that Austrian officials knew nothing of the rules and members of the society, which had been disbanded for over a quarter of a century.¹⁷⁷ The Court Chancellery requested more information about the order from Pacanari, who told officials what they wanted to hear: the Jesuits would promote knowledge, tend to the

¹⁷² This is the view of Jane Regenfelder, in "Der sogenannte 'Bolzano-Prozess und das Wartburgfest.'" The government proceeded cautiously for Bolzano had the protection of the archbishop of Prague and wanted to avoid uproar. Regenfelder also demonstrated that the *Studienhofkommission* did not support Frint's attacks on Bolzano and had legitimate criticism of Frint's textbook. Frint himself had to leave court in the 1820s.

¹⁷³ Although the Josephists in the *Vormärz* certainly supported the ban on the Jesuits, Joseph himself did not, and in fact, viewed them as useful, see Derek Beales, *Enlightenment and Reform in Eighteenth-Century Europe* (London: Tauris, 2005), 207-223.

¹⁷⁴ For more information consult Owen Chadwick, *The Popes and European Revolution* (Oxford: Oxford University Press, 1981), 347-377.

¹⁷⁵ Roger Aubert et al., *Die Kirche in der Gegenwart: Die Kirche zwischen Revolution und Restauration, Handbuch der Kirchengeschichte* Vol. 6 (Freiburg: Herder Verlag, 1971), 249.

¹⁷⁶ Father Pacanari to Francis, July 12, 1799, in HHStA, KA, KFA, 75c/107.

¹⁷⁷ The Court Chancellery's main argument against restoring the order was that they knew nothing about it, see their report to Francis, July, 18, 1799, in HHStA, KA, KFA, 75c/105-112

sick, carry out pastoral (*Seelsorge*) duties, and obey secular and ecclesiastical authorities.¹⁷⁸

Vienna still rejected this request, however, noting that foreigners would most likely staff the Jesuits and, thus, educate the youth of Austria. This situation would be unacceptable and require a wholesale and undesirable alteration of Habsburg laws prohibiting foreigners from working as teachers, most notably French émigré clergy.¹⁷⁹

Although this initial Jesuit attempt for restoration in Austria failed, by 1800, the order was undergoing a recovery. The papal bull *Catholicae Fidei* in 1801 recognized the Jesuit order in Russia and stimulated Jesuit life in England, the United States, Naples, the Greek islands and Holland, though Austria refused to recognize the order.¹⁸⁰ In 1814 Pius VII restored the Jesuits after his release from captivity by Napoleon.

Across Europe the Jesuits generated fears of clericalism and reaction and constituted a bogeyman for a motley group of conspiracy theorists and rulers concerned about their sovereignty, and Austria was no exception. Despite the legalization of the order in 1814, Austria refused to recognize the papal bull, and Metternich remarked that “The Papal bull does not concern Austria, and Austria will know how to defend itself from its effects; Austria does not want Jesuits nor needs them”¹⁸¹ The police performed a search of Vienna for Jesuits after the legalization of the order, and naturally, suspected Hofbauer and his associates of being secret

¹⁷⁸ Court Chancellery to Francis, November 28, 1799, in HHSTA, KA, KFA, 75c/113-117.

¹⁷⁹ The government imposed restrictions on French émigrés fleeing France in the 1790s and attempted to isolate them from the general population. As a result, French clergymen could only educate the children brought with them from France, see April, 1799, in HHStA, KA, KFA, 75c/105. Naturally, the police tracked French clergy in the monarchy, see Zdeňka Stoklášková, “Fremdsein in Böhmen und Mähren,” in *Grenze und Staat*, 702.

¹⁸⁰ Paul Oberholzer, “Die Wiederherstellung der Gesellschaft Jesu durch Pius VII, 1814—Schlusstein eines langen Prozesses,” in *Der Wiener Kongress—eine kirchenpolitische Zäsur*, 300-302.

¹⁸¹ “Österreich berührt die päpstliche Bulle nicht, und es wird sich vor den Folgen zu schützen wissen; Österreich will keine Jesuiten und bedarf ihrer nicht,” in Srbik, *Metternich*, 1: 309. In addition, several state officials feared a Jesuit and Illuminati conspiracy to establish a theocracy in Austria, see for example HHStA, KA, Vertrauliche Akten, 1/1-80.

Jesuits. Agents noted that they had seen Hofbauer with a Jesuit brochure, but by 1815 had determined that, while Hofbauer was a fanatic, he did not want to establish the society in Austria.¹⁸²

A shortage of clergy, combined with unique circumstances forced, however, a change in Austria's stance.¹⁸³ Bishops complained that Galicia, a distant backwater of the monarchy, attracted few priests, where the shortfall was especially acute.¹⁸⁴ In 1820, Russia expelled the Jesuits, and they traveled to Galicia, where they begged Austrian border officials for refuge.¹⁸⁵ Francis allowed fifty Jesuits to settle in Tarnopol, at the edge of the empire but ordered them to work as teachers, which were in short supply in Galicia. He hoped the Jesuits would help with pastoral care and teach at existing schools in Galicia, and did not intend a full legalization of the order.¹⁸⁶

This settlement did not mark a substantial change in Austria's policy toward the Jesuits.¹⁸⁷ Habsburg civil servants harassed the few Jesuits in Galicia, and the Latin archbishop of Lemberg (Lviv), Count Ankwiczy, tried to recruit the Jesuits as parish priests, which the order

¹⁸² Hosp, *Die Kirche Österreichs*, 220.

¹⁸³ For a full account of this Jesuit settlement in Galicia, see Alan Reinerman, "The Return of the Jesuits to the Austrian Empire and the Decline of Josephinism, 1820-1822," *The Catholic Historical Review (CHR)* 42 (1966); Reinerman argued that the return of the Jesuits into Austria marked the decline of Josephism, though in later works, he acknowledged that the re-entry was limited and subject to restrictions. In 1790, the empire had 38,475 total clergymen and 41,668 in 1847, but the population almost doubled. Most of the increase came in Hungary, where the numbers went from 8,505 to 10,694 though the population declined, in P.G.M. Dickson, "Joseph's Reshaping of the Austrian Church," *The Historical Journal (HJ)* 36 (1993): 100, 113.

¹⁸⁴ Bishop Zängerle to Emperor Francis, December 26, 1827, in HHStA, KFA, 236/6/19

¹⁸⁵ There were many reasons for the Jesuit expulsion from Russia in 1820, see James T. Flynn, "The Role of the Jesuits in the Politics of Russian Education, 1801-1820," *CHR* 56 (1970).

¹⁸⁶ Emperor Francis to Count Saurau, August 20, 1820 In Maass, *Der Josephinismus* 5: 182-183.

¹⁸⁷ Joseph II had even supported the Jesuits for they had performed practical tasks such as education, caring for the sick and other tasks, see Derek Beales, *Enlightenment and Reform in Eighteenth-Century Europe*, 223

members resisted.¹⁸⁸ The Jesuits also attempted, unsuccessfully, to obtain a novitiate in Vienna. The archbishop of Vienna, Count Firmian, thought a Jesuit presence in the city would be harmful to the Society due to the theaters and immorality of the capital. He wanted the Jesuits to prove themselves in Galicia and to demonstrate their teaching abilities and patriotism.¹⁸⁹ Firmian, Lorenz, and Baron Andreas von Stift, the emperor's physician, wrote to Francis and appealed to his fears, noting that "in Vienna, anger would quickly appear.....never would I advise for them to move into the resident city (Vienna)."¹⁹⁰ Francis decreed on April 15, 1822 that the Jesuits did not need a novitiate in Vienna.¹⁹¹ In addition, he sent away Father Alois Landes, the Jesuit advocate in Vienna, to desolate Galicia.

While the events of 1819 and 1820 represented an apparent victory for Catholic activists, fears by the Josephists were unfounded. These minor concessions merely marked a continuation of a policy begun in the 1790s of a more practical Josephism, one that maintained toleration and a state-run Church but stressed morality.¹⁹² They did not threaten the pillars that had made Austria a non-confessional state. Furthermore, the pious party at Court remained limited to endowing Catholic charities and scholarships for aspiring priests. By 1821, Schlegel felt

¹⁸⁸ Hosp, *Ziegler*, 86. The term "Latin" archbishop is used to distinguish him from his counterpart of the Greek Catholic rite.

¹⁸⁹ Hosp, *Ziegler*, 87.

¹⁹⁰ Winter, "Differenzierung in der katholischen Restuaration in Österreich," 448. The report noted, however, that Dalmatia might be a suitable location.

¹⁹¹ Reinerman, "The Return of the Jesuits," 388. Eduard Winter claimed erroneously that Francis only wanted Jesuits on the corner of the empire as a shield against Orthodoxy, but education clearly motivated the imperial government in this case, in Winter, *Romantismus, Restauration und Frühliberalismus im Österreichischen Vormärz*, 144.

¹⁹² Maass views this is an attitude shift (*Sinnesänderung*) by Francis, in Maass, 5: 3; Hosp, Till, and others viewed Enlightenment and Josephism as fundamentally anti Catholic, meaning any decision favoring Catholicism must indicate a change in policy.

comfortable enough to write that Francis had done wonderful things for religion, as it became clear that any Catholic resurgence would be mild and restrained.¹⁹³

Francis, once he returned to Vienna from Rome, ignored the pope's list of grievances for nine years. In addition, though Severoli had left Vienna in 1816, the Austrian government continued its struggle against him in the 1820s. When Pius VII died in 1823, Habsburg officials did not pass up the opportunity to veto the election of their old enemy Severoli for pope, though they also nourished genuine concerns about a zealot wearing the tiara.¹⁹⁴ On June 13, 1823, a memorandum from Francis ordered that it was desirable for the Church to be led by someone "religious, reasonable (*vernünftigen*), and moderate."¹⁹⁵ Metternich wanted an enlightened, conciliatory, and moderate pope, unlike his reactionary counterparts in Spain and Portugal.¹⁹⁶ In order to achieve this goal, he authorized Cardinal Giuseppe Andrea Albani, an agent of Austria, to use a veto in the conclave, and he promptly did so, annulling Severoli's election in 1823¹⁹⁷

Furthermore, the establishment of Hofbauer's order, and the new rule of the Redemptorists, which Francis ordered edited to conform to Austrian law, did not mark a dramatic shift away from the Josephist system. After Francis lifted his expulsion order Hofbauer insisted that he had no contacts with the Redemptorists outside Austria's borders.¹⁹⁸ The

¹⁹³ Friedrich Schlegel to Alexander Hohenlose, December 11, 1821, in *Kritische Friedrich-Schlegel-Ausgabe*, 30: 348.

¹⁹⁴ For a full account of this story, see Alan Reinerman, "Austria and the Papal Election of 1823," *Central European History (CEH)* 3 (1970): 237.

¹⁹⁵ Friedrich Engel-Janosi, "Zwei Studien zur Geschichte der österreichischen Vetorechts," in *MÖSTA*, Festschrift zur Feier des Zweihundertjährigen Bestandes des Haus-,Hof-und Staatsarchivs. (1951): 284.

¹⁹⁶ Prince Richard Metternich ed, *Memoirs of Prince Metternich*, 64; Reinerman, "Austria and the Papal Election," 234.

¹⁹⁷ Since the eighteenth century, France, Spain, and Austrian each held a veto (*Jus exclusivae*) in the papal conclave, though the curia never formally recognized this right. Austria claimed it until 1918, though the papacy invalidated its use after the 1903 conclave, see Engel-Janosi, "Zwei Studien zur Geschichte der österreichischen Vetorechts," 283.

¹⁹⁸ Hofbauer to Baron von Reichmann, June 25, 1819, in *Hofbauer: Briefe und Berichte*, 176.

amended charter of Hofbauer's order, which the government demanded Hofbauer alter to fall in line with Austrian law, omitted any talk of mission work and simply stressed practical tasks, such as education, Christian instruction, and care for the sick, all of which was in line with enlightened Christianity.¹⁹⁹ In addition, Hofbauer was not completely estranged from the Enlightenment. He opposed, for example, mysticism, stressed general, practical education to the poor, and expressed doubts about why the Church should be centered in Italy.²⁰⁰ Finally, Hofbauer did not live to carry out the mission of his order in Austria, and it fell into decline under his successor Joseph Passerat. Under Passerat, who lacked Hofbauer's charisma and connections to Vienna's social elite, the order stressed fire and brimstone and earned a reputation for obscurantism, leading to its decline and ostracism in Vienna.²⁰¹ By waiting until Hofbauer had died to confirm the approval of the Redemptorist order and by forcing it to adapt to Josephist regulations, the Austrian government had, in fact, co-opted Hofbauer's order.

The sluggish pace at which business proceeded in the Austrian government, and a bureaucracy that jealously guarded its responsibility over ecclesiastical affairs, also meant that that even when Metternich or Francis had doubts about the state Church, they would be unable to abolish the Josephist paradigm governing ecclesiastical affairs. A good example was the controversy over George Rechberger's *Handbuch des Kirchenrechtes*, a key text used in the Austrian university system since 1807.²⁰² Rechberger's work stressed the rights of secular rulers and assigned the Church a purely spiritual role. It taught, for example, that Christ gave spiritual

¹⁹⁹ Hofbauer to Francis, in *Saint Clement Hofbauer: His Writings and Spirituality* ed. Raymond Corriveau (Barnhart, M.O: Liguori, 2008), 292-299.

²⁰⁰ Weiß, *Begegnungen mit Klemens Maria Hofbauer*, 111; a theme in Weiß's work is that Hofbauer contained streaks of Enlightenment.

²⁰¹ Weiß, 159.

²⁰² For a negative evaluation of Rechberger's effects in the Austrian educational system, see Beidtel, *Untersuchungen über die kirchlichen Zustände in den kaiserlich österreichischen Staaten*, 170-171.

power not merely to Peter and his successors, the popes, but rather to all the apostles and their descendants, in stark contrast to canon law.²⁰³ In various decisions of the Court Chancellery on rules for the Catholic Church, Rechberger's opinions cited not doctrine but rather Josephist decrees from the 1780s.²⁰⁴ In 1820, Rome placed Rechberger and Matthias Dannenmayr's *Leitfaden in der Kirchengeschichte*, a similar state-mandated text, on the Index.²⁰⁵ This action by Rome upset Italian bishops who felt uneasy about using these works in seminary. Francis ordered the Court Commission on Education, the *Studienhofkommission*, to investigate this matter in 1821 and to offer a replacement text.²⁰⁶ On June 23 1823, Francis ordered Rechberger eliminated from the curriculum, but nothing happened until 1831 before the start of concordat negotiations, when Francis reminded his officials of the 1823 decision. In 1833, officials finally removed Rechberger's work from the curriculum.²⁰⁷

Francis' decision in 1833 led to the declining use of Rechberger and Dannenmayr in Austrian schools. Anton Klein's *Historia Ecclesiastica* became the new manual for Church history in 1834. It was less assertive about the subordination of the Church to the state, but it still clung to the same positions as the old Josephist textbooks. Even after 1834, professors at the University of Vienna used Dannenmayr's works as a source for teaching Church history.²⁰⁸

Works by Enlightened thinkers, such as Baron Joseph von Sonnenfels' *Grundsätze der Polizey*,

²⁰³ Lazanky to Emperor Francis, October 6, 1820, in Maass, 5: 186-190.

²⁰⁴ For example, Rechberger supported allowing Protestants to serve as Godparents at Catholic baptisms for this practice was allowed by Joseph's decree on this matter in 1785. Rechberger found himself, however, in the minority opinion on this matter, see Report of the Court Chancellery, February 19, 1801, in AVA, AK, Katholischer, 29 (Kindererziehung)/126

²⁰⁵ Dannenmayr's work had won first place in a contest sponsored by Joseph to find a suitable treatment of Church history. Dannenmayr was a professor of Church history at the University of Vienna from 1786 to 1803 and made similar arguments to Rechberger in depicting the papacy in a negative light, see Bowman, *Priest and Parish in Vienna*, 116.

²⁰⁶ Lazanky to Francis, October 6, 1820, in Maass, 5: 194-196.

²⁰⁷ Kolowrat to Francis, June 20, 1831, in HHStA, KA, Staatsrat (StR), Minister Kolowrat Akten (MKA), 51 (1831)/835.

²⁰⁸ Bowman, *Priest and Parish in Vienna*, 116-118.

Handlung und Finanz remained in use until 1848 and relegated religion's utility to morality. Sonnenfels' work taught that the police should monitor the morality of the citizenry and should hinder religious quarrels, inflammatory speeches, excessive pageantry, and superstition.²⁰⁹ These aims aligned with those of the Josephist state.

Overall, despite many opportunities to overturn Josephism and to promote an alliance of throne and altar, the Austrian state in this period refused to use Catholicism as a political weapon. Francis, while pious and sympathetic at times to the concerns of Catholic activists, remained under the influence of his Josephist advisors. Furthermore the emperor lacked the imagination or the will to consider any alternative to Josephism. While the French Revolution and the secularization of Church property galvanized Europe and imposed revolutionary reforms, Austria, which had already undergone a period of deep Church reform in the 1780s, turned down multiple opportunities to exploit Catholicism for political advantage.

Instead, the state cracked down on Catholic activists, co-opted the clergy, and harassed anyone who tried to upset the Josephist paradigm. Monasteries and orders, properly monitored and controlled, could provide practical, yet moral, education at little financial cost to the state. Meanwhile the government continued to ban polemical preaching, oppose papal influence on the Church, and provide toleration for non-Catholics. Although Austria was the only Catholic power of any significance at the Congress of Vienna, the Habsburgs refused to translate this unique position into a political advantage. Instead, the state promoted morality and virtue (with questionable results), devoid of confessionalism, and did not approve Hofbauer's order until his charter accepted these tenets.

²⁰⁹ Joseph von Sonnenfels, *Grundsätze der Polizey, Handlung und Finanz: zu dem Leitfaden des politischen Studiums* 8th edition (Vienna: Verlag von Huebner und Volke, 1819), 77-78.

Despite Hofbauer's failure to effect a Catholic revival in Austria, he laid much of the foundation for the post-1848 resurgence of Catholicism. Theologians Anton Günter and Johann Emanuel Veith trained under Hofbauer and entered the new Redemptorist order in 1820.²¹⁰ Hofbauer inspired Joseph Othmar Rauscher, Francis Joseph's future tutor, to become a priest in 1818, much to his parent's chagrin. Rauscher became archbishop of Vienna in 1853 and led negotiations that resulted in the Concordat of 1855, which swept away most of the vestiges of Josephism and created a union of throne and altar. This agreement, Catholic historians argue, returned Austria to its Catholic roots and ended the dangerous Josephist experiment. Rauscher said that Hofbauer made the concordat possible and initiated the latter's canonization process in the 1860s.²¹¹ Yet before 1848, Hofbauer and his army of loyal followers had to battle against an Austrian state that viewed Catholic activists with suspicion and preferred harmony over confessionalism. After his death in 1820, bishops such as Gregorious Thomas Ziegler, who had come under Hofbauer's influence, continued the Catholic revival as bishops, as the battle to restore the Church's traditional privileges moved from individual actors to more powerful state officials.

²¹⁰ Bunnell, *Before Infallibility*, 50.

²¹¹ Till, *Hofbauer und Sein Kreis*, 51.

CHAPTER TWO: BISHOPS, LADIES, AND COURT: THE HABSBURG STATE CONFRONTS THE “NEO-CONFESSIONAL AGE”

On *Landstrasse*, a major road leading to the *Hauptplatz* in Linz, there stands today the Martin Luther Church, built only in 1844. Protestantism had been banned in Upper Austria until 1781, but soon after Protestants commenced building churches. The path to building this house of worship had not been easy. As construction began on the Martin Luther Church in the 1830s, the Catholic bishop of Linz, Gregor Thomas Ziegler, encouraged by the papal nuncio, vigorously opposed this project. Ziegler searched for loopholes in the Toleration Patent, petitioned Emperor Ferdinand (r.1835-1848) and visited him personally, claiming that not enough Protestants lived in Linz to warrant the building of a church.¹ While Ziegler was unsuccessful in preventing the opening of the Martin Luther Church, his energetic attack delayed it and signaled that a Catholic revival was gaining steam. Ziegler was a part of a new wave of Catholics, who, by the 1830s openly pushed back against perceived attacks by Protestants and state officials. As a Catholic revival spread in Europe in the 1830s and 1840s, Catholic clergymen became more forceful and impatient with the restrictions imposed on them by the state. These decades marked the start of the so-called “neo-confessional era” described by Olaf Blaschke.² Yet in Austria this revival remained largely ineffective and could not overcome the Josephist paradigm.

The Ultramontanist Revival in the West

Catholicism accumulated enormous gains throughout the West in the 1830s and 1840s. Although ultramontanism, or loyalty to the papacy, opposed liberalism and intended to impose

¹ Eduard Hosp, *Bischof Gregorius Thomas Ziegler: Ein Vorkämpfer gegen den Josephinismus* (Linz: Oberösterreichischer Landesverlag, 1956), 105-107.

² For a description, see the introduction. This term comes from Blaschke’s edited volume, *Konfessionen im Konflikt Deutschland zwischen 1800 und 1970: ein zweites konfessionelles Zeitalter* (Göttingen: Vandenhoeck and Rupprecht, 2002).

theological uniformity and to suppress internal dissent among Catholics, it also demanded freedom from the state and was loyal to the pope, the ruler of a foreign state. Catholics, both liberal and ultramontane, wanted checks on absolutist government and *Staatskirchentum* (the state church system). In places such as Switzerland, Catholic cantons united against liberal centralization and even fought a civil war, known as the Sonderbund War.³ Liberal Catholics desired constitutional limitations on state power, while ultramontane Catholics proved effective at utilizing mass politics against the excesses of secular government. The tools of Catholic revival were, thus, anathema to Habsburg Austria.

Catholicism's first significant success was in Belgium, where in 1830 Belgian Catholics and liberals entered into an alliance against their Protestant Dutch king, Willem I.⁴ As an enlightened, absolutist ruler, Willem had battled the clergy on the appointment of bishops and the introduction of secular education, while in the Netherlands itself there was still no legal Catholic hierarchy.⁵ In this case, the Catholic clergy realized the utility of religious freedom, and liberals realized that revolution had a better chance of success with the Church's backing.⁶

As a result of the successful breakaway from the Netherlands, Belgian Catholicism flourished, and Catholics there aided their beleaguered coreligionists in Prussia in the 1830s. The *Courier of Luttich* condemned, for example, the yoke of Prussian rule in the Rhineland, and the *Journal historique et litteraire* promoted freedom for Catholics trapped under Protestant

³ For Austria's role in this affair, see Herman N. Weill, "Metternich and the Swiss Sonderbund" Ph.D. Diss., University of Illinois at Urbana-Champaign, 1957.

⁴ Els Witte, "The battle for monasteries, cemeteries and schools: Belgium" in *Culture Wars: Secular-Catholic Conflict in nineteenth-century Europe* ed. Christopher Clark (Cambridge U.K.: Cambridge University Press, 2003), 102-105.

⁵ Peter Jan Margry, Henk te Velde, "Contested rituals and the battle for public space: the Netherlands," in *Culture Wars*, 133.

⁶ Witte, "The battle for monasteries, cemeteries and schools," 105.

domination.⁷ In fact, Prussian officials, who often faced a hostile Catholic population in the Rhineland, repeatedly attributed their troubles there to Belgian agitation.⁸ The most treasonous piece, according to Prussian authorities, was the “Red Book,” which combatively called for freedom for the Catholic Church in Prussia and reached a wide audience due to its accessible style.⁹

Even in the July Monarchy in France (1830-1848), Catholicism reversed its century-long decline. The Restoration government (1815-1830) had showered the Church with official favor. Catholic missions scattered the French countryside with retreats, masses, book burnings, and prayers asking for forgiveness for the French Revolution with the intention of legitimizing the Bourbon monarchs.¹⁰ Writers such as Joseph de Maistre published works, such as *Du Pape* (On the Pope) in 1819, which fiercely defended the Church and proclaimed papal infallibility, fifty years before the papacy defined this theory as doctrine. Yet this strategy backfired, and the Church took on a character that appeared combative up to 1830, perhaps best symbolized by Charles X’s law on sacrilege, which prescribed the death penalty for profaning the host.¹¹ In the

⁷ Luttich was a Belgian Catholic center that attracted Austrian and Prussian Catholic activists.

⁸ Numerous reports by Prussian officials blamed Belgian clergy for disorder in the Rhineland, for example, see Gustav Adolf Rochus von Rochow’s report about the Belgian clergy’s agitation in the Rhineland, September, 10 1837, in Friedrich Keinemann, *Quellen*, Vol 2 of *Das Kölner Ereignis: Sein Widerhall in der Rheinprovinz und in Westfalen* (Münster: Aschendorffsche Verlagsbuchhandlung, 1974), 47-52. The Austrian ambassador, Trautmannsdorff wrote a few days before the arrest of the archbishop of Cologne that the Prussian government would take action against the archbishop to put an end to Belgian agitation, see report of Count Trautmannsdorf, November 21, 1837, in Keinemann, 2: 59.

⁹ James M. Brophy, *Popular Culture and the Public Sphere in the Rhineland 1800-1850* (Cambridge U.K.: Cambridge University Press, 2007), 273. For information on Belgian literature in the Rhineland, see Brophy, 269-280. The *Historisch-Politische-Blätter (HPB)*, the leading Catholic mouthpiece after 1838, denied having anything to do with the “Red Book,” see “Das rothe Buch,” in *HPB*, 1838, 1: 282

¹⁰ Sheryl T. Kroen, “Revolutionizing Religious Politics during the Restoration,” *French Historical Studies* 21 (1998): 40-43.

¹¹ Guillaume de Bertier de Sauvigny, *The Bourbon Restoration* (Philadelphia: University of Pennsylvania Press, 1966), 322. Even Carl Ernst Jarcke, Metternich’s ultra Catholic assistant,

July Monarchy, ultramontanists such as Robert de Lammenais, whom Metternich helped get condemned by the pope, grew in popularity, especially among younger French clergy.¹² His journal, *L'Avenir*, held to the central tenets of ultramontanism and promoted a revival of medieval devotional life.¹³ Yet, *L'Avenir* also promoted democracy and greater political freedom. In the 1830s, ultramontanism grew, religious orders became active and popular, and Christianity became, once again, intellectually respectable in France.¹⁴

In summary, as the Austrian bureaucrat Ignaz Beidtal described in his work *Untersuchungen über die kirchlichen Zustände in den kaiserlich österreichischen Staaten* (An Inquiry into the Condition of the Church in the Habsburg Empire) in 1849, Catholicism began to recover from its centuries-long suppression in England and Ireland, while France had adopted the American model of a stricter separation of Church and state, which benefitted the highly organized Catholic Church. In the meantime, the Belgian, Dutch, and Turkish governments had granted concessions to the Church, while Spain and Portugal remained devoted to Rome. In South America, the new republics had new dioceses established recognized by the papacy, and in Bavaria, King Ludwig I strove to be the head of the Catholicism in the German lands.¹⁵ Austria,

viewed, after the fact, the French Restoration Church as too politicized, in Carl Ernst Jarcke, "Die politischen Fehler der französischen Restauration," *Vermischte Schriften* (4 vols) (Munich: Verlag der Literarisch-Artistischen Anstalt, 1839), 3: 582-587.

¹² For information on Metternich's condemnation of Lemmenais, see Alan Reinerman, *Revolution and Reaction*, Vol 2 of *Austria and the Papacy in the Age of Metternich* (Washington D.C.: Catholic University Press of America, 1989), 248-264. Lemmenais was willing to work with liberal currents and advocated a more democratic, modern Catholicism focused on spiritual aims.

¹³ Austin Gough, *Paris and Rome: The Gallican Church and the Ultramontane Campaign 1848-1853* (Oxford: Oxford University Press, 1986), 62-77.

¹⁴ H.A.C. Collingham, *The July Monarchy: A Political History of France 1830-1848* (New York: Longman, 1988), 316.

¹⁵ Beidtel *Untersuchungen über die kirchlichen Zustände in den kaiserlich österreichischen Staaten*, 213.

on the other hand, continued to eschew using Catholicism as a political tool, and it grew increasingly isolated in the Catholic world.

Francis' Final Years and Attempts at a Concordat

Although no meaningful Catholic revival took place under Emperor Francis (r. 1792-1835), after his illness in 1827, he inched closer to death and tried to ameliorate the Josephist controls on the Church. In 1827 he took up, for example, complaints by priests that ordinances requiring them to perform baptisms in the Protestant rite for non-Catholics, when no Protestant pastor was available, contradicted Catholic doctrine.¹⁶ Two years later, Francis agreed to a request by the archbishop of Lemberg to end the blessing of Protestant marriages by Catholic priests when a pastor was not available.¹⁷ Francis's religious advisor, the arch-Josephist Martin von Lorenz also retired in 1823 and died in 1828.¹⁸ In addition, in order to ease tensions between Vienna and Rome, the emperor began notifying the pope on episcopal appointments as a courtesy, and papal bulls on jubilees received much less scrutiny in 1829 than in previous years.¹⁹

¹⁶ Jüstel to Emperor Ferdinand, July, 1840, Haus, Hof, und Staatsarchiv (HHStA), Kabinettsakten (KA), Staatskonferenz (Stk) 43 1840/1312. The government also in 1829 separated the Protestant and Catholic baptism registries, giving Protestants in Bohemia, the hereditary lands and Galicia autonomy over their own records, see Allgemeines Verwaltungsarchiv (AVA), Unterricht und Kultus, Alter Kultus (AK), Evangelisch, Superintendenten, 24/7201.

¹⁷ Decision of Francis, November 29, 1829, in AVA, AK, Katholischer, 30 (Kindererziehung)/237.

¹⁸ Lorenz opposed concordats with Rome and believed marriage to be too important to leave in the hands of the Church, see Ferdinand Maass, *Staatsrat Martin von Lorenz und der Josephinismus* (Bregenz: Bundesgynasium, 1956), 11.

¹⁹ Alan Reinerman, *Revolution and Reaction*, 284. Approval for the papal bull for the 1829 jubilee proceeded easily through the government, in sharp contrast to previous bulls on similar matters, see the decision of Francis, August 15, 1829, in AVA, AK, Katholischer, 33 (Generalia)/151/vi.

From the late 1820s until his death in 1835, the emperor attempted to mend relations with Rome. During Francis' 1819 trip to Italy (see Chapter 1), he reluctantly agreed to visit the pope but refused to discuss alterations to Habsburg Church policy.²⁰ When the emperor left, Pius VII handed him a five-point list of grievances against the Habsburg ecclesiastical system. The pope's note listed marriage laws, isolation of orders from their generals, and Austrian education as his key complaints.²¹ In 1820, the *zelanti* (zealots) in Rome pressured Pius to publish an already written bull condemning Austria's Josephist church. Pius refused to take such a drastic step. But he did place on the Index Austrian texts on church law and church history used at Habsburg universities.²²

In 1829, the emperor attempted to conclude a concordat with Rome and aimed to get Rome's blessing on the ecclesiastical system he had maintained for more than forty years. In 1829, he finally took action on Pius' memorandum, which the pope had given him in 1819 and ordered his officials to study mending relations with the papacy. Francis ignored the influential financial and interior advisor Count Francis Anton von Kolowrat-Liebsteinsky's suggestion for a committee of Josephists to analyze Pius' memorandum and turned instead to the court chaplain,

²⁰ In Francis' diary of the Italian trip, Thomas Kuster rightly remarked that Rome was just one stop on the Italian trip and that the emperor sought to avoid the appearance of a state visit between Austria and the papacy. Furthermore, though Francis came away from his meeting with Pius VII pleased with the pontiff, the baroque celebrations, including the Easter ceremony made little impression on the emperor, whose religious views remained informed by more austere, enlightened forms of Catholicism, see Thomas Kuster, *Das Italienische Reisetagebuch Kaiser Franz I von Österreich aus dem Jahre 1819: Eine kritische Edition*. (Münster: Agenda-Verlag, 2010), 34-38.

²¹ Kolowrat to Emperor Francis, February 29, 1828, HHStA, KA, Staatsrat (Str), Minister Kolowrat Akten (MKA), 1828/193. That same year, Pius also complained to Francis about teachings at Austrian schools in Graz that defended Luther and insulted Leo X, see Pius to Francis, 1819, in *Der Spätjosephinismus 1790-1820* Vol 4 of *Der Josephinismus: Quellen zu seiner Geschichte in Österreich* 5 vols ed. Ferdinand Maass (Vienna: Herold Verlag, 1957), 631.

²² Hosp, *Die Kirche Österreichs*, 242. The *zelanti* were a reactionary faction in the Vatican opposed to reforms such as street lighting and the imposition of the Napoleonic Code in the Papal States. Cardinal Consalvi and Pius VII were moderates.

bishop Michael Wagner, who issued a harsh report on the condition of the Austrian Church.²³ In addition, an anonymous report sent to Francis by an Italian clergyman in 1830 bemoaned Austrian Church laws, which differed sharply from canon law, and wrote that they harmed the conscience of the clergy.²⁴ This report, while no different from the numerous others sent in by the clergy over the previous decades, moved Francis to action, and two weeks later, he pensioned off his head of the Court Chancellery, Count Francis Joseph von Saurau, a Josephist with fifty years of service, in order to show good will toward Rome.²⁵ In 1832, the new pope, Gregory XVI (r. 1830-1846) contacted Francis and offered to send over a negotiator of Francis' choosing to start talks with Rome on a concordat.²⁶ Francis agreed, on the condition that the talks take place in strict secrecy, and he selected Pietro Ostini as the papal negotiator. The emperor listened to Kolowrat, however, and sent the Josephist archbishop of Vienna, Vincenz Eduard Milde, to conduct the negotiations with the papal nuncio.

The negotiations failed primarily due to disagreements on marriage laws. Joseph II's Marriage Patent defined matrimony as a civil contract and imposed state jurisdiction on all marriages. In 1811, the *Allgemeines bürgerliches Gesetzbuch* (ABGB), Austria's civil code, codified Joseph's marriage laws. The ABGB's articles on marriage dictated that a couple simply

²³ Kolowrat to Francis, February 29, 1828, HHStA, MKA, 1828/193; for the long report by Bishop Wagner, see Maass, 5: 277-373. Francis had promoted Kolowrat, who seemed to have repaired the finances of the monarchy, and the aging emperor became more dependent on him, see Elisabeth Herzog, "Graf Franz Anton Kolowrat-Liebsteinsky: seine politische Tätigkeit in Wien (1826-1848)," Ph.D Diss., University of Vienna, 1970, 85.

²⁴ Francis to Metternich, August 17, 1830, Maass, 5: 374-375.

²⁵ Maass, 5: 25. Saurau had warned in 1806, for example, about the clergy recapturing the educational system, in Ernst Wangermann, *From Joseph II to the Jacobin Trials* (Oxford: Oxford University Press, 1959), 174. Saurau's successors held, however, similar views and inhibited a Catholic revival in Austria.

²⁶ Johannes Mühlsteiger, "Der Erste Versuch zum Abbau der josephinischen Ehegesetzgebung," in *Kirche und Staat in Idee und Geschichte des Abendlandes : Festschrift zum 70. Geburtstag von Ferdinand Maass* (Vienna: Verlag Herold, 1973), 250; for information on the curia's reaction to these negotiations, see Reinerman, *Revolution and Reaction*, 275-290.

needed two witnesses before a priest in order to marry. The law assumed the priest was a civil official, allowed Protestants to bring their pastor to the ceremony, and permitted Jews to have their marriages performed in a synagogue.²⁷ It was a blend of civil and religious marriage, designed to be tolerant and practical, and to maintain the sanctity of marriage without the stipulations of canon law. In fact, of the fifty impediments to marriage listed under Austrian law, canon law did not recognize thirty-four.²⁸ One option was a dual system of civil marriage for unions that violated canon law and of Church weddings for all other ceremonies. The Church would have complete control over the latter. Rome preferred this idea, but Habsburg negotiators opposed it for they knew most couples would choose Church weddings, completely cutting out the state, while civil unions would encourage indifference.²⁹ Metternich attempted to salvage an agreement and advised Francis that Milde held unreasonable demands, but negotiations still failed.³⁰ Ostini gave up eventually and blamed Milde for wanting to avoid political conflict, declaring to Rome that the educated elites in Austria were completely enthralled with Josephist doctrine.³¹

Final efforts at a concordat failed, and as Francis lay on his deathbed in 1835, he drew up his final testament, which ordered his son, Ferdinand:

to fulfill the work I have begun on amending the laws, policies, and handling of Church affairs, which have been introduced in my empire since 1780 and more or less harmed the rights and efficacy of the Church...and which in particular are not in agreement with the statutes of the Holy Council of Trent. I expect that you will, as quickly as possible, bring this to an end in a manner satisfactory to the Holy Father.³²

²⁷Johannes Mühlsteiger, *Der Geist des Josephinischen Ehegesetzes*, (Vienna: Herold, 1967), 165, 170.

²⁸ Reinerman, *Revolution and Reaction 1830-1838*, 277.

²⁹ Metternich to Count Lützow, February 18, 1840, in Maass, 5: 560.

³⁰ Metternich to Emperor Francis, October 31, 1834, in Maass, 5: 416.

³¹ Mühlsteiger, "Der Erste Versuch zum Abbau der josephinischen Ehegesetzgebung," 265.

³² Francis to Ferdinand, February 28, 1835, HHStA, KA, Stk, 46 1841/558. There has been some controversy on the authenticity of this document. Bibl notes in *Kaiser Franz*, 389-90 that it was not in Francis' handwriting and argues it was done by Bishop Wagner, whose records

Francis' deathbed testament was nothing more, however, than an admission of the elderly emperor's failure to dislodge Josephism, a system he himself had defended for over thirty years (see Chapter 1). Francis' waverings were ineffective, for by this time the system was entrenched, and most governmental officials remained staunch Josephists. Austria's non-confessional state could not be shaken by the panicked wishes of a dying emperor.

Although Francis had been a wise, albeit paranoid, emperor, his stubborn insistence on the succession of his son, Ferdinand I (r.1835-1848) made a mockery of absolutism. Charles Frederick von Kübeck, a rising Austrian statesman of the time, noted in his first meeting with the new emperor that Ferdinand was "weakminded from illness, does not understand one word of all that is said, and is always ready to sign what is put before him."³³ As was obvious to most observers, without a strong monarch, the system was listless, directionless, and stagnant.³⁴ Foreseeing this problem, Francis had ordered Ferdinand to take orders from a council consisting of Metternich and his most incompetent family members: his brother Louis and his ineffective son Francis Charles. The minister of the interior and finance in the state council, Count Franz Anton von Kolowrat, was not included in the will, but as an influential official, he threatened to resign if excluded from the newly formed State Conference and thereby obtained a position on the council.³⁵

burned in the 1927 fire. Rumors that Metternich forged this document to exclude Kolowrat are false, see Gerd Holler, *Sophie die heimlichen Kaiserin: Mutter Franz Joseph I* (Vienna: Amalthea Verlag, 1993), 279.

³³ R.W. Seton-Watson, *Metternich and Internal Austrian Policy: II The Slavonic and East European Review* 18 (1939): 129.

³⁴ Rita Krueger, *Czech, German, and Noble: Status and National Identity in Habsburg Bohemia* (Oxford: Oxford University Press, 2009), 201.

³⁵ Alan Sked, *Metternich and Austria: An Evaluation* (New York: Palgrave Macmillan, 2008), 117.

In light of this situation, Metternich searched for a union of throne and altar to make up for the lack of a strong emperor and to provide stability for an increasingly shaky system. Yet he also wanted to curb Catholic zealotry, and he continued to support the seemingly contradictory goal of expanded toleration of the other confessions in the monarchy. Metternich simply viewed the restrictions on the Church as demoralizing to forces that would naturally support the monarchy. In addition, Metternich gradually grew more religious, and in the 1830s, after his marriage to Melanie Zichy, he had a personal chapel constructed and heard mass daily each morning.³⁶

Officials in the government, however, checked Metternich's efforts and most of *Staatskirchentum* remained. As a result, the episcopacy remained unsatisfied, while at the same time Metternich's efforts to put a Catholic face on Austria served as fodder for critics who attacked the Chancellor's clericalism. At the same time, ultramontanism grew in strength in the 1830s, along with liberalism. These forces pulled Austria into different directions and without a strong ruler, the Josephist system, while durable, began to stagnate. Yet, despite this predicament, the Austrian Empire continued to exclude Catholicism from the political sphere, helping to ensure that, unlike other countries such as Prussia, confessional tranquility remained in Austria down to 1848.

Activist Bishops in the Habsburg Monarchy

The biggest threat to the Josephist system was ultramontanism. In Germany and Austria, the clergy had performed mixed marriages after the late eighteenth century without much concern for confessional differences, but by the 1830s, as the Josephist generation died, the types

³⁶ Andreas Posch "Kirchenpolitische Einstellungen Metternichs" *Religion-Wissenschaft-Kultur* 13 (1962): 127.

of bishops appointed in the Habsburg Empire changed.³⁷ In Germany, numerous ultramontane *Kreise* had been operating since the time of Napoleon, most notably in Münster and Mainz, the latter of which produced *Der Katholik*, an early and influential ultramontane journal. The secularization of Church property and the battered state of Catholicism after the Enlightenment, Josephism, and the French Revolution had altered the condition of the clergy. With the abolition of autonomous ecclesiastical states run by independent-minded bishops, the new episcopacy, deprived of any independent financial and political base, had only Rome above it in the ecclesiastical hierarchy. This loss of prestige led to an infusion of true believers aspiring to the priesthood, as there were few other motives to join the clergy. In addition, the end of the nobility's monopoly on episcopal offices allowed talented Catholics from the bourgeoisie to enter the hierarchy.³⁸ Catholics living under Protestant governments looked to Rome for protection and solace. After suffering a string of defeats in the Enlightenment and French Revolution, the Church had adapted by the 1830s and slowly reinvigorated itself with true believers who looked to Rome for leadership.

Austria, despite censorship and state control of clerical education, was not immune to the growing ultramontane movement in Europe. The majority of clergy during Francis' reign had come from Joseph II's General Seminaries, but in the last years of the *Vormärz* (pre-1848) a new generation of clergy, having grown up and trained for the priesthood in a post-French Revolutionary era, began to look to the papacy for spiritual guidance.³⁹ Despite the efforts of the Austrian government, the younger clergy displayed a more ultramontanist inclination by the

³⁷ Olaf Blaschke, "Der Dämon des Konfessionalismus: Einführend Überlegungen" in *Konfessionen im Konflikt Deutschland zwischen 1800 und 1970*, 28. For information on mixed marriages in Austria, see Chapter 3.

³⁸ Hans Heiss, "Bürgertum in Südtirol: Umriss eines verkannten Phänomens" in *Bürgertum in der Habsburgermonarchie* eds Ernst Bruckmüller et al (Vienna: Böhlau Verlag, 1990), 306.

³⁹ Erika Weinzierl-Fischer, "Visitationsberichte österreichischer Bischöfe an Kaiser Franz I 1804-1835" in *Mitteilungen des Österreichischen Staatsarchivs (MÖSTA)* 6 (1953): 264.

1830s and were more distrustful of secular power.⁴⁰ The *Frintaneum*, an elite institution that opened in 1816 and aimed to train clergy loyal to the state and place them in high positions in the Church, grew into a hotbed of ultramontanist by the 1830s.⁴¹ The small seminary at Brixen, a diocese that included the ultra-Catholic region of Tyrol, trained anti-Josephist clergy.⁴² In Cisleithanian Austria, the empire outside of the Kingdom of Hungary, the nobility stopped sending their sons to serve as bishops in the Church, and as a result new candidates for the priesthood consisted mostly of more devoted individuals. Milde, the archbishop of Vienna, was, for example, the first commoner to serve in this position. For the rest of the nineteenth century, the Viennese archbishops would be sons of peasants or artisans.⁴³ Because of paralysis at the imperial level, more local actors, such as bishops, took on the task of Catholic revival in the 1830s and 1840s.

The most activist bishop in the empire was Roman Sebastian Zängerle, whom the papacy called the only Rome-friendly bishop in Austria.⁴⁴ As a student, Zängerle had joined the Benedictine monastery at Wiblingen, but in 1805, during the War of the Third Coalition, the Bavarians took control of the cloister and abolished it. Francis allowed several of the expelled

⁴⁰ Ignaz Beidtel *Untersuchungen über die kirchlichen Zustände in den kaiserlich österreichischen Staaten* (Vienna, 1849), 186-187.

⁴¹ Max Herbert Voegler, "Religion, Liberalism and the Social Question in the Habsburg Hinterland: the Catholic Church in Upper Austria, 1850-1914," Ph.D Diss., Columbia University, 2006, 9.; for more information on the Frintaneum, see *Das Priesterkolleg St. Augustin "Frintaneum" in Wien 1816 bis 1918: kirchliche Elite-Bildung für den Donau-Alpen-Adria-Raum* (Vienna: Böhlau Verlag, 2008).

⁴² Karl Heinz Frankl, "Das "Frintaneum"---Konturen einer Institution," in *Das Priesterkolleg St. Augustin "Frintaneum" in Wien 1816 bis 1918*, 39. During the 1790s, the central authorities banned students from the Brixen seminar from taking up positions in Austria, due to the violation of state rules at the seminary, in Josef Gelmi, *Kirchengeschichte Tirols*, (Innsbruck, Tyrolia-Verlag, 1986), 138.

⁴³ William Bowman, *Priest and Parish in Vienna 1780-1880* (Boston: Humanities Press, 1999), 97.

⁴⁴ "romisch gesinnten Bischof in Österreich," in Bonifacius Sentzer, *Roman Sebastian Zängerle, Fürstbischof von Seckau und Administrator der Leobener Diöcese: 1771-1848* (Graz: Verlagsbuchhandlung 'Styria:' 1901), 353.

monks to settle in Galicia as long as they served as teachers in the schools, but after the 1809 campaign the French expelled the Benedictines again, and Austrian authorities refused to accept the ex-monks.⁴⁵ Zängerle kept a low profile during this time and quietly obtained teaching positions in Prague and Vienna. He entered Vienna in 1813, where he met Clemens Maria Hofbauer (see Chapter 1), made friends in the Hofbauer circle, and attracted, of course, police attention.⁴⁶ Zänglere rose to Prince-Bishop of Seckau after nomination by the archbishop of Salzburg, Augustin Johann Joseph Gruber.⁴⁷

As bishop, Zängerle worked to loosen state controls on the Church. He successfully fought the abolition of the third order of the Franciscans, which the government had abolished in 1827, but Francis granted an exception for Seckau and Tyrol, as long as they worked in silence.⁴⁸ Zängerle viewed the secular clergy as poorly trained and feared the presence of Protestants in his diocese, and in 1825 he sought to bring in the Redemptorist order. The local government opposed this effort, noting that Protestants did not pose a threat, but Zängerle succeeded in placing a few Redemptorists in an abandoned monastery.⁴⁹ In 1834, he obtained permission for a new seminary, though it was also subject to governmental inspection.⁵⁰

⁴⁵ Hosp, *Ziegler*, 16, 22.

⁴⁶ Sentzer, *Roman Sebastian Zängerle*, 53.

⁴⁷ Archbishop Gruber to Francis, March 13, 1824, HHStA, Kaiser Franz Akten (KFA), 236/LXXIII/2. Due to the agreement over the administration of Salzburg, Francis did not possess full nomination rights. After a contentious battle, Francis agreed to renounce his right to nominate the archbishop but to select the metropolitan chapter, which elected the archbishop (see Chapter 1).

⁴⁸ Hosp, *Die Kirche Österreichs im Vormärz*, 101.

⁴⁹ Sentzer, *Roman Sebastian Zängerle*, 173. In Francis' answer to Zängerle, he allowed "four or three" priests to go to the dioceses, in Francis to Saurau, April 2, 1825, AVA, AK, Katholischer, 31 (Religionsschwärmer)/103.

⁵⁰ Sentzer, *Roman Sebastian Zängerle*, 260.

Zängerle pushed for approval to celebrate Catholic jubilees, such as the big one in 1825.⁵¹ The Austrian government opposed these celebrations but knew how to co-opt Rome on this issue.⁵² Habsburg officials viewed the jubilees as burdensome, because the population expected them to attend the ceremonies.⁵³ The state altered the rules and determined the days and places of various celebrations with the explicit goal of maintaining order.⁵⁴ Metternich pushed the jubilee back to 1826 to allow the police time to organize the event, then granted passport authority only to top officials, who would subject pilgrims to strict surveillance and guidance.⁵⁵ This policy worked and only 100 Austrian citizens attended, compared to 25,000 in 1775.⁵⁶ During the 1831 cholera epidemic officials initially banned pilgrimages to Mariazell but then reluctantly allowed them.⁵⁷ Zängerle agitated for approval for a jubilee in 1845 celebrating the Council of Trent by sending out a *Volksmission*, but the local governor, Count Matthew von Wickenburg, left the matter unanswered for nine months before denying it. Zängerle

⁵¹ A jubilee was a Christian celebration organized by Rome every 25 years.

⁵² The English Catholic Nicholas Wiseman made the obvious observation from Rome that Josephist ideas prevented Austria from making the jubilee, see Nicholas Patrick Wiseman, *Recollections of the Last Four Popes and of Rome in their Times* (Boston: P. Donahoe, 1859), 297.

⁵³ Sitting of the Court Chancellery, April 27, 1826, in AVA, AK, Katholischer, 33 (Generalia)/43.

⁵⁴ "Vorschrift und Ordnung," April, 1795, in AVA, AK, Katholischer, 33 (Generalia)/5.

⁵⁵ Ministerial Reminder [*Erinnerung*], October 19, 1824, in AVA, AK, Katholischer, 33 (Generalia)/275.

⁵⁶ Hosp, *Kirche Österreichs*, 204. Jubilee celebrations still took place, though heavily regulated and shortened, see Bishop Firmian to Francis, October 11, 1826, in HHStA, KFA, 239/XVVII/3/35-36

⁵⁷ William D. Bowman, "Popular Catholicism in Vormärz Austria, 1800-1848," in *Catholicism and Austrian Culture: Austrian Studies* (10), eds. Ritschie Robertson and Judith Beniston (Edinburgh: Edinburgh University Press, 1999), 60; Officials lifted the ban on traveling to Mariazell in 1797, but its legality remained in question and clergy did not encourage such pilgrimages, in Allison Frank, "The Pleasant and the Useful: Pilgrimage and Tourism in Habsburg Mariazell," *AHY* 40 (2009): 169.

unsuccessfully appealed to Vienna, but the central authorities denied the bishop's request, noting that immorality could not be solved in eight days (the length of the *Volksmission*).⁵⁸

Zängerle also played a prominent role in extending the rights of the Jesuits in Austria. In the late 1820s, Emperor Francis allowed the original restrictions on the Jesuits, imposed in 1820 (see Chapter 1), to loosen. Stanislaus Swietochowski, the head of the Jesuits expelled from Russia, lobbied as early as 1823 for freedom of the order to have communication with its general in Rome, noting that even in Tsarist Russia, this hierarchy had not been disrupted. Francis agreed in 1825 to allow supervised contact with the general and granted the order permission to dismiss members without a backlash from local officials. He also allowed the building of a new study house but stressed that the order still had to follow the laws of the empire.⁵⁹ In the meantime, Metternich had changed his stance on the order. In 1825 he argued that the forty-year hiatus of the Jesuits meant that the abuses that had supposedly plagued the Society in the eighteenth century were no longer relevant.⁶⁰ In 1827, Metternich pushed Francis again for an expansion of the order, noting that it could be useful to the state and that, if necessary, the government could always revoke its privileges.⁶¹

Zängerle's attempt to bring the Jesuits into his diocese sparked the order's initial expansion outside of Galicia. The bishop visited Francis in the fall of 1827 and requested the establishment of the order. He noted that few talented young men were willing to go to distant Galicia because they lacked the linguistic skills and the climate was too harsh. A Jesuit novitiate in a German province would attract qualified candidates to the clergy and teaching professions, but Zängerle promised that the new Jesuits would be tame, unlike the old ones and would not

⁵⁸ Sentzer, *Roman Sebastian Zängerle*, 153-155.

⁵⁹ Francis to Count Saurau, February 6, 1823, in Maass, 5: 213.

⁶⁰ Metternich, *Memoirs of Prince Metternich*, 244.

⁶¹ Metternich, *Memoirs of Prince Metternich*, 247.

plot against the state.⁶² In 1829, after a donation by Peter Fink, Francis finally yielded to his request and allowed a Jesuit house at Gleisdorf, a small town in Styria.

Before 1848 the Jesuits remained, however, in a precarious position, subject to numerous restrictions, while at the same time giving fodder to radicals who viewed the Austrian state as under the spell of the Society. Francis ordered that the Jesuits take orders from local authorities.⁶³ When he received other petitions to expand the order, Francis simply referred the petitions to the archbishop of Vienna, Milde, who ignored them. In 1831 a private donor offered up a large endowment in Verona for the Jesuits in Austrian-controlled Italy. The Jesuits refused to accept the gift, however, if they had to deal with interference by Austrian bureaucrats.⁶⁴ Milde had no interest in loosening restrictions on the order, but Bishop Wagner did, arguing that the Jesuits would be tame and provide good moral education.⁶⁵ Metternich and Joseph Alois Jüstel, the emperor's spiritual advisor, sided with the Jesuits, who then sent Father Peter Beckx to Vienna to negotiate a settlement. Beckx demanded full freedom for the order in curriculum, the hiring and firing of teachers, the consecration of Jesuit priests, open use of the sacraments, and exemption from the ban on corporal punishment.⁶⁶

The government refused these requests and subjected the order to the Court Commission on Education, the *Studienhofkommission*. Vienna approved the Verona college in 1836 and allowed the Jesuits into northern Italy, but the government continued to control communication with foreign Jesuits, and order superiors had to provide local governors with information on their students, such as the program of study and the place of origin. The order chief had the right,

⁶² Bishop Zängerle to Francis, December 26, 1827, HHStA, KA, KFA, 237/6/19-20.

⁶³ Francis to Count Saurau, November 18, 1827, in Maass, 5: 271.

⁶⁴ A short summary of the establishment of the Verona Jesuits can be found in Reinerman, *Revolution and Reaction*, 294-296; also see Jüstel's report to Ferdinand in Maass, 5: 448-480

⁶⁵ Wagner report, July 6, 1833, HHStA, KFA, 239/XCVII/10//219

⁶⁶ Jüstel to Ferdinand, January 20, 1836, in Maass, 5: 451-52.

however, to appeal to the central government if the local authorities refused an aspiring novice acceptable to the Jesuits. Jesuit instructors in Verona received an exemption from qualification exams but had to provide the local government with information about the teachers. Jesuit textbooks had to receive approval from the *Studienhofkommission* to ensure that they contained nothing illegal. Finally, the Jesuits did not receive an exemption from the ban on corporal punishment.⁶⁷

Furthermore, the local government in Zängerle's diocese, led by its governor, Count Wickenburg, remained hostile to the Society. Wickenburg continually placed restrictions on funds with the purpose of driving out the order, and the bishop had to use his own money to keep the Jesuits in their house. The antagonism toward the order grew so heated that at one point Fink revoked his gift until 1832, when the Jesuits gained control of the building.⁶⁸ The local government kept, however, blocking the order's access to its endowment, and due to resistance from local authorities, the Jesuits were unable to acquire control over the school system.⁶⁹

Despite Zängerle's occasional victories, he ultimately failed to effect a Catholic revival and clashed repeatedly with local and central authorities. The emperor, along with imperial and local authorities, turned down most of his requests. He helped spark a mixed marriage controversy, which he ultimately lost (see Chapter 3). As Francis approached death in the early 1830s, Zängerle saw an opportunity to overturn Josephism, but local officials opposed him. The bishop tried, without success, to move marriage matters, such as the three-time announcement of an engagement, to Church jurisdiction.⁷⁰ He battled to restore the right of the Church to procure

⁶⁷ Jüstel to Ferdinand, January 20, 1836, in Maass, 5: 476-480.

⁶⁸ Sentzer, *Roman Sebastian Zängerle*, 187.

⁶⁹ Hosp, *Die Kirche Österreichs*, 96.

⁷⁰ Sentzer, *Roman Sebastian Zängerle*, 307-310.

indulgences and to excommunicate individuals but failed.⁷¹ Finally, Zängerle attempted to deny Church burials to non-Catholics. In 1839, an imperial official in his district died adamantly denying the last rites, and Zängerle argued that the unrepentant should not receive priestly blessings at funerals. Other cases appeared in which irreligious men died and their families could not obtain blessings at funerals. Local officials, backed by Vienna, continued to fine and rebuke these--in their eyes-- reactionary priests.⁷²

Another notable activist bishop was Gregory Thomas Ziegler (1770-1852). Like Zängerle, Ziegler had been a Benedictine monk at Wiblingen, and the French Revolution had forced him into exile in Galicia, where he distinguished himself as a teacher.⁷³ In 1810, after the French occupied Cracow, Ziegler obtained a teaching position in Church history at a lyceum in Linz, where he fought the use of books on the Index at episcopal seminaries. In 1815, Ziegler began teaching theology at the University of Vienna. Here he met his old friend Zängerle who introduced him to the Hofbauer group, and attracted, naturally, the attention of police informants, who accused him of associating with the papal nuncio, Antonio Severoli.⁷⁴ In 1822 Francis selected Ziegler as bishop of Tyniec-Tarnow, in Galicia, due to the latter's familiarity with this desolate region.⁷⁵

As a bishop in Tyniec, Ziegler, though not as combative as Zängerle, jealously guarded his rights to run spiritual affairs, excoriating the local officials who had been used to dominating the Church.⁷⁶ He praised the work of the Jesuits in Galicia, noting that the fifteen there were spread out in the areas of greatest need, no small task in Galicia, where political stability had

⁷¹ Sentzer, 316-319.

⁷² Sentzer, 328-343.

⁷³ The *Studienhofkommission* even praised his enthusiasm and the support he received among the German population in Galicia, in Hosp, *Ziegler*, 20.

⁷⁴ Hosp, *Ziegler*, 22-29.

⁷⁵ Hosp, 60.

⁷⁶ Hosp, 69.

harmed Church life.⁷⁷ He noted that he had trouble attracting qualified candidates for the priesthood, and that of the 930,000 Catholics in his diocese, he only had 438 priests.⁷⁸ He desired to bring the Jesuits into his diocese, but the government soon called him to run the bishopric of Linz, where they needed him to fight against religious sects.

Linz, as in other parts of Austria, most notably Styria, Tyrol and Bohemia, contained sects in the 1810s and 1820s, and officials, including the Josephists, recognized Ziegler's ability to battle them effectively.⁷⁹ Although the sects were small in number, officials feared such fringe groups could become, heretical, disorderly, disloyal, immoral, fanatical, and certainly unpredictable. Toleration, thus, did not extend to such groups. Officials viewed the sects simply as a result of poor education. Vienna considered a sustained, patient effort at re-education as the best means to fight sects, and local officials had to compile yearly reports on such groups. Martin Boos headed one such group in Gallneukirchen. He had studied under the famous German theologian Johann Michael Sailer. Martin Boos was, however, a mystic; he denied that Mary was the mother of Jesus and held other unorthodox views. To avoid persecution, Boos and his followers decided to claim that they were Protestants. Ziegler fought against this declaration, writing that the *Boosianers'* beliefs did not resemble Protestantism and did not qualify for toleration under Joseph's Toleration Patent due to their zealotry, their insufficient knowledge of the Bible and their proselytizing against Catholicism.⁸⁰ Francis placed bans on converting to the

⁷⁷ Bishop Ziegler to Francis, February 29, 1824, in HHStA, KFA, 238/LXXXVIII/1/354.

⁷⁸ These numbers come from Ziegler's letter to Francis on March 7, 1826, in HHStA, KFA, 238/LXXXVIII/6/399; Hosp uses the same numbers, in *Ziegler*, 80.

⁷⁹ After a report of the Court Chancellery on sects in Gallneukirchen, Francis explicitly ordered the future bishop of Linz (the office was vacant) to tackle the problem of sects in Gallneukirchen, see decision of Francis, July 22, 1826, in AVA, AK, Katholischer, 31 (Religionsschwärmerei) /297.

⁸⁰ Bishop Ziegler to Francis, November 24, 1829, HHStA, KFA, 235/179

Boosianer sect, and after Boos died in 1825, the sect shrank in numbers. In 1831, Ziegler reported that the *Boosianer* sect had subsided.⁸¹

These two bishops ultimately failed to revive the Church and free it from the shackles of the state. Yet, the state could not simply remove or sideline them because they were talented, energetic and needed in areas such as Galicia or Linz, or in Zängerle's case, Vienna lacked the jurisdiction to nominate a candidate of its choosing. Josephist officials, at all levels of government, impeded many of the bishops' projects. As a result, the gains achieved by energetic bishops such as Zängerle and Ziegler were minor. While the bishops were not able to effect a Catholic revival, the much more powerful force of ultramontanism was brewing in Europe, and Austria was not immune to its effects.

The Cologne Affair

The ultramontanist spark flared first in the Rhineland in 1837 after the Prussian government arrested Clemens August Droste zu Vischering, the archbishop of Cologne, due to a dispute over mixed marriages. This event galvanized Catholics from Hungary (see Chapter 3) to Ireland and created a scandal in the German lands.⁸² It also induced many Catholics in the

⁸¹ Ziegler did, however, write that secret meetings of *Boosianer* still took place, a misfortune he blamed on the 1830 revolution which he claimed inspired the Protestants of his district, see Bishop Ziegler to Francis, November 30, 1831, HHStA, KFA, 235/198. He claimed he had subdued this sect, but it remained active. Although the *Boosianer* baptized their children Catholic, they continued to attend Protestant services and to refuse the sacraments. The Lutheran consistory by 1835 supported the conversion of the *Boosianer* to Protestantism and 25 individuals that year still had outstanding requests to convert, in report of the Court Chancellery, March 27, 1835, in AVA, AK, Katholischer, 31 (Religionsschwärmerei)/1684. By the 1840s, the government believed the intentions of the *Boosianer* to be genuine and allowed the conversion process to begin, Report of the Court Chancellery, 1844 AVA, AK, Evangelisch, 19/20942.

⁸² Daniel O'Connell criticized Prussia for its arrest of Clemens August, and the Irish leader became a hero to many Rhenish Catholics; see James M. Brophy, "Die Rezeption Daniel O'Connells und der irischen Emanzipationsbewegungen im vormärzlichen Deutschland," in *Marx-Engels Jahrbuch* (2011): 74-93.

Rhineland to riot against the Prussian government, forcing Prussia to accede to Catholic demands for far-reaching concessions. This incident served as a lesson to governments across Europe that the Church had undergone an impressive recovery and that ultramontanism was a powerful force with which they had to reckon.

After taking the Rhineland in 1815, Prussian promises of parity for Catholics proved hollow. Prussia required, for example, Catholic soldiers to attend Protestant services once a month.⁸³ Rhinelanders regularly complained that bureaucrats were Protestants who favored the Prussian Union Church, which was the fusion of the Lutheran and Calvinist churches ordered in 1817 by Frederick William III (r.1797-1840).⁸⁴ Yet, the biggest complaint came in 1825 when Prussia began enforcing an 1803 order in the Rhineland for children of mixed marriages to be raised in the religion of the father. This measure strongly favored Protestantism because most mixed marriages in the region took place between local Catholic women and Protestant soldiers or bureaucrats from Prussia who had settled there. This issue generated feuding between the clergy and the state, and Pope Pius VIII (r. 1829-1830) published a brief allowing for passive assistance of the clergy in mixed marriages when the couple refused to raise all children Catholic. Passive assistance allowed the priest to conduct the wedding as a witness but not to bless the union. Prussia rejected this measure and instead concluded a secret agreement in 1834 with the moderate archbishop of Cologne, Ferdinand August, to allow priests to perform mixed marriages in all cases unless the couple displayed extreme indifference toward religion.⁸⁵ Yet this agreement fell apart in 1836 when Pope Gregory XVI discovered this arrangement after the

⁸³ Westphalian Provincial Estates on the question of Catholic military service, December 27, 1833, in Keinemann, 2: 4-5.

⁸⁴ Report of Coblenz Councilman Brüggemann, 1837 (no exact date given), in Keinemann: 2: 22-26.

⁸⁵ Rudolf Lill, *Die Beilegung der Kölner Wirren 1840-1842: Vorwiegend nach Aken des Vaitkanischen Geheimarchivs* (Düsseldorf: L. Schwann, 1962), 32-34.

bishop of Trier, Joseph von Hommer, confessed to acceding to the 1834 accord as a sin on his deathbed and sent a letter to Rome describing his actions.⁸⁶

After this discovery, the papacy provoked a conflict with Prussia, knowing that mixed marriages were unpopular among the general population in the Rhineland.⁸⁷ Prussia erred in 1835 by appointing Clemens August as the successor to Ferdinand August. Clemens August was a conservative Catholic but was aging and presumably weak. Yet the new archbishop began insisting in 1837 that the Church could not bless mixed marriages without an oath to raise all children Catholic, and when he refused to resign, Prussia arrested him later that year.⁸⁸ This arrest prompted the the archbishop of Posen (Poznańska), Marcin von Dunin Sulgostowski, to issue a pastoral letter to his priests ordering them to follow the pope on mixed marriages, resulting in the arrest of the Polish archbishop.⁸⁹

This detention, labeled the *Kölner Ereignis* or *Kölner Wirren*, provided a spark for neo-confessionalism and ultramontanism in Central Europe and beyond, though Austria, unlike other German states, maintained a neutral, mediatory stance. Prussian assumptions that the event would blow over proved terribly wrong, as protests and confessional conflict jolted Central Europe after this arrest. The popular reaction to the arrest of the archbishop was much stronger

⁸⁶ A version of Bishop Hommer's letter can be found in Joseph Görres, *Athanasius* (1838) Vol I of *Schriften zum Kölner Ereignis* 4 vols ed. Heinz Hürten (Paderborn: Ferdinand Schöningh, 1998), 58-59.

⁸⁷ Heinrich Schrörs, *Die Kölner Wirren: Studien zu ihrer Geschichte* (Berlin: F. Dümmler, 1927), 470.

⁸⁸ There are several works on the Cologne Affair, called the *Kölner Ereignis* or the *Kölner Wirren*, which are cited previously, yet none of them deal with the Habsburg Empire. Lill's account *Die Beilegung der Kölner Wirren* analyzes Metterich's diplomatic efforts to end the crisis. For a concise description of Prussia, juxtaposed to Austria, see Scott M. Berg, "Seeing Prussia through Austrian Eyes: The *Kölner Ereignis* and Its Significance for Church and State in Central Europe," in *The Catholic Historical Review (CHR)*, 101 (2015): 75-100. For an extensive biography of Clemens August, see Markus Hänsel-Hohenhausen, *Clemens August Freiherr Droste zu Vischering, Erzbischof von Köln 1773-1845: Die moderne Kirchenfreiheit im Konflikt mit dem Nationalstaat*, 2 vols. (Egelsback bei Frankfurt, 1991).

⁸⁹ Lill, *Die Beilegung der Kölner Wirren*, 56.

than the imprisonment of the pope by Napoleon.⁹⁰ The papacy, which Prussia failed to realize was growing in spiritual strength, issued a formal papal allocution condemning the arrest a few weeks later. The allocution made it clear that the arrest was about mixed marriages, not a dispute over the heretical teachings of George Hermes, a Kantian professor of theology at the University of Bonn, a matter of little meaning to average Catholics.⁹¹ While the Prussian government scoffed at the first allocution in 1837, when the pope issued a second one the next year, Prussia took it more seriously, realizing then that the arrest had provoked a crisis.⁹²

Protests ensued against Prussia: Catholics flocked to mass, and priests prayed publicly for the archbishop. As early as January 1838, the English ambassador in Berlin noted that Prussia was “losing that hold she was beginning to assume over Germany.”⁹³ In October of that year, a mob sacked the house of Dean Filz, a priest who opposed the ultramontanists, and many rioters protested in support of ultramontane clergy.⁹⁴ Meanwhile in the ultramontanist stronghold of Münster, crowds desecrated a bust of the Prussian king, Frederick William III, and riots led to skirmishes with the army.⁹⁵ In Cologne itself buyers snatched up portraits of the pope sitting between the archbishops of Cologne and Posen with the words inscribed at the bottom: “on this rock I will build my Church and the gates of hell shall not overcome it.”⁹⁶ After the Cologne

⁹⁰ Franz Schnabel, *Die Religiösen Kräfte* Vol. 4 of *Deutsche Geschichte im Neunzehnten Jahrhundert* (Freiburg: Herold Verlag, 1951), 138.

⁹¹ Schrörs, *Die Kölner Wirren*, p. 549-551.

⁹² Report of the *Augsburger Allgemeine Zeitung* (AAZ), October 25, 1838, 2383. The AAZ provided extensive coverage of the reactions to the arrest of the archbishop.

⁹³ Lord Russell on the crisis in Prussia, January 24, 1838, in Keinemann, 2:137.

⁹⁴ Report in (AAZ), November 1, 1838, 2439; AAZ, November 2, 1838, 2446.

⁹⁵ Report of the Bürgermeister, December 11, 1837, in Keinemann, 2:122, 126; Report of the *Leipziger Allgemeine Zeitung* (LAZ) of August 11, 1838, in Keinemann, *Das Kölner Ereignis*, 2: 217.

⁹⁶ Report of the AAZ, December 22, 1838, 2848. This quote refers to scriptural text (Matthew 16:18).

Affair, Belgian papers printed pieces in the Rhineland pledging to stand with their Catholic brethren and encouraging them to stand up to Prussian tyranny.⁹⁷

The events in Cologne also induced Catholics in the German lands to establish a journal on confessional lines. A few weeks after the arrest, the Catholic publicist, Joseph Görres wrote what Thomas Nipperdey has labeled the founding document of political Catholicism.⁹⁸ This work, *Athanasius*, justified the actions of Clemens August and condemned the Prussian state, though Josephist Austria did not escape Görres' pen. Görres viewed Catholicism and public opinion as viable tools to check governmental overreach.⁹⁹ In addition, Görres and other Catholics broke away from the conservative, joint Catholic-Protestant work *Berliner Wochenblatt*, which defended Prussia's actions. These Catholics founded the *Historisch-Politische Blätter für das Katholische Deutschland*, which denounced Prussia and claimed that Protestantism served as a tool for absolutist governments and constituted one of the roots of revolution.¹⁰⁰ This journal contained book reviews, essays defending Catholic history, letters from people who converted to Catholicism, and articles exuding nostalgia for the medieval union of Church and state.

This reaction to the Cologne Affair was a result of Prussia's confessional state. Frederick William III had aimed to be the premier prince of Protestantism in Germany and had used

⁹⁷ Reprint of "Aufruf der Belgier an die Deutschen" in the *Frankfurter Oberpostamtszeitung*, October 12, 1838, in Keinemann, 2: 222-224. See also, report of the AAZ, October 21, 1838, 2351 for the reactions.

⁹⁸ Thomas Nipperdey, *Deutsche Geschichte, 1800-1866: Bürgerwelt und starker Staat* (Munich: Verlag C.H. Beck, 1983), 419.

⁹⁹ Jon Vanden Heuval *A German Life in the Age of Revolution: Joseph Görres, 1776-1848* (Washington DC, 2001), 331.

¹⁰⁰ "Ueber die gegenwärtige Stellung der katholischen Kirche zu den von ihr getrennten Confessionen," *HPB*, 1838, 1: 46.

religion to legitimize state power.¹⁰¹ This policy backfired, however, in the Catholic Rhineland, where religious difference and the legal legacy of the French occupation led to conflict with Prussia. Prussian garrisons on the Rhine and numerous measures exempting the Rhenish nobility from French laws had already sparked distrust of Prussia in the Rhineland.¹⁰² In addition, the arbitrary use of force by the state upset liberals. Catholics such as Baron Max von Loe agitated for the return of Clemens August but did so in the language of citizens' rights.¹⁰³ Heinrich von Gagern, a liberal Protestant, also viewed the arrest of the archbishop as an illegal imprisonment and a consequence of a state church, which he viewed as as irrational and inappropriate.¹⁰⁴ Unlike Austria, Prussia's church policy lacked legitimacy, was haphazard, and not amenable to a multi-confessional state. In contrast to Austria, Prussia engaged in confessional strife in the public space, leading to religious conflict and disorder.

Despite this blunder by Prussia and the outrage and alienation of its Catholic subjects, Austria did not take advantage of the Cologne Affair, staying true to its mission as a non-confessional state. Rather than exploit its position as a Catholic country to rally outraged Catholics in the German lands, the Austrian government worked to defuse the conflict. (for more on domestic effects in Austria see Chapter 3). Metternich viewed the Prussian arrest of the archbishop as a manifestation of Prussia's ascension to the head of the Protestant world.¹⁰⁵ Factions of the Court at Vienna also wanted Austria to use this arrest to assert its authority over

¹⁰¹ Christopher Clark, "The Napoleonic Moment in Prussian Church Policy," in *Napoleon's Legacy*, ed. Daven Laven and Lucy Riall (Oxford: Oxford University Press, 2000), 230.

¹⁰² Michael Rowe, "The Napoleonic Legacy in the Rhineland and the Politics of Reform in Restoration Prussia," in *Napoleon's Legacy*, 137-144.

¹⁰³ Lill, *Die Beilegung der Kölner Wirren*, 184-186.

¹⁰⁴ Heinrich von Gagern to Hans Christoph von Gagern, February 3, 1838, in *Deutscher Liberalismus im Vormärz: Heinrich von Gagern Briefe und Reden 1815-1848* ed. Paul Wentzcke and Wolfgang Klötzer (Göttingen: Musterschmidt, 1959), 190; Heinrich von Gagern to Hans Christoph von Gagern, February 23, 1838, in *Deutscher Liberalismus im Vormärz*, 193.

¹⁰⁵ Metternich to Ferdinand, May 18, 1838, in Maass, 5: 497.

Catholic Germany.¹⁰⁶ Metternich, however, had no desire for a culture war, especially over religion, which had the potential to inflame popular opinion and turn dangerous. Privately, however, Habsburg diplomats castigated Prussian blundering. The Austrian ambassador in Berlin, Count Joseph von Trauttmansdorff, excoriated Prussia's foreign minister, Christian Charles Josias von Bunsen, who had advocated a hardline position vis-à-vis the archbishop of Cologne, for the trouble he had created.¹⁰⁷

Metternich intervened to resolve this crisis and made progress once Frederick William III died in 1840, and the romantic Frederick William IV took the throne in Prussia. Austria served as a mediator, urging moderation to the curia in Rome and to the new Prussian king, who was prepared to make concessions. In 1841, Frederick William granted the Catholic Church rights and freedoms it could only dream of in Austria. The Prussian king renounced the right to censor communication between Rome and Prussian bishops, created a department for Catholic affairs in the *Kultusministerium* (Cultural Ministry), and granted Rome the right to select bishops (with a royal veto).¹⁰⁸ Yet, the legacy of Frederick William III's father prevented the Prussian king from allowing Clemens August to return as the archbishop of Cologne, and Metternich convinced the curia to accept Johannes Geissel as a compromise candidate.¹⁰⁹ The appointment of Geissel ended the affair. Metternich wrote that all "reasonable Catholics must be satisfied, that an agreement between the highest state authorities and the Church has taken place" and entreated Prussian officials to ignore "the Protestant left and the Catholic right," both of which

¹⁰⁶ Srbik, *Metternich: Der Staatsmann und der Mensch* 3 vols 2nd ed (Munich: Verlag F. Bruckmann KG, 1956), 2: 61.

¹⁰⁷ Trauttmansdorff to Metternich, February 9, 1838 in Keinemann, 2: 117.

¹⁰⁸ Roger Aubert et al (eds), *Die Kirche in der Gegenwart: Die Kirche zwischen Revolution und Restauration*, Vol 6 of *Handbuch der Kirchengeschichte* 7 vols (Freiburg: Herder, 1971), 399.

¹⁰⁹ Lill, *Die Beilegung der Kölner Wirren*, 147. At one point, Frederick William IV even told Clemens August that it was God's will for him to resign as archbishop of Cologne, see Frederick William IV to Clemens August, October 19, 1840, in Keinemann, 2: 306-307.

would inevitably criticize the new agreement.¹¹⁰ Despite this patch, Prussia, and later Germany, remained haunted by confessional conflict throughout the nineteenth century.

Metternich and the Church

Although Metternich helped navigate Central Europe out of the *Kölner Ereignis* and resisted the temptation to use Catholicism as a political weapon during the turmoil, the event reinforced for him the power of the Church. The Cologne Affair was the realization of Austria's greatest fear: mobs whipped up by emotional, religious sentiment and driven to riot. While Austria's Josephist system had helped the monarchy avoid the pitfalls that Prussia encountered, Metternich feared that the Habsburg Empire, which had on the surface an ecclesiastical structure similar to that of Prussia, was on a collision course with a reinvigorated, ultramontane Church. In addition, the event aroused Catholic anger in the Habsburg lands. Observers, such as the historian Friedrich Emanuel von Hurter noted that the Cologne Affair had been a wake-up call for Austria's clergy and Catholics and concluded that their indifference, which hitherto had been the norm, was at an end.¹¹¹

In the 1840s Metternich renewed his push for a rapprochement with the Catholic Church in order to avoid such a conflict. In April 1844, the chancellor wrote to Emperor Ferdinand, reminding him of Francis' final testament and laid out his clearest vision of the role of the Church in Austria:

My intention is not to overthrow the laws of Joseph II, nor or is it the restoration of the Church to an earlier era, or to give up the hard-earned rights of secular rulers. I do not want to abolish toleration toward non-Catholics nor give power to the clergy in areas that do not belong to them. I intend not to go backwards but forwards...Unfortunately, I

¹¹⁰ Metternich to the Prussian Foreign Minister, Count Mortimer von Maltzahn, November 19, 1841, in Keinemann, 2: 331.

¹¹¹ Friedrich Hurter, *Ausflug nach Wien und Presburg, im Sommer 1839* 2 Vols (Schaffhausen: Hurter'sche Buchhandlung, 1840), 2: 208-209.

cannot hide the sad fact that Austria has, for fifty years, waged a secret war against the Church, while waging a public one against revolution. In the adoption of such a contradictory stance lies the secret of our weakness....This is morally and politically unsustainable.¹¹²

Metternich went on to warn the emperor that Austria had a similar relationship with the Church as Prussia and that an event similar to the Cologne Affair could occur in Austria. To remedy this poor relationship with Rome, Metternich suggested aligning Austrian marriage laws to canon law (see Chapter 3), ending the ban on Catholics from studying at the *Germanikum* (German College) in Rome, allowing monastic orders to be in contact with their generals outside of Austria, and allowing bishops to communicate with Rome. Yet Metternich did not want to end toleration for recognized non-Catholic confessions, and in fact, supported the expansion of rights for religious minorities. He simply wanted to ease the restrictions that Joseph had placed on the Church, which he viewed as demoralizing for spiritual forces that would support monarchy and oppose revolution.

In short, Metternich wanted to end the war against the Church, and for this end he won the support of Joseph Alois Jüstel, the emperor's spiritual advisor. Jüstel had begun his career as a Josephist, and in 1819, Pope Pius VII had complained that his seminary in Graz defended Martin Luther and the Reformation.¹¹³ Yet by the 1840s, Jüstel had abandoned many of these views and had seen the need to loosen the most stringent controls on the Church. He regretted that the Habsburg Empire had squandered its political capital as a Catholic power and that the Austrian Court was the most detested in Rome.¹¹⁴

¹¹² Metternich to Ferdinand, April 6, 1844, *Aus Metternich's nachgelassenen Papieren* 9 vols ed. Richard Metternich-Winneburg, 7: 33-34; at this time, Vienna was making major alterations to Hungarian toleration laws (see Chapter 3).

¹¹³ Pope Pius VII to Francis, *sin edato*, 1829, in Maass, 4: 633. In fact, Martin von Lorenz had actually suggested Jüstel as bishop of Laibach (Ljubljana) in 1815, see Andreas Posch, "Staatsrat Josef Jüstel," in *Zeitschrift des Historischen Vereines für Steiermark* 44 (1953): 103.

¹¹⁴ Jüstel to Ferdinand, March 16, 1842, in HHStA, KA, Stk, 49 (1842)/200.

One barrier Metternich attempted to remove was the ban on students of the Austrian Empire studying at the *Germanikum* in Rome. This German college dated back to the Counter-Reformation with the mission to educate clergy loyal to the papacy. Joseph banned the clergy from studying there in 1781, and Francis re-issued this prohibition, which remained in effect in the 1840s.¹¹⁵ Metternich had worked as early as 1837 to end this ban. He and Jüstel renewed this effort in 1842. Metternich noted that French, German, Piedmontese, and even Protestant Prussians could study in Rome and that the exclusion of Habsburg clergy there only weakened Austrian influence.¹¹⁶ Kolowrat, Metternich's rival in the State Conference, and Count Francis von Hartig, the section chief of finance in the State and Conference ministry, defeated this plan, arguing that the ban on studying at the *Germanikum* had brought peace to Austria. Kolowrat worried that this action would open the door to papal demands for Austria to change its religious laws and disrupt the tranquil Josephist settlement.¹¹⁷

Similarly, communication between the papacy and Austrian bishops remained severely restricted.¹¹⁸ Metternich pushed for the easing of these laws, as had happened in Bavaria and Prussia in 1841. A patchwork of decrees, mostly from the 1780s, 1790s, and 1810s, suppressed communication with the pope. A decree in 1811 prescribed that anyone desiring communication with the pope should go to his or her bishop, who would then turn to the Court Chancellery, which would send the correspondence to Rome.¹¹⁹ Austrian laws limited this contact to purely

¹¹⁵ Francis did, however, issue an exemption for the Count Leibhard Mels-Collredo in 1832, see Report of Jüstel, January 20, 1837, in Maass, 5: 484

¹¹⁶ Metternich to Ferdinand, April, 1842, in HHStA, KA, Stk, 50 (1842)/290

¹¹⁷ Kolowrat to Ferdinand, April 12, 1842, in HHStA, KA, Stk, 50 (1842)/290

¹¹⁸ Due to Eduard Winter's work, there is confusion on this issue. Winter wrote, without a date or a citation, that the Austrian government restored full communication between the bishops and Rome. Other works have, unfortunately, cited Winter; see Eduard Winter, *Romantismus, Restauration und Frühliberalismus im Österreichischen Vormärz* (Vienna: Europa Verlag, 1968), 126.

¹¹⁹ Jüstel to Ferdinand, November, 4 1842, in HHStA, KA, 50 (1842)/966

spiritual matters and required that state authorities relay the messages. In practice, communication, direct or indirect, between the papacy and the Austrian clergy rarely occurred.¹²⁰ In cases of confirmation of bishops, annulment of marriages and other standard work requiring the papal approval, communication went through state officials.¹²¹ In response to Metternich's effort to loosen these laws, the government solicited opinions from the bishops of the empire, many of whom, with the notable exception of the archbishop of Vienna, Milde, supported renewed contact with Rome.¹²² Similar restrictions prevailed in Hungary, and the bishops there, along with the Hungarian-Transylvanian Court Chancellery, supported removing state controls on communication of bishops with the papacy.¹²³ The government ultimately rejected these suggestions, with the head of the Court Chancellery, Count Charles Borromäus von Inzaghi, arguing that Austrian laws restricting communication with Rome protected the clergy from getting involved in political feuds.¹²⁴

Metternich also established relations with Catholic activists, though he failed to remove the institutional barriers to their success. He called the Swiss historian and Catholic convert, Friedrich Emanuel von Hurter, to Vienna to serve as Court historiographer in 1846.¹²⁵ Hurter was an ultramontane and combative Catholic, whose appointment angered many elites in

¹²⁰ Only one bishop visited Rome during the *Vormärz* (Schwarzenberg of Salzburg in 1841) and Metternich forwarded a bishop report in 1840, 1846, and 1847, see Hosp, *Die Kirche Österreichs*, 200.

¹²¹ For Hungary, they can be found in the HHStA, Diplomatie und Außenpolitik vor 1848, Staatskanzlei, Notenwechsel, Ungarische und Siebenbürgische Hofkanzlei.

¹²² Archbishop Milde to Inzaghi, February 6, 1843, In Maass 5: 697-700.

¹²³ Report of the Hungarian Court Chancellery, April 8, 1846, in HHStA, KA, Stk, 60 (1846)/855.

¹²⁴ Inzaghi to Emperor Ferdinand, September 20, 1843, In Maass, 5: 721.

¹²⁵ Srbik wrote that Archduchess Sophie or Metternich's wife, Melanie Zichy, played a role in calling Hurter to court, though Metternich made this final decision, in Srbik *Metternich*, 2: 232.

Vienna.¹²⁶ Metternich valued Hurter, however, for his strong arguments in favor of historical legitimacy of monarchy.¹²⁷ Hurter had no institutional support in Austria, however, and the police hindered and censored his work on the Counter-Reformation Emperor Ferdinand II, whom he considered a “great savior of the throne and of the monarchy.”¹²⁸ This appointment was a blunder and only earned Metternich the scorn of bureaucrats and the elites, who began to label the chancellor as “obscurant” and an ultramontane.¹²⁹

Metternich also selected Carl Ernst Jarcke as the successor to Friedrich von Gentz, a Protestant who had served as Metternich’s advisor before Gentz’s death in 1832.¹³⁰ Jarcke was a professor of law at the University of Berlin. In 1825 he converted to Catholicism and entered the publishing business after his career stagnated.¹³¹ He helped found the conservative *Berliner Politische Wochenblatt* in 1831. A few years after he arrived as Metternich’s assistant, he began to work as a Catholic activist in Germany, breaking with the *Wochenblatt* in 1838 after the Cologne Affair to join Görres in editing the *Historisch-Politische Blätter*. Metternich sent Jarcke to Rome during the Cologne Affair to advocate Austria’s position to the Roman Court, and Jarcke sent back valuable information about negotiations over ending the affair to the state

¹²⁶ Even before Hurter’s conversion to Catholicism, he had written that Joseph’s early death in 1790 had been regrettable because they had acted as a seal on his reform, which only the former emperor could undo, in Hurter, *Ausflug nach Wien*, 2: 208-209.

¹²⁷ Srbik, *Metternich*, 2: 232-233.

¹²⁸ Srbik, 233.

¹²⁹ This is Srbik’s conclusion, in *Metternich*, 2: 234. It also gave ammunition to expatriates such as Baron Joseph von Hormayr, who blamed the Catholic party in Austria for “Jesuitism” in Bavaria and Spain, see Baron Joseph von Hormayr, *Kaiser Franz und Metternich: ein nachgelassenes Fragment* (Leipzig: Weidmann, 1848), 94-96.

¹³⁰ Although Gentz was a Protestant, he maintained good relations with Catholic activists in Germany, even writing once that “Protestantism is the first, source of evil,” referring to the Reformation, which many conservatives viewed as a prelude to the French Revolution, see Gentz to Adam Müller, April 19, 1819, in *Briefwechsel zwischen Friedrich Gentz und Adam Heinrich Müller 1800-1829* (Stuttgart: J.G Cotta’scher Verlag, 1857), 275.

¹³¹ Hans-Christof Kraus, “Carl Ernst Jarcke und der katholische Konservatismus im Vormärz,” in *Historisches Jahrbuch* 110 (1990): 411.

chancellor.¹³² Jarcke's activism exceeded, however, what Metternich considered appropriate. Metternich constantly had to restrain Jarcke's Catholic activism and found him burdensome and out of touch with reality.¹³³

Despite Metternich's admonitions, Jarcke continued to work at the *Blätter* and even operated a salon in Vienna in the 1830 and 1840s. Due to his connection with Metternich, Jarcke had a degree of protection from the police.¹³⁴ Around Jarcke was a group, consisting of Hurter and Bishop Michael Wagner of Sankt Pölten, all of whom congregated at Hofbauer's old Redemptorist college. Here they advocated aggressive attacks on Josephism, which they viewed as crumbling, prompting Metternich to label this group as "zealots."¹³⁵ Sebastian Brunner, a Catholic priest and activist in the 1840s who would rise to fame after 1848, attended these salons. Metternich also held meetings with Brunner, and used him as an advisor on heretical religious movements such as German-Catholicism, encouraging the young priest and telling him that the next big movement would be a religious one.¹³⁶ Brunner defended Hurter with books such as *Hurter vor dem Tribunal der Wahrheitsfreunde* (Hurter before the Tribunal of the Friends of Truth). Yet activists such as Brunner endured fines and investigations from the police for writing for foreign, Catholic publications in Germany and were unable to form Catholic mouthpieces in Austria.¹³⁷

Yet, Jarcke provided Catholic activists with an advocate inside the government, as he served as a censor. He denounced George Hermes, the Rhenish professor, to the papal nuncio

¹³² For Jarcke's time in Rome, see Michael Graf, "Karl Ernst Jarcke im Dienste der österreichischen Staatskanzlei (1832-1848)," Ph.D. Diss., University of Vienna, 1970, 75-158.

¹³³ "schwerfällig" and "weltfremd," Kraus, "Carl Ernst Jarcke," 413.

¹³⁴ Sebastian Brunner, *Woher, Wohin? Geschichten, Gedanken Bilder und Leute aus meinem Leben* 5 vols (Vienna, 1855), 2: 57.

¹³⁵ Graf, "Karl Ernst Jarcke im Dienste der österreichischen Staatskanzlei," 60.

¹³⁶ Brunner, *Woher, Wohin?*, 2: 116.

¹³⁷ Brunner, *Woher, Wohin?*, 2: 143-156.

and worked with Metternich to get Hermes' work condemned by the papacy.¹³⁸ Jarcke approved religious writings supporting the Church or even the archbishop of Cologne and placed the "damnatur" (banned) stamp on pieces that attacked the Catholic stance on mixed marriages or that defended Hermes. Jarcke's influence only extended so far however, and he had to battle with the Josephists who had long commanded the police censors for theological works.¹³⁹

Metternich also used Jarcke to plant stories favorable to Austria in the German Catholic press. Jarcke reviewed articles to be published in the *Österreichischer Beobachter*, Austria's semi-official paper sponsored by Metternich, and planted pro-Austrian articles in German papers such as the *Cottasche Allgemeine Zeitung*.¹⁴⁰ Jarcke's connection to the Görres *Kreis* in Munich enabled Austria to get favorable coverage in these papers. In addition, Austria received the benefit of the doubt from German Catholics on the international stage. A few Catholic papers in Germany condemned, for example, the Russian suppression of the Polish revolt of 1831, yet raised no opposition to Austria's response to the 1846 revolt in Galicia in which many Catholic clergy also took part.¹⁴¹ Jarcke wrote, in fact, the *Historisch-Politische-Blätter's* response to the 1846 revolt.¹⁴² Although this uprising had failed on account of the peasants' hatred of their landlords and loyalty to the Habsburgs, Vienna disliked the disorder and sought to repress any

¹³⁸ Hermann H. Schwedt, "Rom und der Europäische Reform-Katholizismus im Vormärz," in *Bernard Bolzano und die Politik: Staat, Nation und Religion als Herausforderung für die Philosophie im Kontext von Spätaufklärung, Frühnationalismus und Restauration* ed. Helmut Rumpler (Vienna: Böhlau, 2000), 138.

¹³⁹ Graf, "Karl Ernst Jarcke im Dienste der österreichischen Staatskanzlei," 44-45.

¹⁴⁰ Graf, 35, 41.

¹⁴¹ This response led many French ultramontanists such as Count Charles Rene Montalembert, an editor of the *Avenir*, to accuse the *Historisch-Politische Blätter* of being compromised by Jarcke, whom the French considered an Austrian secret agent, see Stephan Scholz, *Der deutsche Katholizismus und Polen (1830-1849): Identitätsbildung zwischen konfessioneller Solidarität und antirevolutionärer Abgrenzung* (Osnabrück: fibre Verlag, 2005), 237-242. Jarcke also kept Metternich informed about the European press after the 1831 revolt in Poland, see Jarcke's letter to Metternich, September 9, 1833, in HHStA, Diplomatie und Außenpolitik vor 1848, Staatskanzlei, Interiora (I) (1742-1860), Interiora (Allgemein), Korrespondenz 75-7.

¹⁴² Scholz, *Der deutsche Katholizismus und Polen*, 237-238.

hints of revolutionary activity.¹⁴³ When the papacy condemned the 1846 uprising, Vienna happily allowed this papal letter to circulate in Galicia in hopes of disarming the clergy.¹⁴⁴ These deeds had, however, little effect in Austria, and Metternich insisted that his connections to the Görres *Kreis* remain secret due to the scandal it would cause in Austria.¹⁴⁵ Despite the persistence of Josephism, Catholic activists still held out hope that Austria could return to its Catholic roots.¹⁴⁶

The Cologne Affair galvanized Catholics across Europe, especially in Central Europe. Austria was no exception, and several officials concluded that Josephism should be scrapped (for more details, see Chapter 3). Metternich led the charge to overturn restrictions on the Church that had existed since the 1780s, but he found himself in the minority in the government. While Metternich was unable to effect an annulment of Josephist regulations, other Catholic advocates appeared among the women at Court, and they were ultimately successful.

The Church and Court

The Court took a Catholic turn, but it had little influence on public policy. Although rumors swirled about a “pious” party at Court, linked to Francis’ fourth wife Caroline Augusta of Bavaria, the empress, while pious, adhered to a bourgeois set of values in matters related to

¹⁴³ This uprising has been the subject of intense historiographical debate. For a succinct and relatively recent account of these events, see Antony Polonsky, “The Revolutionary Crisis of 1846-1849 and its Place in the Development of Nineteenth-Century Galicia,” in *Harvard Ukrainian Studies* 22 (1998): 443-452.

¹⁴⁴ Ferdinand to Inzaghi, March 12, 1846, in HHStA, KA, Stk, 59, (1846)/352.

¹⁴⁵ Scholz, *Der deutsche Katholizismus und Polen*, 238.

¹⁴⁶ Prussia was the main target of the *Blätter*, though the journal, without directly attacking Austria, considered Joseph’s reforms as part of a general war waged against the Church since the Reformation, concluding with the French Revolution, see for example, “Joseph II und seine Zeit,” in *HPB*, 1839, 3: 129-150.

religious affairs.¹⁴⁷ Caroline Augusta was the daughter of the king of Bavaria, Maximilian Joseph (1756-1825). At Napoleon's insistence in 1808 she had unwillingly married the Crown Prince of Württemberg, who uttered at the altar the infamous phrase "*Nous sommes victimes de la politique*" (we are the victims of politics). In 1814, however, the Bavarian government, supported by Tsar Alexander, obtained a divorce for her from the pope and permission for her to remarry.¹⁴⁸ Emperor Francis, attracted to Caroline Augusta's piety and domesticity, married her in 1816 after his third wife died.¹⁴⁹ Caroline Augusta played the part of pious wife in public. On the Italian trip in 1819 (see Chapter 1), she was, for example, supposedly the only person in Francis' entourage who behaved with reverence at Church functions in Rome, and during fasting season she abstained from sugar and urged the Court not to eat meat on Fridays.¹⁵⁰

Despite her religiosity, Caroline Augusta exercised little influence on Austrian Church policy and disappointed Metternich, who hoped she would be an influential ally. She viewed Church politics as a public matter and, thus, suitable only for men.¹⁵¹ The empress restricted herself to running charitable organizations, and applicants flooded her with petitions requesting money for various projects.¹⁵² She even sponsored a Jewish Children's Home in Vienna.¹⁵³ She brought her confessor Sebastian Francis Job (see Chapter 1) to Court, but he too turned down

¹⁴⁷ Francis was popular among the middle classes in Vienna and preferred bourgeois settings to court formality, in Paula Sutter Fichtner, *The Habsburg Monarchy, 1490-1848: Attributes of Empire* (New York: Palgrave, 2003), 96.

¹⁴⁸ Susanna Elisabeth Hauser, "Carolina Auguste von Bayern, die vierte Gemahlin Kaiser Franz I von Österreich," Ph.D Diss., University of Vienna, 1991, 21.

¹⁴⁹ Hauser, "Carolina Auguste von Bayern," 131.

¹⁵⁰ Cölestin Wolfsgruber, *Carolina Augusta, die 'Kaiserin-Mutter'* (Vienna: Verlag von Heinrich Kirsch, 1893), 183

¹⁵¹ Hauser, "Carolina Auguste von Bayern," 359

¹⁵² In the HHStA, KA, Bittschriften (an Kaiserin Karoline Auguste) (KKAA) sits over 50 boxes of requests, especially in the hard years of 1816-1817, ranging from elderly citizens to requests by schools for clothing for poor children. Her charitable activities are documented in Hauser, "Carolina Auguste von Bayern," 598-658.

¹⁵³ Max Grunwald, *Vienna* (Philadelphia: The Jewish Publication Society of America, 1936), 334.

requests to exercise influence in political affairs.¹⁵⁴ Instead he focused on charity, setting up, for example, an endowment for poor boys in upper Styria to train for the priesthood.¹⁵⁵ Job did, however, become a popular preacher and confessor to many nobles.¹⁵⁶

An exception to Caroline Augusta's non-intervention in politics occurred, however, in 1843 when Tsar Nicholas tried to marry his third daughter, Olga Nikolaevna, to Archduke Stephen, the son of the Palatine of Hungary, Archduke Joseph. Metternich fought this marriage, which would enhance the prestige of the Palatine, whom he despised (see Chapter 3). Metternich mobilized the Court against this proposal and worked with Archduchess Sophie, the wife of Charles Francis and mother of Francis Joseph, to reframe the matrimonial dispute into a religious one. Metternich and Sophie succeeded in enlisting Caroline Augusta against this plan, and the chancellor warned Archduke Stephen that the Orthodox Olga would be unwelcome at Court, adding that his wife, Melanie Zichy, a Hungarian, could be counted as an opponent to the marriage.¹⁵⁷ Tsar Nicholas appealed to Caroline Augusta, pointing out to her the agreement between Francis and Tsar Paul in 1798, which stated that differences in religion would no longer hinder marriages between the Habsburgs and Romanovs.¹⁵⁸

This agreement, hitherto unknown to Metternich and the empress dowager, failed to move the devout Catholics at Court. As a result, the tsar, in a visit to Italy, which required a stopover in the Habsburg monarchy, met with Archduke Stephen in secret at a train station in

¹⁵⁴ Hauser, *Carolina Auguste von Bayern*, 520.

¹⁵⁵ Eduard Hosp, *Sebastian Franz Job: Ein Karitasapostel des Klemens-Hofbauer-Kreises (1767-1834)* (Mödling, St. Gabriel Verlag, 1952), 106-109.

¹⁵⁶ Hauser, "Carolina Auguste von Bayern," 521.

¹⁵⁷ George Barany, "The Liberal Challenge and Its Limitations: The Religious Question at the Diet of 1843-1844" in *Hungary and European Civilization* ed. György Ranki (Budapest: Akadémiai Kiadó, 1989), 58.

¹⁵⁸ Hauser, "Carolina Auguste von Bayern," 586.

Moravia and avoided the Habsburg capital.¹⁵⁹ But later that year the tsar was not so lucky, and in one dramatic scene in late 1845, Caroline Augusta confronted the tsar as he passed through Vienna, castigating him for his oppression of Catholicism in the Russian Empire.¹⁶⁰ Nicholas' proposal failed due to opposition, not only from the Court, but also in Hungary where anti-Russian sentiment was broad and included liberals, Catholics, Protestants, and nobles.¹⁶¹

Overall, Caroline Augusta and the Catholic party at Court remained mostly subdued, but it was here where the more energetic Archduchess Sophie planted the seeds of the Catholic victory after 1848. Sophie was the ambitious daughter of Maximilian I of Bavaria. She was intelligent and determined to marry into the House of Habsburg.¹⁶² Sophie was also a devout and energetic Catholic, and had connections to the Görres *Kreis* in Munich.¹⁶³ In 1824, she married Francis Charles, the second son of Francis. After experiencing difficulty conceiving, she finally gave birth to Francis Joseph Charles on August, 18, 1830.¹⁶⁴

Sophie aimed for her young “Franzl” to be emperor, and fought for him to have a conservative Catholic education. Her initial choice as royal tutor was Job, but his death in 1834 foreclosed this possibility, and Caroline Augusta suggested Joseph Othmar Rauscher.¹⁶⁵

¹⁵⁹Archduke Stephen to Emperor Ferdinand, October 12, 1845, in Magyar Országos Levéltár: Obuda (Hungarian National Archives: Obuda) (MOL-O), Regnicolaris levéltár, N-22 (Archivum palatinale secretum archiducis Josephi (1795-1847), 31235.

¹⁶⁰Barany, “The Liberal Challenge and Its Limitations,” 58-59; Hauser noted simply that the women shunned the tsar when he passed through Vienna, in “Carolina Auguste von Bayern,” 586. Francis preferred to mitigate the problems for Catholicism in Russia and Turkey through secret, personal favors, rather than deal with it as a public matter of state that would link Austria with the problems of the Church.

¹⁶¹Barany, “The Liberal Challenge and Its Limitations,” 58. For details on anti-Russian opinion in Hungary, see László Révész, “Polen und Ungarn 1830-1848” in *Ungarn Jahrbuch (UJ)* 1 (1969): 74-83.

¹⁶²Holler, *Sophie Die Heimliche Kaiserin: Mutter Franz Joseph I* (Vienna: Amalthea Verlag) 20.

¹⁶³Srbik, *Metternich*, 2: 232.

¹⁶⁴Holler, *Sophie*, 30.

¹⁶⁵Hauser, “Carolina Auguste von Bayern,” 528.

Rauscher had come under the influence of Hofbauer and joined the clergy after the latter's death. Rauscher taught Church history at the University of Salzburg, and in 1832 he obtained the directorship of the Oriental Academy in Vienna, where he also advised officials on religious questions.¹⁶⁶ Sophie ensured that Rauscher had the most influence on her children, and supposedly not a day went by in which Sophie did not personally watch over their studies.¹⁶⁷ Metternich also suggested Count Heinrich Bombelles, an unpopular pro-Jesuit Catholic, to Sophie as a tutor for her children. Although fears erupted among his ultra-Catholic tutors and even Sophie that "Franzl" had too many "free ideas" (*freiere Grundsätze*) and that he "sometimes sounded like Joseph II," most reports note that he was not just a faithful Catholic but an enthusiastic one.¹⁶⁸ While this development was of little significance during the *Vormärz*, the Catholic education of the future Emperor Francis Joseph and the domination of his mother in this endeavor would prove crucial in effecting a Catholic revival after 1848.

Metternich's push for a union of throne and altar, despite its failure, earned Metternich the scorn of liberals and other progressive forces in the empire, though on the whole, liberals and the Church did not clash in the *Vormärz*. Metternich did enough, however, to provoke more progressive opinions in the empire, which accused him of attempting to overturn Joseph's settlement. Yet Metternich was, by and large, not successful even in loosening the restrictions on the Catholic Church in Austria, and criticisms of his supposed newfound clericalism remained restricted to satirists, conspiracy theorists and extremists.

¹⁶⁶ Cölestin Wolfsgruber, *Joseph Othmar Cardinal Rauscher, Fürstbischof von Wien: Sein Leben und sein Wirken* (Vienna: Herdr'sche Verlagshandlung 1888), 42. He was particularly active in urging the government to accept Beckx's proposal for the Jesuit order in Austria in 1836 and offered advice to the Austrian government after the Cologne Affair.

¹⁶⁷ Holler, *Sophie*, 114-116.

¹⁶⁸ Sophie Katharina Woeginger, "Die Erziehung der österreichischen Kaiser: Kaiser Franz I/II, Kaiser Ferdinand, Kaiser Franz Joseph I, Kaiser Karl, Otto von Habsburg," (master's thesis, University of Vienna, 1996), 69-71.

One opponent was the playwright Francis Grillparzer. Grillparzer wrote famous plays, such as *King Ottakar's Fortune and End* and *Woe to Him who Lies*.¹⁶⁹ He had accompanied Francis on the trip to Italy in 1819, where he found the papal ceremonies boring and devoid of meaning.¹⁷⁰ In the 1820s, Grillparzer's work ran up against the censorship of the state. The empress, Caroline Augusta, helped Grillparzer's work get past the censors, but his career as a clerk in the Austrian government stalled, though his laziness probably played a role.¹⁷¹ Grillparzer opposed Metternich's push to restore Church freedoms in the 1830s and feared the emerging ultramontanist movement. He blamed these developments on Metternich's third wife, Melanie Zichy.¹⁷² In 1839 when Metternich fell seriously ill, Grillparzer even wrote a premature, scornful epitaph for the chancellor.¹⁷³

Other opponents raised complaints against Metternich's supposed clerical push, and indulged in radical and nationalist conspiracy theories. In the 1840s, the flamboyant liberal Francis Schuselka wrote several works speaking of a "Jesuit" war against Austria and accused the government of being allied with the Society of Jesus and conspiring with Rome against Germans.¹⁷⁴ Other radicals such as Adolf Pichler spoke of a Jesuit conspiracy in Austria. Pichler also championed *völkisch* views supporting Protestantism as a German religion, especially in

¹⁶⁹ Bruce Thompson, *Franz Grillparzer* (Boston: Twayne, 1981), 18.

¹⁷⁰ Franz Grillparzer, *Tagebuch auf der Reise nach Italien*, Vol. 19 of *Franz Grillparzer's sämtliche Werke* 20 Vols (Berlin: Weichert, 1904), 221.

¹⁷¹ Thompson, *Franz Grillparzer*, 15. Carolina Augusta helped get Grillparzer's work through the censors, see Hauser, "Carolina Auguste von Bayern," 357; also Wolfsgruber, *Carolina Augusta*, 136.

¹⁷² Peter Horwath, *Der Kampf gegen die religiöse Tradition: die kulturkampfliteratur Österreichs 1780-1918* (Bern: P. Lang, 1978), 77; Srbik addressed the criticism that Metternich fell under Melanie's influence and her Jesuit-friendly mother Molly and heard mass daily in a private chapel, noting that these accusations were exaggerations, in *Metternich*, 1: 310-311.

¹⁷³ W.E. Yates, *Grillparzer: A Critical Introduction* (Cambridge U.K.: Cambridge University Press, 1972), 222.

¹⁷⁴ Franz Schuselka, *Die Neue Kirche und die alte Politik* (Leipzig: Weidmann, 1845), 13; Schuselka also published another piece titled *Der Jesuitenkrieg gegen Österreich und Deutschland* (Leipzig: Weidmann, 1845).

Tyrol, which had a sizeable Italian population assumed to be closely aligned to Catholicism.¹⁷⁵ Yet, most liberals and progressive reformers in Austria raised few complaints against the Church, for it was tame and suffered as much from absolutism as the rest of the Habsburg monarchy. In fact the book *Österreich und dessen Zukunft* (Austria and Its Future), the most well known call for reform in the *Vormärz*, sympathized with the Church and the suppression it endured from the state.¹⁷⁶ This situation continued despite international developments.

Austria, the Papacy, and Bavaria

Despite Metternich's modest attempts to reverse Josephism, Austria grew isolated in the Catholic world as Catholics registered huge gains in Bavaria, France, and even Prussia. Curiously, as the biggest Catholic state in Central Europe, the Habsburg Empire made no attempt to position itself as the leader of the Catholic world. One can see Austria's poor position in the Catholic world in its lingering uneasy relationship with the papacy, which did not mend until the 1850s. Francis' advisors had warned him of religious zealots in the Vatican (see Chapter 1), and those bureaucrats continued to inhibit any agreement with Rome.¹⁷⁷ Austria, in fact, was one of the few states not to sign a concordat with Rome between the French Revolution and 1848.

Instead, Austria left Bavaria to fill this role, and Austrian Catholics, especially in Tyrol, looked to Munich and Görres, not Vienna, for inspiration.¹⁷⁸ Bavaria had been allied to Napoleon

¹⁷⁵ Horwath, *Der Kampf gegen die religiöse Tradition*, 103.

¹⁷⁶ Victor Franz von Andrian-Werbung, *Österreich und dessen Zukunft* 3rd ed (Hamburg: Hoffmann and Campe, 1843), 364. Austrian liberals were more concerned about tax reform, the right to review the budget, and access to a share of state power. For more information on Austrian liberals, see Pieter Judson, *Exclusive Revolutionaries: Liberal Politics, Social Experience, and National Identity in the Austrian Empire, 1848-1918* (Ann Arbor, MI: University of Michigan, 1996), 11-27.

¹⁷⁷ For example, see Lorenz to Emperor Francis, July 3, 1823, In Maass, 5: 213-214.

¹⁷⁸ Gottfried Mayer, *Österreich als katholische Großmacht: ein Traum zwischen Revolution und liberaler Ära* (Vienna: Österreichische Akademie der Wissenschaften (ÖAW), 1989), 41-42.

and issued toleration decrees in its expanded territories in 1803.¹⁷⁹ Maximilian von Montgelas, the most trusted advisor of King Maximilian Joseph, pushed through enlightened reforms tolerating Protestants and Jews, and worked to expand state control over the Catholic Church. Maximilian Joseph signed a concordat with Rome in 1817 but interpreted it in a narrow way that preserved much of the state's control over the Church. The concordat gave the Church unprecedented legal status in Bavaria, giving up the *Kirchenedikt* of 1809 proclaiming tolerance and parity, and obligating the state to censor any anti-Catholic works.¹⁸⁰ Yet, Maximilian Joseph, a ruler shaped in the enlightened absolutist mold, issued a *Religionsedikt* the next year reaffirming *Staatskirchentum*, ordering all internal ecclesiastical affairs to fall under state jurisdiction and requiring an oath to the *Religionsedikt*.¹⁸¹ After clerical opposition to this edict, the king issued the Tegernsee Declaration on September 15, 1821, which vaguely stated that no one's conscience should be violated. The Declaration failed, however, to resolve the contradiction between the concordat and the *Religionsedikt*.¹⁸²

Under Ludwig I Bavaria resolved this contradiction in favor of clericalism. Ludwig had studied at Landshut in 1803 and heard sermons given by the renowned theologian Johann Michael Sailer.¹⁸³ He had visited Hofbauer and the two had been in correspondence on Dalberg's replacement as bishop of Constance after Charles Theodore von Dalberg's (see Chapter 1) death

¹⁷⁹ Joachim Whaley, "A Tolerant Society? Religious Toleration in the Holy Roman Empire, 1648-1806," in *Toleration in Enlightenment Europe* eds Ole Peter Grell and Roy Porter (Cambridge U.K.: Cambridge University Press, 2000), 189.

¹⁸⁰ Ernst Rudolf Huber, *Deutsche Verfassungsgeschichte seit 1789* 8 vols (Stuttgart: Kohlhammer, 1957-1991), 1: 426.

¹⁸¹ Huber, *Deutsche Verfassungsgeschichte*, 1: 428-431; see also, Schnabel, *Die Religiösen Kräfte*, 33-35.

¹⁸² Huber, *Deutsche Verfassungsgeschichte*, 1: 430-431.

¹⁸³ Schnabel, *Die Religiösen Kräfte*, 59.

in 1817.¹⁸⁴ In 1817 Ludwig engineered the downfall of Montgelas, forcing his father, Maximilian Joseph to dismiss the king's most trusted minister in the interest of family peace.¹⁸⁵ When Ludwig took the throne in 1825, he initially stuck to his father's policy of *Staatskirchentum*, excluding the Jesuits from Bavaria and banning the clergy from demanding a written promise to raise children Catholic in mixed marriages.¹⁸⁶ Yet after the July revolutions of 1830 and the Hambacher Fest, a festival calling for more democracy in the German states, in 1832 Ludwig thought that the Church was the best bulwark against revolution, despite the popular politics that ultramontanism would invoke and the freedoms the state would have to concede to the Church. And unlike the situation in Austria, here there was no entrenched Josephism to block him.¹⁸⁷ Ludwig sponsored men such as Görres, and when the diet tried to end funding for Baroque buildings, he appointed Charles von Abel to lead the Interior Ministry and to pursue a Catholic clerical course for Bavaria.

During the Cologne Affair, Bavaria, unlike Austria, attempted to position itself as the head of Catholic Germany. Ludwig wanted Bavaria to be a Catholic cultural center and allowed Bavarian ultramontanist papers to issue inflammatory remarks against Prussia.¹⁸⁸ Ludwig appointed Abel the same month as the arrest of the archbishop of Cologne and immediately

¹⁸⁴ Hofbauer infamously opposed the nomination of Sailer as bishop of Augsburg, as suggested by the Bavarian government, calling it an "insult," see Hofbauer to the papal nuncio, in *Klemens Maria Hofbauer: Briefe und Berichte* ed. Hans Schermann (Vienna: Redemptorists, 2000), 120-122. Job supported the nomination of Sailer, and historians have judged Hofbauer as misinformed on Sailer, see Otto Weiß, *Begegnungen mit Klemens Maria Hofbauer (1751-1820)* (Regensburg: Verlag Friedrich Pustet, 2009), 95, 105.

¹⁸⁵ Hauser, "Caroline Auguste von Bavaria," 217-219. Some historians have suspected Caroline August of participating in Montgelas' downfall, but Vienna had nothing to do with the dismissal of Montgelas. Caroline August stayed out of politics, viewing it as the sphere for men, and even Montgelas wrote that Austria had nothing to do with his dismissal.

¹⁸⁶ This mixed marriage controversy sparked papal interest in the mixed marriage debate, see Schnabel, *Die Religiösen Kräfte*, 59-60.

¹⁸⁷ Huber, *Deutsche Verfassungsgeschichte*, 2: 436.

¹⁸⁸ Thomas Nipperdey, *Deutsche Geschichte, 1800-1866*, 352, 420.

placed Bavaria on a clerical course. During the Abel ministry (1837-1847), Catholics and Protestants ended their earlier cooperation against liberalism, as the government and the archbishop of Munich, Count Charles August von Reisach, sponsored a more combative, anti-Protestant Catholic revival.¹⁸⁹ In 1839, Ludwig ordered that his soldiers, Catholic and Protestant alike had to genuflect before the Catholic host.¹⁹⁰ Görres lambasted Prussia from Munich and from there published the *Historisch-Politische-Blätter*. As a result, relations between Bavaria and Prussia soured as the Bavarian government refused Prussian requests to shut down the *Blätter* or the *Neue Würzburger Zeitung*, which printed inflammatory remarks against Prussia during the Cologne Affair.¹⁹¹ In addition, in 1841 Bavaria allowed freedom for the clergy and laypersons to contact Rome on matters related to spirituality and the Church.¹⁹² The Austrian government found Ludwig's romantic, Catholic path reprehensible, and the Austrian ambassador to Bavaria complained that the Abel ministry was turning religion into a partisan issue. Even Metternich feared Ludwig's enthusiastic Catholicism.¹⁹³

In Prussia, Frederick William IV's concessions after the Cologne Affair freed communication between Rome and the Church. The new archbishop of Cologne, Johannes von Geissel, had grown up opposing Josephist bishops in the Mainz *Kreis*, rose up through the Bavarian episcopacy, and had served in the Abel ministry.¹⁹⁴ As the successor to Clemens August, the arrested archbishop, Geissel rigidly enforced Catholic doctrine and proved an

¹⁸⁹ Max Spindler, *Das neue Bayern, von 1800 bis zur Gegenwart*, in *Handbuch der Bayerischen Geschichte* ed. Max Spindler 4 vols (Munich: C.H. Beck, 1967-2003), 4: 195-198.

¹⁹⁰ Nipperdey, *Deutsche Geschichte*, 420.

¹⁹¹ George S. Werner, *Bavaria in the German Confederation 1820-1848* (Rutherford N.J.: 1977), 176.

¹⁹² Jüstel to Ferdinand, March 16, 1842, In Maass 5: 658.

¹⁹³ Spindler, *Das neue Bayern*, 200; Srbik, *Metternich*, 2: 61

¹⁹⁴ Karl Buchheim, *Ultramontanismus und Demokratie: Der Weg der deutschen Katholiken im 19. Jahrhundert* (Munich: Kösel-Verlag, 1963), 53.

important harbinger for the post-1848 blossoming of ultramontane Catholicism.¹⁹⁵ Ultramontane journals flourished in the meantime, expanding from ten in 1834 to thirty-six in 1847.¹⁹⁶ Even in small German states, such as Baden, where liberal Catholicism had a stronger following, controversy erupted in 1845 when Archbishop Hermann von Vicari issued a directive to his clergymen insisting on an oath from a mixed couple to raise the children Catholic, forcing the government to yield to Catholic demands.¹⁹⁷ While such Catholic media blossomed in Germany, Austria did not participate in this trend, much to the chagrin of German Catholic activists, one of whom remarked “How I would love to print forceful (*kräftig*) voices from Austria in my papers. But Austria is silent!”¹⁹⁸

After the Cologne Affair, Metternich attempted again to bring about a rapprochement between Rome and Austria (see more in Chapter 4). Talks went poorly as the papacy still distrusted Metternich. When negotiations began in 1841, Pope Gregory XVI complained that Austria sent a secular official, Count Rudolph Lützow, to discuss religious questions, then excoriated the ambassador, noting that the papacy knew more about Polish and Russian ecclesiastical affairs despite Tsar Nicholas’ suppression of the Church.¹⁹⁹ This statement was

¹⁹⁵ Eric Yonke, “Cardinal Johannes von Geissel,” in *Varieties of Ultramontanism* ed. Jeffrey Paul von Arx (Washington D.C.: Catholic University Press, 1998), 13-14.

¹⁹⁶ Christopher Clark, “The New Catholicism and the European Culture Wars,” in *Culture Wars*, 24; by the 1830s, the ultramontane press had already gained domination in the Catholic market in Germany, see Scholz, *Der deutsche Katholizismus und Polen*, 59.

¹⁹⁷ Dagmar Herzog, “The Rise of the Religious Right and the Recasting of the “Jewish Question”: Baden in the 1840s,” in *Protestants, Catholics, and Jews in Germany 1800-1914*, ed. Helmut Walser Smith (Oxford: Oxford University Press, 2001), 191-192. For more information on Badenese Catholicism, see: Irmtraud Götz von Olenhusen, “Klerus und Ultramontanismus in der Erzdiözese Freiburg: Entbürgerlichung und Klerikalisierung des Katholizismus nach der Revolution 1848/49,” in *Religion und Gesellschaft im 19 Jahrhundert* ed. Wolfgang Schieder (Stuttgart: Klett-Cotta, 1993), 123-126. See also Dagmar Herzog, *Intimacy and Exclusion: Religious Politics in Pre-Revolutionary Baden* (New Brunswick, N.J.: Transaction Publishers).

¹⁹⁸ Bernhard Schneider, *Katholiken auf die Barrikade?: Europäische Revolutionen und deutsche katholische Presse, 1815-1848*, (Paderborn: Ferdinand Schöningh, 1998), 49.

¹⁹⁹ Lützow to Metternich, March 14, 1840, In Maass, 5: 568.

quite striking, considering that the tsar had responded to the 1831 revolution in Poland by arresting the clergy, confiscating Church property and forcing conversions to Orthodoxy.²⁰⁰ Such offenses grabbed the attention not only of the pope but also of Hungarian counties, such as Tolna (Tolnau), where delegates in the county assembly called for Austrian intervention against this barbarism on Hungary's border.²⁰¹ The Austrian government responded to the tsar's actions by pressuring Gregory, unsuccessfully, to ignore Russian attacks on Catholicism and to renounce support for Polish Catholic exiles in Constantinople and Rome.²⁰² Metternich apologized for Josephism in Austria and promised that it was simply an anomaly for the Habsburg Empire, suggesting that cultural differences between Germans and Rome lay at the heart of Austrian-Papal disputes.²⁰³ These negotiations yielded little fruit, and relations between Austria and the papacy remained frosty up to 1848.

One of the clearest signs of Austria's isolation from the Catholic revival underway across Europe was the massive pilgrimage to the Holy Coat of Trier in 1844. This event featured the display of the Holy Coat of Trier, a piece of cloth Christ had supposedly carried as a boy. The Church had displayed it many times in the 1500s, as well as in 1734, 1765, 1810, and did so

²⁰⁰ Alan Reinerman, "Metternich, Pope Gregory XVI, and Revolutionary Poland, 1831-1842," *CHR* 86 (2000): 615.

²⁰¹ Informations-Protocoll, Ungarisch-Siebenbürgische Section, March 3, 1843, in Magyar Országos Levéltár (MOL-O), Magyar kancelláriai levéltár, A-105 (Informations-Protocolle der Ungarisch-Siebenbürgischen Sektion), 31654. The pope's allocution prompted more of these calls from Hungarians.

²⁰² Metternich was unable to prevent Pope Gregory from issuing allocutions in 1839 and 1842 demonstrating Russian culpability in the attacks on the Church in Poland, see Reinerman, "Metternich, Pope Gregory XVI, and Revolutionary Poland," 616-618. The Catholic press in Germany increasingly condemned Tsar Nicholas, see Scholz, *Der deutsche Katholizismus und Polen*, 139-149.

²⁰³ Metternich to Lützow, February 18, 1840, In Maass, 5: 565. Metternich used the phrase "les races d'origine romaine" to describe the bond Rome had between most Catholic countries but lacked with Austria. Historians also view Metternich's use of the word "josephinisme," in this letter as possibly the first use of the term "Josephinism," see Beales, *Enlightenment and Reform*, 288-291. Clergy and officials commonly, however, used the adjective "josephinisch."

again in 1844.²⁰⁴ Bishop Arnoldi of Trier put it on display in 1844, and an estimated 1.1 million pilgrims visited this holy site that year, making it, in all likelihood, the biggest movement of people in the *Vormärz*.²⁰⁵ Görres praised this event and dreamed of leading all Catholics from Hungary to the North Sea to Trier.²⁰⁶ Prussia, still smarting from its defeat in the Cologne Affair, allowed this pilgrimage to take place. Bavaria sent the bishop of Speyer as an observer, while Austria sent no one.²⁰⁷

This pilgrimage engendered horror among enlightened Catholics and liberals who viewed the events in Trier as outdated superstition. Much of the German press expressed dismay at the pilgrimage, while Protestants viewed it as Roman and un-German. Yet while Austria certainly opposed the religious expedition at Trier, the government had no love for the radicals and liberals who shared similar concerns about this gathering. Certainly the Austrian government, for example, would have had nothing but abhorrence for Karl Marx, a minor figure at the time, who also despised the Catholic revival underway and had accused Prussia of “kissing the pope’s slippers” after the Cologne Affair.²⁰⁸

The biggest reaction to the events in Trier in 1844 came, however, from Johannes Ronge whose protest led to the creation of German-Catholicism. Ronge, born in 1813 in

²⁰⁴ Gertrud Habres, “Der Deutschkatholizismus in Österreich,” Ph.D Diss., University of Vienna, 1961, 6.

²⁰⁵ Estimates vary from half a million to 1.1 million. Görres and Prussian officials judged it at 1.1 million. T.C.W. Blanning gives the same estimate, in T.C.W. Blanning, “The French Revolution and the Modernization of Germany,” *Central European History (CEH)* 22 (1989), 118.

²⁰⁶ Joseph Görres *Die Wallfahrt nach Trier* ed Imgard Scheitler, Vol 4 of *Schriften zum Kölner Ereignis*, (Paderborn: F. Schöning, 2000), XVIII. Görres celebrated this event and hoped that Church and state could live in harmony in works such as *Kirche und Staat nach Ablauf der Cölner Irrung* (Weissenburg, a. S: C.F Meyer, 1842), 19.

²⁰⁷ Scheitler, ed *Die Wallfahrt nach Trier*, XV.

²⁰⁸ Karl Marx to Arnold Ruge, July 9, 1842, in Hansen, *Rheinische Briefe und Akten zur Geschichte der Politischen Bewegung 1830-1845*, ed. Joseph Hansen, Vol I of *Deutsche Geschichtsquellen des 19. Jahrhunderts* (Essen: Baedeker, 1967), 350.

Bischofswalde, had entered the priesthood and developed a reputation for opposing Rome in favor of reform.²⁰⁹ After the events of Trier, Ronge published *Urteil eines katholischen Priesters über den heiligen Rock zu Trier* (Assessment of the Holy Coat of Trier by a Catholic Priest). Ronge called Bishop Arnoldi the “Tetzel “ of the nineteenth century, and his movement, with its base in Breslau and Leipzig, spread to Frankfurt and other pockets in Germany.²¹⁰ German-Catholicism renounced the papacy, priestly celibacy, saints, and reliques, while retaining baptism and the Eucharist.²¹¹ Ronge rejected the divinity of Christ and viewed Jesus simply as a great teacher.²¹²

Radical democrats, most notably Robert Blum, adopted this new movement, known as German-Catholicism. Blum, a publisher in Leipzig, printed Ronge’s articles and articulated German-Catholicism’s program. He was influenced by Jean-Jacques Rousseau’s idea of a civil religion and wanted to give democratic ideas a religious foundation.²¹³ Aside from the German-Catholic program of separation from Rome and abolition of celibacy and confession, Blum viewed the Church as the only arena, besides the theater, in which Germans had a public voice, and he desired to bring democratic structure into religion.²¹⁴ German-Catholicism spread modestly up until 1848, concentrated mostly in eastern Germany.²¹⁵

²⁰⁹ Habres, “Der Deutschkatholizismus in Österreich,” 10-14.

²¹⁰ Ronge referred to John Tetzel, the infamous indulgence salesman who prompted Martin Luther to post his ninety five theses.

²¹¹ Wolfgang Häusler, “Die Deutschkatholische Bewegung in Österreich: von der ‘theologie der Revolution’ zu den anfängen des Freidenkertums” in *Die Konfessionen*, Vol 4 of *Die Habsburgermonarchie 1848-1918* (Vienna: ÖAW, 1985), 599-601.

²¹² Habres, “Der Deutschkatholizismus in Österreich,” 15.

²¹³ Imtraud Götz von Olenhusen, “Robert Blum und die Deutschkatholische Bewegung: vom Römisch-Katholischen Messdiener zum Propheten einer demokratischen Zivilreligion,” in *Für Freiheit und Fortschritt gab ich alles hin’: Robert Blum (1807-1848)—Visionär, Demokrat, Revolutionär* eds. Martina Jesse et. al (Berlin: Verlag für Berlin-Brandenburg, 2006), 107-107.

²¹⁴ Manfred Mayer, “Robert Blum—ein Porträt,” in *Robert Blum*, 15.

²¹⁵ The accepted figure today of German-Catholics is higher than previously thought, at 100,000, see Olenhusen, “Robert Blum und die Deutschkatholische Bewegung,” 107.

The Austrian government viewed German-Catholicism as a purely political sect with communist tendencies and suppressed it harshly enough that it never gained a foothold in the empire before 1848. The police ordered bishops to be vigilant against this sect and set the punishment for joining German-Catholicism at one to five years of hard labor and up to ten years in prison for disturbing the religious peace. Metternich feared German-Catholicism would creep into northern Bohemia.²¹⁶ In Hungary, where religious disputes raged in the 1840s, Ronge's writings were translated into Hungarian and found followers. Due to privileges that allowed Hungarians to study abroad in Germany, several Hungarians converted to the new sect.²¹⁷ On April 20, 1845, the Austrian government ordered ambassadors in Germany to warn Habsburg subjects applying for travel visas to return to Austria that German-Catholicism was illegal and would be punished accordingly.²¹⁸ The police also scoured Bohemia, Moravia, Silesia, and Galicia for German-Catholic literature, and because of this harsh suppression, the movement never won more than a few converts in Austria and southern Germany.

Metternich convinced Frederick William IV, who had initially welcomed Ronge's movement because he believed it would weaken Catholicism, to crack down on German-Catholicism after a riot in Leipzig in 1845.²¹⁹ This event, called the *Leipziger Gemetzel* (The Leipzig Massacre) occurred when Prince Johann, the brother of the king of Saxony and devout Catholic, appeared at the Hotel de Prusse with the *Communalgarde*, a local citizen's militia. As the music played, a crowd gathered outside chanting "Away with the Jesuits" and "Long Live Ronge" and smashed windows, leading the military to fire on the crowd, killing seven

²¹⁶ Habres, "Der Deutschkatholizismus in Österreich," 22, 25.

²¹⁷ Seldnitzky to the Hungarian Court Chancellery, May 7, 1845, in MOL-O, N-22, 31237/XLVI.

²¹⁸ Note from Vienna to the Hungarian Court Chancellery, April 25, 1845, in MOL-O, N-22, 31237/XLVI.

²¹⁹ Habres, "Der Deutschkatholizismus in Österreich," 19.

individuals. In the aftermath of this event, the democrat Robert Blum, who had a few months earlier held a Council in Leipzig adopting articles of faith for German Catholicism, successfully calmed the crowd. Afterward, Blum took his seat in the Leipzig government and sent in a petition to the king to punish the soldiers.²²⁰ This event, which Metternich dubbed the “*Leipziger Ereignis*” in clear reference to the *Kölner Ereignis* (The Cologne Affair) convinced the Prussian king to suppress German-Catholicism and reinforced for Metternich, the necessity of a union of throne and altar in Austria.²²¹

Although the Catholic Church underwent an impressive recovery across the West in the 1830s and 1840s, the Austrian government resisted this trend and refused to use Catholicism as a political weapon, fearing that such a policy would invoke mass politics and create an autonomous and, thus, threatening entity within the Habsburg Empire. The Habsburg government viewed the religious revival underway in Europe as a perfect opportunity for disorder among the population. Although Francis gradually moved away from Josephism in the late 1820s as he neared death, the emperor did not break with it until he was on his deathbed, which was too late to effect any meaningful reversal of the Josephist reforms. Religious impulses came, instead, from the Catholic revival underway in Europe after the 1830s as well as from Protestant confessional states. Despite the obvious opportunity to exploit Catholic anger against Prussia after the Cologne Affair, Austria spurned this chance.

Metternich, however, recognized the challenges of the neo-confessional age in the 1830s and consequently agitated for a union of throne and altar. Yet, the “coachman of Europe”

²²⁰ Habres, 17. Doris Mundus, “Blum in Leipzig,” *Robert Blum*, 71

²²¹ Metternich claimed he convinced the Prussian king to crack down on German-Catholicism, see Metternich to Archduke Ludwig, August 22, 1845, *Aus Metternich's nachgelassenen Papieren* 7: 134-135. Frederick William IV agreed not to recognize German-Catholicism and banned German-Catholics from obtaining churches or prayer houses, see Habres, “Der Deutschkatholizismus in Österreich,” 30-31.

abhorred political Catholicism. As a man of the Enlightenment, he rejected the prejudice of the Counter-Reformation and considered any talk of going back to the days before Joseph II as unrealistic and extremist. Thus, during his tenure he tried, simply, to dismantle the Josephist restrictions on Catholics, such as communication with the pope, clerical training in Rome, and aligning Austrian marriage laws with canon law, in the hopes of avoiding conflict with the Church.

Josephist bureaucrats, however, blocked even Metternich's modest suggestions, and as a result, Austria remained a non-confessional state, at arms' length from the Catholic Church. In fact, Austria managed to practice the strongest suppression of the Church in Europe without provoking any meaningful backlash, due in part to the fact that the rulers of the Austrian state were Catholic and that much of the clergy had been educated in Joseph's General Seminaries. Of course, the state worked to eliminate sects but not to help the Church, but rather out of a desire to maintain order against what had the potential to turn fanatical and disloyal (for more information, see the Manharter sect in Chapter 4). Metternich did enough to provoke anticlerical opinion in Austria but not nearly enough to free the Church from the shackles of the state. Austria drifted, instead, toward revolution without a firm base in liberal constitutionalism nor in Catholicism. Despite the obvious Catholic revival underway across the West, and the efforts of Metternich and the Court, the government remained staunchly Josephist. It would require revolutionary upheaval to provide the opening for a Catholic revival in Austria.

PART II: TOLERATION OF PROTESTANTS, ORTHODOX CHRISTIANS, AND JEWS

Although Catholic activists complained that their activities remained confined by the framework laid out by Joseph II, Catholicism remained legally the dominant confession in the Habsburg Empire. What Catholic activists wanted was not equality but rather the restoration of the privileges they had traditionally possessed in the Habsburg monarchy. While the Toleration Patent legalized Protestantism and Orthodoxy and granted their adherents citizenship, it recognized Catholicism as the paramount religion. In addition, although officials served as mediators in disputes between the confessions, the state was quick to defend Catholicism against attacks from non-Catholics. Jews also continued to suffer from numerous restrictions. The policy and goal of the Habsburg government was to lift these restrictions but to do so gradually in order not to seem to be favoring Jews over Christians or to provoke anti-Judaism in the empire.

Yet, state officials commonly applied liberal interpretations to the toleration laws and protected religious minorities from zealous Catholics. In the same manner Vienna usually found other, more favorable precedents than the Toleration Patent, which it used to grant the Orthodox and Protestants near-parity with Catholics in Hungary, Galicia and Dalmatia, where most non-Catholics lived. The criticisms of the Toleration Patent made by Habsburg historians for its restrictions are thus misguided as most non-Catholics lived in areas covered by more accommodating agreements. Vienna also acted as an arbiter in religious disputes and often sided with non-Catholics. In addition, Protestants and Orthodox Christians possessed privileges that Catholics did not. Overall the goal was to freeze and to manage the confessional makeup of the empire and to promote religious harmony.

CHAPTER THREE: PROTESTANTS

At the Imperial Crypt in Vienna, 200,000 tourists every year pay a small fee to see the sarcophagi of the Habsburg royal family, ranging from Leopold I, and Maria Theresa to Francis Joseph, and most recently, Otto von Habsburg.¹ Of the 146 persons whose remains lie in the Crypt, only one of them is a Protestant. This distinction belongs to Henrietta of Nassau (1797-1829), the wife of Archduke Charles, the brother of Emperor Francis I. Fearing the resistance of the clergy, Charles had made arrangements to bury his wife elsewhere before she died in 1829, but Francis intervened, over the objections of the papal nuncio, supposedly uttering the words “she lived among us, she shall also be with us in death.”² This willingness to overrule the Catholic clergy characterized Austria’s treatment of Protestants from Joseph II to 1848, as the Habsburgs finally made peace with the Protestant minority, which had inhabited the territory since the days of Martin Luther but had only received legal recognition by Joseph II more than 250 years later.

This accommodating stance on the part of Francis had been a recent development in Habsburg history, breaking sharply with a wretched past. From the early 1600s until Maria Theresa’s death, the Habsburgs had imposed repressive Counter-Reformation measures designed to drive Protestants back into the arms of the Catholic Church. Austria’s German lands had been largely reconverted by the middle of the seventeenth century through a combination of force and instruction in Catholic doctrine. Although the Peace of Westphalia (1648) granted limited toleration in Germany, these provisions did not apply to the German hereditary lands of the

¹ This figure comes from the APA (Austria Presse Agentur) 2011, printed in “Kaisergruft als Wiener Touristenattraktion,” *Kleine Zeitung*, July 5, 2011.

² Observers, both supportive and opposed to the Franciscan regime, have repeated this quote. See Peter Evan Turnbull, *Austria* (London: John Murray, 1840), 78; see also Viktor Bibl’s, a Nazi sympathizer and critic of Francis, *Kaiser Franz, der letzte römisch-deutsch Kaiser* (Vienna: Johannes Günther Verlag, 1938), 384.

Habsburg monarchy, where Protestant worship remained illegal.³ Despite these restrictions, Protestants formed and maintained sizeable communities in Hungary, Silesia, Transylvania and Upper Austria.

In Bohemia, Emperor Ferdinand II (r. 1619-1635) drove out Protestantism with bayonets after the Battle of White Mountain in 1620. Bohemia, a region simmering with Hussites and other movements opposed by the Church, had mostly left Catholicism after the Reformation. By 1555, the Church could only claim twenty-three percent of Bohemia's inhabitants.⁴ After the Battle of White Mountain, Emperor Ferdinand offered the nobility conversion back to Catholicism or exile, and in 1627, the Renewed Land Ordinance outlawed Protestantism.⁵ Yet by the 1770s, the discovery of "Crypto-Protestants" revealed that Protestantism in Bohemia had survived, leading to a crackdown under Maria Theresa but also helping convince Joseph II and other enlightened administrators that matters of the conscience could not be forced on individuals.

Yet the Counter-Reformation's great battlefield was the Kingdom of Hungary, where the majority of its inhabitants in the late seventeenth century were non-Catholics. Most of Hungary in the sixteenth and seventeenth centuries had remained under the control of the Ottomans, who allowed the unfettered development of Protestantism.⁶ Despite promises in 1606 and 1647 to

³ For a legal analysis of how Austria opted out of the Westphalian articles dealing with freedom of belief, see Lukas Wallner, *Die Staatliche Anerkennung von Religionsgemeinschaften: die historische und aktuelle Umsetzung der religiösen Vereinigungsfreiheit in Österreich unter Berücksichtigung des deutschen Religionsrechts* (Frankfurt am Main: Lang, 2007), 59-61.

⁴ Joseph Karniel, *Die Toleranzpolitik Kaiser Josephs II* (Gerlingen: Bleicher, 1986), 45. This statistic is one of the higher ones for adherents to Catholicism. See also, Regina Pörtner who places the number of non-Catholics at 90%, in "Heresy and Literacy in the Eighteenth-Century Habsburg Monarchy," in *Diversity and Dissent: Negotiating Religious Difference in Central Europe 1500-1800* ed. Howard Louthan et al. (New York: Berghahn Books, 2011), 179.

⁵ Rita Krueger, *Czech, German, and Noble: Status and National Identity in Habsburg Bohemia* (Oxford: Oxford University Press, 2009), 28.

⁶ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 84.

respect Protestant rights to worship, the Habsburgs, as early as the 1670s, began terrorizing Protestants in Hungary. In 1673-74, a court in Pressburg condemned more than a hundred Protestant pastors to death, and in the 1680s and 1690s when the Habsburgs conquered Hungary from the Ottomans, Emperor Leopold I implemented the Counter-Reformation. The *Explanatio leopoldina* (1691) and *Carolina resolutio* (1731) required oaths to the Virgin Mary and Catholic saints to hold office, effectively barring Protestants from government. In addition, Vienna prescribed severe punishment for apostasy from Catholicism, implemented restrictions on Protestant schools, and forced guilds to celebrate Catholic holidays, along with other restrictions. These harsh measures induced a rebellion from 1703-1711, and despite promises of more lenient treatment for Protestants Charles VI implemented and enforced the *Carolina Resolution* of 1731.⁷ In addition, Protestants could not perform public baptisms, employ workers, and remained a persecuted group within the Habsburg monarchy. As a result of this oppression, Hungarian Protestants commonly appealed to Protestant powers, such as Prussia, for protection, further solidifying the suspicion that Protestants were disloyal to Vienna.⁸

Prior to Joseph's ascent to the throne, a few exemptions existed for Protestants in portions of the empire. In Transylvania, King Johann Sigismund's decree of 1571 recognizing Catholicism, Lutheranism, Calvinism, and Unitarianism remained in force.⁹ In Trieste, a free port after 1719, Protestants could worship privately until 1778, when Joseph II influenced his mother to grant freedom of public worship to Lutherans.¹⁰ In Silesia, intervention by Sweden, England, Saxony and Brandenburg in 1707 forced the more tolerant Joseph I (r.1705-1711) to

⁷ Bela K. Kiraly, *Hungary in the Late Eighteenth Century: the Decline of Enlightened Despotism* (New York: Columbia University Press, 1969), 118-119.

⁸ Joachim Bahlcke, "Frederick II of Prussia, Austria, and the Hungarian Protestants: Bishop Marton Padanyi Biro of Veszprem and the *Enchiridion de fide*" *Austrian History Yearbook* (AHR) 31 (2000), 15-17.

⁹ Orthodoxy remained merely tolerated.

¹⁰ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 180.

sign the Convention of Altranstädt to prevent Swedish intervention on the side of the French in the War of Spanish Succession. This treaty required toleration of Protestants in Silesia and the building of a house of worship for Protestants in Teschen and in Asch, located in Bohemia.¹¹ In contrast to these privileges, in Croatia Protestants remained banned from owning land. Finally, in Austrian Galicia, a different set of laws regulated the treatment of Protestants there.

Joseph's rule (r.1780-1790) marked a watershed moment for Protestant communities across the Habsburg monarchy. Upon ascending the throne, Joseph dismantled the Counter-Reformation in Austria, rescinding his mother's *Religionspatent* of 1778, which excluded non-Catholics from owning land or settling in Austria or Bohemia, denied Protestants the right to educate their children, and prescribed flogging for apostasy.¹² Joseph's crowning achievement was the Edict of Toleration in 1781, which legalized Lutheranism and Calvinism and permitted the formal establishment of a Protestant episcopacy. Protestant communities with more than 100 families obtained permission to build a house of worship. Joseph ended Catholic missions in the empire, and to the chagrin of many Catholics, opened up state offices to Protestants and ended the Marian oath.¹³ In 1781, he ordered local authorities and clergy to cease searching for heterodox literature and punished officials who used force against non-Catholics.¹⁴ Joseph did not, however, intend to create freedom of religion and sought simply to come to terms with the lingering effects of the Reformation. He wanted to bring Protestants out of the shadows and make them useful to the state. Joseph's reign brought Protestants equality with Catholics in terms of state citizenship, but Catholicism remained, legally, the dominant religion.

¹¹ Karniel, 50.

¹² Derek Beales, *Joseph II: Against the World 1780-1790*, Vol. 2 of *Joseph II* (Cambridge U.K.: Cambridge University Press, 2009), 168.

¹³ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 374.

¹⁴ Charles O'Brien's "Ideas of Religious Toleration at the Time of Joseph II: A Study of the Enlightenment Among Catholics in Austria," *Transactions of the American Philosophical Society* 59 (1969): 22.

Despite these remarkable advances for Protestants, Calvinism and Lutheranism remained technically subordinated to Catholicism, the dominant religion, and most legal documents referred to them as *Akatholiken* (non-Catholics). In areas without privileges, mostly in the German hereditary lands (except Silesia), Protestant churches were not supposed to have towers or be situated directly on a main street.¹⁵ Despite the shortcomings of the Edict of Toleration, it brought Protestants out of the shadows and granted them citizenship and the freedom to worship publicly. In addition, Habsburg authorities typically interpreted the Edict in favor of Protestants and began defending and enforcing older agreements that predated the Edict and granted greater privileges to Protestants.

The Integration of Protestants into Habsburg Society

By the 1790s, Protestants were integrated into the Habsburg state. Protestants could form an official community anywhere if they numbered at least 100 families or 500 individuals adhering to the Lutheran and Calvinist faith in a certain area, though in practice officials allowed smaller communities to exist.¹⁶ Lutherans and Calvinists each had a separate consistory that governed their respective communities. Its job was to mediate conflict, supervise the

¹⁵ Individuals also possessed privileges, such as Archduchess Henriette, who had a Reformed Church in Vienna with access to a street, in Viktor Segur-Cabanac, *Kaiser Ferdinand als Regent und Mensch: Der Vormärz* (Vienna: C. Konegen, 1912), 153.

¹⁶ If the number fell short in areas without privileges, such as Salzburg, which joined Austria in 1816 and only had 42 Protestants, imperial officials allowed pastors to visit and give communion, in decree to the Upper Austrian government, January 29, 1818, in Allgemeines Verwaltungsarchiv (AVA), Unterricht und Kultus, Alter Kultus (AK), Akatholischer kultus, Evangelischer, 26 (transmigranten)/47. In addition, the state left alone a church in Attersee, a former Catholic Church the Bavarian government sold to the tiny Protestant community, see report of Kolowrat, April 28, 1831, in Haus, Hof, und Staatsarchiv (HHStA), Kabinettsarchiv (KA), Staatsrat (Str), Minister Kolowrat Akten (MKA), 50 (1831)/795.

superintendents, set the liturgy, and create examinations for prospective pastors.¹⁷ In Hungary, the Lutherans answered to a consistory in Perth, while the Calvinists had no central consistory.¹⁸ The Anglican chapel in Trieste had to report to the Lutheran consistory in Vienna but only as a formality.¹⁹ The state appointed the superintendents, whose job was to administer examinations to prospective clergymen, perform the investiture, and undertake visitations, similarly to Catholic bishops; in addition, the law entrusted the superintendents to ensure that their communities were orderly, students attended school, and that their parishioners were moral citizens.²⁰ Below the superintendent was the senior, who assisted the superintendent but was responsible for only a few communities.²¹ At the local level was the pastor. This stable organization benefitted both the state and Protestants. Despite fears by high-ranking Habsburg officials of Protestants being revolutionaries, integration continued.²² A Protestant newspaper reported in 1794: “our situation with regard to religion and freedom of conscience is unchanged since the death of Joseph. We know of no suppression and burdensome restriction. We enjoy the protection of the government in the fullest extent.”²³

Similarly to the Catholics of the empire, Protestants had to subject themselves to state control. The censors had to approve songs and sermons, and the Austrian government pressured

¹⁷ Gustav Reingrabner, *Protestanten in Österreich: Geschichte und Dokumentation* (Vienna: Hermann Böhlau, 1981), 185.

¹⁸ Joseph Helfert, *Die Rechte und Verfassung der Akatholiken in dem Oesterreichischen kaiserstaate* 3rd edition (Prague: Thomas Thabor, 1843), 48.

¹⁹ Turnbull, *Austria*, 2: 106.

²⁰ Helfert, *Die Rechte und Verfassung der Akatholiken*, 60.

²¹ Usually there was one senior for every ten communities, Helfert, *Die Rechte und Verfassung der Akatholiken*, 68.

²² Francis Joseph von Saurau warned Francis, for example that Protestants had caused the revolution in France, in Paul P. Bernard, *From the Enlightenment to the Police State* (Champaign: University of Illinois Press, 1991), 193.

²³ Gustav Frank, *Das Toleranz-Patent Kaiser Joseph II: Urkundliche Geschichte seiner Entstehung und seiner Folgen: Säcular-Festschrift des k.k evangelischen Oberkirchenamts A.C und H.C. in Wien* (Vienna: Wilhelm Braumüller, 1882), 149.

Protestants to use enlightened liturgy cleared of mysticism and to set regulations on preaching.²⁴ Rules determined the length of sermons, which in Vienna had to be from 45 to 60 minutes in length.²⁵ Dedications and references to Protestant rulers in Prussia, Sweden, and Denmark required governmental approval, and foreign pastors needed to obtain permission and an official license from the superintendent.²⁶ The state also removed pastors perceived as disloyal to the monarchy, such as Johann Georg Overbeck, who lost his position as a Lutheran pastor in Ramsau in 1793 due to suspicion that he had smuggled in anti-monarchical books from France.²⁷ He had allies in the central government, however, who believed he was innocent, and Overbeck obtained other positions in the Protestant church.²⁸ The state also appointed the head of the consistories but appointed men based on merit, taking into account length of service and morality as the main criteria.²⁹

Protestant complaints sent to the government were mostly minor, pecuniary, and theoretical.³⁰ As state citizens, confirmed by the Austrian civil code of 1811 (ABGB), Protestants

²⁴ Reingrabner, *Protestanten in Oesterreich*, 197.

²⁵ Reingrabner, 199.

²⁶ Such a case occurred in 1841, see report of Moravian-Silesian Kanzlei, November, 1841, in AVA, AK, Evangelisch, 1 (Generalia)/34377; for rules on foreign pastors, see Instruction for the Superintendent of the Augsburg (Lutheran) Community in the Imperial German, Bohemian, and Galician Provinces, January 26, 1830, in AVA, AK, Evangelischer, 24 (Superintendenten)/7201.

²⁷ Petition of Johann Georg Overbeck, March 22, 24, 1793, in AVA, AK, Evangelischer, 3 (Generalia: Innerösterreich)/94.

²⁸ Georg Loesche, "Aus der franzisceischen Zeit: Abenteuer eines Ramsauer Pastors," in *Jahrbuch der Gesellschaft für die Geschichte des Protestantismus in Österreich (JGPÖ)* 28 (1907): 29-39.

²⁹ For appointments of pastors, superintendents and other Protestant officials, see AVA, KA, Evangelischer, 13 (Konsistorien).

³⁰ The historiography of Protestants in Austria has adopted a similar attitude. Protestant historians tend to stress the limitations of Joseph's Edict of Toleration, noting its restrictions, and passing harsh judgment on the Habsburg state for not offering complete religious freedom, which existed nowhere in Europe in the first half of the nineteenth century. Peter Barton complains, for example, in *Evangelisch in Österreich* (Vienna: Böhlau, 1998), 137 that the state, which he reminded the reader was non-Protestant, manipulated Protestant church leadership. Many works make the lazy assumption that Austria experienced a religious reaction under Francis, who was

could buy property, enter the civil service, take oaths with the simple phrase “so help me God,” and enjoy all the rights of citizenship. Most petitions dealt with pay, inflation, and pensions. The government had chronic budget problems and constantly failed to maintain the standard of living for bureaucrats and clergy, including Protestants.³¹ Yet Protestant pastors and their secretaries received pay raises when the government adjusted the pay scales. Protestant officials obtained reimbursements for travel, and the government ensured that widows of pastors received raises in pension checks to match inflation.³² Protestants living in areas without privileges had to pay the Catholic clergy fees for services received by priests, such as the three marriage announcements, known as banns, that had to be made in Catholic as well as Protestant churches.³³

Non-monetary petitions were also minor. Jacob Glatz, the head of the Lutheran consistory, complained in 1819, for example, that he had not received the proper title at Court, an issue that the government quickly remedied.³⁴ In another case in 1808, a senior complained that a

the head of the Holy Alliance. In addition, in articles, such as “Extremster Diasporaprottestantismus: ‘Das evangelische Galizien’—ein Modellfall, in *Brücke zwischen Kirchen und Kulturen* eds. Peter Barton, Mihály Bucsay, Robert Stupperich (Vienna: Hermann Böhlau, 1976), 73-78 ignored Vienna’s efforts to uphold treaties favorable to Protestants and instead cherry-picked minor instances of discrimination. General surveys, such as Klaus Fitschen’s *Protestantische Minderheitenkirchen in Europa im 19 und 20. Jahrhundert* (Leipzig: Evangelische Verlagsanstalt, 2008) provide only a superficial and error-filled overview of Austrian Protestantism and adopt similar incorrect assumptions.

³¹ Waltraud Heindl, *Gehorsame Rebellen. Bürokratie und Beamte in Österreich, 1780-1848* (Vienna, 1991), 40. Heindl documents the inflation and financial hardships that bureaucrats faced in the Austrian Empire. In addition, several Protestant pastorates, as well as Catholic bishoprics, remained vacant during the Napoleon Wars and afterward due to the lack of funds.

³² Vienna routinely approved requests for widows of Protestant pastors to receive raises in their pensions due to inflation, see, for example, AVA, AK, Akatholischer, Evangelischer, 24 (Superintendenten), as well as 27 (Verschiedenes und Unbestimmtes).

³³ These were called “stol” fees and the state set the fees for services such as record keeping and the maintenance of common areas such as cemeteries. In 1815 and 1829 Vienna ceded to Protestants in areas without privileges the responsibility of record keeping.

³⁴ Report of Jakob Glatz to the Court Chancellery, February 27, 1819, in AVA, AK, Evangelischer, 13 (Konsistorien)/247.

Catholic deacon visited a Protestant school and forced them to cease using the Bible in lessons. A quick investigation revealed, however, that the deacon had been justified, for the Protestants had been using the Bible in secular classes instead of the state-mandated textbooks.³⁵ In Hungary, Protestants commonly complained that their synod meetings did not receive publication by the emperor, though Francis rejected publication of similar Catholic conferences in Hungary and Transylvania, while in Cisleithanian Austria, the monarchy outside the Kingdom of Hungary and Transylvania, the Catholic clergy did not even have the right to assemble.³⁶

In Styria, numerous petitions regarding Protestantism emerged, but Vienna ultimately ignored them for they contained hyperbole. A few petitions, such as the one in 1834 by Protestants in Carinthia and Styria, demanded full legal equality with Catholics. This petition was only sparked by the actions of the activist bishop, Roman Zängerle (see Chapter 2). Yet, it raised serious issues, complaining that Zängerle had overstepped the law. He had, for example, demanded that in the case of mixed marriages, the Protestant side promise to raise all the children Catholic, leading Protestants to claim, dramatically, that they were in a “tributary state” to the Catholic Church. The Protestants reminded the emperor that policy in Austria now established that religious differences could no longer lead to disadvantages.³⁷ Bishop Zängerle also sent in reports complaining of Protestant violations of the toleration laws, noting, for example, that Protestants proselytized and frequently mocked and insulted Catholicism in

³⁵ Sitting of the Court Chancellery, March, 17 1808, in AVA, AK, Evangelischer, 3 (Generalia: Innerösterreich), 3/137. Protestants could use the Bible in religious education classes.

³⁶ Bertalan Bagossy, “Die Auswirkungen des Josephinismus und der Widerstand der siebenbürgischen Diöesen (1790-1847), in *Kirche-Staat-Nation: eine Geschichte der katholischen Kirche Siebenbürgens vom Mittelalter bis zum frühen 20. Jahrhundert* ed. Joachim Bahlcke et al. (Munich: IKGS Verlag, 2007), 188-189.

³⁷ Petition of the two Protestant churches in Carinthia and Styria, December 18, 1832 in AVA, AK, Evangelischer, 1 (Generalia)/15747.

public.³⁸ As with most bishops' complaints, the government viewed the horror stories about Protestants as overblown, and the few investigations into the matter confirmed this suspicion.³⁹

In fact, in several ways, Protestants had more liberties than Catholics, especially in areas such as education and communication with foreigners. After the 1804 school law (see Chapter 1), which subjected schools to visits by the clergy, Protestants complained that Catholics claimed the right to inspect non-Catholic schools and requested that Protestant schools be subordinated to the local imperial official. The government viewed these actions by Catholic clergy as being in violation of the toleration laws, and in 1806 Francis approved the request of the Protestants.⁴⁰ He confirmed this decision again in 1820, and granted the seniors jurisdiction over elementary schools.⁴¹ In Hungary, Calvinist superintendents met annually in a general convent, a right denied to Catholic clergy in Cisleithanian Austria.⁴² Minority school children in Austria also received protections. The law permitted Protestants to operate their own schools if 30 children or more resided in a local district.⁴³ If no Protestant school existed for a Protestant child, he or she had to attend the nearest Catholic school. In order to prevent abuses against Protestant children at Catholic schools, catechism and religious instruction took place at either the start of

³⁸ Report of Oberster Kanzler, Count Francis Joseph von Saurau, January 16, 1827, in AVA, AK, Evangelischer, 3 (Generalia: Innerösterreich)/1483.

³⁹ Several reports refuted Zängerle's complaints. The report in 1827 noted that from 1822-1824 no one had converted to Protestantism, and another report in 1847 recorded that in the last 20 years, only 18 people left Catholicism, while 80 had joined the Church, confirming their suspicion that Zängerle's complaints were hyperbole, in report of the Court Chancellery, January 15, 1848, in AVA, AK, Evangelischer, 3 (Generalia: Innerösterreich)/554.

⁴⁰ Report of the Court Chancellery, September 1808, in AVA, AK, Evangelischer, 24 (Superintendenten)/6766.

⁴¹ Gustav Porubszky, *Die Rechte der Protestanten in Österreich: Sammlung der wichtigsten Gesetze und Verordnungen über protestantische Kirchen und Schulangelegenheiten in den Deutsch-Slavischen Kronländern Österreichs* (Vienna: Wilhelm Braumüller, 1867), 115.

⁴² Bárándy, *Ueber Ungarns Zustände* (Pressburg: Francis Edlen and Schmid, 1847), 19

⁴³ Helfert, *Die Rechte und Verfassung der Akatholiken*, 127

the day or the last hour of the day, allowing the minority child to arrive at school an hour late or leave an hour early and skip Catholic instruction.⁴⁴

While Austrian law forbade, in general, study abroad, including for Catholics (see Chapter 2), Protestant theologians also enjoyed an exemption to this ban. Protestant pastors could obtain books from foreign countries if not available in Austria as long as they ordered them through their local imperial official.⁴⁵ In 1799, the government agreed to grant four-year travel passes to study Protestant theology.⁴⁶ This privilege allowed Lutherans to study at universities in Göttingen, Wittenberg, Leipzig and Tübingen, while Austrian Calvinists attended schools in Jena and Marburg.⁴⁷ This arrangement changed in 1819 after the assassination of the playwright August von Kotzebue by a theology student. This event precipitated the issuing of the Carlsbad decrees and the instituting of an Austrian-led crackdown on universities in the German Confederation. Even the pro-Protestant Palatine of Hungary, Archduke Joseph, worried that Austrian students, especially in Hungary, picked up harmful ideas at German universities and brought back writings articulating national rights.⁴⁸ He could point to the fact that Habsburg subjects, such as the Slovak Lutheran, Ján Kollár, had taken part in the Wartburgfest in 1817 (see Chapter 1).⁴⁹ Potential Protestant theologians temporarily lost the right to study in Germany after

⁴⁴ Helfert, 129.

⁴⁵ Helfert, 209.

⁴⁶ Hannelore Burger, *Passwesen und Staatsbürgerschaft*, in *Grenze Und Staat: Passwesen, Staatsbürgerschaft, Heimatrecht Und Fremdengesetzgebung in Der Österreichischen Monarchie 1750-1867* eds. Waltraud Heindl, Edith Sauer, Hannelore Burger, and Harald Wendelin (Vienna: Böhlau, 2000), 39. Burger called Protestants the “secret elite” of the empire.

⁴⁷ Helfert, *Die Rechte und Verfassung der Akatholiken*, 72.

⁴⁸ The Palatine as early as 1801 warned Francis that Hungarian Protestants “picked up dangerous theories,” see Palatine Joseph to Francis, June 17, 1801, in *József Nádor Iratai, 1792-1804*, Vol I of *József Nádor: élete és iratai: Első kötet* ed. Sándor Domanovszky (Budapest: Kiadja a Magyar Történelmi Társulat, 1925), 402.

⁴⁹ Karl-Reinhart Trauner, “Die eine Fakultät und die vielen Völker: Die Evangelisch-Theologische Fakultät zu Wien im nationalen Spannungsfeld der Habsburgermonarchie,” in

1819, but to compensate for this loss, the government approved a Protestant Theological Institute in 1819, and it opened in 1821 with an endowment of thirty full scholarships. This institute had been in the works since the early 1800s as the Austrian government desired to produce a Protestant academic center in Vienna that would produce indigenous Protestant theologians.⁵⁰ After complaints by the Hungarian Diet in 1827, Hungarian Protestants regained the right to study at foreign universities.⁵¹

While the state foreclosed the political space to confessional politics, in areas where Protestants were in the minority they had to yield the use of public spaces to Catholics, who formed the majority of the population. During Catholic holidays, tensions occasionally developed over what Protestants could do in public during a Catholic procession. In most regions Catholics had seven holidays not celebrated by Protestants.⁵² The government expected each side to respect the others' holidays, and in German-Austria and Bohemia, where Catholics formed the overwhelming majority, Protestants could not block public Catholic celebrations. In 1812 there were, for example, reports of Protestants in Bohemia behaving obnoxiously during processions and forcing their Catholic servants to work on Catholic holidays. In response to these complaints, the government reminded the Protestants of the decrees of 1783 and 1807,

Zeitenwechsel und Beständigkeit: Beiträge zur Geschichte der Evangelisch-Theologischen Fakultät in Wien 1821-1996 ed. Karl Schwarz (Vienna: WUV-Universitätsverlag, 1997), 74.

⁵⁰ Georg Sauer, "Die Erstbesetzung der exegetischen Lehrkanzeln an der im Jahre 1821 eröffneten (akatholischen) Protestantisch-Theologischen Lehranstalt in Wien," in *Zeitenwechsel und Beständigkeit*, 227.

⁵¹ Petition of the lower house to the Magnates at the 15th Sitting of the Magnates, 1833, in *Die Religionswirren in Ungarn* ed. Johann Majláth, (2 vols) (Regensburg: Verlag von G. Joseph Manz, 1845), 1: 96.

⁵² They were Assumption Day, the feast of Corpus Christi, the Feasts of Saints Peter and Paul, the Birth of the Immaculate Conception, All Saints Day, and usually a local saint, in Report of the Court Chancellery, November 26, 1812, in AVA, AK, Evangelisch, 2 (Generalia: Böhmen)/17776. Protestants had two holidays not celebrated by Catholics: Toleration Day, celebrated on the Sunday following October 13, the date of Joseph II's Edict of Toleration, and a general day of repentance, usually held on December 8, see Helfert, *Die Rechte und Verfassung der Akatholiken*, 116-117.

which banned Protestants from disrupting Catholic processions. In addition, Austrian officials ordered Protestants to abstain from performing hard and menial labor in public spaces during Catholic holidays.⁵³

Protestants in Hungary were not bound by Catholic holidays but had to abstain from noisy labor and could not disturb their Catholic neighbors. Yet, rogue magistrates in Hungary supposedly fined Protestants for minor disturbances such as cutting the grass on Catholic holidays.⁵⁴ In contrast, in areas such as Transylvania, Francis conceded Protestant domination, including for holidays and simply wished, as he expressed publicly to a Protestant crowd in Hermannstadt (Sibiu): “I am satisfied with your efforts; you raise good citizens and true subjects and wish that all their examples might be followed.”⁵⁵ Overall, rules on public celebrations were practical and favored Catholics by default of their majority status. Even Protestants rarely complained about these rules, which most officials viewed as necessary to avoid upsetting Catholics and causing confessional tension.

One can most clearly see the normalization of Protestants into Austrian public life in the Reformation celebrations of 1817, marking the 300th anniversary of Martin Luther’s posting of the ninety-five theses. This project was the brainchild of the head of the Lutheran consistory, Jacob Glatz, who originally planned a Reformation celebration only for German-Austria.⁵⁶

⁵³ Report of the Court Chancellery, November 26, 1812, in AVA, AK, Evangelischer 2 (Generalia: Böhmen)/17776.

⁵⁴ Janos Bauhofer, *History of the Protestant Church in Hungary from the Beginning of the Reformation to 1850* translated by J. Craig (Boston: Phillips, Sampson and Company, 1854), 487.

⁵⁵ Joseph Trausch *Bemerkung über die vom siebenbürgischen griechisch-nichtunierten Bischof herrn Basilius Moga im Jahre 1837 den zu Hermannstadt versammelten Landesständen unterlegten Bittschrift* (Kronstadt: Druck und Verlag von Johann Gott, 1844), in Országos Széchényi Könyvtár (National Szechenyi Library) OSZK, 59.

⁵⁶ Wichmann von Meding, *Österreichs erstes Reformationsjubiläum: Jakob Glatz und die Gemeinden Augsburgischer Konfession 1817/18; ein Modell des Verhältnisses von Kirchenleitung und Verkündigung* (Frankfurt am Main: Peter Land, 1998), 23.

Approval for this jubilee passed swiftly and easily through the Court Chancellery, usually characterized by sluggish action, and Francis allowed it without delay for the entire empire. Austria had prohibited these celebrations in 1617 and 1717, but in 1817 officials allowed the festival not only because of the acceptance of toleration but also to make a favorable impression on Protestant Europe, worrying that a lack of action on this issue “would give cause for misunderstanding.”⁵⁷ Vienna instructed local authorities and censors across the empire to allow printing of special prayers.⁵⁸ To avoid losing a workday on October 31, the government simply moved it to the next Sunday, November 2 and joined it with Toleration day, a holiday in October commemorating the Toleration Patent.⁵⁹ This rearrangement merged the Reformation jubilee with key pillars of the Josephist state: toleration and confessional harmony.

Austria’s first Reformation Jubilee was, by all accounts, a success. Catholics such as the Court preacher Sebastian Franz Job and the activist bishop Gregory Thomas Ziegler (see Chapter 2) objected to this celebration and accused Protestants of using the jubilee as an opportunity to compose polemical pieces.⁶⁰ In Hungary, where the Church possessed more autonomy and the Protestants were not subject to the Viennese consistory, a few archbishops hindered publication about the Reformation celebrations, and many Calvinists did not take part in the jubilee.⁶¹ But despite these minor setbacks, the celebration was a success for the government and Protestant communities. In many Reformation services, pictures of Joseph and Francis hung side by side

⁵⁷ “Würde von den Konistorien nichts ausdrücklich verfügt, so wäre zu besorgen daß.....leicht veranlaßung zu Mißdeutungen gegeben werden könnten,” in Report of the Court Chancellery, July 17, 1817, in AVA, AK, Evangelischer, 1 (Generalia)/462. In 1717, a small celebration took place in the Danish embassy.

⁵⁸ Decree of the Court Chancellery, August 26, 1817, in AVA, AK, Evangelischer, 3 (Generalia: Innerösterreich)/68.

⁵⁹ Report of advisor Count von Guicciadi, September 1817, in AK, Evangelischer, 1 (Generalia)/68.

⁶⁰ Eduard Hosp, *Sebastian Franz Job: Ein Karitasapostel des Klemens-Hofbauer-Kreises (1767-1834)* (Mödling: St. Gabriel Verlag, 1952), 72.

⁶¹ Meding, *Österreichs erstes Reformationsjubiläum*, 17.

over the altars, while sermons praised the dramatic improvement for Protestants in Austria since the 1780s and compared themselves favorably to the persecution Huguenots faced in France.⁶² Imperial officials and even priests flocked to the Reformation celebrations, and accounts of the event note that Protestant churches from Trieste to Carinthia filled like never before as many governmental officials attended services.⁶³ Areas such as Venice held a weeklong celebration of the Reformation.⁶⁴ Overall, the Reformation Jubilee gave the government an opportunity to prove to Protestants that the Habsburg state had fundamentally changed since 1780.

Conversions and Mixed Marriages

While most day-to-day business for Protestants proceeded smoothly in Austria and most complaints were minor, two issues threatened to disturb the religious peace: conversions and mixed marriages. The Austrian state viewed the confessional question as settled and wanted to freeze the religious composition of the empire. For this reason, the government banned proselytizing by Catholics and Protestants alike. Mixed marriages and conversions threatened to upset the empire's delicate balance, and officials viewed changing one's religion as a sign of free and, thus, subversive thought.

Conversions

Legally, in the Habsburg Empire, a person could only change his or her religion if he or she did it out of pure religious conviction, but the state created hurdles in this process in order to make potential apostates think twice before converting. The main obstacle to conversion only

⁶² Meding, 37, 96-96.

⁶³ Meding, 32-36. Even Bauhofer, an anti-Catholic writer, acknowledged this fact, in *History of the Protestant Church in Hungary from the Beginning of the Reformation to 1850*, 506.

⁶⁴ Meding, *Österreichs erstes Reformationsjubiläum*, 26.

applied when leaving Catholicism, though restrictions also existed for joining. To leave the Catholic Church for Protestantism, one had to take a six-week course from the local priest. Joseph II implemented this rule in 1782 after his legalization of Protestantism had caused over 73,000 individuals just in Upper Austria to come out of the shadows.⁶⁵ This number shocked even Joseph, who only intended to come to terms with a centuries-old Protestant community, not create a free market of religious ideas. This six-week course remained in force, and while it was inconvenient for potential Protestants, the state did ultimately permit conversions, and despised, in fact, all apostasy. For example, Francis supposedly told a Protestant Hungarian in 1822 that “all proselytism is despicable” and the emperor certainly opposed Catholic activists, who threatened to upset the Josephist settlement, most of whom were converts to Catholicism (see Chapter 1).⁶⁶

The state mandated stipulations for conversion in any circumstance and tightly regulated the process. To begin the process of conversion, one had to report to the local imperial official, the *Kreisamter*, who then sent a commissar to ask them briefly, and by law, politely, about their beliefs.⁶⁷ If the potential convert met the legal requirements, such as being of age (18), he or she took a six-week course with a priest on proper Catholic doctrine to ensure that the apostate was leaving Catholicism with full knowledge of the faith and not due to a misunderstanding. For Protestants if the parents converted from Catholicism, they could raise children under 7 in Protestantism, but if the child was over 7, he or she had to wait until 18 to convert to the new

⁶⁵ Grete Mecenseffy, *Geschichte des Protestantismus in Österreich* (Graz: Hermann Böhlau, 1956), 210.

⁶⁶ Bauhofer wrote that in 1822, Francis uttered these words in a visit to Hungary, in *History of the Protestant Church in Hungary from the Beginning of the Reformation to 1850*, 512.

⁶⁷ Helfert, *Die Rechte und Verfassung der Akatholiken*, 16.

religion of the parents.⁶⁸ The six-week course manual pointed out the similarities and minor differences between Catholics and Protestants and urged the priest to use moderation.⁶⁹ The course could not last more than forty-two days or more than two to three hours in a day. The convert had to pay half of the cost of the course, and at the end of the six-week instruction, he or she received a certificate indicating the apostate's new religion.⁷⁰ Similarly, Protestants had to take a course if they converted from Lutheranism to Calvinism and vice versa, and converts to Catholicism also underwent an interrogation to ensure they were converting out of true conviction.⁷¹

The six-week course applied to the entire monarchy, but it ran into constitutional problems outside of Cisleithanian Austria, and numerous exceptions existed. The rule did not apply to foreign colonists, usually German settlers.⁷² Officials in areas such as the Military Border were unsure of its applicability there.⁷³ In addition, the military did not follow the six-week course for apostate soldiers, despite the efforts of the prince-archbishop of Salzburg.⁷⁴ Joseph had applied the rule to Transylvania, and in 1792 Francis upheld this decree.⁷⁵ The Transylvanian Diet protested this unilateral action by Vienna in 1791 and 1811, calling it unconstitutional, as it had not been approved by the diet. In 1842, the delegates at the diet

⁶⁸ Report of the Court Chancellery to Francis, December 2, 1830, in AVA, AK, Katholischer, 30 (Übertritt)/6789

⁶⁹ Franz Freindaller, *Handbuch zur gleichförmigen Erteilung des sechswöchentlichen in den kaiserlich-österreichischen Staaten beym Uebertritte zu einer tolerirten Confession gesetzlich vorgeschriebenen Religionsunterrichts* (Linz: Cajetan Haslinger, 1813). This official text stressed the similarities between Catholicism and Protestantism.

⁷⁰ Helfert, *Die Rechte und Verfassung der Akatholiken*, 22-23.

⁷¹ Helfert, 229-230.

⁷² Helfert, 18.

⁷³ See for example, the Report of the Court War Council (*Hofkriegsrat*) to Francis, December 31, 1828, in HHStA, KA, Str, MKA, 51 (1831), 966.

⁷⁴ Report of the Court Chancellery, September 5, 1833, in AVA, AK, Evangelischer, 19/16294.

⁷⁵ Report of the Transylvanian Court Chancellery, August 18, 1792, in HHStA, KA, Stk, 34 (1838)/3303.

debated abolishing this measure, with defenders of the rule arguing the Church had the right to educate its flock and detractors contending that the six-week course hurt Catholics the most.⁷⁶ The course applied in Hungary, but in the 1840s, the Court abolished it as part of its negotiations with the Hungarian Diet.

In practice, the state rebuked clergy who abused the six-week course and commonly intervened for apostates to transition smoothly into Protestantism. Many Catholic clergymen used bureaucratic delays in the six-week course for apostates, meaning that in several cases, converts had to wait years before receiving an official certificate confirming their conversion. After appeals reached Vienna, officials routinely ordered the clergy to grant certificates for conversion after the six-week course, noting that one of the privileges of Austrian citizenship was freedom from forced religion. The government constantly issued orders to the Catholic clergy reminding them that the course could not exceed six weeks.⁷⁷ In one of many examples, in 1832 the government of Upper Austria intervened to force the clergy to issue the required conversion certificate to converts to Protestantism.⁷⁸ In addition, during the six-week course, apostates were not supposed to attend Protestant services, but this occurred frequently, and bishops often complained that Protestants commonly broke this rule.

The state also placed regulations on Protestants who wished to convert to Catholicism, though these controls were less strigent. To convert to Catholicism, the apostate also had to notify the authorities. In 1806 the government ordered, for example, the archbishop of Vienna to

⁷⁶ Informations-Protocoll, Ungarisch-Siebenbürgische Section, July 19, 1842, in Magyar Országos Levéltár (MOL-O), Magyar kancelláriai levéltár, A-105 (Informations-Protocolle der Ungarisch-Siebenbürgischen Sektion), 31653.

⁷⁷ Court Chancellery report of January 13, 1848, in AVA, AK, Evangelischer, 19 (Übertritte)/no number provided.

⁷⁸ Report of government of Upper Austria, May 24, 1834, in AVA, AK, Evangelischer, 19 (Übertritte)/15399.

obtain state approval before allowing several Hannoverians to convert to Catholicism.⁷⁹ Vienna also prohibited minors from converting as a general rule. If both parents converted to Catholicism, the children could not convert until they were 18.⁸⁰ In practice, this rule was not clear, and the government was sympathetic in cases in which the Protestant father died and the Catholic mother wanted to raise the sons in the Church. Finally in 1835 the state confirmed the age threshold of conversion to Catholicism at 18, which it had originally set in 1816 to convert to Protestantism. That same decision in 1835 also eliminated the requirement that Protestant converts to Catholicism obtain state approval only if they had reached the age of 18.⁸¹ Catholics complained about this rule, and the state rejected underage converts in some cases and allowed them in others.

This rule led to confusion among officials and clerics. The ABGB ceded the conversion of children into religions in which they were not born to political authorities. There was also debate on what the majority age (*sui juris*) was in Austria. The Catholic ordinarate argued it was the age at which one could practice a profession, typically around 14, but state officials disagreed with some stating 14 but others arguing for 24.⁸² The state refused to publish clear rules on procedures for conversion to Catholicism because it wanted to avoid public debate on such a contentious topic. It led, however, to numerous questions from local authorities, who often did not know how to proceed when a Protestant came forward wishing to convert to Catholicism. In 1842, the Bohemian Gubernium (government) asked about permission for a Protestant who had been born Catholic but changed his mind and wanted to return to

⁷⁹ Report of the Court Chancellery to Francis, February 28, 1828, in AVA, AK, Katholischer, 30(Übertritt)/17638.

⁸⁰ Helfert, *Die Rechte und Verfassung der Akatholiken*, 29.

⁸¹ Report of the Court Chancellery to Francis, February 28, 1828, in AVA, AK, Katholischer, 30(Übertritt)/17638.

⁸² Report of the Court Chancellery to Francis, February 28, 1828, in AVA, AK, Katholischer, 30(Übertritt)/17638.

Catholicism. Vienna responded, writing that such permission was not necessary.⁸³ In addition, officials commonly queried Vienna if the 1835 decision applied only to Lower Austria or to all of Cisleithanian Austria.⁸⁴ The Lutheran Consistory in Vienna asked that it apply to all of Austria, as did a superintendent in Bohemia, in order to prevent minors from leaving Protestantism.⁸⁵ Both consistories cited this rule to prevent minors from committing apostasy.⁸⁶ Ultimately, parents commonly raised their children in the new religion to which they converted despite state rules to the contrary.⁸⁷ There was, however, little crackdown on such behavior.

As the convulsions from the legalization of Protestantism in the 1780s subsided, conversions slowed dramatically. As a result, the state gradually feared conversions less as it became clear that the clergy exaggerated complaints about conversions. In 1808 the authorities ordered that quarterly reports be compiled on the numbers of people leaving Catholicism, but this action was simply the product of a government obsessed with tracking anything that could cause excitement or controversy; the government commonly issued reports, for example, on the monks of the empire. In 1811, the government noted that in the previous year, only twenty-two individuals had left the Catholic Church, while 205 had converted to Catholicism.⁸⁸ One of the government's religious advisors, Joseph Alois Jüstel (see Chapter 2), noted that in 1827, twenty-

⁸³ Decree to the Bohemian government (Gubernium), December 6, 1842, in AVA, AK, Katholischer, 30(Übertritt)/379/3821.

⁸⁴ Provincial authorities lodged many queries to Vienna on this question, many of which can be found in AVA, AK, Katholischer, 30 (Übertritt).

⁸⁵ Several cases appeared after the 1835 decree. The Lutheran Consistory question can be found in the sitting of the Court Chancellery, January 18, 1838, in AVA, AK, Katholischer, 30(Übertritt)/560/70. For the Bohemian inquiry, see the letter to the Court Chancellery, November 28, 1837, in AVA, AK, Katholischer, 30(Übertritt)/21.

⁸⁶ Upper Austrian government to the Court Chancellery, August 12, 1836 in AVA, AK, Katholisch, 30(Übertritt)/22436/2581.

⁸⁷ These facts appeared commonly in reports, see, for example, the sitting of the Court Chancellery (Jüstel), August 19, 1819, in AVA, AK, Katholischer, 29 (Religionsübertritt)/49.

⁸⁸ Court Chancellery report of September 26, 1811, in AVA, AK, Evangelischer, 2 (Generalia: (Mähren)/50.

seven individuals converted to Protestantism while 572 joined the Catholic Church, and in 1837, fifty-four left Catholicism for the Protestant Church, and 559 converted to Catholicism.⁸⁹ In Bohemia, from 1840-1846 only 404 individuals converted to Protestantism.⁹⁰ In May 1840, after the end of a quarterly report, officials suggested compiling reports twice a year instead of quarterly, but Emperor Ferdinand rejected this suggestion.⁹¹ Due to the potential for abuse by the Catholic clergy and the embarrassment caused to a priest when a parishioner left the Church, proposals circulated in the 1840s to eliminate the six-week course, but due to the rarity of conversions, officials did not implement a new policy on conversions until 1849.⁹²

Mixed Marriages

While conversions incited controversies, mixed marriages were, by far, the most contentious issue in Austria, and indeed, in Central Europe.⁹³ Similar to conversions, the Austrian state disliked mixed marriages for they threatened to cause discord. The leading complaint by Protestants in petitions was usually about the handling of mixed marriages, and in areas such as Prussia, this issue sparked arrests and riots (see Chapter 2). Yet, officials recognized that such unions were necessary, especially as increased commerce and nascent

⁸⁹ Jüstel to Ferdinand, July, 1840, HHStA, KA, Stk, 43 (1840)/1312.

⁹⁰ Court Chancellery report of January 13, 1848, in AVA, AK, Evangelischer, 19/no number given.

⁹¹ Report of the Court Chancellery, May 26, 1840, in AVA, AK, Katholischer, 30/20699.

⁹² Court Chancellery report of January 13, 1848, in AVA, AK, Evangelischer, 19/no number given.

⁹³ Franz Schnabel, *Die Religiösen Kräfte Vol 4 of Deutsche Geschichte im Neunzehnten Jahrhundert* (Freiburg: Herder Verlag, 1951), 121. Schnabel rightfully labels it the most contentious issue facing the confessions in nineteenth-century Germany. They were rare, however. Anton Springer estimated from 1827 to 1837, for example, that there were 1,713, 248 weddings performed in Cisleithanian Austria with 12,120 being mixed unions, in Johann Springer, *Statistik des österreichischen kaiserstaates von Johann Springer 2 Vols* (Vienna: Fr. Bech'schen Universitäts-Buchhandlung, 1840), I: 358.

industrialization in the Habsburg Empire led to Protestants moving to burgeoning industrial centers and marrying into Catholic families.⁹⁴

For this reason, the Austrian government allowed mixed marriages and imposed controls on the Catholic clergy, in clear contrast to canon law. The government banned oaths by non-Catholics to raise children Catholic, known as the *reverse*, and required priests to bless mixed unions. In Hungary and Transylvania the son followed the father, and the daughter followed the mother in religious matters, but Catholic priests performed the weddings.⁹⁵ In German-Austria and Bohemia civil law governed marriage, most notably the Edict of Toleration of 1781 and the Marriage Patent of 1783. Article six of the Toleration Patent required Catholic fathers to raise all the children Catholic in a mixed marriage. When the father was Protestant, as was usually the case, the sons followed the religion of the father, and the mother raised the daughters Catholic. In Austria, the ABGB ordered that priests perform mixed marriages before two witnesses and allowed non-Catholic clergy to attend, and in cases in which a Protestant pastor performed a mixed marriage, Vienna confirmed its legality.⁹⁶ This system worked well for decades, but rising ultramontaniam (see Chapter 2) in the 1830s made it increasingly untenable.

⁹⁴ Numerous observers noted that Protestants made up a disproportionate number of foreman, supervisors and factory owners, see Bertram M. Gordon, "Catholic Social Thought in Austria, 1815-1848," Ph.D. Diss., Rutgers, 1969, 152. Mechanized industrial production in the Habsburg lands took off in the 1830s, see David F. Good, *The Economic Rise of the Habsburg Empire* (Berkeley, C.A.: University of California Press, 1984), 39.

⁹⁵ Bagossy, "Die Auswirkungen des Josephinismus und der Widerstand der siebenbürgenischen Diöesen (1790-1847), 186. Whether this rule applied to the military, remained unanswered through 1848, see sitting of the Moravian-Silesian Court Chancellery, August 20, 1840, in AVA, AK, Evangelischer, 11 (kindererziehung)/25213/3575.

⁹⁶ Such a case occurred in 1819 in Bukovina and the Court Commission on Justice (*Hofkommission in Justizsachen*) ruled that such unions were not explicitly invalid under the ABGB and thus valid in the eyes of the law, see Bruno Primetshofer, *Rechtsgeschichte der gemischten Ehen in Österreich und Ungarn (1781-1841): Ein Beitrag zur Geschichte der Beziehungen zwischen Kirche und Staat* (Vienna: Herder, 1967), 53-55.

Until the 1830s, mixed marriages rarely sparked controversy. There were few attempts to overturn Joseph's marriage laws, and such undertakings failed. Vienna did not consider requests by several bishops to change the mixed marriage laws in the 1790s and early 1800s. The government rejected, for example, efforts by Catholic clergy in upper Carinthia in 1801 to make mixed marriages illegal or permissible only under conditions: that all children to be raised Catholic, that the Catholic bride promise to convert the Protestant spouse, and that all possible danger to the Catholic be removed. Such efforts, and others in 1798 and 1800 met with a firm rejection by Vienna.⁹⁷ Francis, for unknown reasons, considered making difference of confession a marriage hindrance under the ABGB in 1813. When the report from the Court Commission on Justice (*Hofkommission in Justizsachen*) on this matter came to the obvious conclusion that such an amendment would violate the toleration laws, Francis let the matter drop.⁹⁸

By the 1830s, resistance grew to mixed marriages as the burgeoning ultramontane movement induced the clergy to disobey the state and to follow canon law, which required strict stipulations for mixed marriages. In northern Italy, where papal influence was still paramount, mixed couples commonly went to Trieste to get married, where special agreements protected Protestants.⁹⁹ In 1832, Bishop Zängerle began refusing mixed marriages in Styria, and a few of his priests began extracting the *reverse* from the non-Catholic party, prompting the bishop to declare, astonishingly, that even an oath to raise children Catholic was not enough and that mixed marriages should not take place, period.¹⁰⁰ That same year, a priest in Innsbruck refused a

⁹⁷ Report of the Court Chancellery, April 24, 1840, in AVA/AK/Evangelischer, 7 (Ehen)/5933.

⁹⁸ Primetshofer, *Rechtsgeschichte der gemischten Ehen in Österreich und Ungarn*, 72.

⁹⁹ Report of Pilgram, May 30 1840, in HHStA, KA, Stk, 46 (1841)/558.

¹⁰⁰ Kolowrat to Ferdinand, January 9, 1839, in HHStA, KA, 46 (1841)/558. Also in Ferdinand Maass *Lockerung und Aufhebung 1820-1850* Vol 5 of *Der Josephinismus* (Vienna: Herold Verlag, 1961, 516.

mixed marriage.¹⁰¹ While Austria was not immune to ultramontanism, it had co-opted the Church and clergy enough to avoid confessional conflict from mixed marriages as these cases were isolated. The Habsburg Empire would have most likely avoided strife had events in the Rhineland not sparked a contentious debate over how to handle mixed marriages.

The potential for mixed marriages to create riots and disorder manifested itself in the Cologne Affair (see Chapter 2), when Prussia arrested the archbishop of Cologne for refusing to follow the state's policy on mixed marriages favoring Protestants. While Austria avoided the riots that struck the Rhineland in the aftermath of this event, the arrest of the archbishop riled the clergy in Austria and provoked an intense debate in Hungary. Habsburg officials feared that Austria, which had a similar stance vis-à-vis the Catholic Church as did Prussia, would find itself in the same unfortunate situation. Authorities worried that it only took one defiant clergyman to become a martyr and to rally ultramontane forces against the government in Austria.¹⁰²

In response to the Cologne Affair, many bishops insisted that they could no longer ignore canon law. The pope's allocution, which explicitly and publicly condemned Prussia's forced violation of canon law, made it difficult for Austrian bishops to continue the fifty-year old practice of blessing mixed marriages without the *reverse*. In 1839 the bishops of Brünn (Brno) and St. Pölten repeatedly notified Vienna that they needed to turn to the pope to obtain permission for clergy in their dioceses to perform mixed marriages, while in Galicia the archbishops of Lemberg (Lviv), of the Greek and Latin rite, strove to hinder such unions due to the frequent raising of children Protestant in mixed marriages.¹⁰³ In 1839 the Moravian-Silesian authorities reported that priests had refused mixed marriages due to refusal of the *reverse*. In

¹⁰¹ Primetshofer, *Rechtsgeschichte der gemischten Ehen in Österreich und Ungarn*, 99.

¹⁰² Pilgram to Metternich, January 6, 1839, HHStA, KA, Stk, 46 (1841)/558. Also in Maass, 5: 508.

¹⁰³ "Über die Erledigung des von dem Herrn Erzbischofe von Lemberg unter den 31. Jänner 1838 gestellten gesuches," in HHStA, KA, Stk, 41 (1841)/558.

Styria, the Catholic reaction to the Cologne Affair affirmed Bishop Zängerle's refusal to approve mixed marriages even when the couple had given the *reverse*. In addition, one of Zängerle's priests preached from the pulpit in 1838 that the Catholic Church banned marriages with "heretics." Predictably Bishop Gregory Thomas Ziegler (see Chapter 2) in Linz also turned in petitions against Austrian law on mixed marriages, and the government of Upper Austria filed complaints against the bishop.¹⁰⁴ In Silesia, the archbishop of Olmütz (Olomouc) in 1838 ordered priests to obey canon law and to perform passive assistance in emergency situations, prompting an angry response from Prussia, which shared part of the diocese, Katscher (Kietrz), with Austria.¹⁰⁵

Couples who had their marriages refused did not riot but rather appealed to the government, which for half a century had defended their rights to enter into a mixed marriage. For example, after a priest in the diocese of Brünn refused to perform a mixed marriage, the bridal party complained to the secular authorities, who ordered the bishop to instruct priests to conduct the marriage ceremony.¹⁰⁶ In addition, as the refusal of mixed marriages swelled, Protestants flooded the local authorities with complaints, appealing to the now well-established Josephist tradition. This situation worried the government, which wanted to protect the secular marriage laws but also feared the growing power of the Catholic clergy.

Despite Prussia's troubles, the Austrian government had no desire to exploit this situation for political gain and continued to keep the Catholic Church at arm's length (see Chapter 2). Objections to what had become common Austrian practice and the defiant stance of the clergy necessitated, however, revisions to Habsburg marriage laws. Austrian officials disliked the

¹⁰⁴ Report of the Court Chancellery, April 24, 1840, in AVA, AK, Evangelischer, 7/5933

¹⁰⁵ Baron Carl von Stein zum Altenstein to Friedrich Theodor von Merckel, April 29, 1838, HHStA, KA, Stk, 41 (1841)/558.

¹⁰⁶ Jüstel to Ferdinand, July 13, 1840, In Maass, 5: 587.

behavior of these clergymen after the Cologne Affair, yet in view of the growing ultramantane movement and the disorder that the bullying of Catholic clergy had caused in Prussia, the Austrian government knew it had to change Austrian marriage laws.¹⁰⁷ Metternich suggested a commission, with Joseph Othmar Rauscher (see Chapter 2) to analyze canon and civil laws on this issue. Franz Anton von Kolowrat-Liebsteinsky, Metternich's rival in the State Council ruling Austria, forced Metternich to include Baron Johann von Pilgram, a Josephist legal advisor to the State Council, on the committee.¹⁰⁸

Metternich wanted to restore to the Church the rights over marriage it had lost in the 1780s, though he acknowledged that a legal pathway must exist for couples who refused to give the *reverse*. Metternich considered it a travesty that Austria, a Catholic country, had the same \ system vis-à-vis the Church as Prussia. He found it unreasonable to expect the clergy to violate their conscience and to bless mixed marriages without the *reverse*. He opposed delegating mixed marriages to Protestant clergymen when priests refused to perform or bless such unions. In addition, Metternich wanted the state to legalize the *reverse* and recognize these oaths, provided that couples made them voluntarily. When the couple refused the *reverse* and the priest refused to perform the wedding, he preferred that the priest do passive assistance, meaning he would conduct the ceremony but withhold blessing of the marriage.¹⁰⁹ This solution, which the pope already approved for Bavaria in 1834, would, Metternich believed, ease the conscience of the clergy and mitigate complaints.¹¹⁰

Jüstel and Rauscher agreed with Metternich. Jüstel viewed passive assistance as the solution to the mixed marriage crisis. He, and other Austrian officials, opposed the dual system

¹⁰⁷ Ordinance to the Styrian government, January 7, 1839, in AVA, AK, Evangelischer, 7/5933

¹⁰⁸ Metternich to Ferdinand, May 18, 1838, in Maass, 5: 498.

¹⁰⁹ Metternich to the Staatskonferenz, July, 1838, HHStA, Ka, KA 46, (1841)/558. Also printed in Maass, 5: 500-504.

¹¹⁰ Kolowrat to Metternich, September 6, 1839, In Maass, 5: 530.

of civil and Church marriages, as practiced in France and desired by Rome, because most individuals would probably choose the Church option, and civil marriages would not be respected (see Chapter 2).¹¹¹ Rauscher took a harder line and viewed the conducting of mixed marriages before a Protestant minister to be an unjust violation of the Council of Trent. He viewed mixed marriages as only permissible if the non-Catholic party agreed to raise the children Catholic.¹¹² In addition, he opposed the attempt of the government to get special privileges for Hungary on the mixed marriage issue.¹¹³

Metternich's primary opponent in the government, Kolowrat, supported the Protestant side. Kolowrat worried about offending Protestants, noting that they would naturally be fearful "if the government suddenly and voluntarily abandoned the Josephist rules on marriage it had observed for half a century."¹¹⁴ Kolowrat viewed the *reverse* as divisive with the potential to cause unrest and tear apart families. He preferred non-Catholic ministers to carry out mixed marriages when a priest refused.¹¹⁵

Kolowrat carried the majority on the committee. Pilgram opposed modifying Austrian marriage laws, which he believed "had hitherto caused no conflict between the state and its subjects...if the government now placed hindrances on mixed marriages, despite the Federal Law granting equality to Catholics and Protestants, Protestants in Hungary and Transylvania would fear, with justification, that something similar there would be attempted."¹¹⁶ Baron von Sommaruga, a legal advisor, argued that marriage belonged to the realm of the state and not

¹¹¹ Jüstel to Metternich, September 1, 1839, In Maass, 5: 521.

¹¹² Metternich to the *Staatskonferenz*, July, 1838, HHStA, KA, Stk, 46 (1841)/558.

¹¹³ Rauscher to Metternich, January 8, 1841, HHStA, KA, Stk, 46, (1841)/558

¹¹⁴ Kolowrat to Ferdinand, January 9, 1839, HHStA, KA, Stk, 46, (1841)/558.

¹¹⁵ Kolowrat to Ferdinand, January 9, 1839, HHStA, KA, Stk, 46, (1841)/558.

¹¹⁶ Metternich to the *Staatskonferenz*, July, 1838, HHStA, KA, Stk, 46 (1841)/558. The Federal Law (*Bundesacte*) Pilgrim referred to was article XVI of the founding act of the German Confederation granting equality to Christian confessions, though states did not enforce it.

Church doctrine and wanted Protestant ministers to perform weddings of mixed couples when the priest refused.¹¹⁷ Charles Frederick von Kübeck, a high ranking advisor to the State Council, opposed altering civil law or article six of the Toleration Patent and opposed entering into negotiations with Rome.¹¹⁸ Numerous advisors, sub-committees, and reports agreed with this opinion. The main commission charged with investigating Habsburg marriage laws voted to retain article six of the Edict of Toleration, which dealt with mixed marriages. Yet, even Kolowrat and Pilgram recognized that the clergy could not bless weddings that violated their conscience, and thus recommended that in such cases, the couples had the option to have a Protestant minister perform the wedding. The commission realized that in the light of the Cologne Affair these changes would require papal approval and deferred this responsibility to Metternich.¹¹⁹

Despite tense relations between the Austrian ambassador and Pope Gregory XVI, the papacy agreed to passive assistance, which the Pope had previously granted to other German states. Negotiations were tense, as the pope complained that Austria continued to send secular officials to discuss religious matters, and Metternich, despite his attempts to restore many rights to the Church, remained unpopular in Rome (see Chapter 2).¹²⁰ On May 22 1841 the pope granted approval for priests to perform passive assistance when the couple refused the *reverse* in the German lands and Bohemia, and later that year issued a similar directive to the Hungarian bishops. The government simply approved the papal order and transmitted it to the bishops of the German and Bohemian lands.

¹¹⁷ Kolowrat to Metternich, September 6, 1839, in Maass, 5: 550.

¹¹⁸ Report of Kübeck, May 20, 1839, in Maass, 5: 540-548.

¹¹⁹ Kolowrat to Metternich, February 12, 1840, in Maass, 5: 553-555.

¹²⁰ Maass, 5: 115.

Yet, the papal agreement remained contested, especially in Bohemia. The Bohemian government denied, in 1842, the request by the archbishop of Prague to issue a letter to the clergy about the pope's brief the previous year.¹²¹ Bohemian officials believed that the state should allow mixed marriages without such restrictions.¹²² The archbishop insisted that his priests acquire a written *reverse* for a blessing and opposed performing even passive assistance when the couple refused.¹²³ He also successfully resisted the efforts by Bohemian officials to issue information on the pope's letter in German, instead of the original Latin, fearing the government would intentionally mistranslate the directive.¹²⁴ Vienna rejected inquiries to expand the papal brief to northern Italy and Galicia, restricting it to German and Bohemian Austria.¹²⁵

In 1844, the government unilaterally annulled portions of the papal directive and again banned the *reverse*. As predicted by opponents of legalization of the *reverse*, couples gave this oath, allegedly, under pressure from the clergy and often took back these promises. In Hungary, objections arose immediately from numerous Hungarians, who argued that Rome had infringed on the sovereignty of the imperial house as well, noting that Joseph II, Leopold I or Francis I would not have approved such a papal directive and predicted disorder in Hungary over this publication.¹²⁶ In Bohemia and Vienna, complaints emerged as couples who gave the *reverse* claimed, as soon as a year after the papal brief, that the clergy had extracted the oath through

¹²¹ Report of Bohemian government, August 15, 1842, in AVA, AK, Evangelischer, 7/5933.

¹²² Report of the Court Chancellery, April 25, 1844 in AVA, AK, Evangelischer, 7/30658.

¹²³ Adolf Beer, "Kirchliche Angelegenheiten in Österreich 1816-1842," *Mittheilungen des Institutes für österreichische Geschichtsforschung (MIÖG)*, 18 (1897), 564-570.

¹²⁴ Decree of the Court Chancellery, April 24, 1842 in AVA, AK, Evangelischer, 7/5933.

¹²⁵ The government of Upper Austria also raised questions about the publication of the papal directive, in report of Upper Austrian government to Court Chancellery May 31, 1842, in AVA, AK, Evangelischer, 7/20511.

¹²⁶ For example, see note to Palatine Joseph, December 18, 1841, in Magyar Országos Levéltár: Obuda (Hungarian National Archives: Obuda), Regnicolaris levéltár, N-22 (Archivum palatinalae secretum archiducis Josephi (1795-1847), 31240, CXLIII.

pressure.¹²⁷ By 1844 Vienna lost patience with the Catholic clergy, whom the authorities viewed as exploiting the legalization of the *reverse* to hinder mixed marriages and impose oaths.

Austrian officials had approved the papal order only with the hope that it would bring peace to the mixed marriage controversy, and in 1844 Vienna declared the *reverse* illegal and invalidated previous oaths.

This annulment provoked a rare complaint by Archbishop Vincent Eduard Milde of Vienna (see Chapter 2), who spoke up in favor of a voluntary *reverse*. He had voiced his displeasure for passive assistance after the Cologne Affair, claiming that the priest's job was to administer the sacrament.¹²⁸ Although he was a loyal Josephist, he disliked the clergy's involvement in politics, and passive assistance and the dispute over the *reverse* placed his priests in the middle of political disputes.¹²⁹ He noted that the Catholic Church only allowed mixed marriages when the couple promised to raise all children Catholic and that the ban on the *reverse* created confusion and dismay, among not only Catholics but also Protestants, whose oath the government now invalidated.¹³⁰ Milde's petition sat on Ferdinand's desk until April 1848, when the emperor referred it to the upcoming parliament, but through 1848, the clergy, especially in Bohemia continued to attempt to enforce oaths made after 1841 and state officials remained divided on how to handle the *reverse*.¹³¹

¹²⁷ In one example, a Protestant man in Bohemia gave the *reverse* in 1841, but when he had a son, he named the child Joseph and registered him as a Protestant, see sitting of the Court Chancellery, October 23, 1846, in AVA, AK, Evangelischer, 11 (Kindererziehung)/35466.

¹²⁸ Jüstel to Ferdinand, July 30, 1840, In Maass, 5: 631.

¹²⁹ Milde usually supported Josephist policies, such as the ban on communication with the papacy, because he thought it protected the clergy from being dragged into politics, where they did not belong (see Chapter 2).

¹³⁰ Archbishop Milde to Ferdinand, November 8, 1844, in AVA, AK, Evangelischer, 11/12406.

¹³¹ Petitions kept coming into Vienna, especially from Bohemia until 1848 regarding attempts of the clergy to enforce the *reverse*. See AVA, AK, Evangelischer, 11 (Kindererziehung). For a lengthy debate on the validity of the debate, see Report of the Court Chancellery, February 13, 1845, AVA, AK, Evangelischer, 11/20335.

Despite the controversy over mixed marriages in the Habsburg Empire, Austria emerged from the affair with its tranquil Josephist structure intact. While the Cologne Affair “crystallized” the ultramontane movement in Germany, according to a certain publication on ultramontanism, as Prussia faced a Catholic backlash and Bavaria propelled itself to the head of the Catholic world, Austria maintained its stance of confessional neutrality (see Chapter 2).¹³² These events accelerated the neo-confessional age in Germany, but in Austria, the state did not allow the confessions to engage directly in the political space. Austria’s refusal to use Catholicism and confessional politics to gain legitimacy meant that religious passions were not inflamed on the eve of the Cologne Affair. As a result, Austrian citizens simply appealed to their government and officials clung to the Josephist settlement, which had preceded the French Revolution and had the legitimacy of providing fifty years of harmony between Catholics and Protestants.

Protestants Outside the Jurisdiction of the Toleration Patent: Galicia, Tyrol, and Hungary

Joseph’s Edict of Toleration did not apply to Galicia and Hungary, and its status was questionable in Tyrol. In Galicia, where Vienna exercised absolute authority, it enforced more favorable arrangements for Protestants. In Tyrol and Hungary, the state’s authority was more limited. While Vienna backed toleration and acted as a neutral arbitrator between Catholics and Protestants elsewhere, in these two regions Josephism had failed, and religious tension resulted. Both territories had fiercely resisted Joseph in the 1780s. In Hungary, the nobility rebelled, forcing Vienna to grant Hungary broad autonomy in 1791, embodied in the diet. In Tyrol, Josephism faced strong opposition, and in 1805, Austria ceded it to Bavaria, only regaining it in

¹³² Eric Yonke, *Cardinal Johannes von Geissel*, in *Varieties of Ultramontanism*, ed. Jeffrey Paul von Arx (Washington D.C.: Catholic University Press, 1998), 16.

1814. Yet these two regions differed greatly from each other. Tyrol had a centuries-long history of provincial autonomy and devout Catholicism, anchored by a unique Fourth Estate of free peasants loyal to the Church. Its few Protestants were associated with sects and were defenseless. Hungary, by contrast, barely had a Catholic majority, and many of its Protestants were nobles who sat in the lower house of the diet, where they often feuded with the Catholics in the upper house. In both regions Vienna offered little support to conservative Catholics, but due to various circumstances, the fate of the Protestants proved quite different.

The Fate of the *Inklinanten* in Tyrol

In 1868 an observer wrote that “Tyrol is in many ways one of the most notorious regions in the world...Tyroleans have no sense of intellectual progress and nourish numerous prejudices.”¹³³ This region, with its deep Catholic tradition and provincial autonomy, had been one of the more troublesome areas for Joseph. It was unique in that the peasants, represented in Tyrol by the fourth estate, cooperated with the clergy in opposing Joseph. The clergy, led by the Prince Bishop of Brixen, had objected to the General Seminaries and the abolition of many monasteries.¹³⁴ The Toleration patent remained in doubt in Tyrol because, though it had been published here, no one had come forward as a Protestant. According to the Patent, a minority community required 100 families.¹³⁵ The people and the clergy opposed Joseph by refusing to

¹³³ “Tirol gehört in gewisser Beziehung zu den verrufensten Ländern der Welt...Tiroler sein und keinen Sinn für geistigen Fortschritt haben, Tiroler sein und die mannigfachen Vorurtheile hegen, gilt den meisten Ausländern für gleichbedeutend.” in Dr H.I. Bidermann, *Zur Geschichte der Aufklärung in Tirol: Vortrag, gehalten in der Versammlung des konstituionellen Vereines in Innsbruck am 17 Dezember 1868* (Innsbruck: Fr. J. Gassner, 1868), 1.

¹³⁴ Elfriede Bernhauer, “Kirche und Josephinismus in Tirol,” 2 vols, Ph.D. Diss., University of Innsbruck, 1989, 1: 400.

¹³⁵ For a short history of the Toleration Patent in the multiple dioceses and jurisdictions, such as portions of Salzburg, of what became Tyrol after 1816, see Wolfgang Liebenwein, “Die

enforce fines on priests. There was mass objection to Josephist prohibitions, such as the ban on ringing bells as storms approached. When Tyroleans refused to follow this order, the government simply removed the bells.¹³⁶ By the end of the 1780s, the population was restless and supported the revolt in the Netherlands, which had been sparked by Joseph's religious measures.¹³⁷

In Tyrol, the Diet of 1790 raised numerous complaints against the central government but number one on the list had been against the "shameful" toleration.¹³⁸ The Prince Bishop of Brixen had argued since the early 1780s that his parishioners would never accept Luther's teachings and that he could not expose Tyroleans to the "dangers" of toleration, noting "most Catholic inhabitants of this land are so devoted to their faith, that they have formed a dislike for invasive, namely Lutheran, teachings and abhor such errors"¹³⁹ Another delegate labeled the clergy martyrs to the state due to the latter's desecration of Catholicism, and other dramatic speeches against Joseph's reforms in 1790 met with extensive applause in the Tyrolean Diet.¹⁴⁰ Mounting problems forced Joseph to relent a few weeks before his death in early 1790. For example, the emperor lifted the ban on Tyroleans praying for rain during drought.¹⁴¹ Leopold II granted limited approval for monasteries there to take up novices and brought back old worship services, but he rejected other requests.¹⁴²

Toleranzgesetzgebung und Tirol," *Im Lichte der Toleranz* ed. Peter F. Barton (Vienna: Institut für Protestantische Kirchengeschichte, 1981), 254-258.

¹³⁶ Bernhauer, "Kirche und Josephinismus in Tirol," 2: 744.

¹³⁷ Laurence Cole, "Nation, Anti-Enlightenment, and Religious Revival in Austria: Tyrol in the 1790s," in *The Historical Journal (HJ)* 43 (2000): 480.

¹³⁸ Bernhauer, "Josephinismus und Tirol," 1: 43.

¹³⁹ The text is in Bernhauer, "Josephinismus und Tirol," 2: 1018; 1019.

¹⁴⁰ Widermann, *Zur Geschichte der Aufklärung in Tirol*, 27-28.

¹⁴¹ Derek Beales, *Joseph II: Against the World 1780-1790*, Vol. 2 of *Joseph II* (Cambridge U.K.: Cambridge University Press, 2009), 624.

¹⁴² Bernhauer, "Josephinismus und Tirol," 1: 47.

In Tyrol, the imperial government made minor concessions after the outbreak of the wars of the French Revolution, due to the region's situation along the Alps. But it did nothing that threatened Josephism. In 1791, the government allowed Good Friday and other processions again.¹⁴³ As French armies grew closer to Tyrol, the government sought to assuage the population, which had grown anti-Austrian since the days of Joseph. The government allowed the seminary at Brixen to take in students because the priests of the General Seminary did not garner trust among Tyroleans, but these seminarians could not work outside Tyrol.¹⁴⁴ The clergy viewed war against revolutionary France as a crusade against the Enlightenment, but also used this opportunity to air their grievances against Josephism.¹⁴⁵ In 1793 the Prince Bishops of Trent and Brixen complained about the deterioration of religion in their dioceses, noting the dangerous presence of Protestants, the shortage of clergy, the lack of control over education of priests, the inability to control censorship, and restrictions on the power of the clergy. Francis consulted Augustine von Zippe, an architect of the Josephist reforms, on this matter. Zippe castigated the Tyrolean bishops for complaining about a dangerous Protestant presence when the former could identify only two Protestants in the entire region. Count Leopold von Kollowrat-Krakowsky, the Supreme Court Chancellor, advised Francis that "the laws of toleration are not only conducive to the spirit of Christianity but also are politically advisable."¹⁴⁶ Yet imperial officials noted that Catholicism had a special position in Tyrol, making it an exceptional region in the monarchy and also acknowledged that Tyroleans were often hostile to Habsburg officials.

¹⁴³ Bernhauer, "Josephinismus und Tirol," 2: 793.

¹⁴⁴ Josef Gelmi, *Kirchengeschichte Tirols*, (Innsbruck, Tyrolia-Verlag, 1986), 138

¹⁴⁵ Cole, "Nation, Anti-Enlightenment, and Religious Revival in Austria," 482.

¹⁴⁶ Kollowrat to Francis, January 30, 1795, in Maass, 4: 263.

Francis rejected overturning the Toleration Patent but agreed to a number of minor, cosmetic concessions.¹⁴⁷ He agreed to hand over a list of banned books to the bishops for consultation.¹⁴⁸ In 1796, the government sent in Count Ludwig Lehrbach to satisfy the “reasonable” people in Tyrol. Lehrbach noted that Tyrol was a special region with mountain people devoted to traditional forms of worship. He wrote that the people were ready to revolt due to bans on traditional forms of prayer that even Joseph had restored in 1790.¹⁴⁹ In addition, the government allowed the feast worship of the Sacred Heart of Jesus, justifying it to Francis that Joseph had intended this concession in 1790. Francis also allowed a feast day for the Sacred heart as long as it replaced another holiday.¹⁵⁰ Other measures such as monitored pilgrimages to Mariazell did not threaten any pillars of Joseph’s settlement, but served a valuable purpose in keeping the devoutly Catholic but strategically important region of Tyrol loyal to the monarchy during the French Revolution.

The abolition of many Church holidays and the subjection of the Church to political authorities had upset many Tyroleans, a few of whom subsequently joined sects.¹⁵¹ The most prominent sect, the Manharter, had proved tough to eliminate and had occupied the attention of the authorities. This sect began in 1809, when Pope Pius VII excommunicated Napoleon, and several priests, most notably Benedict Hagleitner and Sebastian Manzl, interpreted the pope’s order to mean that officials who had taken an oath to Napoleon and his ally, Bavaria, during the Bavarian occupation, were excommunicated. Due to this stance, in the eyes of the Manharter sect, Church functions had since 1809 lacked legitimacy. In addition, the Manharter opposed

¹⁴⁷ Report of September 17, 1795, in AVA, AK, Evangelischer, 4(Generalia: Oberösterreich)/95.

¹⁴⁸ Kollowrat to Francis, January 30 1795, in Maass, 4: 273.

¹⁴⁹ Count Ludwig Lehrbach to Francis, April 22, 1798, in Maass, 4: 287-290.

¹⁵⁰ Cole, “Nation, Anti-Enlightenment, and Religious Revival in Austria,” 486.

¹⁵¹ Erika Weinzierl-Fischer, “Visitationsberichte österreichischer Bischöfe an Kaiser Franz I 1804-1835” in *Mitteilungen des Österreichischen Staatsarchivs (MÖSTA)* 6 (1953): 302.

Vienna's vaccination campaigns as black magic.¹⁵² In 1816 Francis, who had married his daughter to Napoleon, visited the region and scolded a delegation of the Manharter sect, had the police watch them, raided secret meetings, and jailed a few of their leaders, but the movement continued.¹⁵³ Proposals to give up Joseph's reforms in Tyrol failed, and Vienna pursued the same course of patient, re-education that it used elsewhere in the empire when dealing with sects (see Chapter 2).¹⁵⁴ In 1824, the archbishop of Salzburg, Augustin Gruber, suggested the extraordinary step of sending the leaders of the sect to Rome to hear directly from the pope that they had misinterpreted the excommunication of Napoleon.¹⁵⁵ Francis approved this step, provided that the archbishop employ the strictest surveillance on the sect, to which Gruber agreed. Although many Manharter members defected after the pope advised them that they had been mistaken, remnants of the sect lingered for a few decades.¹⁵⁶

Two years later reports came in about a sect in the Zillerthaler Valley that leaned toward Protestantism and, thus, earned the name "*Inklinanten*." A portion of Zillertal had been part of Salzburg, which Austria only acquired in 1815. A year later the first stirrings of this new sect appeared.¹⁵⁷ On Easter of 1826, Andreas and Adam Egger of this sect came out, proclaimed themselves Protestants, and took the six-week course. In 1829, six more men converted to

¹⁵² Eduard Hosp, *Kirche Österreichs im Vormärz 1815-1850* (Vienna: Verlag Herold, 1971), 23.

¹⁵³ Hosp, *Kirche Österreichs im Vormärz*, 23-25.

¹⁵⁴ Report of the Court Chancellery, November 2, 1826, in AVA, AK, Katholischer, 31(Religionsschwärmerei)/56.

¹⁵⁵ Archbishop Gruber to Francis, December 13, 1824, in HHStA, KA, Kaiser Franz Akten (KFA), 237/29.

¹⁵⁶ Weinzierl, "Visitationsberichte österreichischer Bischöfe an Kaiser Franz I 1804-1835," 304.

¹⁵⁷ Gustav von Gasteiger, *Die Zillertaler Protestanten und ihre Ausweisung aus Tirol, eine Episode aus der vaterländische Geschichte, aktenmässig dargestellt* (Meran: F.W. Ellmenreich, 1892), 25.

Protestantism, and soon the authorities discovered that the number of *Inklinanten* was a few hundred.¹⁵⁸

There was confusion about to what extent the toleration laws applied in Tyrol. The Court Chancellery had upheld the Toleration Patent in 1795.¹⁵⁹ When Tyrol returned to the Habsburg Empire in 1814, Vienna did not republish the Edict of Toleration in the province for there were Catholic sects in the region but no Protestants. In Salzburg the prince-archbishopric had not tolerated Protestants up until its abolition in 1803, but in Tyrol, Joseph had issued toleration laws in 1781 and 1789.¹⁶⁰ The government had not republished the Toleration Patent when they took back Tyrol because there were not 100 Protestants in this region.¹⁶¹ In 1816, Vienna issued a general but secret directive to the various authorities banning conversion to a non-Catholic faith before the age of 18, which also went to the Tyrolean government.¹⁶² This issue probably would not have arisen had the Zillerthaler group not appeared.

The Tyrolean authorities considered the existence of non-Catholics in Tyrol anathema and moved against the “sect.” Local officials handed out punishments for disturbing the religious peace and for supposedly mocking Mary and the crucifix. Administrators in the area also refused to approve marriages, jailed a few leaders of the so-called sect, and banned the

¹⁵⁸ Helga and Horst Bast, *Die Familien der 1837 ausgewanderten Protestanten aus dem Zillertal ihre Vor und Nachfahren, die Auswanderung, der Weg, die Ansiedlung, ihre Häuser und ihr Leben im Hirschberger Tal* (Plaidt: Cardamina Verlag, 2012), 18.

¹⁵⁹ Sitting of the Court Chancellery, September 18, 1795, in AVA, AK, Evangelischer, 4/95.

¹⁶⁰ Report of the Court Chancellery, October 8, 1830, in AVA, AK, Katholischer, 30 (Sekten)/246/22.

¹⁶¹ The Court Chancellery approved the Edict of Toleration for Salzburg, which controlled part of the Zillertal, in 1817, but the government of Upper Austria convinced Vienna not to publish it due to the small number of Protestants (42) in the region, and instead allowed pastors from the neighboring hereditary lands visit and grant communion, in report of government of Upper Austria to the Court Chancellery, in AVA, AK, Evangelischer, 26/47.

¹⁶² Decree to the provincial governors (*Länderstellen*), September 9, 1816, in AVA, AK, Katholischer, 30 (Sekten)/17890/1423.

Inklinanten from buying real estate.¹⁶³ To the horror of imperial officials, the local bishop consistory wanted to take away the children of *Inklinanten* and give them a Catholic education.¹⁶⁴ Tyrolean officials justified these acts by arguing that not only did the Toleration Patent not apply to Tyrol due to the lack of Protestant communities in the territory, but also article seven of the Edict ordered that Protestants could buy property only with a dispensation from the local ruler.¹⁶⁵ In the 1833 Tyrolean Diet, Count Alois von Tannenberg gave a speech condemning the *Inklinanten*, and accusing them of being a sect hiding behind the cloak of Protestantism.¹⁶⁶

The association of religious fanaticism and sects with Tyrol and the central authorities' ignorance about the *Inklinanten* resulted in a muddled response from Vienna. The local imperial official viewed the clergy's claims in Tyrol as overblown and initially denied the petitions of the local decants to deny *Inklinanten* the right to buy property.¹⁶⁷ The central government despised sects, yet in 1830 ordered the clergy to treat them with respect and Christian love but to convert the *Inklinanten* back to Catholicism.¹⁶⁸ That same year, the Court Chancellery advised Francis that Austrian toleration laws had validity in Tyrol.¹⁶⁹ In the meantime Francis barred the *Inklinanten* from taking the six-week class until the "process" used against sects had run its course.¹⁷⁰ The Court Chancellery argued, however, that the Toleration Patent applied in Tyrol

¹⁶³ Archbishop Gruber to Francis , June 18, 1833, in AVA, AK, Evangelischer, 19/16294.

¹⁶⁴ Gasteiger, *Die Zillerthaler Protestanten und ihre Ausweisung aus Tirol*, 37.

¹⁶⁵ Report of the Court Chancellery, August, 24, 1833, in Evangelischer, 19/16294.

¹⁶⁶ The speech can be found in Gasteiger, *Die Zillerthaler Protestanten und ihre Ausweisung aus Tirol*, 38.

¹⁶⁷ Ekkart Sauser, "Die Zillertaler Inklinanten und ihre Ausweisung im Jahre 1837: Dargestellt nach Akten des Wiener Haus-Hof-und Staatsarchivs, des Salzburger Konistorialarchivs, des Landesregierungsarchivs für Tirol, der Bibliothek des Museum Ferdinandeum zu Innsbruck, sowie des Pfarrarchivs zu Hippach," Ph.D. Diss., University of Innsbruck, 1958, 71.

¹⁶⁸ Sauser, "Die Zillertaler Inklinanten und ihre Ausweisung im Jahre 1837," 31.

¹⁶⁹ Report of the Court Chancellery, May 6, 1830, in AVA, AK, Katholischer, 30 (Sekten)/8889.

¹⁷⁰ Francis to Count Saurau, May 30, 1830, in AVA, AK, Katholischer, 30 (Sekten)/102.

and that any Protestants there should be allowed to buy property and have the rights of other Germans in the Confederation.¹⁷¹ In 1832 Vienna decided that the Edict of Toleration applied to Tyrol, and in that same year, the *Inklinanten* appealed to Francis arguing that they were Lutherans. Francis agreed with them, and later that year he spoke with several *Inklinanten* during a visit to Tyrol and allegedly reassured them that they had the support of the emperor.¹⁷²

Ultimately the local authorities convinced the aging emperor that the *Inklinanten* were a sect. In June 1833, the archbishop of Salzburg painted a dire picture for the emperor regarding the *Inklinanten*. The archbishop argued that the Toleration Patent could not apply in Tyrol because the region was uniquely Catholic, had no Protestants, and that freedom of conscience and religion were dangerous ideas anyway. He declared that the *Inklinanten* were, indeed, a sect with a deep hatred for the clergy and secular authorities and one that was spreading due to proselytizing. The archbishop asked Francis to overturn the Court Chancellery's decree earlier that year protecting the property rights of the *Inklinanten*. He broached the idea that if the *Inklinanten* did not convert back to Catholicism, the *Inklinanten* should move to another region of Austria, where they would be free to indulge in their heresy under the protection of the Edict of Toleration.¹⁷³ In addition, other reports from the Tyrolean government warned Vienna that the sect was spreading. Finally, on April 2, 1834 Francis issued a final decision rejecting the request of the *Inklinanten* to establish their own community. But he added that if they could not live in Tyrol without violating their beliefs, they were free to take up residence in another part of the monarchy.¹⁷⁴

¹⁷¹ *Für die Glaubenseinheit Tirols: Ein offense deutsches Wort an das Tiroler Volk: von einem Rheinischen Rechtsgelehrte* (Innsbruck: Vereins-Buchdruckerei, 1861), 84.

¹⁷² Sauser, "Die Zillertaler Inklinanten und ihre Ausweisung im Jahre 1837," 35-37.

¹⁷³ Archbishop Gruber to Francis, June 18, 1833, in AVA, AK, Evangelischer, 19/16294.

¹⁷⁴ One can find the text in, Sauser, "Die Zillertaler Inklinanten und ihre Ausweisung im Jahre 1837," p. 37 as well as in multiple places in AVA, AK, Evangelischer, 19/16294.

Despite this decision, Vienna did not act on it, and Tyrolean officials had to lobby the central government for intervention. Joseph von Giovanelli, the head of the Catholic party in Tyrol, demanded expulsion of the *Inklinanten* and personally visited Metternich to lobby this measure.¹⁷⁵ The *Inklinanten* did not believe Francis' decision, and when the reform-minded Archduke John, the emperor's brother, came through the region in 1836, they declared that the judgment was not the will of Francis. John disagreed and argued that toleration was only available outside Tyrol.¹⁷⁶ Several officials in the Court Chancellery did not view the dead emperor's order as feasible and urged a more moderate solution.¹⁷⁷ High-ranking officials in the Court Chancellery such as Baron Francis von Pillersdorf argued that the government had upheld toleration in other Catholic lands of the monarchy without much disorder and that Tyrol should not be different. Jüstel disagreed, reminding the Court Chancellery of the immorality of the sects and Tyrol's strategic importance for Austria, though he condemned the harsh measures taken by Tyrolean authorities.¹⁷⁸ The clergy continued to send in complaints to local officials complaining that the *Inklinanten* were trying to buy property and establish a community, and in the 1836 Diet, Tyrolean leaders urged the Emperor Ferdinand to take decisive action.

These efforts by Tyrolean officials succeeded, when a few months later, on January 12, 1837, Emperor Ferdinand issued a decree upholding Francis' order of 1834, refusing to recognize the *Inklinanten* community and giving them fourteen days to declare whether or not they wanted to be Catholic or move to another part of the empire.¹⁷⁹ Only seven declared themselves as Catholic, and to the shock of officials in Vienna, the *Inklinanten* responded that

¹⁷⁵ Gottfried Mayer, *Österreich als katholische Großmacht: ein Traum zwischen Revolution und liberaler Ära* (Vienna: ÖAW, 1989), 44.

¹⁷⁶ Report of the Court Chancellery, August 1, 1835, in AVA, AK, Evangelischer, 19/16294.

¹⁷⁷ Report of the Court Chancellery, August 6, 1835, in AVA, AK, Evangelischer, 19/16294.

¹⁷⁸ Sauser, "Die Zillertaler Inklinanten und ihre Ausweisung im Jahre 1837," 83-85.

¹⁷⁹ Decree of Ferdinand, January 12, 1837, in AVA, AK, Evangelischer, 19/16294. One can also find the text in Gasteiger, *Die Zillerthaler Protestanten und ihre Ausweisung aus Tirol*, 87-89.

they wanted to leave the monarchy, leaving the government in a tough position. Many of the *Inklinanten* were traders with connections in Germany and preferred to go there.¹⁸⁰ Vienna extended the term by a few months to arrange the settlement of the *Inklinanten*, and after Prussian officials intervened with an offer to accept the *Inklinanten*, Metternich engaged Prussia to end this affair as smoothly as possible.¹⁸¹ After negotiations about the route, payment for provisions for the *Inklinanten* by the Austrian government, and assurances that the sect would swear loyalty to the king of Prussia and obey the religious laws, the *Inklinanten* packed their belongings and between August 31 and September 4, 1837 left Tyrol. Although they had to promise to adopt Protestantism, the common term for the *Inklinanten* in the area in which they settled, Silesia, was *Evangelisch gesinnt* (Inclined toward Protestantism).¹⁸² After an initial stay in Prussia, many *Inklinanten* felt dissatisfied there as well, and many went to Chile, Russia, and the United States.¹⁸³

Despite the expulsion of these non-Catholics, Tyrolean officials remained paranoid about the existence of Protestants in their region throughout the nineteenth century. In 1838, the diet demanded the entry of the Society of Jesus into Tyrol, and Vienna approved it but denied the order the use of public buildings. In 1842 the Jesuits received approval to build their own seminary as long as it received no public funds.¹⁸⁴ Two years after the expulsion, 27 *Inklinanten* attempted to go back to Austria, but the government permitted their return only on a case-by-case

¹⁸⁰ Sauser, "Die Zillertaler Inklinanten und ihre Ausweisung im Jahre 1837," 25.

¹⁸¹ Georg Loesche, *Von der Toleranz zur Parität in Österreich, 1781-1861: zur halbjahrhundertfeier des Protestantentages* (Leipzig: Hinrich, 1911), 53.

¹⁸² Sauser, "Die Zillertaler Inklinanten und ihre Ausweisung im Jahre 1837," 56.

¹⁸³ For exact numbers and details on the families and where they ultimately settled, see Bast, *Die Familien der 1837 ausgewanderten Protestanten aus dem Zillertal*.

¹⁸⁴ "From a Tyrolean," (anonymous) *Die Jesuiten in Tirol* (Heidelberg: Wilhelm Hoffmeister, 1845), 15-16.

basis and strictly forbade them from discussing religion.¹⁸⁵ In general, however, there was a ban on re-entry of the *Inklinanten*, even to Protestant areas of the empire, due to their reputation as troublemakers.¹⁸⁶ In 1846 a Prussian Protestant attempted to buy property near Innsbruck, possibly to stir up trouble. Due to this possibility, Vienna did not approve this request but as this case unfolded grew impatient with Tyrolean officials. Viennese bureaucrats accused the Tyrolean government of exaggerating the threats posed by foreign Protestants, and the imperial official received a rebuke from the governor, Count Clemens von Brandis, after the former criticized Tyrol's clericalism.¹⁸⁷ Although Vienna viewed Brandis as a combative bigot, the central government had no desire to bring Protestants to Tyrol and create religious strife.¹⁸⁸

Ultimately, Tyrol successfully insisted on its unique position as a Catholic land, in contrast with the rest of the empire and the goals of Vienna. This insistence resulted in a rare case of blatant oppression against alleged Protestants in Cisleithanian Austria. Tyrol had a history of provincial autonomy dating back to the fifteenth century, and not only had it resisted Joseph but it had been separated from the Habsburg Empire for nine years, from 1805 to 1814, hindering any possible rooting of Josephism in this region. The Austrian government disliked, furthermore, conversions and sects, and because there had been no Protestants in Tyrol in recent memory, did not view the *Inklinanten* as a legitimate Protestant community but rather as simply another sect, which were common in Tyrol. It is unclear if they were a sect or genuine Lutherans, but Vienna believed they constituted a sect after a decade of lobbying by Tyrolean

¹⁸⁵ Gasteiger, *Die Zillerthaler Protestanten und ihre Ausweisung aus Tirol*, 140-141.

¹⁸⁶ Although there were suggestions to allow the *Inklinanten* to go to Hungary or other areas of the empire and undergo police supervision for a year, the Supreme Chancellor, Mittrowsky and Jüstel disagreed. Ferdinand ordered that the *Inklinanten* remain in Prussia. Report of Jüstel, May 7, 1839, in HHStA, KA, Stk, 38 (1839)/528.

¹⁸⁷ Gasteiger, *Die Zillerthaler Protestanten und ihre Ausweisung aus Tirol*, 141.

¹⁸⁸ Report of the Court Chancellery, December 9, 1846, in AVA, AK, Evangelischer, 19/8793.

clergy and officials on this point.¹⁸⁹ Yet, it still took the Tyrolean Diet a decade to convince Vienna that the *Inklinanten* were dangerous enough to remove from the region, and the central government miscalculated the intentions of the *Inklinanten* when it offered to resettle them in another region of the empire. These unfortunate series of events and circumstances forced one of the last religious expulsions in European history, which provided ammunition to Protestant writers, though it was an anomaly for Austria and by no means equivalent in scale or violence to previous expulsions or the ones to come in the twentieth century.

The Warsaw Tractate and Protestants in Galicia

While in Tyrol exemptions to the Toleration Patent, opposed by Vienna, resulted in the victory of Catholic hegemony, in Galicia similar exemptions, supported by Vienna, granted rights far beyond that of the Toleration Patent. When the option presented itself, Austria chose to adopt more favorable legal interpretations for Protestants. In Galicia, one can see this process in action as the central government steadfastly protected privileges of Protestants against Catholic activists who demanded stricter legal restrictions on Protestants in the 1820s and 1830s.

Rather than apply the Toleration Patent in Galicia, Austrian officials drew their policy on toleration from a defunct treaty, the Warsaw Tractate of 1768. This treaty, imposed by Russia on the Polish Commonwealth but backed by England, Sweden, Denmark, and Prussia, abolished all anti-heresy laws since the Reformation, granted non-Catholics independence from Catholic clergy, and allowed Protestant churches to have bells and towers, though it still maintained Catholicism as the state religion of Poland.¹⁹⁰ After Austria annexed Galicia in the 1772 partition

¹⁸⁹ Catholic historians, such as Sauser, insisted they were a sect, while Protestants (like Bast, for example) claimed they were Lutherans.

¹⁹⁰ Arthur Bachmann, *Vom Warschauer Traktat 1768 zum Protestantentpatent 1861: die Entwicklung der evangelischen Kirche und ihrer Gemeinden in Galizien und der Bukowina*

of Poland, Maria Theresa, already reluctant about absorbing large numbers of non-Catholics into the monarchy, concluded a treaty in 1773, which, under pressure from Russia and Prussia, vaguely allowed the hitherto religious practices to continue.¹⁹¹ (Figure 1)

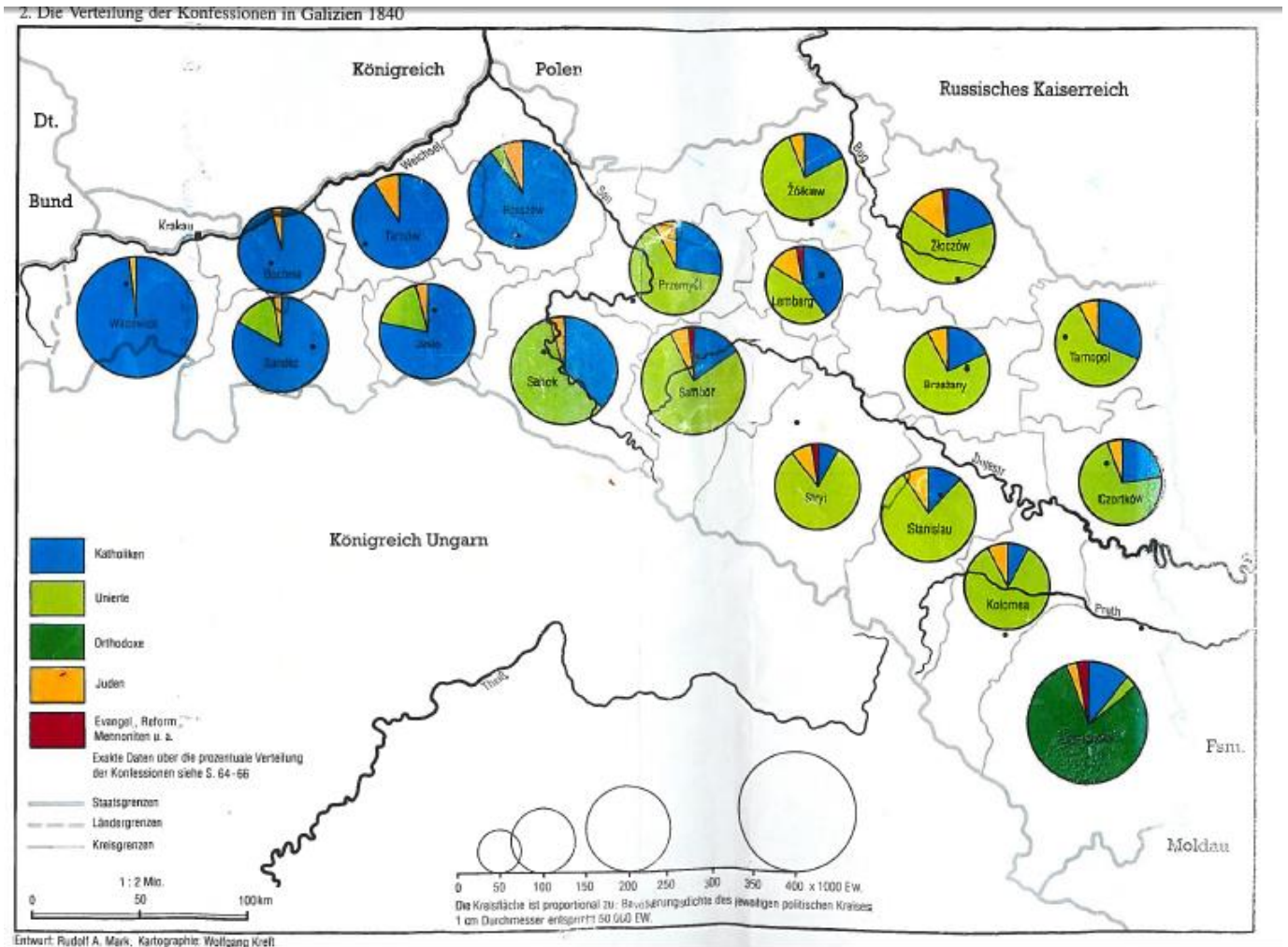


Figure 1. Distribution of Confessions in Galicia¹⁹²

während der Toleranzzeit (Herne: Freunde der Martin-Opitz-Bibliothek, 2012), 16-19. The Polish government did not enforce this treaty. While Bachmann's work provided valuable detail on Protestant communities in Galicia, it did not analyze Vienna's policy or motives, relying instead on the assumption that Austria was the head of the Holy Alliance.

¹⁹¹ "Aus dem Tractat von 18. Sept. 1773 zwischen Oesterreich, Russland, und Preussen bei der Theilung Polens," in *Urkundenbuch zum Oesterreichisch-Evangelischen Kirchenrecht* ed. Karl Kuzmany (Vienna: Wilhelm Braumüller, 1855), 74.

¹⁹² This map comes from an insert in Rudolf A. Mark, *Galizien unter österreichischer Herrschaft: Verwaltung, Kirche, Bevölkerung* (Marburg: Herder-Institut, 1994).

Under Joseph and Francis, the Austrian government voluntarily upheld these commitments to the Protestants of Galicia, even as Poland itself abrogated the Warsaw Tractate in 1775, and Prussia and Russia forgot about it after they gobbled up the rest of Poland.¹⁹³ Joseph invited German farmers, many of whom were Protestant, to settle Galicia and Bukowina, and the emperor's Settlement Patent of 1781 abolished restrictions on Protestant settlers.¹⁹⁴ After 1790 Catholic clergymen sent in petitions asking for Vienna to cease colonization and to cancel its promises to Protestants in Galicia.¹⁹⁵ These requests failed, and Francis' settlement decree in 1802 made no mention of confession.¹⁹⁶ Although the Galician Law Code of 1795 initially abolished several privileges regarding record keeping, in 1794 and 1807, Francis rejected complaints from the Catholic clergy in the Protestant town of Biala and allowed Protestants to keep their own records and other privileges the civil code had granted to Catholic clergy.¹⁹⁷ In the 1790s, the first Protestant Church appeared on the main square in Biala.¹⁹⁸ The government provided, furthermore, free materials for use in building Protestant churches and granted subsidies to Protestant communities.

This arrangement worked smoothly until Gregory Ziegler's (see Chapter 2) appointment as the bishop of Tyniec in 1822. In 1823, Ziegler complained to the local imperial official about the Warsaw Tractate's provision that in a mixed marriage girls follow the mother and boys follow the father in religion. He bemoaned the supposedly numerous Catholic fathers who raised

¹⁹³ Bachmann, *Vom Warschauer Traktat 1768 zum Protestantentent 1861*. 19-20.

¹⁹⁴ Bachmann, 35.

¹⁹⁵ Bachmann, 244.

¹⁹⁶ Bachmann, 117.

¹⁹⁷ Report of the superintendure to the Galician government (Gubernium), September 28, 1825, in AVA, AK, Evangelischer, 13 (Konsistorien)/232.

¹⁹⁸ Richard Ernst Wagner, *Der Bielitzer Zion in den Predigten seiner Pastoren 1782-1921: ein Gedankband zum 18. April 1921; aber auch ein Denkmal der Dankbarkeit und Liebe (gesetz dem Verdienste treuer Seelsorge der Vorgänger im Bielitzer Pfarramt* ed. (Bielitz: Fröhlich, 1921), 300-301.

their children Lutheran. He argued that towns in his diocese, such as Biala, should follow the more restrictive Edict of Toleration.¹⁹⁹ A priest there challenged the right of Protestants to control their own records, in violation of the Warsaw Tractate, and objected to the mixed marriage practices in Galicia. These complaints prompted a decree from the Tyniec consistory, which the clergy interpreted to mean that the Edict of Toleration should apply to Galicia.²⁰⁰

Yet these efforts by the Catholic clergy failed as Vienna sided with the Protestants. The attacks by the Catholic clergy prompted complaints from the superintendent Wilhelm Stockmann. Stockmann noted that the Habsburgs' favorable treatment of Protestants had created harmony in Galicia, but the Catholic clergy threatened this arrangement. He argued, furthermore, that

the constitution of the Protestant Church in Galicia is different from the German lands...due to its historical origins. In the German lands the Protestants obtained in the Westphalian peace not religious freedom...but rather merely concessions from the ruler. In Galicia, on the other hand, Protestants have not merely claims for toleration but rather have religious rights founded in treaties, imperial law and ordinances of the king²⁰¹

The governor of Lemberg conducted an investigation and concluded that the older, more favorable rules applied for Protestants but ordered a detailed investigation to determine which toleration laws applied in Galicia.²⁰² Imperial officials turned down the clergy's requests and decided that the Warsaw Traktat was valid.

Repeated attacks by the Catholic clergy on the Warsaw Tractate failed in the 1830s. In 1832, after complaints by Protestants that Catholic clergy were not abiding by the Tractate, the

¹⁹⁹ Bishop Ziegler to Francis, March 7, 1826, in HHStA, KFA, 238/6/415.

²⁰⁰ Report of superintendure to Galician government, September 28, 1825, in AVA, AK, Evangelischer, 13/232. A copy of this letter can also be found in Georg Loesche, "Eine Denkschrift über die beabsichtigte Beschränkung der Freiheiten der galizischen Protestanten (1825)," *JGPÖ* (1904): 347-363.

²⁰¹ Report of superintendure to Galician government, September 28, 1825, in AVA, AK, Evangelischer, 13/232.

²⁰² Report of commissioned committee by the Court Chancellery, January 9, 1841, in AVA, AK, Evangelischer, 1/13780.

committee charged with investigating the toleration laws made a distinction that three classes of Protestants existed: communities in Galicia at the time of the takeover in 1772, emigrants who arrived after the Toleration Patent, and individuals who had converted from Catholicism. They concluded that the older communities should retain privileges granted by the Tractate while more recent ones follow the stricter laws, a position consistent with the Galician government's stance since 1795.²⁰³ Local officials in Galicia preferred to restrict the Tractate's effect to a few Protestant towns. Vienna held, however, to the Tractate and in 1832 ordered that it apply to all of Galicia, a decision it reaffirmed in 1835.²⁰⁴

Despite these orders, confusion reigned in the 1830s as the clergy continued challenging cases of mixed marriages and conversions to Protestantism, arguing the Edict of Toleration should be the framework for such cases, not the Warsaw Tractate. The Galician administration and Vienna refused to issue directives, however, because the number of converts was too small to warrant an order that could disrupt the religious peace.²⁰⁵ The archbishop of Lemberg also complained in 1837 about the lax rules regarding mixed marriages in Bukowina.²⁰⁶ After the Cologne Affair the archbishop of Lemberg unsuccessfully pushed to make mixed marriages harder to obtain.²⁰⁷ In 1837 Protestants complained, received a favorable reply regarding the Warsaw Tractate but demanded the Galician government publish a clear set of deadlines regarding the rules of the Tractate.²⁰⁸ The government refused to go this far, in the interest of

²⁰³ Report of the The Court Chamber Procurate (*Kammerkurat*), July 9, 1827, in AVA, AK, Evangelischer, 20 (Stolgebühren)/15013.

²⁰⁴ Report of the Court Chancellery, April 16, 1835, in AVA, AK, Evangelischer, 20/1286.

²⁰⁵ Galician government to Court Chancellery, November 20, 1838, in AVA, AK, Evangelischer, 19/8477.

²⁰⁶ Note to Count Mittrowsky, January 14, 1837, in AVA, AK, Katholischer, 498 (Akten, Pfarreien in Galizien 1826-1849)/2085.

²⁰⁷ Report commissioned by the Court Chancellery, April 24, 1840, in AVA, AK, Evangelischer, 7/5933.

²⁰⁸ Bachmann, *Vom Warschauer Traktat 1768 zum Protestantentpatent 1861*, 292.

religious peace. In 1841, the Protestants received another favorable decision regarding the Tractate. The next year Vienna ceased recognizing the treaty for all of Galicia, and vaguely ordered that communities formed after 1773 conform to the laws of German Austria, though the government ordered that privileges not be infringed.²⁰⁹

Under no pressure from foreign powers, the Austrian government voluntarily honored and upheld a long-forgotten and abrogated treaty granting Protestants wide-ranging privileges. Habsburg officials deferred to the most favorable legal interpretation for Protestants, and in regions such as Galicia, this fact resulted in favorable treatment for non-Catholics. While the rest of Cisleithanian Austria, except for Tyrol, followed the loose interpretations of the Toleration Patent, which remained unchanged through 1848, in Hungary, Vienna exhibited and practiced a willingness to follow not only favorable legal interpretations but to create new laws that resulted in a major victory for Protestants by 1844.

Protestants and Confessional Strife in Hungary

In 1844, Melanie Zichy, Metternich's Hungarian wife, wrote "Clemens [Metternich] talks endlessly about affairs in Hungary, which cause him great worry" and "[he] is constantly occupied with Hungarian affairs, because time has come for decisive measures and it is hard to jolt people who have been in sunken lethargy for years."²¹⁰ Metternich remarked in 1844 that Hungary stood in the "limbo of revolution."²¹¹ By 1844, tensions between Vienna and the lands of the Hungarian Kingdom peaked, and the two sides fought over numerous issues, such as the

²⁰⁹ Bachmann, 298.

²¹⁰ These quotes comes from the diary of Metternich's wife, Melanie Zichy, October 18 and November 24, 1844, in *Aus Metternich's nachgelassenen Papieren* 9 vols ed. Richard Metternich-Winneburg, 7: 15, 17.

²¹¹ Remarks from Metternich, end of 1844, *Aus Metternich's nachgelassenen Papieren*, 7: 51.

use of Magyar in government, agricultural reform, and protection for Hungarian industry.²¹² In the midst of these controversies the most prolonged battle over Protestantism in the empire before 1848 took place.

Conditions in Hungary did not allow for absolutism or religious harmony. The rulers of Hungary had retained long-standing exemptions from papal power, dating back to the conversion of the kingdom to Christianity under King Stephen in the year 1000. Although the Habsburgs claimed the Hungarian throne after 1526, the Ottoman occupation until the 1680s over much of central and eastern Hungary ensured the spread of Protestantism. Unlike other portions of the empire, the Counter-Reformation never attained complete success in Hungary. In Hungary, Protestants made up a much larger percentage of the population than in Cisleithanian Austria in 1800, with Lutherans numbering eight percent of the population and Calvinists amounting to 16 percent. Most Calvinists were Magyar, but the Lutheran component was 54% Slovak, 24% German, and 21% Magyar.²¹³ In addition a number of treaties during the Ottoman occupation had promised certain rights to Protestants. The treaties of Vienna (1606) and Linz (1647) granted vague protection for Protestants, and though the Austrian government ignored these treaties for over a century, they were the legal basis for toleration in Hungary. The most powerful representatives of Protestants were minor nobles who sat in the lower house of the Hungarian Diet, many of whom were liberals.²¹⁴ In contrast, Catholic bishops and archbishops, led by the primate of Hungary, sat in the Magnates, the upper house. The presence of leaders of

²¹² The opposition in Hungary was not conventionally liberal. Hungary's economic backwardness pushed the opposition to prefer Friedrich List to Adam Smith and to favor protectionism over free trade. The gentry and lower nobility led the opposition, which were both disproportionately Protestant, see Andrew C Janos, *The Politics of Backwardness in Hungary, 1825-1945* (Princeton N.J.: Princeton University Press 1982), 58-69.

²¹³ Fitschen, *Protestantische Minderheitenkirchen in Europa im 19 und 20. Jahrhundert*, 121.

²¹⁴ András Gergely, "Der Ungarische Adel und der Liberalismus im Vormärz," in *Liberalismus im 19 Jahrhundert* ed. Deiter Langewiesche (Göttingen: Vandenhoeck & Ruprecht, 1988), 458.

the different confessions in a meaningful diet set the stage for an exchange of confessional diatribes and allowed the rare entry of confessional politics into the political space in the Habsburg Empire.²¹⁵

Unlike the rest of the Austrian Empire, Vienna did not rule Hungary directly, and in religious affairs, the central government, after the reign of Joseph, supported the rights of Protestants but could not enforce these sentiments. Although Protestants expressed gratitude for Joseph's reforms, the emperor's demand that schools and administration conduct business in German, along with his blatant disregard for the Hungarian constitution, provoked rebellion among Protestants and Catholics alike in the late 1780s. This situation remained unsolved when Joseph died in 1790. In 1791 Leopold II cut the Gordian knot by restoring the Hungarian constitution, effectively giving up on ruling Hungary centrally from Vienna. In the Diet of 1791, Leopold pushed through article XXVI, which surpassed Joseph's Edict of Toleration by allowing not only public worship but also the free use of towers and bells for Protestant Churches. The Catholic clergy, led by the primate, Cardinal Joseph Batthyány, registered an official complaint arguing that these laws infringed upon the rights of the Church.²¹⁶

Although Protestants had more rights and privileges legally in Hungary than in Cisleithanian Austria, due to lack of central control from Vienna Protestants in practice experienced more discrimination. Despite assurances from Vienna, the ceding of authority back to the diet, which did not meet regularly until 1825, resulted in the persecution of Protestants as

²¹⁵ Reformers and liberals suggested that the ancient rights of the Catholic clergy were the root of Hungary's backwardness, see Ede Zsedényi, *Ungarns Gegenwart* (Leipzig: Philipp Reclam, 1845), 64

²¹⁶ Protest of Cardinal-Primate Joseph Battyanyi, in Count Johann Majláth, *Die Religionswirren in Ungarn* 2 vols (Regensburg: Verlag von G. Joseph Manz, 1845), 1: 89-90.

the central government was not able to tame zealous Catholics.²¹⁷ The status of the *reverse* and the blessing of mixed marriages were also in doubt. In 1792 the government approved the use of the *reverse* in Hungary but annulled this order the next year, though the clergy routinely enforced the *reverse*, and the local *Statthaltereien* allowed it.²¹⁸ Royal communiqués urged however, the clergy not to hinder marriages when the non-Catholic partner refused the *reverse*.²¹⁹

In addition, horror stories emerged from Hungary about children being kidnapped by Catholic clergy and converted to Catholicism.²²⁰ Petitions often complained of Protestant children taken by Catholic clergymen, and Protestants banned from common cemeteries, leaving Protestants who died during travels to rot.²²¹ Protestants sent in petitions about bishops calling Protestants heretics and revolutionaries in the 1790s, and in the bishops' own reports to Francis, they declared that Protestants disparaged Catholics, inducing the Catholic clergy to undertake actions such as obtaining injunctions to close Protestant cemeteries.²²² Yet due to the lack of central control and Francis' absence from Hungary, the central government rarely intervened. Francis removed Bishop Andrassy (see Chapter 1), decided favorably for Protestants when cases arrived regarding Catholics kidnapping children and raising them Catholic, but overall viewed

²¹⁷ Due to increasing insubordination by the counties and the need to crown Ferdinand, the son of Emperor Francis, Vienna began calling the Hungarian Diet regularly after 1825.

²¹⁸ List of complaints at the Diet of 1833, in Elias Tibiscanus [pseud], *Die Religionsbeschwerden der Protestanten in Ungarn: wie sie auf dem Reichstage im Jahr 1833 verhandelt worden*, (Leipzig: Verlag von W. Einhorn, 1838), VIII. A report of the Hungarian-Transylvanian Court Chancellery acknowledged this fact as well, in Informations-Protocoll, Ungarisch-Siebenbürgische Section, January 21, 1842, in MOL-O, A-105, 31653.

²¹⁹ Maass, 5: 106.

²²⁰ Gergely Berzeviczy, *Nachrichten über den jetzigen Zustand der Evangelischen in Ungarn* (Leipzig: Kummerschen Buchhandlung, 1822), 118-122. One should rightfully doubt the authenticity of these stories as they came from Protestants.

²²¹ C.F. Stäudlin ed, *Von dem Zustande der Protestanten in Ungarn unter der Regierung des Kaisers und Königs Franz II* (Göttingen: Vandenhoeck und Ruprecht, 1804), 9-11. This is a reproduction of a petition to Francis in 1799 by Protestants.

²²² The example cited comes from Primate Alexander Rudnay, July 12, 1824, in HHStA, KA, KFA, 232/35.

the complaints as hyperbole.²²³ As a result, many Protestants desired royal intervention from Vienna, where they expected favorable decisions regarding their plight, but remedies rarely arrived and Protestants often fled to Vienna.²²⁴

In Croatia, Protestantism remained outlawed under the so-called “Municipal Right” (*Munizipalrecht*) of 1604. As in much of Europe, Protestantism had found fertile ground in the sixteenth century in Croatia, but by the early 1600s the Counter-Reformation emerged victorious as the diet passed laws that banned Protestants from buying property and other measures that pressured Protestant nobles to return to Catholicism. The Municipal Right kept Protestants out of Croatia, but also entitled the territory to: a banus or ban (viceroy), reduced contributions by half for three Croatian counties, autonomy in internal affairs, and other privileges.²²⁵ By the early nineteenth century this municipal right, while employed against Protestants, was also a tool for Croats to keep Magyarization at bay.²²⁶ As a result, the Municipal Right enjoyed broad support in Croatia, even among liberal bishops, and activists in the Illyrian movement.²²⁷

Although this Municipal Right remained in the Hungarian constitution (section 14 of article 26: 1791), Vienna found ways around its limitations. Joseph appointed a Protestant banus, Francis Balassa and promoted German settlement in Croatia. Such brazen violations of the Hungarian constitution ended with the 1791 settlement. Yet these communities, such as Neu-

²²³ Francis usually viewed complaints by the clergy as exaggeration, and in a visit to Hungary in 1822, supposedly uttered the words to a Protestant crowd: “you should hear what your enemies say of you. You are charged with overbearing and tyrannical conduct in countries where you have the majority,” see Bauhofer, *History of the Protestant Church in Hungary from the Beginning of the Reformation to 1850*, 512.

²²⁴ Berzeviczy, *Nachrichten über den jetzigen Zustand der Evangelischen in Ungarn*, 82, 149.

²²⁵ For a list of the Municipal Rights, see Wolfgang Kessler, *Politik, Kultur und Gesellschaft in Kroatien und Slawonien in der ersten Hälfte des 19. Jahrhunderts: Historiographie und Grundlagen* (Munich: Oldenbourg, 1981), 219.

²²⁶ Kessler, *Politik, Kultur und Gesellschaft in Kroatien und Slawonien in der ersten Hälfte des 19. Jahrhunderts*, 166.

²²⁷ Kessler, 282.

Pasua (Nova Pazova) not only remained but grew under Francis. In 1812, Vienna approved construction of a Protestant church in Neu-Pasua, and it participated in the Reformation celebrations in 1817.²²⁸ Other towns received churches, complete with towers, and Protestants could meet and carry out their religious functions. Supplies arrived annually from Württemberg, and new settlements sprouted and received exemption from taxation and military service. In 1819 the bishop of Djakovar (Đakovo) complained to Francis about these Protestant towns and the protection they received from Habsburg authorities, but Francis curtly replied that it was his right to grant “grace” in these matters.²²⁹ After the Cologne Affair, the Court War Council (*Hofkriegsrat*) ordered an end to colonization, and the bishop pushed for the authorities to expel the Protestants to Russia. Nothing came of these efforts, however, and Protestants continued to receive support from Vienna and from the Protestant wife of the Palatine, Archduke Joseph.²³⁰

After the diets began meeting regularly after 1825, the religious question in Hungary intensified as Protestants found a local forum in which to air their grievances. In the early 1820s several counties resisted taxation and rule by decree from Vienna, forcing Francis to begin calling the diet.²³¹ After 1832, liberals controlled the lower house.²³² The lower house sent in complaints after 1832 to the Magnates regarding the persecution of Protestants, of which the biggest issue was the *reverse*, though petitions complained about the six-week course required for conversion, and as an olive branch to Catholics, argued that the government should allow

²²⁸ Josef Pindor, *Die Evangelische Kirche Kroatien-Slavoniens: in Vergangenheit und Gegenwart* (Essek: Carl Laubner, 1902), 66.

²²⁹ Pindor, *Die Evangelische Kirche Kroatien-Slavoniens*, 68.

²³⁰ Pindor, *Die Evangelische Kirche Kroatien-Slavoniens*, 72.

²³¹ Francis had called the diet regularly until 1811, when disputes over depreciating the Hungarian currency in the Napoleonic Wars forced the emperor to dissolve the diet, see A.J.P. Taylor, *The Habsburg Monarchy, 1809-1918* (Chicago: University of Chicago Press, 1976), 44.

²³² George Barany, “The Liberal Challenge and Its Limitations: The Religious Question at the Diet of 1843–1844” in *Hungary and European Civilization* ed. György Ranki (Budapest: Akadémiai Kiadó, 1989), 33.

Catholics to study abroad, a right Protestants possessed.²³³ Protestants appealed to the Linz and Vienna treaties as the legal basis for toleration. Petitions lodged by the lower house demanded that children of mixed marriages follow the father. In addition, Protestant demagogues sprouted in Hungary, and the pro-Protestant Palatine of Hungary, Archduke Joseph, tolerated these rabble-rousers, much to the disdain of Metternich who considered the Palatine a “tool” of the Protestant party.²³⁴

Various issues riled the Protestant and liberal opposition in the diet. The lower house called on the Croatian deputies to support the annulment of Croatia’s embarrassingly outdated ban on Protestantism.²³⁵ At the local level, where Vienna had little influence, Protestant counties began conducting investigations of Catholic clergy in the 1830s to see whether couples gave the *reverse* as the result of pressure. Militant bishops such as John Scitovszky, of Rosenau (Rožňava) fought back and issued pastoral letters to the clergy, reminding them of Catholic doctrine, which placed strict conditions on mixed marriages.²³⁶

The upper house of the diet, which contained many Catholic bishops, helped block these measures. The Magnates argued that a *reverse* was not illegal if done out of free will, a point Protestants argued rarely happened.²³⁷ Francis Haller, the ban of Croatia, argued that legalizing Protestantism would cause too much uproar among Croats.²³⁸ Other Croatian deputies argued that Croatia possessed its municipal rights from various treaties going back to 1604 and that the

²³³ The petition by the lower house, 1833, in *Die Religionswirren in Ungarn*, 1: 93-96.

²³⁴ George Barany, “The Hungarian Diet of 1839-40 and the Fate of Szechenyi’s Middle Course,” *Slavic Review* 22 (1963): 293. Metternich called the Palatine the “Spielball der protestantischen Parthey,” in *Metternich und Gervay* ed. Friedrich Walter, *MÖSTA* 9 (1956): 258.

²³⁵ Petition of the lower house to the Magnates, 1832 in *Die Religionswirren in Ungarn*, 1: 124.

²³⁶ Informations-Protocoll, Ungarisch-Siebenbürgische Section, January 6, 1838, in MOL-O, A-105, 31649.

²³⁷ Report of the Magnates, 1833, in *Die Religionswirren in Ungarn*, 1: 102.

²³⁸ Speech of Francis Haller at the 42nd sitting of the Magnates, September 11, 1843, in *Die Religionswirren in Ungarn*, 2: 4-5.

1606 Treaty of Vienna never applied there.²³⁹ The abrogation of this Municipal Right would open the door not only to Protestantism but also to the use of Magyar as the language of government. The Catholic clergy, led by the primate, Joseph Kopacsy, continued to lead the Magnates in blocking attempts to abolish the *reverse*.

In the midst of these heightened tensions, the Cologne Affair occurred and exacerbated confessional strife in Hungary. The main instigator was the bishop of Grosswardein (Oradea), Francis Lajčák, who issued a letter to his priests on March 15, 1839 reminding them that marriage was a holy sacrament, not a secular law and advised them that the Church disapproved of mixed marriages.²⁴⁰ He ordered his priests to instruct his parishioners of this fact and to warn them they would be endangering their eternal salvation by entering such a union. The bishop also ordered his priests to withhold the sacraments from Catholics who entered into mixed marriages without granting the *reverse*, though he acknowledged that the clergy could perform passive assistance.²⁴¹

The actions of Lajčák galvanized liberals and Protestants and a repeat of the events in the Rhineland appeared on the horizon in Hungary. After the release of the pastoral letter, the *Gespan* (sheriff) of Bihar County, in the diocese of Grosswardein, Eugene Beöthy engaged in an immature and public exchange of letters with the bishop. Beöthy and the bishop had been bitter enemies for years, and in 1832, Lajčák had called him a non-Catholic at the county assembly.²⁴² Lajčák wrote to him in 1839 that his patience was at an end and accused Beöthy of encouraging

²³⁹ Speech of Herrmann von Besan at the 42nd sitting of the Magnates, September 11, 1843, in *Die Religionswirren in Ungarn*, 2: 12-13.

²⁴⁰ Pastoral letter of the bishop of Grosswardein, Francis Lajčák, March 13, 1839, in *Die Religionswirren in Ungarn*, 1: 107-109.

²⁴¹ Instruction of the Bishop of Grosswardein to the priests, April 22, 1839, in *Die Religionswirren in Ungarn*, 1: 113.

²⁴² Informations-Protocoll, Ungarisch-Siebenbürgische Section, September 10, 1839, in MOL-O, A-105, 31651.

public attacks on Catholicism. Beöthy responded by dramatically renouncing the blessing the clergy had granted his mixed marriage. He also caustically quizzed the bishop, who had lamented the “guillible” (*leichtsinnig*) youth, on why a few speeches carried more weight than school instruction, which rested in the hands of the bishop.²⁴³ Beöthy framed his retorts, however, in moderate terms, claiming “Christian toleration” or noting the difference between his private faith and his public duty.

This feuding was not limited to Bihar County and quickly spread across Hungary, especially as the diet was in session in 1839-1840. The papal nuncio, Lodovico Altieri urged the bishops and the primate to refuse to perform mixed marriages and to stand up to secular laws.²⁴⁴ In a show of solidarity, the other bishops of Hungary issued pastoral letters outlining new guidelines on how to conduct mixed marriages. The primate, Kopacsy, ordered in 1840 that any Catholic entering a mixed marriage could not receive communion nor could he or she receive a blessing. He prescribed rules for passive assistance, ordering the priest to omit the normal blessings and celebratory phrases when announcing the marriage.”²⁴⁵ The other bishops went along and even Josephist bishops, such as Lonovics, issued letters reminding their clergy of Catholic doctrine on this matter. The implementation of this general ban occurred at the worst possible time as Louis Kossuth, the popular Hungarian nationalist, was released from prison after a general amnesty agreed upon by the diet and the Court closed out the 1839-1840 session.

²⁴³ This exchange of letters can be found in Francis Lajčák, *Eugen von Beöthy und der Bischof von Grosswardein* (Altona: Joseph Hammerich, 1840).

²⁴⁴ Primetshofer, *Rechtsgeschichte der gemischten Ehen in Österreich und Ungarn*, 107-111, 125.

²⁴⁵ Instruction of the primate and bishops to the clergy, November 16, 1840, in *Die Religionswirren in Ungarn*, 1: 166.

Kossuth, a Lutheran, immediately married Theresa Meszlenyi, a Catholic and the priest in Pest promptly refused the blessing.²⁴⁶

The result of these actions led Protestants in the counties to retaliate. Many counties fined Catholic clergy and declared the provocative letters of the bishops null and void. One report noted that in Pest, “there was no public spot in which mixed marriage was not discussed.”²⁴⁷ The county assembly there held on August 25, 1840 “heated debates” on potential action against the Catholic clergy, with many delegates pushing for removal of priests who refused to bless a mixed marriage from office. Pest officials also stopped observing the six-week course on conversions.²⁴⁸ The sheriff Simon Dubraviczky, however, urged action through legal channels and calmed the assembly.²⁴⁹ The county of Sohl (Zólyom) moved mixed marriages to Protestant courts, while Pest fined clergy 600 florins for refusing mixed marriages, suspended several priests and demanded the removal of the primate.²⁵⁰ The county assembly in Temes held intense debates in which Sabbas Vukovics, a county judge, proposed that the county fine Lonovics, based on article 14 of the 1647 Diet, which allowed for such provisions.²⁵¹ In many other county assemblies, delegates gave speeches denouncing the clergy and calling for investigations and punishments for priests who refused to bless mixed marriages. For the years

²⁴⁶ Michael Horwath, *Fünfundzwanzig Jahre aus der Geschichte Ungarns von 1823-1848* trans. Joseph Novelli, 2 Vols (Leipzig: F.A. Brockhaus, 1867), 2: 75.

²⁴⁷ Informations-Protocoll, Ungarisch-Siebenbürgische Section, February 26, 1840, in MOL-O, A-105, 31652.

²⁴⁸ Informations-Protocoll, Ungarisch-Siebenbürgische Section, February 9, 1841, in MOL-O, A-105, 31652.

²⁴⁹ Informations-Protocoll, Ungarisch-Siebenbürgische Section, September 4, 1840, in MOL-O, A-105, 31652.

²⁵⁰ Instruction of the primate and the bishops to the clergy, November 16, 1840, in *Die Religionswirren in Ungarn*, 1: 169-170.

²⁵¹ Informations-Protocoll, Ungarisch-Siebenbürgische Section, September 25, 1840, in MOL-O, A-105, 31652.

1840 and 1841, mixed marriage was the most discussed topic at county assemblies in the reports compiled by the Hungarian-Transylvanian Court Chancellery.²⁵²

At the diet, the lower house, dominated by liberals and Protestants, agitated for changes to the religious law in Hungary. The controversy rallied Protestants, especially the “*Beöthisch partey*” (Beöthy bloc), who demanded that the counties license non-Catholic pastors to bless mixed marriages.²⁵³ Numerous speeches in the lower house attacked the bishops Lajčák and Scitovszky and proposed various solutions, such as removal from office. The leader of the conservatives, Aurel Desweffy, urged calm as did the liberal Joseph Eötvös.²⁵⁴ The Magnates rejected the suggestions of the lower house.²⁵⁵ By 1841, however, proposals for the next diet in several counties, such as Borsad, already included confiscation of Church property as confessional conflict continued in Hungary.²⁵⁶

This religious strife caused great headaches in Vienna. Lajčák’s letter prompted outrage, not only from Protestants in Hungary, but also among statesmen in Vienna. Top officials in the State Council considered the bishop’s action reckless and regretted his “ill advised and unwise step.”²⁵⁷ Vienna considered removing the bishop but decided that act would create more unrest and only embolden liberals in the diet, though Lajčák ultimately resigned and retired to a

²⁵² See the Informations-Protocolle der Ungarisch-Siebenbürgischen, in MOL-O, A-105, 31652 (1840).

²⁵³ Informations-Protocoll, Ungarisch-Siebenbürgische Section, April 12, 1839, in MOL-O, A-105, 31650.

²⁵⁴ Informations-Protocoll, Ungarisch-Siebenbürgische Section, March 7, 1840, in MOL-O, A-105, 31651.

²⁵⁵ Informations-Protocoll, Ungarisch-Siebenbürgische Section, March 13, 1840, in MOL-O, A-105, 31651.

²⁵⁶ Informations-Protocoll, Ungarisch-Siebenbürgische Section, October 12, 1841, in MOL-O, A-105, 31653.

²⁵⁷ Report of Hungarian Court Chancellery, April 20, 1839, in HHStA, KA, Stk, 38 (1839)/465.

monastery.²⁵⁸ This provocative note induced Vienna to order both sides to uphold the law and to refrain from igniting confessional conflict.²⁵⁹ The central government also issued a rescript suggesting that Protestant clergy perform the ceremonies, and fines on the clergy doubled in 1841.²⁶⁰ Catholics in Hungary, especially in the counties in which they were in the minority, feared the wrath of angry Protestants, and also questioned the discrepancy between secular law and what the bishops were saying in their proclamations.²⁶¹ Zealous Catholics, such as the priest Karl Krback, did not help matters when he, with the backing of the primate, gave fiery sermons in Pressburg (Bratislava) attacking the government and mixed marriages, which stirred up the population.²⁶²

Soon after this outbreak of confessional strife, Vienna decided to intervene on the side of the Protestants to take the wind out of the sails of the liberals. In the 1830s, the government had tried jailing activists and reformers, but by 1840 a conservative party inclined toward moderate change along with leaders in Vienna began to see the need for reform. Metternich helped form a conservative party, the first modern political party in Hungary, that would make moderate concessions, defend the crown, and bring order to Hungary.²⁶³ Metternich, by the 1840s a proponent of restoring many rights to the Church, concluded, however, that the system in Hungary was not conducive to religious peace and that modern governance required parity of the

²⁵⁸ Not much is known of Lajčák after the release of his pastoral letter, but several documents mention his resignation, for example, see Informations-Protocoll, Ungarisch-Siebenbürgische Section, January 5, 1841, in MOL-O, A-105, 31652.

²⁵⁹ Majláth, ed, *Die Religionswirren in Ungarn*, 1: 14-15.

²⁶⁰ Speech of Primate Kopacsy at the 49th sitting of the Magnates, September 25, 1843, in *Die Religionswirren in Ungarn*, 2: 122, 128.

²⁶¹ Informations-Protocoll, Ungarisch-Siebenbürgische Section, April 12, 1839, in MOL-O, A-105, 31650.

²⁶² Informations-Protocoll, Ungarisch-Siebenbürgische Section, March 8, 1842, in MOL-O, A-105, 31653.

²⁶³ Memorandum of Metternich, 1844, in Erzsebet Andics, *Metternich und die Frage Ungarns* (Budapest: Adademiai Kiado, 1973), 422. Andras Gergely noted it was the first modern political party in Hungary, in "Der Ungarische Adel und der Liberalismus im Vormärz," 476.

different religious parties. He suggested ceding the decision on which confessions children should follow in a mixed marriage to the parents.²⁶⁴ Although Metternich viewed the religious reformers as revolutionaries masquerading behind the banner of religious toleration, the Austrian chancellor recognized that concessions to Protestants in the diet were necessary to calm confessional tensions.²⁶⁵

This stance brought rare agreement between the Habsburg Palatine, Archduke Joseph, who had personally entered three mixed marriages, and Metternich. The Palatine disliked the influence of the Catholic clergy and thought that “reciprococity” should be the stance of the state.²⁶⁶ The papal nuncio, Michele Viale Prelà, like his predecessors, despised the Austrian Church system and viewed the Palatine as an agent of Protestantism.²⁶⁷ Officials such as Jüstel disagreed with implementing religious parity in Hungary, noting that it would cause unrest, and that “[while] mere philosophes would without a doubt praise the liberalism (*Freysinnigkeit*) of the Austrian government... Catholics... would find themselves demoralized (*demüthiget*).”²⁶⁸ Metternich prevailed, however, and at the diet, Vienna informed Hungarian officials that it intended to accept the proposals of the Protestants from the 1840 Diet and to push through several measures to resolve the confessional tension.²⁶⁹ In addition, such a move by Vienna

²⁶⁴ Metternich’s vote, May 29, 1843, see the text in the back of Hanns Schlitter, *Aus Österreichs Vormärz* 4 vols, (Vienna: 1920), 3: 81-83. Metternich hoped to balance out this policy in Hungary with a loosening of Josephist controls on the Church in Cisleithian Austria (see Chapter 2).

²⁶⁵ Metternich to Palatine Joseph, January 8, 1845, in Magyar Országos Levéltár: Bécsi kapu, Bécsi Levéltárakból kiszolgáltatott iratok, I-55 (Kabinettsarchiv. Korrespondenz Metternich-Palatin Erzherzog Josef und gemischte Gegenstände, 1842-1845)/182.

²⁶⁶ Report of the Palatine, March 14, 1844, in HHStA, KA, Stk, 53 (1843)/1310.

²⁶⁷ Lajos á Lukács, *The Vatican and Hungary, 1846-1878: Reports and Correspondence on Hungary the Apostolic Nuncios in Vienna* (Budapest: Akadémiai Kiado, 1981), 47.

²⁶⁸ Report of Jüstel, May 8, 1839, in HHStA, KA, Stk, 46, (1841)/558. Also printed in Maass, 5: 534

²⁶⁹ *Praeposition, III*: January 12, 1843, in MOL-O, N-22, 31232.

would outflank liberals such as Vukovics and Beöthy, both of whom argued that the religious question ultimately was a constitutional one.²⁷⁰

Yet, before the government could alter religious practices, the papacy had to approve several measures. To this end Vienna sent the bishop of Csanad, Joseph Lonovics, to Rome to extract concessions from the pope, such as allowing Protestant clergymen to perform weddings for mixed couples, a procedure which, unlike in Austria, remained banned in Hungary under article 26 of the 1791 agreement.²⁷¹ Joseph's Marriage Patent and the Austrian civil code did not apply in Hungary and thus its marriage laws were not subject to secular law.²⁷² Due to this unique situation, the clergy in Hungary needed a papal exemption from the rules of the Council of Trent, in order for Vienna to transfer jurisdiction on mixed marriages to Protestant ministers without a revolt from the Catholic clergy. For this reason, Habsburg officials treated Hungary separately from the rest of Austria. In addition, Metternich noted that Rome and Vienna were deadlocked on negotiations about how to end the Cologne Affair and that sending a bishop to Rome would please the pope, though Lonovics was simply an ambitious careerist.²⁷³

Over the objections of Rauscher, the government selected Lonovics to visit Rome and obtain concessions from the pope on the mixed marriage question.²⁷⁴ Unlike the primate, Kopacsy, whom Vienna viewed as a rabble-rouser and whose "known individualism" the

²⁷⁰ Informations-Protocoll, Ungarisch-Siebenbürgische Section, June 20, 1843, in MOL-O, A-105, 31654.

²⁷¹ Primetshofer, *Rechtsgeschichte der gemischten Ehen in Österreich und Ungarn*, 58

²⁷² "Über die gemischte Ehen in Ungarn" in HHStA, KA, KA 46, 1841/558.

²⁷³ Metternich to Ferdinand, July 21, 1840, in HHStA, KA, Stk, 42 (1840)/1034. This mission did not endear Lonovics with the papal nuncio or the Hungarian primate, both of whom viewed Lonovics as a careerist, see Primetshofer, *Rechtsgeschichte der gemischten Ehen in Österreich und Ungarn*, 135-136.

²⁷⁴ Rauscher to Metternich, January 8, 1841, in HHStA, KA, Stk, 46 (1841)/558.

Palatine feared, Lonovics was close to the Court in Vienna.²⁷⁵ Lonovics was a moderate Catholic who viewed the nineteenth century as “one of toleration” and supported Protestants on issues such as legalizing Protestantism in Croatia.²⁷⁶ In addition he was an advocate of Protestant clergy performing mixed marriages, a concession he aimed to extract from the pope and that Vienna supported.²⁷⁷ His job in Rome was to present petitions of the Hungarian clergy, though he also made a stop in Vienna to pick up Austrian bishops’ complaints to bring with him on his journey.²⁷⁸

As a result of this mission, Lonovics obtained the exemption from the canons of the Council of Trent. The pope ordered the prelates of Hungary, when it was unavoidable, to perform a mixed marriage but to avoid giving an appearance of religious ceremony and to mention the Church’s disapproval of such a union.²⁷⁹ This order, similar to the one given to Austrian bishops that year, provoked dissatisfaction among Protestants. Vienna attached a note to the approval of this papal order writing that the central government did not necessarily endorse the message. No one was happy with this note. Protestants disliked that the fate of Hungary’s religious laws lay in the hands of Rome, while rumors spread that an underground

²⁷⁵ Kolowrat and other officials in Vienna viewed Kopacsy as a troublemaker, for example, in Kolowrat to Ferdinand, March 24 1842, in HHStA, KA, Stk, 49 (1842)/200. Diaries and journals of Melanie Zichy and Sebastian Brunner commonly mentioned Lonovics dining with officials in Vienna, see: Sebastian Brunner, *Woher, Wohin? Geschichten, Gedanken Bilder und Leute aus meinem Leben* 5 vols (Vienna: Verlag J.F. Erck, 1855), 2: 113. Diary of Melanie Zichy, November 10-20 1844, *Aus Metternich’s nachgelassenen Papieren*, 17; for the Palatin’s fear of the primate’s “unbekanntes Individualität” see his report to Vienna, May 21, 1843, in HHStA, KA, 52, 1843/471

²⁷⁶ Speech of Lonovics at the 42nd sitting of the Magnates, September 11, 1843, in *Die Religionswirren in Ungarn*, 2: 62.

²⁷⁷ Advisory Committee (Protokoll der abgehaltenen Berathung), June 15, 1841, in HHStA, KA, 46 (1841)/558.

²⁷⁸ Metternich to Ferdinand, July 21, 1840, in HHStA, KA, Stk, 42 (1840)/1034.

²⁷⁹ Instruction of the pope to the primate, the archbishops, and bishops of Hungary, April 30, 1841, in *Die Religionswirren in Ungarn*, 1: 177-179.

movement of Catholic clergy would not honor the pope's letter.²⁸⁰ With papal opposition cleared, however, Vienna proceeded to make sweeping changes to the Hungarian constitution regarding confessional relations at the upcoming diet in 1844.²⁸¹

The religious issue peaked at the contentious Hungarian Diet of 1843-1844, when Vienna decided to intervene decisively on the side of Protestants.²⁸² At the opening of the diet, Vienna issued a rescript suggesting that in mixed marriages, the parents decide the religion of the child, and if they cannot reach an agreement, the children follow the father in mixed marriages.²⁸³ In addition, they opened the issue of legalizing land ownership for Protestants in Croatia, though this measure failed to pass. Vienna obtained the support of Georg Apponyi, the head of the moderate conservative party in the Magnates, who contended that Hungary needed neutral laws that respected the multiple confessions.²⁸⁴ The Magnates objected, however, to many provisions regarding mixed marriage and fought the lower house, which submitted proposals to punish the Catholic clergy, secularize Church property, initiate a formal break of the Hungarian Church

²⁸⁰ Informations-Protocoll, Ungarisch-Siebenbürgische Section, November 1, 1841, in MOL-O, A-105, 31653.

²⁸¹ Report of Court Francis von Hartig, July 24, 1841, in HHStA, KA, 46 (1841)/558. Lonovics lobbied Austrian officials, such as Carl Ernst Jarcke, not to implement these concessions via fiat but to push them through the Hungarian Diet, giving them an aura of visibility and credibility, see Michael Graf, "Karl Ernst Jarcke im Dienste der österreichischen Staatskanzlei (1832-1848)," Ph.D. Diss., University of Vienna, 1970, 162.

²⁸² Many works by Hungarian writers have ignore the confessional issue for it clearly disputes assertions by writers such as Andics, in *Metternich und die Frage Ungarns*, that Hungary was Metternich's personal prison. Even works specifically on Protestantism, such as Mihály Bucsay, *Vom Absolutismus bis zur Gegenwart Vol 2 of Geschichte der Protestantismus in Ungarn, 1521-1978: Ungarns Reformationskirchenn in Geschichte und Gegenwart* (Vienna: Böhlau, 1979) ignored Vienna's role in the 1844 Diet, preferring to focus on the organization of the Protestant churches.

²⁸³ Royal Rescript, July 5, 1843, in *Die Religionswirren in Ungarn*, 1: 184.

²⁸⁴ Speech of George Apponyi in the 53rd sitting of the Magnates, September 29, 1843, in *Die Religionswirren in Ungarn*, 2: 438.

from the papacy, abolish Croatia's Municipal Right, and permit Protestants to remarry after a divorce from a Catholic.²⁸⁵

The suggestions by Vienna sparked protests by Catholics in the upper house. Count Joseph Sedlnitzky, the head of the police, reported that the bishops viewed the concessions to the Protestants with great dissatisfaction.²⁸⁶ The Catholic bishops, led by the primate, opposed these suggestions from Vienna, viewing them as an attack on the Church. Croatian deputies continued to defend their exemption from toleration and argued in favor of the *reverse*.²⁸⁷ Kopacsy and the bishop of Agram (Zagreb) supported the Ban of Croatia in opposing the legalization of Protestantism.²⁸⁸ Kopacsy complained that the Church could not bless mixed marriages, for they violated canon law, and that in light of no other option, the law left the clergy forced to violate their beliefs. Even Lonovics agreed with the primate and developed a sudden affinity for the rights of the mother in justifying his opposition to the rescript.²⁸⁹ He supported maintaining the *reverse*, though with the idea that the couple would only take it voluntarily. If the couple could not meet these conditions, Lonovics supported allowing Protestant clergy to bless mixed

²⁸⁵ For the opening proceedings on this matter, see Informations-Protocoll, Ungarisch-Siebenbürgische Section, June 20, 1843, in MOL-O, A-105, 31654.

²⁸⁶ Report of Count Sedlnitzky to Vienna, July 8, 1843, in HHStA, KA, Stk, 52 (1843)/638.

²⁸⁷ Speech of the Ban of Croatia, Francis Haller, at the 38th sitting of the Magnates, September 5, 1843, in *Die Religionswirren in Ungarn* 1: 415.

²⁸⁸ Speech of Primate Kopacsy in the 42nd sitting of the Magnates, September 11, 1843, in *Die Religionswirren in Ungarn*, 2: 61. For the bishop of Agram's stance on the Municipal Rights, which he claimed must be upheld to maintain order, see his letter to Vienna, January 25, 1843, in HHStA, KA, Stk, 52 (1843)/104.

²⁸⁹ Speech of Bishop Lonovics at the 20th sitting of the Magnates, July 11, 1843, in *Die Religionswirren in Ungarn*, 1: 237.

marriages.²⁹⁰ Ultimately Kopacsy declared that the rescript from Vienna offended Catholicism and would not win the support of the clergy.²⁹¹

The fiercest opposition came, however, from Ladislaus Pyrker, the poet and archbishop of Erlau (Eger). In response to a speech by Count Casimir Esterhazy, who blamed the religious disorder on the desire of the archbishop of Cologne for fame, Pyrker, who had visited Cologne on the eve of the Affair, blamed the religious disorder on the Protestants.²⁹² In the diet Pyrker gave a dramatic speech challenging the government to turn the clergy into martyrs by forcing them to perform mixed marriages against their conscience. He argued that such overreach by the government would bring about a Catholic reaction as had happened in the Rhineland after the Cologne Affair. These inflammatory words forced the Palatine to cut off the archbishop.²⁹³

Lonovics, as well as many liberals, supported adopting the American system. Lonovics was quick to point to Protestant tyranny over Catholics in Ireland and Scandinavia as justification for holding on to Catholic privileges in Hungary.²⁹⁴ In addition he noted that altering the laws suggested by Vienna would open the door for Protestants to convert Catholics.²⁹⁵ But he, like many Catholics (see Chapter 2), expressed sympathy for the emerging system of separation of Church and state that had flourished in the United States and spread to France, arguing that “experience has taught us that the greater the civil freedoms, the freer the conscience

²⁹⁰ Informations-Protocoll, Ungarisch-Siebenbürgische Section, May 24, 1844, in MOL-O, A-105, 31655.

²⁹¹ Speech of Primate Kopacsy in the 166th sitting of the Magnates, June 23, 1844, in *Die Religionswirren in Ungarn*, 2: 568.

²⁹² For Pyrker’s trip to Cologne and the speech of Esterhazy, see *Mein Leben (1772-1847)* ed. Aladar Paul Czigler (Vienna: Böhlau, 1966), 197, 221.

²⁹³ Speech of Archbishop Pyrker at the 53rd sitting of the Magnates, September 29, 1843, in *Die Religionswirren in Ungarn*, 2: 431-432. His speech is also located in *Mein Leben (1772-1847)*, 263-265.

²⁹⁴ Speech of Lonovics, in Lower House, June 20, 1844, *Die Religionsbeschwerden der Protestanten in Ungarn*, 2: 515.

²⁹⁵ Speech of Lonovics at the 39th sitting of the Magnates, September 6, 1843, in *Die Religionswirren in Ungarn*, 1: 441.

is. These two freedoms go hand in hand, and one depends on the other.”²⁹⁶ This brought Lonovics into agreement with the liberal Francis Deák, who years earlier had praised the American church system as being “better, more logical” than the European one.²⁹⁷ Other Catholic clergy uttered similar sentiments. Lonovics wanted the state to withdraw its regulation of issues such as conversion, which he claimed belonged exclusively in the sphere of the Church.²⁹⁸ As a result he voted against many suggestions of the lower house and thought Vienna went too far in its demands in favor of Protestants.²⁹⁹

In addition, suggestions from Vienna generated debate among the lower house and certain members of the Magnates. The Hungarian novelist and statesman Joseph Eötvös distrusted the Catholic clergy regarding mixed marriages due to the possibility that the priest would try to convert one of the parties.³⁰⁰ In addition, Croatia’s Municipal Right, deferred by the Magnates in 1840, came under intense attack.³⁰¹ Joseph Palffy challenged the claims of Croat deputies that the diet could not change Croatia’s Municipal Right to allow Protestantism and noted Croatia’s hypocrisy in that Croats could go to Hungary, buy property, but Hungarian Protestants could not do the same in Croatia.³⁰²

²⁹⁶ Speech of Lonovics at the 53rd sitting of the Magnates, September 29, 1843, in *Die Religionswirren in Ungarn*, 2: 457

²⁹⁷ Moritz Csáky, “Die Katholische Kirche und der liberale Staat in Ungarn im 19. Jahrhundert,” in *Ungarn-Jahrbuch (UJ)* 5 (1973): 121.

²⁹⁸ Speech of Lonovics at the 164th sitting of the Magnates, June 20, 1844, *Die Religionswirren in Ungarn*, 2: 516.

²⁹⁹ Speech of Lonovics at the 43rd sitting of the Magnates, September 12, 1843, *Die Religionswirren in Ungarn*, 2: 76.

³⁰⁰ Speech of Joseph Eotvos at the 20th sitting of the Magnates, July 11, 1843, in *Die Religionswirren in Ungarn*, 1: 203.

³⁰¹ See, for example, the sitting of the Estates (Lower House), November 11, 1840, in Informations-Protocoll, Ungarisch-Siebenbürgische Section, November 17, 1840, in MOL-O, A-105, 31651.

³⁰² Speech of Joseph Palffy at the 42nd sitting of the Magnates, September 11, 1843, in *Die Religionswirren in Ungarn*, 2: 15-17.

Although this rescript granted to the Protestant-dominated lower house much of what it wanted, a few members opposed it on points of style rather than substance. The main demand of many of the liberal counties had, for example, been permission of Protestant clergy to perform mixed marriages.³⁰³ The lower house had reservations about accepting these changes via fiat from Vienna. They objected to the legal language Vienna used in the rescript, desiring a more explicit abolition of the *reverse* and specific instructions on the raising of children when parents could not agree on the confession.³⁰⁴

Ultimately, the Protestants obtained a major victory in the 1844 Diet. By 1843, the Magnates had already accepted many of the lower house's petitions, and in the final vote the Catholic clergy abstained, allowing the resolutions to pass.³⁰⁵ The final royal resolution, article III of the 1844 act, legally modified article XXVI of the 1791 agreement and the Treaties of Vienna and Linz. Articles two and three allowed mixed marriages before Protestant clergy and legitimized such unions performed by Protestant ministers since 1839, when Bishop Lajčák issued his pastoral letter. The articles from the diet also eased the process of conversion, setting only a four-week period and requiring the convert to appear with two witnesses before the priest, who had to produce a certificate for the apostate. The apostate had to appear again in four weeks to reaffirm this conversion. If the priest refused to sign this document, the witnesses could sign

³⁰³ See the files for 1843 of the Informations-Protocoll, Ungarisch-Siebenbürgische Section, in MOL-O, A-105, 31655.

³⁰⁴ Letter of the Lower House to Ferdinand, no exact date, 1844, in *Die Religionswirren in Ungarn*, 2: 558.

³⁰⁵ Speech of the Palatine, Archduke Joseph, at the 42nd sitting of the Magnates, September 11, 1843, in *Die Religionswirren in Ungarn*, 2: 64.

it, and then present it to the appropriate pastor. There was no six-week course, though the party still had to notify royal authorities of a conversion.³⁰⁶

While the diet in Hungary and Vienna were far apart in many matters of policy, they were able to come to an accord on the religious question. Austrian officials were willing to use the Church as the sacrificial lamb to the Protestants and liberals in the diet, for Catholicism played a minor role in the ideology of the Habsburg Empire. In fact, while Protestants and liberals had numerous media and public outlets, Catholics had little to no public media and the state did not sponsor one.³⁰⁷ While the government was happy to preserve the status quo in other portions of the empire, in places such as Hungary, which was an independent political space from Vienna, the central government intervened in favor of Protestants when the existing order did not result in confessional peace. The government took extraordinary steps to reduce confessional strife elsewhere, while in Hungary, the desire to avoid confessional strife at all cost, as well as to neutralize the religious issue for liberals, motivated Vienna's endorsement of near parity of the confessions in 1844.

While Vienna hoped it had settled the religious question, nascent nationalism threatened to spark these tensions again in the 1840s. Vienna refused to allow the Calvinist and Lutheran churches to merge, despite calls to mimic the Prussian Union Church in Hungary.³⁰⁸ Yet Protestant leaders frequently met in Hungary, a right Catholic clergy did not have in Cisleithanian Austria, and by the 1840s, Protestant leaders, such as Andreas Fay, a Calvinist and the Lutheran, Charles Zay, proposed another union plan. But by this time, ethnic groups such as

³⁰⁶ One can find copies of article III of the 1844 acts in several places. See, for example, *Die Religionswirren in Ungarn*, 2: 598-600. In the archives, there is a copy, in AVA, AK, Evangelisch, 19/5719.

³⁰⁷ The Hungarian-Transylvanian Court Chancellery advised the backing of a strong Catholic mouthpiece to counter the liberals but it came to nothing, see Informations-Protocoll, Ungarisch-Siebenbürgische Section, June 21, 1842, in MOL-O, A-105, 31653.

³⁰⁸ Bucsay, *Vom Absolutismus bis zur Gegenwart*, 73.

Slovaks began to view attempts at a Protestant union as Magyarization and opposed it.³⁰⁹ Zay, the general insepctor of the Lutheran Church in Hungary, spoke out in favor of Magyarization.³¹⁰ In 1841 and 1842 in Pest, Zay held a Congress in which it declared the desire to fuse both Protestant confessions gradually and to introduce the use of Magyar in the two churches.³¹¹

These proclamations induced Ján Kollár, the Lutheran Slovak writer, to worry about what he called the “*Sprachtyrannei*” (language tyranny) of the Magyars and to fear that they would dominate a unified Protestant church.³¹² Vienna exploited this split and sponsored the “Illyrian” movement (see Chapters 5 and 7) that opposed Magyarization, with Croats, such as R.V Zlatorovic, writing that not only did the Magyars demand that Croats give up their mother tongue but that they were promoting Calvinism, the “par excellence” of the Magyar faith.³¹³ Kolowrat also supported the Slavic opposition, and this powerful minister forwarded a petition to Emperor Ferdinand from Slovak clergy complaining about Magyarization of Protestantism, resulting in the defeat of Zay’s union plans.³¹⁴ While Vienna’s policy of *divide et impera* informed policy on Protestant organization, Habsburg officials applied similar measures to Catholics as well (see Chapters 1 and 2), and even many Protestants did not want a Hungarian Protestant church.

In addition, zealous Protestants from abroad threatened to stir up trouble in Austria, most notably the Gustavus Adolphus Association (*Gustav-Adolf-Verein*). This society, formed in 1832

³⁰⁹ Bucsay, 76.

³¹⁰ Fitschen, *Protestantische Minderheitenkirchen in Europe im 19 und 20. Jahrhundert*, 121-122.

³¹¹ Informations-Protocoll, Ungarisch-Siebenbürgische Section, July 26, 1842, in MOL-O, A-105, 31653.

³¹² Karl Schwarz, “Ján Kollárs Denkschrift zur ungarischen Kirchenfragen (1849),” in *Österreichische Osthefte/Österreichisches Ost-und Südosteuropa-Institut* 21 (1979): 109.

³¹³ R.V Zlatorovic, *Kleiner katechismus for grosse Leute: aus dem Ilirischen des D. Rakovac übersetzt*, in MOL-O, N-22, 31236.

³¹⁴ Horwath, *Fünfundzwanzig Jahre aus der Geschichte Ungarns von 1823-1848*, 2: 89-90.

on the 200th anniversary of Gustavus Adolphus' death, aimed to aid beleaguered Protestants in Catholic lands, and by 1842 had made contact with Protestant congregations in Upper Austria and Bohemia, along with the consistory in Vienna.³¹⁵ Jüstel warned Metternich of this association in 1844 and its “anti-Catholic tendencies” and advised the chancellor to follow Bavaria in banning it, even warning of a confessional war.³¹⁶ In 1845, the government ordered simply that Protestant communities receiving aid, such as those in Prague and Pilsen (Plzeň), to issue reports.³¹⁷ After the Gustavus Adolphus Association met in Kiel in 1846 and decided to send Protestant aid and clergymen to the Habsburg lands, the Austrian ambassador to Denmark complained to the Danish Court.³¹⁸ In addition, the head of police, Sedlnitzky, ordered the police to spy on foreign, incoming pastors.³¹⁹

Interestingly, the Austrian government, which suppressed any hint of confessional polemics, refused to ban the Gustavas Adolphus Association. In 1843, the Court Chancellery ordered that contacts with the association could take place only with the approval of local officials, but the state did not issue a ban, and Protestant congregations in Austria took donations from this association. Jüstel countered that he had no objection to foreign societies sending Austrian Protestants money if earmarked for the purpose of education, but he argued that the mission of the Gustavus Adolphus Association was to help “beleaguered” (*bedrängt*) Protestants,

³¹⁵ Jüstel to Metternich, April 16, 1844, in HHStA, Diplomatie und Außenpolitik vor 1848, Staatskanzlei, Interiora (1742-1860), Interiora (Allgemein), Korrespondenz 75-7.

³¹⁶ Jüstel to Metternich, July 22, 1844, in HHStA, Diplomatie und Außenpolitik vor 1848, Stk, Interiora (1742-1860), Interiora (Allgemein), Korrespondenz 75-7.

³¹⁷ Reports can be found in AVA, AK, Evangelisch, 20 (Stolgebühren).

³¹⁸ Metternich to Sedlnitzky, November 7, 1846, in AVA, AK, Evangelischer, 20/3251/242.

³¹⁹ Sedlnitzky to Inzaghi, January 24, 1847, in AVA, AK, Evangelischer, 20/3251/242.

not “needy” (*bedürftig*) ones.³²⁰ Despite these objections, the Austrian government took no decisive action against the Gustavus Adolphus Association.

Concluding Remarks

Toleration in Austria did not mean full religious equality, a concept which remained elusive in practice in most of the Western world. The term toleration implied a minority, subjected to a dominant, in this case Catholic, religion. In Austria, though Catholicism was legally the dominant religion, for most Protestants the daily exercise of their religious and civil rights proceeded unimpeded. Although the Edict of Toleration contained numerous restrictions on Protestants, Vienna often interpreted it in a liberal manner. This arrangement allowed the vast majority of Protestants to practice their religion freely and without disruption. Even the rare, stray Lutheran or Calvinist who found him or herself in an area without the 100 families required to form a formal community, could still enjoy the rights of Austrian citizenship, which included the right to buy property and the freedom from religious coercion.

More importantly, most Protestants in the empire lived in areas subject to laws and agreements more favorable to Protestants than Joseph’s Edict of Toleration. Many of these agreements predated Joseph II, but Vienna did not enforce them until Joseph dismantled the Counter-Reformation. These agreements, such as the Warsaw Tractate and the various agreements protecting Protestants in Hungary, came into effect under Joseph and Francis. The government only intended the Edict of Toleration to provide a base minimum level of security for Protestants in the empire.

³²⁰ Jüstel to Metternich, July 22, 1844, in HHStA, Diplomatie und Außenpolitik vor 1848, Stk, Interiora (1742-1860), Interiora (Allgemein), Korrespondenz 75-7.

Where imperial authority, and thus Josephism, was weaker in areas such as in Tyrol and Hungary, more conflict occurred. In Tyrol, where sectarian Catholics ran local government, the few alleged Protestants living there experienced real suppression. In Galicia, where Vienna had a free hand, Protestants enjoyed near-parity with Catholics. In Hungary, the Protestants, who formed a sizable minority with power bases in the lower nobility, gained almost complete equality with Catholics with the support of the imperial government in 1844. Despite the confessional turmoil between Catholics and Protestants in the Hungarian Kingdom, Vienna refused to tap Catholicism for badly needed political capital in Hungary.

This situation in Austria compared favorably to the rest of Europe. Although Henry Kamen asserts in *The Rise of Toleration* that in Protestant areas, intolerance ceased to be an issue because of the acceptance of enlightened rationalism, Catholic states were actually more tolerant than Protestant ones.³²¹ In liberal England, the Test and Corporation Acts banning Catholics from sitting in Parliament remained in force until 1828, and the Catholic hierarchy remained illegal until 1850, while in Scotland, the Catholic bishops did not return until 1878.³²² In the meantime, the British state refused to fund Catholic schools, and Catholicism remained subject to polemical attacks.³²³ In Ireland Protestant landowners continued to oppress Catholics, who bore the brunt of the Irish famine as the Catholic population dropped by a third in Ireland, while several (but by no means all) Protestant missionary societies offered food to Catholics only in exchange for conversion. Tithes in Ireland continued, furthermore, to fund the Anglican Church

³²¹ Henry Kamen, *The Rise of Toleration* (New York: McGraw-Hill, 1967), 241.

³²² Ian Machin, "British Catholics," in *The Emancipation of Catholics, Jews and Protestants: Minorities and the Nation State in Nineteenth-Century Europe* eds. Rainer Liedtke and Stephan Wendehorst (Manchester: Manchester University Press, 1999), 12-17.

³²³ D. G. Paz, *Popular Anti-Catholicism in Mid-Victorian England* (Stanford, CA: Stanford University Press, 1992), 1-6.

until 1869.³²⁴ The Catholic hierarchy remained illegal in the Netherlands until 1853, and in Scandinavia Catholicism remained illegal throughout this period. Even in Prussia, the most tolerant Protestant state, the Prussian government's zealous attempt to promote Protestantism in the Rhineland led to a backlash among Catholics when the government arrested the archbishop of Cologne. This event and the accompanying reaction by Catholics and the pope, dealt a blow to Josephism in Austria, as the contradictions between toleration and canon law became apparent, and opponents of Joseph's reforms knew that the pendulum was swinging back in favor of the Church. After this controversy, Josephism worked less smoothly, and ironically, Prussia's actions provoked a Catholic backlash that generated the biggest threat to Protestantism in the Austrian Empire before 1848.

In fact, while combative Catholics remained subject to state controls, Protestants proved bolder, and organizations such as the provocatively named Gustavus Adolphus Association flourished and enjoyed the protection of Protestant states. In contrast, Catholic states did not promote any equivalent organization for Catholics in Germany. There was, for example, no Count Tilly Association, as Joseph Görres reminded his readers.³²⁵ The Habsburg Empire feared rocking the boat in confessional issues and would not take action against this society as long as it enjoyed Prussian protection, for a unilateral ban by Austria would only spark religious conflict and conjure up images of the Counter-Reformation, a sensitive charge Habsburg officials desperately wanted to avoid.

Although many Catholic states, such as Spain and Portugal, remained intolerant of Protestants, the most tolerant states in Europe existed in the Catholic world. In France, the situation of Protestants improved after the murderous royal reaction died down after 1815,

³²⁴ Fitschen, *Protestantische Minderheitenkirchen in Europa im 19 und 20. Jahrhundert*, 93-94.

³²⁵ Heinrich Lutz, *Zwischen Habsburg und Preußen: Deutschland 1815-1866* (Berlin: Goldmann, 1998), 126.

though the state promoted a union of throne and altar until 1830 (see Chapter 2). The situation of Protestants improved after the July Revolution, even as ultramontanistism developed parallel to increased religious freedom in France. Even with these developments, Protestants did not attain full legal equality in France until 1879.³²⁶ Although full equality for many Protestants did not arrive until 1861 in the Austrian Empire, during the era of Francis and the *Vormärz* the government subdued Catholic zealots and Protestants could worship freely without disruption as the Habsburgs provided a non-confessional state as a neutral arbitrator to resolve confessional conflicts. This restraint, while helpful for Protestants, also proved beneficial to the other major Christian minority, Orthodox Christians.

³²⁶ André Encrevé, “French Protestants,” in *The Emancipation of Catholics, Jews and Protestants*, 81.

CHAPTER FOUR: ORTHODOX CHRISTIANS

Carlowitz (Sremski Karlovci) is far away from Vienna. In the twenty first century, it is a daylong trip by train from Vienna to Novi Sad, the capital of the Vojvodina (in Serbia) and closest urban center to Carlowitz. Today it is a small town of only 8,000 residents. Beginning in the eighteenth century, Carlowitz was, in fact, not only the frontier of the Habsburg monarchy, but it was also home to the headquarters of the Orthodox Church in the Austrian Empire. As a result, the architecture of this region is a mosaic of eighteenth and late nineteenth-century Orthodox and Catholic churches. At this intersection between East and West, the first numerous Orthodox communities settled in the Habsburg monarchy. As the Habsburg-Ottoman conflict climaxed in the late seventeenth century and ended with the signing of the Treaty of Carlowitz (1699), the resulting territorial and demographic shifts resulted in the annexation of Orthodox towns by the Habsburgs and a flood of Orthodox refugees, giving the Habsburg state another sizeable religious minority.

In Petrovaradin, a town across the Danube from Novi Sad, sits the Tekije Church (Our Lady of Snow), which is distinguished by a steeple in the back courtyard with a Christian cross towering over an Islamic crescent laid on its back. It was here that Prince Eugene of Savoy stopped the Turkish army, once again, in 1716, solidifying Habsburg control over the Balkans, and ending the Ottoman threat to central Europe. As the golden age of the Ottoman Empire waned, other powers, such as the Russian and Austrian monarchies, picked up the pieces, creating a zone of competition between the Habsburg and Romanov Empires.

This crucial change in relations between the European powers and the Ottoman Empire brought challenges, however, to Vienna as numerous non-Catholics, most notably Orthodox Christians, became subjects of the Habsburg monarchy. These communities, unlike Protestants, whom the Habsburgs before Joseph II had considered traitors, or Jews, whom they had viewed as

unwanted foreigners, had entered the empire via emigration or through conquest. Orthodox communities brought or retained their own hierarchy, and the Austrian government recognized this fact, offering the Orthodox numerous privileges. Yet Vienna ignored many of these promises until Joseph II's reign effected a significant change in how imperial officials treated the Orthodox. Despite these improvements, challenges remained for Vienna as Russia aggressively marketed its Orthodoxy in the Balkans and the Ottoman Empire throughout the first half of the nineteenth century. These developments threatened to stir up independence movements among the Orthodox on borderlands in Ukraine, Romania, and Serbia. Ultimately, these fears did not come to fruition, and Vienna sought to treat the Orthodox equitably, with the overall goal of maintaining religious harmony.

Habsburg Christian Orthodoxy from the Ottoman Wars to Joseph II

Although a few Orthodox Christians had been in Vienna and Croatia for centuries, the most notable Orthodox presence came during the Great Turkish War (1683-1699) when approximately 30,000 Serbian families moved into the Habsburg monarchy, an event known as the Great Serbian Migration.¹ The Holy League Army, the pan-European force that fought the Ottomans, made significant gains after the 1683 siege of Vienna and captured Buda (1686), Transylvania (1687), and Kosovo in 1689. Serbs and Albanians had fought for Austria in the war, but after the Habsburg withdrawal from Kosovo and Serb (also called "raizen" or "Illyrian")-inhabited regions, Serbs faced a vengeful Ottoman force that began committing

¹ The traditional number provided is 37,000 families, but historians such as Noel Malcolm have questioned it, see Noel Malcolm, *Kosovo: A Short History* (New York: New York University Press, 1998) 161. It is not disputed that tens of thousands of Serb families moved into the Kingdom of Hungary in 1690. Johann Schwicker put the overall number put the number at 370,000 to 400,000 in 1879, see Johann Heinrich Schwicker, *Geschichte der Serben in Ungarn: nach archivalischen Quellen dargestellt* (Budapest: Ludwig Aigner, 1880), 15.

atrocities against the Serbian population.² Serbs moved, therefore, to the Habsburg monarchy as early as 1687 when Catholic Serbs received permission to settle in Szegedin (Szeged), Szabaldka (Subotica) and Bonya. But the biggest migration came in 1690 when the Serbian Orthodox patriarch, Arsenije Cernojevic, led thousands of Serbian Orthodox families into Hungary. The migrants settled in southern Hungary, where many Serbs had lived since the fall of Smederevo to the Ottomans in 1495.³ In 1690 Emperor Leopold I (r.1658-1705) issued the *Diploma Leopoldinum*, which granted religious freedom, autonomy, use of the Julian calendar and other privileges. Serbs served as soldiers on the Military Border and provided a trip-wire against any future Ottoman aggression. (Figure 2).

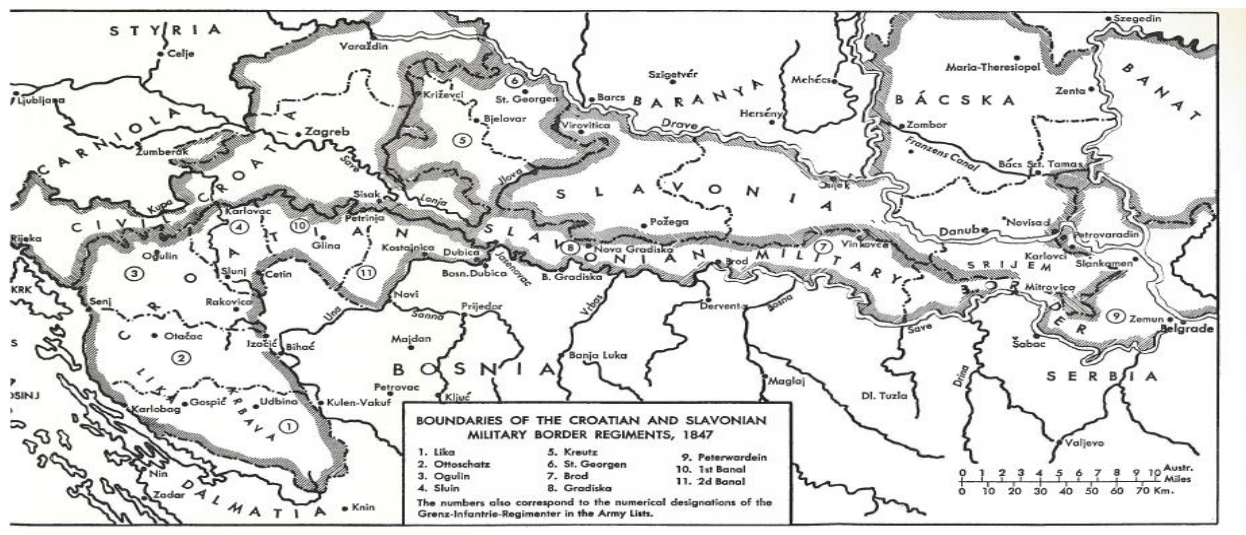


Figure 2. The Military Border⁴

² The Austrian army had not yet won the convincing battle of Zenta (1697). The role of Albanians in this war is controversial, linked to claims over the disputed territory of Kosovo. In general, Serbian historians believe that the migration took many Serbs out of Kosovo and that Albanians filled the void. The Albanian claim is that they also fought the Ottomans and that few Serbs left this region. Most Serbs who moved into the Austrian monarchy came from Belgrade, for information on the campaign and the myths surrounding the Great Migration, see Malcolm, *Kosovo*, 139-162.

³ Jelena Todorovic, *An Orthodox Festival Book in the Habsburg Empire: Zaharija Orfelin's 'Festive Greeting to Mojsej Putnik' (1757)* (Hampshire, U.K: Ashgate, 2006), 9.

⁴ The map comes from Gunter E. Rothenberg, *The Military Border in Croatia 1740-1881: A Study of an Imperial Institution* (Chicago: University of Chicago Press, 1966), 197.

While the Serb population formed a significant Orthodox community in southern Hungary, to the northeast the conquest of Transylvania brought more Orthodox Christians into the Habsburg fold. Religious intolerance dominated Transylvania before the Turks took the region. John Capistrano, a Franciscan friar, anti-Semite, and current saint of the Catholic Church, spread terror among the Orthodox population in 1453. As an ally of the legendary crusader John Hunyadi, Capistrano called on bishops and officials to burn down Romanian Orthodox churches and hunted down priests who refused Catholic baptism.⁵ In the seventeenth century, under Ottoman suzerainty, Protestant officials forced Orthodox bishops to worship in vernacular Romanian, to preach from Romanian books, to eliminate what Protestants considered idolatry, and to subordinate themselves to a Calvinist superintendent.⁶

Under Turkish rule, Protestantism had developed unfettered and Calvinists dominated this territory (see Chapter 3). Despite Transylvania's unique autonomous constitutional structure, which had resulted in religious freedom for Lutherans, Calvinists, Catholics, and Unitarians since the sixteenth century, the Orthodox had remained merely "tolerated" and relegated to second-class citizenship. This unfortunate situation matched the ethnic and social conditions, as Germans (called Saxons), Hungarians, and Szeklers (a subgroup of Hungarians), most of whom were Protestants, ruled the territory. The constitution in Transylvania excluded Romanians (called Wallachs), mostly peasants and Orthodox, from the Transylvanian Diet, even though they formed a majority of the population.⁷

⁵ Ludwig Binder, *Grundlagen und Formen der Toleranz in Siebenbürgen bis zur Mitte des 17. Jahrhunderts* (Cologne: Böhlau, 1976), 101.

⁶ Binder, *Grundlagen und Formen der Toleranz in Siebenbürgen bis zur Mitte des 17. Jahrhunderts*, 122.

⁷ Binder, *Grundlagen und Formen der Toleranz in Siebenbürgen bis zur Mitte des 17. Jahrhunderts*, 106. "Wallachs" formed around 52% of the population in Transylvania, see

When the Austrians briefly took Transylvania in 1600, Emperor Rudolf II (r.1576-1612) brought back the Jesuits and sent in “bayonet missionaries,” sparking a rebellion in 1604. In the 1606 treaty between the Ottomans and Habsburgs, Transylvania reverted to Ottoman control.⁸ When the Habsburgs re-conquered this territory in 1687 and won recognition from the diet, Leopold issued a Diploma in 1690 preserving the status quo.

In the eighteenth century geopolitical factors contributed to a growth in the Orthodox population. The Treaty of Passarowitz ended the short Austro-Turkish war of 1716-1718 and forced the Ottomans to cede the Banat, which was 60% Orthodox, to the Habsburgs.⁹ A second, smaller, Serb migration occurred during the 1737-1739 Austro-Turkish War after the Habsburgs lost the Kingdom of Serbia, including Belgrade and southern Serbia. In Galicia, the first partition in 1772 brought 2.7 million inhabitants into the Habsburg monarchy, of which 44% were Greek Catholic (also called Uniates or Eastern-rite Catholics), meaning Orthodox in liturgy and practice but loyal to the pope.¹⁰ Three years later, Austria acquired the exclusively Orthodox Bukovina from Moldavia, a vassal state of the Ottoman Empire. This move has been proclaimed as “the most successful single move in Kaunitz’s foreign policy.”¹¹ This coup occurred over the objections of Maria Theresa, who objected to acquiring more religious minorities, especially in territories where the Habsburgs had no legitimate claims.¹²

Emanuel Turczynski, *Konfession und Nation: Zur frühgeschichte der serbischen und rumanischen Nationsbildung* (Düsseldorf: Pädagogischer Verlag Schwann, 1976), 87.

⁸ Joseph Karniel, *Die Toleranzpolitik Kaiser Josephs II* (Gerlingen: Bleicher, 1986), 99.

⁹ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 133.

¹⁰ Larry Wolfe, *The Idea of Galicia* (Stanford CA: Stanford University Press, 2010), 6. Traditionally, Greek Catholics were called Uniates or Eastern Catholics, but these terms are generally considered derogatory today.

¹¹ Prince Wenzel Anton von Kaunitz was the enlightened foreign minister under Maria Theresa, Joseph II, and Leopold II. The authoritative work on Kaunitz is Franz A. J. Szabo, *Kaunitz and Enlightened Absolutism 1753-1780* (Cambridge, U.K.: Cambridge University Press, 1994).

¹² Austrian troops occupied the Bukovina after the Russians conquered it from the Ottomans in the 1768-1774 Russo-Ottoman War. Empress Catherine of Russia agreed to this arrangement,

Despite various promises made to Orthodox communities, the Austrian government often reneged on its guarantees throughout the eighteenth century. The Habsburgs initially viewed the Serb presence in Hungary as temporary, and the legal situation reflected this fiction. The Hungarian Cardinal Leopold Charles von Kollonitsch advised Joseph I (r.1705-1711) that “if these privileges cannot be changed or abridged, then they should be...formulated in such obscure and ambiguous terms....and with certain clauses, so that these schismatics, like other non-Catholics, would, even unwillingly, join the Catholic Church.”¹³ Joseph I abolished the title of patriarch after the death of Arsenji, on the advice of Kollonitsch, who argued that this title “is against the Catholic Church” and “since after his [Arsenije] death there would be no one to invest the new bishops, they [Orthodox Serbs] would themselves join the Catholic Church.”¹⁴ Charles VI (r. 1711-1740) tried to revoke Serb rights, though he ultimately confirmed the privileges possessed by Serbs. In the Banat only Catholics could settle, and many cities in Serbia remained closed to non-Catholics.¹⁵ In 1718 the Habsburgs obtained most of Serbia and resurrected the medieval Kingdom of Serbia but governed it arrogantly. Vienna set up a Catholic bishopric for Serbia in 1726 at Smederovo, near Belgrade, and set up a Latin gymnasium in Belgrade run by the Jesuits.¹⁶ Vienna demanded high taxes, conversion to Catholicism and placed Serbia under martial law before losing it to the Ottomans in 1739.¹⁷

and Kaunitz convinced the war-weary Porte to accept this cessation. The Ottomans even assassinated Gregory Ghika, the pro Russian *hospodar* (ruler) of Moldavia who opposed the annexation and refused Austrian bribes. Overall, this acquisition connected Galicia and Transylvania and checked Russian expansion; see Karl Roeder, *Austria's Eastern Question, 1700-1790* (Princeton N.J: Princeton University Press, 1982), 145-150.

¹³ Todorovic, *An Orthodox Festival Book in the Habsburg Empire*, 11.

¹⁴ Todorovic, 12.

¹⁵ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 140.

¹⁶ Charles Jelavich, “Some Aspects of Serbian Religious Development in the Eighteenth Century,” in *Church History* 23 (1954): 146.

¹⁷ Michael Petrovich, *A History of Modern Serbia, 1804-1918* (San Diego: Harcourt Brace Jovanovich, 1970), 22.

There were tensions between Serbs and the Kingdom of Hungary, and in the 1730s, attempts by Austrian authorities to force Serbs to give up nomadic ways of life induced numerous rebellions against local Hungarian officials.¹⁸ In the 1741 Diet, Croat deputies attempted to remove Serbian privileges, claiming that Orthodox bishops threatened Catholicism in Dalmatia and Croatia. Article 46 of the 1741 Diet removed Serbian privileges, but Maria Theresa confirmed guarantees to the Serbs without, however, explicitly overturning the 1741 decision.¹⁹ In addition, the diet in 1741 voted to expel Orthodox Serbs from Croatia and Slovenia who did not adopt Greek Catholicism. This decision induced Serbian border troops to revolt in 1746, and 23 communities moved to Russia.²⁰

In contrast with Protestants or Jews, Joseph's reign did not mark a watershed moment for the Orthodox who already had various forms of legal recognition, though his reforms did provide improvements. Maria Theresa had accepted the Orthodox presence at the edge of her empire, especially as she needed loyal soldiers in the Military Border and had even approved four Orthodox dioceses, much to the chagrin of Catholic Croat leaders.²¹ In Trieste the Orthodox could even have churches that reached a main street.²²

The Toleration Patent of 1781 established a minimum standard of treatment for many non-Catholics, including the Orthodox, across most of the monarchy. In addition, Joseph's decrees against serfdom helped peasants such as Orthodox Romanians in Transylvania.²³ Joseph finally restored the Orthodox bishopric in Hermannstadt (Sibiu), which his predecessors had left

¹⁸ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 90.

¹⁹ Schwicker, *Geschichte der Serben in Ungarn*, 80-82.

²⁰ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 91.

²¹ Karniel, 91.

²² Karniel, 368.

²³ Karniel, 372. Romanian peasants mistook Joseph's reforms, however, as an invitation to revolt in 1784, see Derek Beales, *Joseph II: Against the World, 1780-1790*, Vol II of *Joseph II* (Cambridge U.K: Cambridge University Press, 2009), 260-270.

vacant.²⁴ In the Military Border, the Toleration Patent did not apply, and Croats there disliked the Orthodox and applied the Municipal Right of 1604, which banned non-Catholics from owning land (see Chapter 3).²⁵

In Vienna, Joseph granted further privileges to the Greek community. Although a few Greeks had lived in Vienna since the Middle Ages, and a few had fled there after 1453, it was not until 1685 that they received imperial privileges. As a result, many Macedonian traders moved to Austria. Conditions improved further in the Treaty of Carlowitz (1699), which provided security for Greek traders from Turkey. Ottoman Greeks also possessed special courts in Austria, which provided privileges and encouraged Greek traders to move to Vienna.²⁶ The Orthodox Church of the Holy Trinity (*Dreifaltigkeitskirche*) was founded a year after the Edict of Toleration, while Joseph renewed the privileges his predecessors, Maria Theresa and Charles VI had bestowed on the Church of St. George (*Georgskirche*), a brotherhood for Ottoman Orthodox Christians in Vienna.²⁷

Serbian historians have been kind to Joseph. The Toleration Patent granted citizenship to Orthodox, allowing them to settle in cities, such as Petrovaradin, where they had been hitherto banned.²⁸ Starting with the 1769 Congress, Joseph worked to end the Orthodox clergy's monopoly on Serbian national life. Joseph promoted education and gave Serbs their own printer to clip the influence of Russian works in the monarchy.²⁹ After a visit to the Banat, Joseph

²⁴ Margeret G. Dampier, *The Orthodox Church in Austria-Hungary* (London: The Eastern Church Association, 1905), 58.

²⁵ Turczynski, *Konfession und Nation*. 47.

²⁶ Willbald M Plöchl, *Die Wiener orthodoxen Griechen: eine Studie zur Rechts- und Kulturgeschichte der Kirchengemeinden zum Hl. Georg und zur Hl. Dreifaltigkeit und zur Errichtung der Metropolis von Austria* (Vienna: Verlag des Verbandes der wissenschaftlichen Gesellschaften Österreichs, 1983), 22-24.

²⁷ Plöchl, *Die Wiener orthodoxen Griechen*, 30-36.

²⁸ Dejan Medakovic, *Josef II I Srbi=Joseph II und die Serben* (Novi Sad: Prometej, 2006), 51.

²⁹ Medakovic, *Joseph II und die Serben*, 81.

remarked that Catholic Churches were too expensive, and Catholics were too superstitious. He also noted the poor intellectual state of the Orthodox clergy and resolved to remedy their plight. Although ardently committed to dissolving monasteries elsewhere, he did not dissolve any Orthodox monasteries in Serbia.³⁰ In addition, he opened up the Banat to non-Catholics for settlement. Serbs remembered Joseph warmly, and in 1815 the *Новине сербске* (The Serbian Newspaper) praised Joseph for establishing an enlightened model for how Church and state should co-exist.³¹ A few years later, in 1818, a priest in Carlowitz gave a glowing speech in German, with Emperor Francis in attendance, praising Joseph.³²

Joseph also fulfilled promises made to Greek Catholics and ordered that they be treated equally with Catholics. In the bishopric of Munkacs (Mukacheve/ Мукачеве), the Greek Catholic bishops had been unable to obtain an Orthodox prayer book as promised, much to Joseph's dismay.³³ In Galicia, Polish nobles had spread Greek Catholicism (known as the Union) and had promised Greek Catholics equality with Catholics. But these promises remained unfulfilled, and Greek-Catholic bishops remained excluded from the Sejm. Latin clergy enjoyed rights as landlords, while Greek Catholic priests did not.³⁴ In 1774, Count Pergen, the first governor of Galicia, permitted Ruthenian holidays, ordered the term "Greek Catholic" as the official designation, and banned the *robot* (forced feudal labor) on Sundays, benefitting the exclusively peasant Greek Catholic population.³⁵ Joseph continued his mother's policy of

³⁰ Medakovic, 77-81.

³¹ Medakovic, 35-37.

³² Medakovic, 49.

³³ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 145.

³⁴ Anton Korczok, *Die griechisch-katholische Kirche in Galizien* (Leipzig: B.G. Teubner, 1921), 27.

³⁵ Korczok, *Die griechisch-katholische Kirche in Galizien* 29.

protecting Ruthenes, and in 1782 he determined that Catholicism had three rites: Latin, Greek, and Armenian, and that they all had equal rights. Leopold and Francis confirmed this rule.³⁶

On the other hand, Joseph ended Habsburg promotion of the Union. In Serb areas, Joseph ceased the practice of advertising for Greek Catholicism. He issued multiple decrees commanding that all religions get along in Hungary and that persecution of the Orthodox cease. In a March 30, 1785 instruction for Hungarian officials he ordered, for example, that all “badgering” (*Neckerei*) of Orthodox stop.³⁷ During one of Joseph’s trips through Transylvania, Greek Catholics and Orthodox clergy alike lobbied him to give them control over a local church. Joseph suggested the radical idea that the two sides share the building, and they agreed.³⁸

However, Joseph only intended to freeze the religious makeup of the monarchy. Several officials quit the Union once the Orthodox were allowed to hold public office.³⁹ As a result, Joseph implemented rules to prevent apostasy. In Transylvania he blocked Orthodox Christians from leaving the Union.⁴⁰ In Transylvania and the Military Border, individuals desiring to join Orthodoxy had to appear before a commission, which unsuccessfully employed threats against Romanian villages trying to leave the Union.⁴¹

The Orthodox received confirmation of Joseph’s strengthened privileges in the crisis years of 1790 and 1791. With the monarchy seemingly on the verge of collapse that year due to revolts in Hungary and the Austrian Netherlands, Leopold II called the Hungarian Diet and

³⁶ Juliam Pelesz, *Von der Wiederherstellung der Union der ruthenischen Kirche mit Rom von 1595 bis auf die Gegenwart* Vol 2 of *Der Union der Ruthenischen Kirche mit Rom: von den Aeltesten Zeiten bis auf die Gegenwart* (Würzburg: Verlag von Leo Woerl, 1881), 652-53.

³⁷ Schwicker, *Geschichte der Serben in Ungarn*, 351.

³⁸ Keith Hitchins, *The Idea of Nation: The Romanians of Transylvania 1691-1849* (Bucharest: Editura Stiintifica Si Enciclopedica, 1988), 105.

³⁹ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 372.

⁴⁰ Karniel, 372.

⁴¹ Carl Göllner, *Die siebenbürgische Militärgrenze: ein Beitrag zur Sozial- und Wirtschaftsgeschichte 1762-1851* (Munich: Oldenbourg, 1974), 68.

relinquished absolutism in Hungary. While Leopold offered this carrot to the Hungarian nobility, he used the Serbs as the stick. On June 15, 1790, Leopold ordered, over the objection of the Hungarian Court Chancellery and the primate, that Orthodox bishops sit in the diet. A few weeks later, the emperor permitted the holding of an “Illyrian” Serbian National Congress, which opened in September in Temesvar (Timișoara).⁴² The Congress requested the abolition of articles from the 1723 and 1741 Hungarian Diets, which banned non-Catholics from owning property. In addition they demanded an end of the use of the derogatory term “schismatic,” the elimination of the Union, equality in mixed marriages, and education in their native language.⁴³ The Serbs also offered 40,000 men to fight the rebellious Hungarians.⁴⁴ While Vienna did not grant all of these requests, it did push through Article 27 of the 1791 settlement, which guaranteed free practice of the Orthodox religion, permitted the Orthodox to buy property, and allowed them to hold public office.⁴⁵ Thus, as with Protestants, for the Orthodox the Edict of Toleration established only a minimum standard, and a different, more favorable, set of laws guaranteed not only religious freedoms but civil ones as well. In addition, Leopold rejected attempts to overturn the equality gained by Greek Catholics under Habsburg rule.⁴⁶ By offering such freedoms, Leopold not only expressed the values of the Enlightenment, which he held, but also ensured the loyalty of Serbs to the monarchy.

One exception occurred, however, which would be important in the 1830s. In contrast to Protestants, Jews, and the Orthodox in the rest of the empire, the Orthodox and Greek Catholics in Transylvania lost what Joseph had granted them. Joseph had raised Orthodoxy into one of the “received” religions of Transylvania, entitling the Orthodox to equal rights with Catholics,

⁴² Schwicker, *Geschichte der Serben in Ungarn*, 361-63.

⁴³ Schwicker, 378.

⁴⁴ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 501.

⁴⁵ Schwicker, *Geschichte der Serben in Ungarn*, 390.

⁴⁶ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 653.

Protestants, and Unitarians. Yet, in the face of landed noble opposition in the Transylvanian Diet, Joseph himself revoked these privileges for the Orthodox on January 18, 1790, and when Leopold challenged this settlement in the Transylvanian Diet, the deputies defeated it.⁴⁷

Although Joseph's reforms impacted the Orthodox less than they did Jews and Protestants, many benefits accrued to the Orthodox. Few changes occurred during the French Revolution, but Joseph's reign continued to reverberate and confessional tensions had eased by 1800 in Serbian cities such as Petrovaridin.⁴⁸ Joseph's reign changed the practice of how Vienna treated its religious minorities and had encouraged religious education for each confessional minority, including the Orthodox. Most importantly, Joseph significantly reduced the influence of the Catholic Church in policymaking, and the state began to regulate inter-confessional feuds as something like a neutral arbitrator---albeit for the purposes of checking and balancing the religious minorities in the interest of creating internal stability.

The Structure of Orthodoxy in the Habsburg Empire, 1792-1848

By the early nineteenth century, Orthodoxy had established a sizeable presence in the Habsburg monarchy. The following numbers, while not exact, provide a snapshot of Orthodoxy in the empire in 1846: 1,402,400 Orthodox and 780,300 Greek Catholics lived in Hungary, Croatia and Slovenia.⁴⁹ Lower Austria had fewer than 1,000 Orthodox, Greek Catholic and

⁴⁷ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 504.

⁴⁸ Turczynski, *Konfession und Nation*, 59.

⁴⁹ See, K.K. Direction der administrativen Statistik, *Uebersichts-Tafeln zur Statistik der österreichischen Monarchie* (1850), 2, which published the statistics for 1846. The counting of Greek Catholics had been problematic, for until the middle of the eighteenth century Habsburg authorities held to the fiction that Orthodox Christians were part of the Union, especially in Romania, and various studies of the time overstated the number of Greek Catholics.

Orthodox alike. Venetia had about 500 and Küstenland (Littoral) had 3,600.⁵⁰ Galicia had 2,194,900 Greek Catholics and 310,100 Orthodox. Dalmatia contained 78,900 Orthodox and a few hundred Greek Catholics. The military border had 598,600 Orthodox and 62,700 Greek Catholics. Transylvania contained around 725,700 Orthodox and 605,300 Greek Catholics.⁵¹ Tyrol, Bohemia, Moravia, Styria, Carinthia and Krain (Carniola) and Lombardy had few, if any resident Orthodox inhabitants. The general Orthodox population was growing due to natural increases but also immigration from Bosnia.⁵²

With nearly 7 million Orthodox Christians (including Greek Catholics) in the monarchy, the state had a difficult task in managing the organization of Orthodoxy, which differed in each of the territories of the monarchy. In many cases, centuries-old practices remained in place, but in many others, officials had to come up with new arrangements. Joseph changed the practice of toleration in the empire, and in Hungary and newly acquired territories Vienna often extended rights that exceeded those called for in the Toleration Patent. The state also promoted education and sought to reform the Orthodox Church in the mold of the Catholic one. In a similar vein, Habsburg officials manipulated religious authorities for their own ends and attempted to regulate the Orthodox Church the way they did the Catholic one, with the end goal of religious harmony.

The headquarters of the Orthodox Church was in Carlowitz. After the mass emigration of Serbs into the Habsburg Empire, the new metropolitanate was set up in Krušedol but then moved to Carlowitz in 1713.⁵³ After the abolition of the Serbian Orthodox patriarchate in Pecs

⁵⁰ In 1814 there were about 4,000 Orthodox in Vienna, but most of them did not have residency status. After 1830, this number dropped sharply with the founding of the nation of Greece, Plöchl, *Die Wiener orthodoxen Griechen*, 25.

⁵¹ K.K. Direction der administrativen Statistik, *Uebersichts-Tafeln zur Statistik*, 2.

⁵² Report of the Court Chancellery to the Emperor, January 17, 1833, in Allgemeines Verwaltungsarchiv (AVA), Unterricht und Kultus, Alter Kultus (AK), Griechisch-Orthodoxer Kultus, 1 (Generalia)/25118.

⁵³ Jelavich, "Some Aspects of Serbian Religious Development in the Eighteenth Century," 145.

by Ottoman authorities in 1766, the metropolitanate of Carlowitz became, by default, the ranking Serbian Orthodox authority.⁵⁴ In 1783, Joseph ordered Orthodox bishoprics in Transylvania and Bukovina to submit to Carlowitz. Unlike Catholic and Protestant clergymen, whom the monarch selected, the emperor (though legally the king in Hungary) simply approved the nomination of the metropolitan, whose nomination was the right of a national congress made up of suffragan bishops, clergy, soldiers, and representatives of the imperial government.⁵⁵ The metropolitan held the normal functions of an archbishop, consecrated bishops under his authority, and managed a general fund for Church property.⁵⁶ Below the metropolitan stood a head consistory, called the *Appelarium*. In addition, Carlowitz possessed a seminary, which Joseph approved in 1788 but only opened in 1794. This school trained intellectuals in the Josephist mold.⁵⁷

There were seven suffragan bishoprics directly under the authority of Carlowitz: Arad, Bacs (Bač), Carlstadt (Karlovac), Ofen (Buda), Pakracz (Pakrac), Temes (Timișoara) and Werschetz (Vršac). These bishops were also elected in a synod held by the metropolitan in Carlowitz in the presence of an imperial official, often the head of the Hungarian Court Chancellery, who often had a questionable understanding of Serbian, limiting royal influence.⁵⁸ The election simply needed confirmation from Vienna. Bishops acted as the president of local

⁵⁴ Serbia had from 1557 to 1766 an independent national church, which played a large secular role, especially in foreign policy. The Ottomans abolished it after the patriarchate conspired against the Ottomans. Afterward, Serbia remained governed by corrupt Greek bishops, Petrovich, *A History of Modern Serbia*, 13.

⁵⁵ Joseph Helfert, *Die Rechte und Verfassung der Akatholiken in dem Oesterreichischen kaiserstaate* 3rd edition (Prague: Thomas Thabor, 1843), 169.

⁵⁶ Helfert, *Die Rechte und Verfassung der Akatholiken*, 188.

⁵⁷ Medakovic, *Joseph II und die Serben*, 83.

⁵⁸ Report of the Informations-Protocoll, Ungarisch-Siebenbürgische Section, July 15, 1847, in Magyar Országos Levéltár (MOL-O), Magyar kancelláriai levéltár, A-105 (Informations-Protocolle der Ungarisch-Siebenbürgischen Sektion), 31659.

consistories, which maintained clerical discipline, confirmed monks, and promoted protopopes.⁵⁹ Serbs served as the bishops in most of these dioceses and thus dominated the Orthodox Church in the monarchy. Habsburg officials used this fact later to play off nationalities against each other. In practice Vienna undercut Carlowitz's authority and tried to decentralize the Orthodox structure, using the same approach it applied to Protestant and Catholic hierarchies.

While the metropolitane of Carlowitz was important as a domestic ecclesiastical institution, Vienna constantly undermined it. The bishops of Transylvania, Bukovina, and Dalmatia owed their offices to the state.⁶⁰ The Orthodox community in Trieste was, after 1795, independent from the bishopric of Carlstadt and could not turn to Carlowitz even in spiritual matters.⁶¹ In Dalmatia, Austrian officials expressed skepticism about sending students to seminary in Carlowitz, noting they had little control over the education there.⁶² Traditionally in the Orthodox Church only regular clergy could serve as bishops, but Habsburg rulers ignored these customs as well. In 1834, Carlowitz complained that bishops in the Bukovina did not come from the monasteries, but Vienna cared about the educational qualifications (and loyalty of course) and made selections regardless of whether the candidate had been an archimandrite (head of a monastery) or not.⁶³

⁵⁹ "Rights of the so called illyrian church of the g.n.u rite," (no date), in AVA, AK, Orthodoxer, 1 (Generalia)/445/29.

⁶⁰ Helfert, *Die Rechte und Verfassung der Akatholiken*, 170-71.

⁶¹ Triest had a Serbian (Illyrian) Orthodox Church and an "Oriental" (Greek) one. They were also not allowed to participate in election of the metropolitan in 1837, see sitting of the Court Chancellery, October 30, 1843, in AVA, AK, Orthodoxer, 2(Bischöfe) 32032/25809.

⁶² Report of the Central Organization Court Commission to the Emperor (ZOH), December 18, 1815, in AVA, AK, Orthodoxer, 8 (Unterricht)/1127. In 1830, Francis approved the creation of a seminary for Orthodox in Dalmatia, in decree of Francis, September 30, 1832, AVA, AK, Orthodoxer, 6 (Konsistorien)/4651.

⁶³ Report of the Court Chancellery to the Emperor, April 11, 1834, in AVA, AK, Orthodoxer, 5 (Geistlichkeit und Pfarren)/7078.

Vienna guarded Bukovina's independence from Carlowitz and banned the metropolitan from interfering in its affairs. The metropolitan had no nomination right there, and Vienna ignored his suggestions for candidates, though he had the right of an informal suggestion. Vienna rejected numerous petitions, such as in 1829 for the right to suggest a candidate for the bishopric in Bukovina.⁶⁴ In 1839 Metropolitan Stephan Stanković appealed again for this right. The state restricted, however, Carlowitz's authority in Bukovina to matters strictly of "*materiem dogmaticam*."⁶⁵

The Orthodox hierarchy functioned similarly to the Catholic Church. Bishops of both confessions had identical duties, such as undertaking visitations. A consistory met several times a year and dealt with questions such as the sacraments (all seven of which the Orthodox and Catholics held in common) and the examination of candidates for the priesthood.⁶⁶ The Orthodox clergy could also collect stole fees, a charge for certain sacraments. The Orthodox Church, like the Catholic, faced numerous rules on monastic life, with strict rules banning construction of new monasteries and public begging. The state also subordinated monks to episcopal authority.⁶⁷

Below the bishops were Protopresbyter (*Protopopen*) or archpriests, then priests, often called *Popen*.⁶⁸ The protopresbyter oversaw parishes and performed functions similar to that of a Catholic vicar. The bishop appointed an Orthodox priest, except in the Military Border, where military commanders were present at the nomination of a priest.⁶⁹ The main task of priests was to carry out preaching, baptism, funerals and similar functions performed by Catholic priests.

⁶⁴ Court Chancellery to Ferdinand, March 1, 1836, in AVA, AK, Orthodoxer, 2 (bischöfe)/3058.

⁶⁵ Report of governor of Galicia, April 18, 1839, in AVA, AK, Orthodoxer, 2 (bischöfe)/3058/12022.

⁶⁶ Helfert, *Die Rechte und Verfassung der Akatholiken*, 171.

⁶⁷ Helfert, 181.

⁶⁸ Austrian law also discouraged the use of this term, which some Orthodox found offensive, see Helfert, *Die Rechte und Verfassung der Akatholiken*, 212.

⁶⁹ Helfert, 173-174.

Orthodox priests had to be 25 and pass a series of examinations before taking office. They could marry and even bequeath property to their children.⁷⁰ This rule allowed women to play an important role as the widow maintained the property after the priest's death.⁷¹

The Greek Catholic Church had a separate structure from the Orthodox one. Maria Theresa created a Greek Catholic bishopric in Grosswardein (Oradea) in 1777, which governed the Partium, to the west of Transylvania (mixed with Serbs and Romanians).⁷² That same year Maria Theresa re-formed the Greek Catholic diocese in Croatia into the Eparchy (diocese) of Krizevci in 1777, which was independent from the Catholic bishopric of Zagreb. In 1772, the metropolitan of Kiev ruled the Ukrainian Greek Catholic church. But in 1808, after the metropolitan of Kiev had died, Austrian authorities forced, against Rome's will, the creation of a metropolitanate at Halicz, based in Lemberg, with Chelm (though part of Russia) and Przemysl as suffragan dioceses. The bishop of Premysl, Anton Angelovych (Angellowicz), became the metropolitan because he already held the rank of bishop and thus did not require consecration from a higher ecclesiastical authority. In addition, he had been the rector of the general seminary in Lemberg, which would stand under the new metropolitan's authority.⁷³ Angelovych remained loyal to the Habsburgs and refused orders in 1809 to pray for Napoleon after the capture of Lemberg.⁷⁴ Francis also permitted Greek Catholic bishops to sit in the meaningless Galician

⁷⁰ Helfert, 177.

⁷¹ Rudolf A. Mark, *Galizien unter österreichischer Herrschaft: Verwaltung, Kirche, Bevölkerung* (Marburg: Herder-Institut, 1994), 30.

⁷² Turczynski, *Konfession und Nation*, 79.

⁷³ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 667.

⁷⁴ Pelesz, 2: 877-878.

Diet.⁷⁵ As a result, diocesan borders and structures corresponded to state wishes, as officials sought to create clear hierarchies headed by loyal officials.

Greek Catholic clergy benefited greatly from the Habsburg reforms in Galicia as both Maria Theresa and Joseph had aimed to make Greek Catholics equal with Roman Catholics. In 1774, the empress ordered that “nothing can be better for accepting the Union, than when a complete equality is observed between the Uniate and Latin rite”⁷⁶ Endowments guaranteed an income for priests who could pass a course in Ruthenian. Numerous decrees freed the Greek Catholic clergy from serfdom and placed them under the jurisdiction of noble courts.⁷⁷ Yet, the state cut off the Basilian order, a Ukrainian Greek Catholic monastic order which had promoted the Union in its early days, from its leader (general) and treated it like any other Galician order.⁷⁸ In addition, the Basilian order lost its monopoly on the bishoprics, and the state ordered in 1779 that the secular ruler had the right to appoint secular and regular clergy as bishops.⁷⁹

The state also reformed education for the Greek Catholic clergy. In 1787 a seminary opened in Lemberg and taught, not in Latin, but in Ruthenian, and after 1809 it was under the control of the metropolitan, much to the chagrin of the papal nuncio, Antonio Severoli, and many Poles.⁸⁰ Maria Theresa had created a seminary at St. Barbara in Vienna, which Francis resurrected in 1803 and rebranded the Imperial Seminary (*kaiserliches convictes*) for the clergy in the hereditary lands and Ukrainians, also called Ruthenes, in Galicia.⁸¹ A General Seminary from Joseph’s time also continued in Lemberg, though after 1809, under the authority of the

⁷⁵ Korczok, *Die griechisch-katholische Kirche in Galizien*, 32. In Cisleithanian Austria, where absolutism prevailed, diets were relatively powerless compared to the ones in Hungary and Transylvania.

⁷⁶ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 624.

⁷⁷ Mark, *Galizien unter österreichischer Herrschaft*, 28

⁷⁸ Mark, 41.

⁷⁹ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 628.

⁸⁰ Korczok, *Die griechisch-katholische Kirche in Galizien*, 39.

⁸¹ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 641.

metropolitan.⁸² Ukrainians maintained extraordinarily privileges and resisted Germanization as the clergy became the *de facto* secular leaders of the exclusively peasant Ruthenians, thanks to the education they received in Habsburg seminaries. Doubts remained, however, about Ruthenian clergy in the Hungarian Kingdom, especially after the 1831 peasant uprising in Hungary and the poor response by the Greek Catholic clergy in restoring order.⁸³

The vast majority of Orthodox, like Protestants, did not live under the jurisdiction of the Toleration Patent. In Hungary, article 27 of the 1791 set the rules for Orthodox. In Galicia, the Warsaw Tractate (see Chapter 3) set the standard for toleration, while in Bukovina, a Tractate with the Ottoman Porte promised equality of Orthodox with Catholics.⁸⁴ In 1835, the Court Chancellery affirmed that Catholicism was not the dominant religion there and, thus, did not have the commensurate status with Orthodoxy.⁸⁵

In Bukovina the Habsburgs successfully established centralized rule. After wresting this territory from the Ottomans, the government abolished the bishop of Bukovina's subordination to the metropolitanate of Jahsy and the patriarch of Constantinople. In 1786, Joseph rejected suggestions to reduce Carlowitz's authority in Bukovina merely to matters of dogma. He instead subordinated the Bukovinan hierarchy to Carlowitz but asserted the state's right to nominate the bishop. That same year, Joseph reaffirmed the practice under Moldovian rule of allowing equality for Orthodox and Catholics. In mixed marriages, the son followed the father and the daughter the mother in religious matters, and non-Catholics only paid a fee (*stola*) when they

⁸² Korczok, *Die griechisch-katholische Kirche in Galizien*, 50.

⁸³ Minister Francis Anton von Kolowrat-Liebsteinsky complained, for example about the "unreliable Russniak [*Russniakischen*] clergy," in report of Kolowrat to Francis, December 23, 1831, in HHStA, KA, Staatsrat (Str), Minister Kolowrat Akten (MKA), 2650 (1831)/2801.

⁸⁴ Galician government to the Court Chancellery, March 29, 1826, in AVA, AK, Orthodoxer, 4 (Generalvikar)/162.

⁸⁵ Galician government to the Court Chancellery, January 15, 1841, in AVA, AK, Orthodoxer, 9 (Ehen)/ no number provided.

received a service from a Catholic priest. Vienna confirmed this rule in 1835.⁸⁶ The archbishop of Lemberg, Francis de Paula Pištěk, complained the next year about these rules but also that Orthodox priests also carried out funerals and baptisms of Catholics.⁸⁷

The Bukovinan Orthodox hierarchy also had a *Religionsfond* backed not only by the state treasury but by mortgaged monastic property. This fund appointed a priest for every 250 households and six protopopes.⁸⁸ It paid the rents for traveling Orthodox soldiers in Galicia, who rented out the numerous Catholic churches.⁸⁹ In addition, this *Religionsfond* endowed several professorships at a theological institute set up in Czernowicz in 1825.⁹⁰ By the 1840s, this fund enjoyed a reputation for being well endowed and had a sizeable yearly surplus.⁹¹

Austrian officials also claimed substantial ecclesiastical authority over Dalmatia. Dalmatia had been a part of the Venetian Republic before falling to Napoleon in 1797, and it had gone back and forth between Austria and France before the Habsburgs took possession of it again in 1814. North Dalmatia and the Littoral (*Küstenland*) had been under the Catholic bishop of Venice since 1691.⁹² When the Austrians entered, Orthodox leaders presented to Count

⁸⁶ “Decree of July 21, 1835,” in *Urkundenbuch zum Oesterreichisch-Evangelischen Kirchenrecht* ed. Karl Kuzmany (Vienna: Wilhelm Braumüller, 1855), 106.

⁸⁷ Archbishop Pištěk to Ferdinand, October 1836, in AVA, AK, Katholischer, 498 (Pfarreien in Galizien, 1826-1849)/1270.

⁸⁸ Der Verhältnisse der griechisch nicht unierte kirche in der osterreichische Staaten (The status of the Greek non-Uniate Church in the Austrian states) (no date), in AVA, AK, Griechisch-Orthodoxer, 1 (Generalia)/445/29.

⁸⁹ Abandoned Catholic Churches dotted Galicia, and the state gave several of them to Reformed and Lutheran congregations. In 1826 the Galician government tried to give the Orthodox St. John’s, in a suburb of Lemberg, but Alois Jüstel, killed this plan, in Galician government to the Court Chancellery, March 29, 1826, in AVA, AK, Orthodoxer, 4 (Generalvikar)/162.

⁹⁰ Der Verhältnisse der griechisch nicht unierte kirche in der osterreichische Staaten (no date), in AVA, AK, Orthodoxer, 1 (Generalia)/445/29.

⁹¹ In the 1840s, Vienna allocated this surplus to build an Orthodox Cathedral in Czernowitz, the capital of Bukovina. Austrian officials had approved this project in 1792, but due to money shortages, the project was delayed multiple times, in report of the Court Chancellery to Ferdinand, March 30, 1843, in AVA, AK, Orthodoxer, 4 (Generalvikar)/10218.

⁹² Turczynski, *Konfession und Nation*, 425.

Raymond Thurn demands for an Orthodox hierarchy, which he supported and forwarded to Vienna.⁹³ The Austrian advisor, Ignaz von Brenner, proposed an Orthodox bishop for this region in 1802, but Austria soon lost the territory.⁹⁴

Under Venetian rule, the Serbs in Dalmatia lived under a Greek Catholic bishop, but in 1810, Napoleon appointed the Bosnian, Benedict Kraljević as the first Orthodox bishop. The Austrian police, informed by the bishop's rival, Gerasim Zelic, tried to remove him. They argued he was installed illegally and had not been consecrated. They claimed, furthermore, that in the 1809 war, Kraljević had excommunicated priests appointed during the first Austrian rule, and had governed with "Turkish despotism" (*Türkischer Willkühr*). Kraljević's defenders, namely Baron von Tomassich, argued that Napoleon had made the bishop do these things.⁹⁵ The bishop faced opposition from local officials in Dalmatia, who wanted to pension off Kraljević because he was a foreigner, disqualifying him to be a bishop in Austria, and was probably loyal to Napoleon.⁹⁶ In addition, due to his previous oaths, he was subordinate to the patriarch of Constantinople, raising questions from the Central Organization Court Commission (ZOH), the task force Vienna charged with reorganizing northern Italy in 1815.⁹⁷

The main argument against Kraljević, however, was that he was not legally consecrated. He had been the bishop of Sarajevo, but during the Russo-Turkish war of 1806 Ottoman authorities locked him in a fortress. He only obtained his freedom once the Grand Vizier died

⁹³ Paul Pisani, *La Dalmatie: De 1797 à 1815: Episode des Conquêtes Napoléoniennes* (Paris: Alphonse Picard et Fils, éditeurs, 1893), 84-85.

⁹⁴ Ulrike Tischler, *Die Habsburgische Politik gegenüber den Serben und Montenegrinern 1791-1822: Förderung oder Vereinnahmung* (Munich: Oldenbourg Verlag, 2000), 54.

⁹⁵ Court Chancellery to the emperor, April 2, 1816, in AVA, AK, Orthodoxer, 3 (Bischöfe: Dalmatien)/2347.

⁹⁶ Tomassich to the Central Organisation Court Commission (ZOH), July 19, 1816, in AVA, AK, Orthodoxer, 3/131.

⁹⁷ The Hungarian Court Chancellery investigated this matter for the ZOH, see note to the ZOH, August 15, 1815, in AVA, AK, Orthodoxer, 3/10975.

and the new one accepted a payment of 5,000 piaster for the bishop's freedom. Kraljević fled to Austria in 1807, supposedly in the wake of the discovery of an Ottoman plot to kill him. After a trip to Russia, he moved to Dalmatia to be closer to his dioceses in Bosnia, where he befriended the French general, Auguste de Marmont.⁹⁸

Vienna consulted the metropolitan, Stephan Stratimirović, who said that Kraljević had received the proper consecration in the Ottoman Empire and could be the suffragan bishop to Carlowitz. The two bishops lied to Vienna and wrote that the Dalmatian church was historically subordinated to Sarajevo and that Kraljević was simply transferring to another diocese.⁹⁹ The metropolitan also claimed that Kraljević's former bishopric in Bosnia had been independent from Constantinople.¹⁰⁰ Ultimately, Austrian officials ignored these scruples, and Kraljević kept his bishopric before renewed controversy forced his retirement in the 1820s (see the section on the Union).

Austrian officials did not outline a set of rules regulating confessional relationships for Dalmatia, and after disputes over processions, mixed marriages, and conversions, considered applying the Toleration Patent. There was little legal precedent from the period of Venetian rule, when the Orthodox had been erroneously treated as Greek Catholics and subordinated to the bishopric in Philadelphia, located in the Ottoman Empire. In the 1820s religious feuds broke out between the Orthodox and Catholics, necessitating a statement from Vienna on toleration. The Catholic archbishop of Zara complained about Orthodox Churches ringing bells, holding public worship, performing mixed marriages and urged officials to apply the Edict of Toleration, which

⁹⁸ Court Chancellery to the emperor, April 2, 1816, in AVA, AK, *Orthodoxer*, 3/2347.

⁹⁹ ZOH to the emperor, December 18, 1815, in AVA, AK, *Orthodoxer*, 8 (Unterricht)/1127. Stratimirović wrote that the subordination to Constantinople was meaningless and that Orthodox bishops traditionally had independence, unlike in Catholicism with its universal monarchy, see Stephan Stratimirović to the Hungarian Court Chancellery, August 3, 1815, in AVA, AK, *Orthodoxer*, 3/10975.

¹⁰⁰ Note to the ZOH, August 15, 1815, in AVA, AK, *Orthodoxer*, 3/10975.

placed restrictions on these activities by non-Catholics.¹⁰¹ The Catholic bishop of Cattaro (Kotor) agreed but wanted tougher restrictions than the Edict of Toleration. Catholic bishops in Spalato, Spenico, and Ragusa opposed publication of the Toleration Patent.

Vienna opted not to publish the Toleration Patent in favor of the more lenient (to the Orthodox) Napoleonic and Russian rules. In 1830 local officials issued a decree prohibiting Catholics from attending Orthodox services and baptizing girls in mixed marriages into the Greek rite; they threatened Greek priests with prosecution if they violated these rules. The Orthodox bishop Joseph Rajačić complained that these policies would cause disorder and appealed to Vienna, which agreed with him. The Habsburg administration thought the publication of the Toleration Patent in Dalmatia would lead to unnecessary discussion, which could be “dangerous.”¹⁰² The Court Chancellery argued that the Toleration Patent would restrict the rights of Orthodox in Dalmatia, where they enjoyed freedom of religion. Officials noted that any “cruel (*grelle*) measure would be bad and have a disturbing effect.”¹⁰³ They contended the Edict of Toleration would be superfluous there anyway due to the prevailing French norms and only create dissatisfaction among the Orthodox. In addition, Vienna thought banning Catholics from Orthodox services would only “bring up issues we do not want to discuss, namely disunity in marriage” and that such a measure would only create curiosity.¹⁰⁴ The Court Chancellery viewed the laws against disturbing the religious peace in the criminal code as sufficient. Ultimately Vienna decided not to publish the Toleration Patent there in 1834 and instead

¹⁰¹ Court Chancellery to the emperor, January 17, 1833, in AVA, AK, Orthodoxer 1 (Generalia)/25118.

¹⁰² Court Chancellery to Francis, January 17, 1833, in AVA, AK, Orthodoxer 1/25118.

¹⁰³ Court Chancellery to Francis, January 17, 1833, in AVA, AK, Orthodoxer 1/25118/26

¹⁰⁴ Court Chancellery to Francis, January 17, 1833, in AVA, AK, Orthodoxer 1/25118.

determined that Dalmatian Orthodoxy should have protections and privileges beyond the Patent.¹⁰⁵

The Orthodox bishopric in Dalmatia was based in Sebenico (Sibenik). In 1834, Vienna decided to move the bishopric to Zadar, to keep a better eye on the bishop, noting “the bishop will be located in the area of the governor, who can surely and more easily manage religious affairs.”¹⁰⁶ After consulting the bishop, Pantelejmon Živković, Vienna changed course. Živković opposed this move, noting that Zadar was far from the Orthodox populations and that such a transfer would make a very “unfavorable impression” on the Orthodox inhabitants.¹⁰⁷ Vienna yielded and decided to delay the transfer until the next bishop took office, though it was not until 1848 that the government executed this order.¹⁰⁸

In Vienna, different rules and privileges governed the Orthodox community. St. George’s church was only nominally subordinated to Carlowitz, with the metropolitan only having rights to confirm a priest. Beginning with Joseph, Greek traders could worship with the liturgy of their choice. In 1796, Francis granted exemptions to St. George’s and allowed it to erect a tower and to have direct access to a main street but refused its request for subordination under the patriarch of Constantinople.¹⁰⁹ This Church had difficulties purchasing property because most of its parishioners were Turkish subjects and, thus, foreigners banned from owning land, but after numerous bureaucratic delays they ultimately obtained property. The Church of

¹⁰⁵ Decision of the emperor, March 16, 1834, in AVA, AK, Orthodoxer 1/25118.

¹⁰⁶ Report of the Court Chancellery to Ferdinand, October 10, 1835, in AVA, AK, Orthodoxer, 3/15188.

¹⁰⁷ Report of the Court Chancellery to Ferdinand, December 4, 1835, in AVA, AK, Griechisch-Orthodoxer 3/15188.

¹⁰⁸ “Verhältnisse der Griechen in Dalmatien” (Relations of Greeks in Dalmatia) no name, no date, in AVA, AK, Grieschisch-Orthodoxer, 11/no number provided. In 1841, the government delayed again in 1841, see report of the Court Chancellery to Ferdinand, June 17, 1841, in AVA, AK, Orthodoxer, 4 (Generalvikar)/18437.

¹⁰⁹ Plöchl, *Die Wiener orthodoxen Griechen*, 42.

the Holy Trinity obtained similar privileges from Francis in 1796 and could ring bells and access the main street; this church was only nominally subordinated to Carlowitz. In 1804 it received permission to set up a school as long as the teachers were Austrian citizens who had passed the required exams.¹¹⁰ In 1809, the government of lower Austria applied the 1808 rule (see Chapter 3), which freed non-Catholic schools from Catholic inspection, to the Orthodox community.¹¹¹ The government also considered the property of these schools inalienable.¹¹² State officials defended the autonomy of Viennese Greeks and scolded Orthodox bishops, such as Dionysis Popovich in Buda, who attempted to intervene in the internal affairs of Greek traders.¹¹³ Although Greek traders had special rights as a protected class, as foreigners they could not buy property and remained restricted in Vienna to the two churches Francis had privileged.¹¹⁴

Austrian officials tried to structure the Orthodox Church like the Catholic one. They strove to reduce the power of the regular clergy, and in the Habsburg Empire's newly acquired provinces, such as Dalmatia, officials sought to reduce the influence of Carlowitz and subordinate Orthodoxy to Vienna. The Austrian government promoted education in Greek Catholic and Orthodox communities and wanted secular clergy to focus on tasks such as caring for the sick and providing moral instruction. In addition, there was a consensus among Habsburg officials that the Orthodox clergy was still poorly educated and required substantial reform to bring it up to the standards of the Catholic priesthood. Yet Habsburg officials were also eager to maintain religious harmony and retained established social and clerical structures. Habsburg

¹¹⁰ Court Chancellery to Francis, 1804 in AVA, AK, Orthodoxer, 8/107.

¹¹¹ Report of the government of Lower Austria, 1809, in AVA, AK, Orthodoxer, 8/19.

¹¹² Sitting of the Court Chancellery, August 7, 1845, in AVA, AK, Orthodoxer, 8/18714/26616.

¹¹³ Court Chancellery to Francis, April 27, 1797, 9 (Gottesdienst). These protections did not stop certain magistrates from trying to exercise authority over Greek traders, see sitting of the Court Chancellery, July 31, 1820, in Finanz-und-hofkammerarchiv (FHKA), Neue Hofkammer/Kommerz/Akten/Kommerzregulierungs-Hofkommission/2184 (10) /56.

¹¹⁴ Court Chancellery to Francis, December 7, 1803, in AVA, AK, Orthodoxer, 4 /115.

officials, thus, proceeded cautiously and respected Carlowitz's authority over its Hungarian suffragan dioceses. Vienna sought centralization of Orthodoxy under the state, but only did so when the opportunity arose, such as after the annexation of new territories. Yet in these instances, the state also faced the problem of loyalty and connections to old masters.

Austrian Orthodoxy and the East

The most problematic regulations for the Orthodox Church in the Habsburg Empire dealt with relationships with foreign powers. Habsburg rules on contacting outside leaders proved harder to enforce on the Orthodox than for the Catholics, who, in general, could not contact the pope (see Chapter 2). While the state had effectively co-opted the Catholic Church and cut it off from Rome, Austrian officials had a harder time controlling relations between the Orthodox hierarchy and the Ottoman and Russian episcopacies. Many Orthodox Christians still had relations with their co-believers in the Ottoman Empire, and periodic persecution there forced new waves of emigrants to seek asylum in the Habsburg Empire, renewing these linkages. In addition, Orthodox sects such as the Old Believers fled tsarist persecution and found a home in the Habsburg monarchy, attracting the attention of the police. More worrisome was Russia, which aggressively marketed its Orthodoxy and engendered fear among Austrian officials that the Habsburg borderlands contained disloyal Orthodox inhabitants. As in the case of the Protestants (see Chapter 3), Austrian administrators ended up tolerating communication with non-Habsburg authorities for the sake of religious harmony.

Unlike the other powers of Europe, the Habsburgs did not insert confessionalism into their foreign policy, and Metternich strove to stabilize the Ottoman Empire, which like the Habsburg one was vulnerable to nationalism and confessional conflict. Metternich rejected confessional preferences in foreign policy, and even respected Islam, admiring its contributions

to European civilization. Founded in 1754, the Oriental Academy in Vienna encouraged students to reject stereotypes about Muslims, and Austrian foreign policy reflected this approach, though it was also in Vienna's interest.¹¹⁵ Although notable Greeks, such as Christos Hirlian Langenfeld, had helped supply the Austrian army in Austria's war against Turkey in 1787, Austria had only reluctantly entered this war as an ally of Russia and had wiggled out of the conflict.¹¹⁶ This war was the last one Austria fought with the Ottomans, and Austria sought to preserve the Ottoman Empire, even in the eighteenth century, and kept this stance into the twentieth century.¹¹⁷

During an era in which even France was belligerent about protecting Catholics in the Ottoman Empire, Metternich resisted efforts to dismantle the Sultan's empire or to infringe on his sovereignty.¹¹⁸ The "coachman of Europe" constantly had to remind his European counterparts, especially in Prussia, that Jerusalem was a holy city for Muslims as well as for Christians. He argued unsuccessfully with Rome that the Greek revolt was not a crusade but rather a revolt against legitimate authority. Metternich also accused the Orthodox Armenians of exploiting the Greek revolt. In 1828, Patriarch Karapet ordered the expulsion of Armenian Catholics and forced those who stayed to convert.¹¹⁹ Due to the potential for these Orthodox tensions to spill over into the Habsburg lands, Austria had plenty to fear about its Orthodox

¹¹⁵ Miroslav Sedivy, *Metternich, the Great Powers and the Eastern Question* (Pilsen, Czech Republic: University of West Bohemia, 2013), 370-372.

¹¹⁶ Letter of nobility from Leopold II to Christophore Kirlian-Langenfeld, August 16, 1790, in Polychronis K. Enepekides, "Handschriftliche Quellen des Österreichischen Staatsarchivs zur Geschichte der griechischen Kolonien in der österreichisch-ungarischen Monarchie mit besonderer Berücksichtigung Wiens," in *Actes du IV Congrès International des Sciences Anthropologiques et Ethnologiques, Vienne 1952, Tome III* (1956), 205-206.

¹¹⁷ This is the thesis of Karl Roider, *Austria's Eastern Question, 1700-1790* (Princeton, N.J.: Princeton University Press, 1982).

¹¹⁸ Sedivy, *Metternich, the Great Powers and the Eastern Question*, 383.

¹¹⁹ Sedivy, 342.

presence on its eastern borders, especially after the Greek Revolution in 1820 against the Ottoman Empire.

Austria had been a magnet for Greeks in the eighteenth century. The Peace of Carlowitz had provided protection for Greek traders, who remained Ottoman subjects with privileges, and as a result, Vienna grew into a center of the Hellenic cultural movement.¹²⁰ Numerous Greek communities appeared in Pest, Temesvar, Miskolc and Kecskemét as Greeks from Macedonia moved to Hungary. The first Greek newspaper appeared in Vienna in 1790, along with a printer.¹²¹ In 1804, Neophytos Dukas, a Greek archimandrite in Vienna, requested a Greek newspaper, after the previous one had ceased publication, noting that it would submit to the censors, promote “useful” knowledge and bring in money from Greeks abroad in Russia, Wallachia, Turkey and Macedonia, where newspapers were supposedly scarce.¹²² Joseph Francis Hall, the imperial censor, promoted this project, noting that it was primarily commercial not political and that it could present an Austrian point of view to foreign countries. Hall also made sure that this paper, innocently named *Nachrichten für den Orient* (News for the Orient), would not contain anything offensive to the Ottoman Porte.¹²³ In 1817, the historian and archimandrite Anthimos Gazis received approval for establishing his own printer. Finally, the Habsburg emperors raised numerous Greeks into the nobility.¹²⁴

¹²⁰ Plöchl, *Die Wiener orthodoxen Griechen*, 25.

¹²¹ Enepekides, “Handschriftliche Quellen des Österreichischen Staatsarchivs zur Geschichte der griechischen Kolonien in der österreichisch-ungarischen Monarchie,” 197-199.

¹²² Neofytos Dukas to the government of Lower Austria, 1804, in Enepekides, “Handschriftliche Quellen des Österreichischen Staatsarchivs zur Geschichte der griechischen Kolonien in der österreichisch-ungarischen Monarchie,” 210

¹²³ Francis Hall to Francis, January 30, 1805, in Enepekides, “Handschriftliche Quellen des Österreichischen Staatsarchivs zur Geschichte der griechischen Kolonien in der österreichisch-ungarischen Monarchie,” 211.

¹²⁴ Plöchl, *Die Wiener orthodoxen Griechen*, 24-26.

Austria infamously opposed, however, revolutionary movements emanating from Greece. Austria played a role in the handling of Rigas Velestnlis, known as the “poet” of the Greek revolution. Velestnlis had agitated for autonomy for the Balkans during the 1788-1792 Russo-Turkish War. In 1793 he resided briefly in Vienna and Trieste in 1793, where he printed revolutionary news coming out of France and attracted, of course, police attention. The police arrested Greeks in Hungary, Vienna, and Trieste that year and warned Francis that Velestnlis planned to raise money in Orthodox monasteries to buy weapons and stir up rebels in Morea and Macedonia. The police interrogated prominent Greeks, such as Langenfeld, but released them due to lack of evidence.¹²⁵ Ultimately, the Austrian government deported Velestnlis to the Kaymakam (governor) in Belgrade, where Ottoman officials hanged him the next year.¹²⁶

Austria could not, however, prevent a Greek revolution, which broke out in 1821 and succeeded in creating an independent Greece by 1830. Austrian officials viewed Alexander Ypsilantis, an instigator of the revolt, as a carbonari, though they eventually granted him asylum.¹²⁷ Metternich’s cooperation with Lord Robert Castlereagh ended in 1822, when the British foreign secretary committed suicide. Castlereagh’s successor changed British policy toward Greece in favor of intervention. Metternich had been able to coax Tsar Alexander into restraint, over the objections of the Russian cabinet, but could not keep the new tsar, Nicholas I (r. 1825-1855), out of the Greek conflict.¹²⁸ As the war escalated, a refugee crisis also increased

¹²⁵ The Viennese Polizeioberdirektion (P.O.D) to Francis, in Polychronis K. Enepekides, *Wiener Untersuchungsakten aus dem Jahre 1793 einer Griechischen Angeblichen Spionageaffäre: ein Beitrag zu den Lebensschicksalen der beiden Griechen Johann Haggi Mosko und Georg Theochar, mitarbeiter des Rigas Velestinlis* (Thessalonike: Vasilissis Sofias, 1956), 375-378.

¹²⁶ Velestnlis is considered a martyr and is featured prominently on Orthodox buildings today in Vienna.

¹²⁷ Sedivy, *Metternich, the Great Powers and the Eastern Question*, 62.

¹²⁸ For more information, see the chapter “The Greek Insurrection” in: Henry Kissinger *A World Restored: Metternich, Castlereagh and the Problems of Peace 1812-1822* (Boston: Houghton Mifflin, 1957).

the Greek population as many poor Greeks simply fled the conflict and made their way to Vienna through Galicia.¹²⁹ Despite this change of events, the police continued to hinder support for the Greek cause. For example, the police intercepted letters from the German philhellene Professor Frederick Thiersch ordering Greek printers to distribute literature to help the “War of liberation” (*Befreiungskrieg*).¹³⁰ In 1821 the Greeks in Vienna elected the revolutionary songwriter Constantine Kokkinakis as a member of their community.¹³¹ The police also spied on Greek students, and apprehended and questioned those with illegal passports and weapons at the border. Despite domestic Austrian action against Greek revolutionaries, Greek independence came in 1832 after direct intervention from European powers, especially Russia.

Confession was often closely linked to nationality in the East, and Russian protection for its Orthodox brethren threatened Austria with the loss of its Ukrainian, Serbian, and Romanian territories. Vienna had limited control over Orthodox bishops and had trouble finding imperial officials who could speak Serbian and participate at the national congresses. Carlowitz suppressed Old Church Slavonic and used Russian in the liturgy. Orthodox missals were printed in Russian and imported from the Tsarist Empire. Vienna supported efforts by Vuk Karadžić to create a latinized Serbian alphabet, which they hoped would distance Serbian from Russian Cyrillic. Several proposals floated, especially among officials in Hungary, to elevate Serbian as the official language of Habsburg Orthodoxy.¹³² Notes exchanged among various ministries in

¹²⁹The committee of the Turkish-Greek community in Vienna at St. George’s to the Polizey Hofstelle, October 5, 1822, in Enepekides, “Handschriftliche Quellen des Österreichischen Staatsarchivs zur Geschichte der griechischen Kolonien in der österreichisch-ungarischen Monarchie,” 223.

¹³⁰ Professor Thiersch to Nicolas Strati, July 25, 1821, in Enepekides, “Handschriftliche Quellen des Österreichischen Staatsarchivs.” 216.

¹³¹ N. Postolacca to P.O.D, October 19, 1821, in Enepekides, “Handschriftliche Quellen des Österreichischen Staatsarchivs,” 221-222.

¹³² Informations-Protocoll, Ungarisch-Siebenbürgische Section, July 15, 1847, in MOL-O, A-105, 31659.

the monarchy about Orthodoxy commonly expressed fear about Russian schemes on the various Orthodox communities in Austria—and with good reason.

Serbs had traditionally looked to St. Petersburg for spiritual and political support. In the eighteenth century, due to Austrian suppression, many Serbs studied at Russian ecclesiastical centers in Kiev, and referred to Peter the Great as *Nas Car* (our tsar).¹³³ After 1804, due to an attempt by the Janissaries to massacre several hundred prominent Serbian leaders, Serbs under Ottoman rule were in a state of constant revolt. Although Austrian officials convinced the tsar not to back the initial 1804 revolt, Russia soon took up the Serbian cause, much to the chagrin of Austrian officials, who viewed the Ottoman Empire as a barrier against Russia in the Balkans. In the 1806-1812 Russo-Turkish War, Austria hoped for an Ottoman victory, fearing that Russian propaganda would rally the Orthodox world against Turkey.¹³⁴ Austrian officials, though they provided cautious humanitarian assistance to Serbs, cringed as Russian aid resulted in success for Serbian rebels, and Russian troops even entered Belgrade in 1811.¹³⁵ At the Congress of Vienna, Russia argued it had a legitimate interest in the Balkans due to shared religion, contending that “the motives common to all the states of Europe are religion” and that Russia could not look idly on the “the scenes of carnage” taking place in Serbia.¹³⁶ Ultimately Serbia obtained autonomy in

¹³³ Jelavich, “Some Aspects of Serbian Religious Development in the Eighteenth Century,” 147.

¹³⁴ Tischler, *Die Habsburgische Politik gegenüber den Serben und Montenegrinern*, 63-65.

¹³⁵ Kara George and other Serbian leaders requested Austrian aid, which Vienna granted in order to retain influence in Serbian affairs. General Joseph Radetzky von Radetz also advocated aid for Serbs to convince them that Austrian aid was more reliable, see Tischler, 65, 119. For a summary of Austria’s stance toward Kara George and the Serbian revolt, see Adolf Beer, *Orientalische Politik Oesterreichs since 1774* (Prague: F. Tempsky, 1883), 180-259.

¹³⁶ Brian F. Vick, *The Congress of Vienna: Power and Politics after Napoleon* (Cambridge MA: Harvard University Press, 2014), 225.

1829, with direct Russian support, leaving Serbs there under the corrupt and cruel rule of Milos Obrenovic.¹³⁷

Romanians were scattered throughout Bukovina, the Banat and Transylvania, but also the Principalities, which were outside of the Habsburg Empire. Although the Principalities remained technically under Ottoman suzerainty, in reality Russian influence had been growing there since the treaty of Küçük Kaynarca in 1774, which recognized Russia's right to intervention in the Principalities. In 1812 at the end of a Russo-Ottoman War, Russia gained Bessarabia, formerly part of the Principalities. Russia took seriously its role as a defender of the Orthodox for the Romanians. In 1821 the tsar promised, for example, protection for Orthodox Romanian nationalists.¹³⁸ That year the Russian threat grew during the Greek revolt, which in the Principalities resulted in the removal of the ruling Greek Phanariots, who had administered the province but lost their positions due to distrust of Greeks in Constantinople. In 1829, as the Ottomans conceded defeat in the Greek war, Russia asserted its control over the Principalities, implementing the Organic Statutes, which limited Ottoman authority to a simple tribute, while Russian officials ran the territory.¹³⁹ In the same year, the police in Austria grew alarmed at the presence of Orthodox priests in Hermannstadt and Kronstadt (Braşov), who received their appointments from Russia rather than a domestic authority and were of questionable loyalty to Vienna.¹⁴⁰

¹³⁷ Petrovich, *A History of Modern Serbia*, 133-139. The next year, Serbs obtained the right in the Ottoman Empire to elect their own bishops, see Leopold von Ranke, *Serbien und die Türkei im neunzehnten Jahrhundert* (Leipzig: Dunker&Humblot, 1879), 226-227.

¹³⁸ R.J.W. Evans, "Religion und Nation in Ungarn, 1790-1849," in *Siebenbürgen in der Habsburgermonarchie: Vom Leopoldinium bis zum Ausgleich (1690-1867)*, eds. Zsolt Lengyel and Ulrich Andreas Wien (Cologne: Böhlau, 1999), 39.

¹³⁹ Barbara Jelavich, *Russia and the Formation of the Romanian National State 1821-1878* (Cambridge U.K.: Cambridge University Press, 1984), 21-33.

¹⁴⁰ Report of the Transylvanian Court Chancellery, March 12, 1831, in HHStA, KA, Str, MKA, 50 (1831)/739.

In Dalmatia, Austrian officials also wrestled with the loyalty of its Orthodox population. During the first Austrian occupation in 1797, the Orthodox metropolitanate of Montenegro made claims to the Adriatic coast and appealed to the Orthodox population there. In 1802, the diplomat Ignaz von Brenner noted that the “Greek archbishop or metropolitan ...is a power hungry, ambitious man, who ...is showered with honorary titles from Russia.”¹⁴¹ An instruction from Vienna on October 4, 1800 promised the “full freedom of worship in Albania”¹⁴² to counter the metropolitan’s influence.¹⁴³ Yet the metropolitan continued to seek Russian aid, made easier by the Russian naval base in the Ionian islands directly next to Montenegro. Metternich considered annexing Montenegro, noting that tolerant Austrian rule would eventually “make a deep impression [on Orthodox Christians] and provide a powerful counterweight to the exclusive religious influence of Russia.”¹⁴⁴ Austrian officials continued to push to separate autonomous Montenegro formally from the Ottoman Empire for fear of Russian influence.¹⁴⁵ Yet this plan never came to fruition, for it would have required war with the Ottoman Empire. Thus, Habsburg policy remained cautious toward the Orthodox in the Balkans.

The government also worried about the loyalty of its Orthodox population on the military border. Many officials feared that Serbs there would be loyal to Russia and that the peasants and unenlightened clergy would stir up the masses against the government. In 1807 Archduke Ludwig, after a series of Russian victories against the Ottomans, warned that “the whole military border and the entire monarchy was threatened” and that “their joy over the advance of the

¹⁴¹ Tischler, *Die Habsburgische Politik gegenüber den Serben und Montenegrinern*, 53-54.

¹⁴² Albania was the term Habsburg officials often labeled for Catholic Dalmatia, see Tischler, 340.

¹⁴³ Tischler, *Die Habsburgische Politik gegenüber den Serben und Montenegrinern*, 53.

¹⁴⁴ Tischler, 205.

¹⁴⁵ Report of the Haus, Hof, und Staatskanzler, July 11, 1830, in HHStA, KA, Str, MKA, 2650 (1831)/2826.

Russians in Turkey and the attained independence of the Serbs is extraordinary.”¹⁴⁶ Such fears grew in the aftermath of the Greek revolt. In one report to Francis in 1825, the author noted that “history shows that in similar situations, provinces fall away and become separated from their ‘mother state’ (*Mutterstaat*).”¹⁴⁷ The poor state of the Orthodox clergy, which had few educational opportunities on the Military Border, left the priests dependent on the peasants and not the state. As a result, priests could exploit events in the east and in one report noted that “where the clergy is dependent on the people...he cannot let any opportunity go unused, to bring about advantages for himself.”¹⁴⁸ When Tsar Alexander died in 1825, for example, rumors spread, presumably from Orthodox priests, that his death had been caused by the Russian alliance with a Catholic sovereign.¹⁴⁹ Moreover, rumors of patriotic speeches in Moscow on the cause of Greek independence and Orthodoxy made their way into the Military Border in Serbian. Talk of a conspiracy of Greeks in Moldavia, Russia, and Serbs in the Habsburg monarchy also made its way to Vienna. This state of affairs provided justification for Catholic advocates of converting the Orthodox to the Union, who sent letters to Francis warning that in the Military Border, “where the whole population was armed...the hate against Catholics among Greeks is already so intense that plans are sketched, in case Russia should provide assistance, to plunder and destroy Catholic villages.”¹⁵⁰ Fears did not abate until the election of Joseph Rajačić as metropolitan, who came from a prominent, loyal family in the Military Border.¹⁵¹

¹⁴⁶ Tischler, *Die Habsburgische Politik gegenüber den Serben und Montenegrinern*, 67-68.

¹⁴⁷ “Memoirs uiber die Anzeigen der Umtreibe der griechen nicht unierten Geistlichkeit in der Militärgränzen,” (Memorandum on the Activities of the Greek non-uniate Clergy on the Military Border), in HHStA, KA, Kaiser Franz Akten (KFA), 230/92.

¹⁴⁸ “wo die geistlichkeit vom Volke abhängt...kein gelegenheit unbenütz lassen, vortheilhaft für seine Zweke auf dasselbe zu wirken,” in HHStA, KA, KFA, 230/93.

¹⁴⁹ HHStA, KA, KFA, 230/92.

¹⁵⁰ HHStA, KA, KFA, 230/95.

¹⁵¹ Rothenberg, *The Military Border in Croatia 1740-1881*, 137.

In response to this Russian threat, the Austrian government drew up plans to centralize the entire Orthodox Church under a single synod.¹⁵² Officials in Vienna admired Russia's handling of the Catholic Church in Poland. They hatched a plan to implement similar forms of centralization, on the model of the Catholic *Collegium*, which was a section of the Cultural (*Cultus*) and Education ministry in Russia, and the Great Synod of St. Petersburg. The *Collegium* was the highest authority in the Catholic Church in Russian Poland and it, along with the Synod of St. Petersburg, determined curriculum, suggested candidates for bishop, and ruled decisively on issues of doctrine for its respective religion. Such a structure sought to eliminate Russian influence on Habsburg Orthodoxy, remedy the problem of chronically undereducated priests, and distribute prayer books omitting prayers for the Russian tsar. This plan faltered, however, on resistance from the Hungarian Chancellor, Count Adam Reviczky von Revisnye, who argued it was unconstitutional given the relative political autonomy of the Kingdom of Hungary from the rest of the monarchy. He wanted any synod restricted to Dalmatia, which was not in the Hungarian Kingdom, and to be done with the agreement of Carlowitz.¹⁵³ The Supreme Chancellor, Count Anton von Mittrowsky, agreed with Reviczky, noting that it would create "many material difficulties" over a "mere administrative matter" and that Vienna could control Carlowitz without resorting to a centralized synod.¹⁵⁴ Francis was ambivalent about the plan, ordered more reports, and the matter dropped.

Instead, the Habsburg state tried to restrict the Orthodox clergy's contact with foreigners, though it granted many exemptions, despite the dangers to Austria's east. The government set up, for example, numerous seminaries to train Orthodox clergy in the Habsburg Empire. In the

¹⁵² See details in the report of the Supreme Chancellor Mittrowsky, March 19, 1831, in HHStA, KA, Str, MKA, 50 (1831)/724.

¹⁵³ Report of Reviczky, May 2, 1831, in HHStA, KA, Str, MKA, 50 (1831)/724.

¹⁵⁴ Report of Mittrowsky, December 19, 1830, in HHStA, KA, Str, MKA, 50 (1831)/724.

Military Border, which was administered by the Court War Council (*Hofkriegsrat*), officials advocated the creation of state seminaries for Orthodox priests in order to free them from relying on “gimmicks” (*Kunstgriffen*) to win support among the local population and “in order to alienate (*entfremden*) them from their people and to reduce their influence.¹⁵⁵ As a result, Orthodox Christians had to study at seminaries and schools in the Habsburg Empire. In most cases, however, violators of this rule received a warning or a dispensation in order to reduce the shortage of priests.¹⁵⁶

One case in Dalmatia illustrates the Austrian authorities’ desire to compromise in order to keep the peace within minority religious communities. An Orthodox monk named Demitrio Perasich traveled illegally to Russia in 1815 and received a pension of 400 rubles and aid for his monastery from the tsar. At first the ZOH and officials in Vienna advised clemency, but the governor of Dalmatia requested that ambassadors in St. Petersburg and Constantinople keep an eye on this monk. In 1817, the police reported that Perasich had appeared in Odessa, and once he made it back to Dalmatia asked for forgiveness for his unauthorized trip. Bishop Kraljević, who was also a foreigner, and other officials, suggested a yearlong imprisonment, but the government feared the Orthodox population would become “agitated” and simply transferred Perasich, where he continued to draw a salary.¹⁵⁷ A year later, however, the Court Chancellery

¹⁵⁵ HHStA, KA, KFA, 230/99.

¹⁵⁶ For example, in 1846 Ferdinand allowed priests to who had obtained consecration in Herzegovina and were, thus, banned from practicing in Austria, to take up their offices. This dispensation came due to requests by the governor of Dalmatia, who noted that these priests were still qualified and that there was a shortage of Orthodox priests, in decision of Ferdinand, June 27, 1846, in AVA, AK, Orthodoxer, 9 (Priesterweihe)/14339.

¹⁵⁷ Report of the Court Chancellery to the emperor, October 19, 1820, in AVA, AK, Orthodoxer, 5 (Geistlichkeit und Pfarren)/72.

ordered Kraljević to place Perasich in a monastery but let him keep his Russian pension in order to save the state treasury the monk's salary.¹⁵⁸

Finally, the Austrian government had to deal with Old Believers, known as Lipovans (*Lippowaner*). Lipovans had opposed liturgical reforms in Russian Orthodoxy in the seventeenth century and considered the institutional Russian Orthodox Church to be led by the anti-Christ, leading to their persecution by the tsars until 1905. During the reign of Peter the Great (r. 1682-1725), many Old Believers had fled to Moldavia and lived in Bukovina in Mitoka-Dragominria, also known as Lipoweny. The Austrians took the territory officially in 1775 and with it the responsibility of dealing with the Old Believers. They were known by several names, such as *Raskolnikin* or *Raskol* in German, which came from the Russian word *raskolniki* meaning schismatic. Some state officials also referred to them as *Philipponen* or *Philipowaner*, after their leader Phillip Pustoswiat.¹⁵⁹ It is not surprising that the Old Believers, who concerned themselves with exegetical niceties such as if Jesus should be spelled with an “i” in Russian and if one should make the sign of the cross with two or three fingers, split into numerous sects. The main split among Old Believers was between the Bespopovtsy (*Bezpopöwcen*) who did not have priests and the Popovtsy *Popowcen*, who had priests. Not surprisingly Austrian officials viewed the Old Believers of the Bukovina as “religious fanatics.”¹⁶⁰

Joseph II had, however, granted a sect of the Old Believers privileges. In 1783, in response to a visit by several *Raskolniken* as he toured Bukovina, Joseph issued a diploma that gave them religious freedom and exemption from taxation and military service for 20 years. In

¹⁵⁸ Report of the Court Chancellery to the emperor, November 15, 1821, in AVA, AK, *Orthodoxer*, 5 (Geistlichkeit und Pfarren)/39.

¹⁵⁹ John Polek, *Religion und Kirchenwesen*, Vol II of *Die Lippowaner in der Bukowina* (Czernowitz/Chernivtsi: Czopp, 1898), 9.

¹⁶⁰ Sitting of the Court Chancellery, September 9, 1819, in AVA, AK, *Orthodoxer*, 11 (Lippowaner)/99.

addition, apparently ill informed about this sect, Joseph granted them a priest who could hold worship in “illyrian” (Serbian), noting that the members were simple, hard working peasants. He rejected the Lipovan request to have a bishop in Moscow and subordinated them to the bishop in Bukovina, though he supposedly promised them orally they could import clergy from Russia.¹⁶¹

Controversy brewed around Old Believers’ monasteries. In the midst of Joseph’s campaign to shutter the monasteries, the Lipovans requested permission to build a monastery, which the emperor rejected. The monks built quarters anyway in the forest, but in 1791 this secret monastery fell victim to robbers, forcing the monks to move to the safety of Fontina Alba.¹⁶² This event alerted the Austrian government to the existence of the monastery, which officials ordered disbanded.

Although Vienna wanted to eliminate this sect, it refused to take decisive action. In 1819, the Galician police pushed for more stringent regulations as they noticed several Lipovans traveling from Moldava to Russia, passing through Bukovina. The police wanted the Old Believers converted to Orthodoxy but noted that they could not force such an action.¹⁶³ In 1842, Vienna ordered that another monastery---this one at Bialakiernica (Bila Krynytsia)---was illegal, noting that even Joseph had not allowed this privilege.¹⁶⁴

Shockingly, this monastery too managed to survive, despite the religious non-conformity of its inhabitants. Curiously, Francis allowed this sect to survive and even awarded Ilarion Petrowicz, the founder of the Fontina Alba monastery, a golden cross in 1817.¹⁶⁵ Vienna also viewed the inhabitants as too diverse to be a threat, noting that many came from Finland and

¹⁶¹ Polek, *Religion und Kirchenwesen*, 12-13.

¹⁶² Polek, *Religion und Kirchenwesen*, 14-15.

¹⁶³ Sitting of the Court Chancellery, September 9, 1819, in AVA, AK, *Orthodoxer*, 11 (Lippowaner)/99.

¹⁶⁴ Report of the Court Chancellery to Ferdinand, July 19, 1844, in AVA, AK, *Orthodoxer*, 11/25885.

¹⁶⁵ Polek, *Religion und Kirchenwesen*, 16.

parts of Russia and Moldova and probably had little in common.¹⁶⁶ In 1838, the monks of Fontina requested wood to repair their living quarters and a salary from the government, which the emperor rejected.¹⁶⁷ Several investigations aimed to clear up this matter, and reports reflected the officials' dislike for the lifestyle of the Old Believers, but they hesitated to use force. The Orthodox consistory also opposed approving this monastery and the awarding of a bishop for the Old Believers, noting that the Lipovans viewed actions, such as shaving of beards and smoking tobacco as heresy, renounced military service, oaths and even saw the state as the incarnation of the anti-Christ.¹⁶⁸

In 1843 several monks demanded a bishopric, noting that every other religion in the Austrian monarchy had their own hierarchy and that their sole aim was to worship in peace, a privilege Joseph had granted them.¹⁶⁹ This wish came true in 1844 after an imperial decree overturned the 1842 decision banning the monastery, noting that it would be too hard on the Lipovans not to have a monastic outpost. The same decision also permitted the consecration of a Lipovan bishop, provided he was subordinate to the Bukovinan bishop and the metropolitan in Carlowitz.¹⁷⁰ It would be easier to control the Old Believers if they had a local bishop rather than a foreign one. Yet no bishop in Austria would convert, and the only candidate willing to serve was from Bosnia, where the Sultan had replaced the patriarch of Bosnia, Ambrose Popowich, after a dispute with the Bosnian pasha. In 1846, Ambrose left his life of poverty in

¹⁶⁶ Sitting of the Court Chancellery, September 9, 1819, in AVA, AK, *Orthodoxer*, 11/99.

¹⁶⁷ Letter of the monks of Fontina alba to the emperor, December 14, 1838, in Polek, *Religion und Kirchenwsen*, 56-57.

¹⁶⁸ The Orthodox Theological Institute to the Bukovinan Ordinariat, January 13, 1842, in Polek, *Religion und Kirchenwsen*, 61.

¹⁶⁹ Olympi Miloradow and Paul Wasiliew to Emperor Ferdinand, July 12, 1843, in Polek, *Religion und Kirchenwsen*, 65-70.

¹⁷⁰ Report of the Court Chancellery to Ferdinand, July 19, 1844, in AVA, AK, *Orthodoxer*, 11/25885.

Constantinople as a pensioned bishop, converted to the Old Believer sect and obtained approval from the Galician government to serve as bishop for the Lipovans in Bialakiernica.¹⁷¹

Yet Ambrose lost his position due to his relationship with individuals in Russia. He consecrated Russian bishops and provided Archimandrite Geronto, head of the Fontina Alba monastery Geronti, who had long wanted a leader from Russia, with a fake passport, sent him to Russia and got the monastery recognized by prominent Russian Old Believers.¹⁷² But the Russian police soon caught on to Geronti's activities, arrested him, and informed Vienna and Constantinople of his deeds in Russia.¹⁷³ An investigation soon followed and Austrian police discovered 63 foreigners at Fontina Alba. On January, 30 1848, officials called Ambrose to Vienna to answer questions raised by the Russian government and the patriarch of Constantinople, such as communication with foreign leaders, exercising of jurisdiction in Russia, the taking up of Russian monks at Bialakiernica and travel to Russia.¹⁷⁴ The monastery closed during the revolution and Ambrose went into exile.

Despite the maze of legal restrictions, Orthodox sects had more freedom to communicate with foreigners than Catholics. Like Protestants, the Orthodox found legitimate reasons to contact outside leaders, despite discouragement by the Austrian government. Faced with revolutions on its eastern border, much of it infused with Orthodox confessionism, Vienna sought to limit these contacts. In addition, Habsburg officials feared the creation of a unified Orthodox hierarchy subordinate to authorities in an aggressive country such as Russia. Yet, officials also refused to use force, even against the Old Believers, who were an enemy of the Romanovs.

¹⁷¹ Polek, *Religion und Kirchenwsen*, 30.

¹⁷² Geronti to the Kreisamt (imperial representative), July 12, 1843, in Polek, *Religion und Kirchenwsen*, 59.

¹⁷³ Polek, *Religion und Kirchenwsen*, 32.

¹⁷⁴ Präsidial decree to Ambrose, January 30, 1848, in AVA, AK, Orthodoxer, 11/2002.

Contentious Issues: Conversions, Processions, and Mixed Marriages

The state regulated and micromanaged anything with the potential to cause disorder. Like Catholics and other religious minorities, the Orthodox faced numerous regulations and restrictions. The usual bans on proselytizing applied to the Orthodox. In 1829, the state revised the oath for bishops, removing a few lines attacking the Catholic Church.¹⁷⁵ Due to religion's potential to inflame passions, public spaces as well as internal matters remained subject to state control. For the Orthodox numerous issues brought them into conflict with other confessions, most notably conversions, mixed marriages, and processions. In these instances, the state acted as an arbitrator with the goal of preserving religious order.

Numerous laws and decrees against disturbing the religious peace protected the Orthodox. The term "schismatic" for Greeks was banned, just as Protestants could not be called "heretics," and a slew of decrees reiterated this rule.¹⁷⁶ Rules mandated the use of cemeteries and ordered priests to perform funerals for poor Orthodox believers, instead of leaving bodies in the street.¹⁷⁷ Catholics, Protestants, and Orthodox had to share cemeteries in mixed areas, and the state considered, for "reasons of humanitarianism" "*(Humanitätsgrundsatz)* all Christian

¹⁷⁵ Präsidial note to Stratimirović, June 11, 1829, in AVA, AK, Orthodoxer, 3 (Bischöfe: Dalmatien)/6772.

¹⁷⁶ For commentary on the Austrian laws banning these terms, see Helfert, *Die Rechte und Verfassung der Akatholiken* (1843), 211. The common term used by the government for Orthodox was "g.n.u.," meaning *griechische nicht-unierte* (Greek non-Uniate). Although petitions to Vienna occasionally used the word "schismatic," state officials rarely used this term. In 1827, Francis did, however, use the word "schismatiker" when referring to the Armenian Orthodox, in note to Count Francis Joseph von Saurau, November, 1826, AVA, AK, Orthodoxer, 11/38. Kolowrat also used it in discussion about the Toleration Patent in Dalmatia, see Kolowrat to Ferdinand, January 9, 1839, in Ferdinand Maass *Lockerung und Aufhebung 1820-1850* Vol 5 of *Der Josephinismus* (Vienna: Herold Verlag, 1961), 514. In common practice, the term remained and the Orthodox complained about it.

¹⁷⁷ Helfert, *Die Rechte und Verfassung der Akatholiken*, 186. Orthodox clergy opposed these regulations as well, for example, see the consistory's comments in, Galician government to the Court Chancellery, January 15, 1841, in AVA, AK, Orthodoxer, 9 (Ehen)/ no number provided.

confessions equal in matters dealing with funerals.¹⁷⁸ Rules urged Catholics to respect their non-Catholic neighbors, and ordered “stringent punishment” (*unnachsichtlichsten Strafen enthalten*) for stirring up religious strife during the funeral of a non-Catholic in a Catholic cemetery.¹⁷⁹ The law mandated imperial officials to take quick action against those who violated such rules no matter if the offending party was Catholic or not.¹⁸⁰

Conversions to Orthodoxy generated controversy, though Orthodox communities were more isolated than Protestant ones, making this issue less common than in the case of Protestants. The state disliked conversions and tried to discourage them, imposing on would-be converts to Orthodoxy rules similar to those governing converts to Protestantism. Individuals desiring to convert to Orthodoxy also had to take a six-week course, if they had reached 18 (see Chapter 3). Conversion to any legal faith could only happen if it was done out of pure conviction and not due to ulterior motives (*Nebenabsichten*). An 1833 debate among officials concluded that “this rule aimed at nothing other than to assure that a subject born and raised Catholic did not convert out of whimsical caprice (*launenhafter Willkühr*) and a lack of education and a weak mind (*Leichtsinn*) but rather after appropriate reflection and knowledge of the teachings of the Church they wanted to leave and the one they were joining.”¹⁸¹ Numerous documents on this matter reiterated that religion and matters of conscience could not be forced. Overall, the state sought to freeze the confessional make-up of the empire and strove, first and foremost, to prevent religious controversy.

¹⁷⁸ Galician government to the Court Chancellery, January 15, 1841, in AVA, AK, Orthodoxer, 9 (Ehen)/ no number provided. This rule had been in force since the 1780s.

¹⁷⁹ Helfert, *Die Rechte und Verfassung der Akatholiken*, 212.

¹⁸⁰ Helfert, *Die Rechte und Verfassung der Akatholiken*, 217. The text reads: “ Sie Sollen ihren akatholischen Mitbürgern mit Liebe und Gewogenheit begegnen, und sich aller Streitigkeiten über den Glauben, und noch mehr aller Schmähungen und Thätigkeiten unter den unnachsichtlichsten Strafen enthalten.”

¹⁸¹ Galician government to the Court Chancellery, January 15, 1841, in AVA, AK, Orthodoxer, 9 (Ehen)/ no number provided.

Individual cases of conversion, as with Protestants, reached the level of the local governor and often even were a matter of discussion in Vienna requiring the emperor's decision. In one case in 1795, the government even allowed exemptions to the requirement that one had to be 18 in order to convert. That year, an Orthodox trader, Demetrius Oeconomus attempted to marry a 15-year-old Catholic girl and convert her to Orthodoxy. The local Catholic archbishop protested, complaining that she was not yet 18 and that Jews could not be baptized Catholic before the age of 18. Local officials quizzed the girl and reported to Vienna that she was well read on the old Greek councils, the writings of the popes and wrote that it might be hard to dissuade her from her "erroneous views (*irrige Meinungen*).¹⁸² The archbishop requested interning the girl in a local monastery, and according to Joseph's rule of 1783, suggested that officials could give the six-week course in a monastic setting.¹⁸³ But officials decided that this would create too much of an uproar and that the "eloquence and warmth with which she defends her erroneous teachings could bring about doubts in the fragile souls of the pupils of the monastery."¹⁸⁴ Debate on how to handle this case resulted in Emperor Francis ultimately ruling that the girl should complete the six-week course with the local priest in order "in the end, not to embitter the feelings."¹⁸⁵

Conversions caused the most controversy in Dalmatia and northern Italy, and Habsburg officials here more vigorously enforced the rule that one could only convert out of pure conviction. In the Austrian Littoral, a Court decree in 1808 allowed for Catholics to convert to another recognized faith after taking a six-week course, during which time contact with non-

¹⁸²Court Chancellery to Francis, January 16, 1795, in AVA, AK, Griechisch-Orthodoxer, 11 (Übertritte)/30815. The archbishop was mistaken, for often Jews only had to be 14 to undergo conversion (see Chapter 5).

¹⁸³Note to Francis, February 24, 1795, in AVA, AK, Orthodoxer, 11 (Übertritte)/42.

¹⁸⁴Court Chancellery to Francis, January 16, 1795, in AVA, AK, Orthodoxer, 11 (Übertritte)/30815.

¹⁸⁵Note to Francis, February 24, 1795, in AVA, AK, Orthodoxer, 11 (Übertritte)/42.

Catholics was prohibited.¹⁸⁶ Yet, Vienna never announced this decree in Dalmatia, and as a result, officials there did not know how to handle such matters.¹⁸⁷ In 1816 Francis ruled that one had to be 18 to convert to a non-Catholic faith, but ordered that this rule not be made known to the public.¹⁸⁸ In 1818, Vienna decided not to apply this rule to Venetia.¹⁸⁹ In addition, as with the conversion of Protestants to Catholicism, the state did not lay out a clear, public protocol for the Orthodox to convert, and when faced with such cases, Vienna acted indecisively and secretly.¹⁹⁰

In the 1830s and 1840s several applicants for the six-week course received rejections because they supposedly admitted in their meeting with a Catholic prelate that they had ulterior motives for converting.¹⁹¹ One woman wanted to convert after taking an Orthodox husband in Dalmatia, but the Catholic archbishop of Zara insisted on her remaining isolated in a monastery during the six-week course. She appealed to the Dalmatian government, which asked for Vienna's decision on this case. Dalmatian officials advised that according to the hitherto customs, which Francis had ordered upheld, brides commonly adopted the religion of the husband. The Court Chancellery agreed, noting enforcement of the 1808 decree would amount to "coercion" and advised that she should receive the six-week course and maintain her daily life in the meantime. Archduke Louis, filling in for the ailing Francis, intervened, however, and

¹⁸⁶ Decree to the government of Austrian Littoral, October 14, 1847, in AVA, AK, Orthodoxer, 11 (Übertritte)/41446.

¹⁸⁷ Report of the Court Chancellery, January 3, 1835, in AVA, AK, Katholischer, 30 (Übertritte)/5757.

¹⁸⁸ Decision of Francis, September 6, 1818, in AVA, AK, Katholischer, 29 (Toleranz)/91.

¹⁸⁹ Decision of Archduke Rainer (in the name of the emperor), September 1, 1817, in AVA, AK, Katholischer, 29 (Toleranz)/15.

¹⁹⁰ For example, in 1831, two Orthodox priests converted to Catholicism but wanted to keep the income from their office, a demand the Orthodox bishop of Sebenico did not accept. The court Chancellery simply advised local officials to handle it with "special caution" and hinted at paying the priests when the Orthodox bishop cut off their funds, see report of Court Chancellery, January 26, 1832, in AVA, AK, Katholischer, 30 (Übertritte)/128.

¹⁹¹ Sitting of the Court Chancellery, April 13, 1847, in AVA, AK, Orthodoxer, 11 (Übertritte)/19448.

ruled that she had converted due to ulterior motives and ordered more information on the case.¹⁹² Another woman, Rosa Bauer, admitted that her motive was to have the same religion as her husband, a reason considered unacceptable, resulting in her rejection. She changed tactics, however, and later claimed she desired to convert out of religious conviction, and officials then permitted her conversion to Orthodoxy.¹⁹³ In other cases, officials decided the applicant had sufficient “inner conviction” and issued the certificate to convert.¹⁹⁴

In Venice a daughter of a prominent Catholic converted to Orthodoxy after her marriage to an Orthodox Christian in 1844 and after taking the six-week course. But the Catholic patriarch insisted that they leave Venice, arguing that individuals could only convert in areas where the Toleration Patent had been published. Furthermore the patriarch insisted that he could not allow this to happen under his jurisdiction. Venetian officials disagreed, noting that she had taken the proper course and took the view that, though the Edict of Toleration had not been published there, no explicit ban existed on conversion and such a prohibition would be unduly harsh. They favored permitting the conversion and marriage but limiting the public celebration, in order to mitigate any controversy.¹⁹⁵

Vienna also regulated the holiday schedule and public processions. In the Orthodox Church, the 1774 synod in Carlowitz set the holiday schedule, which still used the Julian

¹⁹² Decision of Archduke Louis (in the name of the emperor), March 4, 1835, in AVA, AK, Katholischer, 30 (Übertritte)/5757.

¹⁹³ Decree from the Court Chancellery to the government of Lower Austria, April 19, 1847, in AVA, AK, Orthodoxer, 11 (Übertritte)/11038.

¹⁹⁴ See for example, the sitting of the Court Chancellery, March 25, 1847, in AVA, AK, Orthodoxer, 11 (Übertritte)/9526. One justification of not blocking certain conversions was always to avoid controversy.

¹⁹⁵ Report of the Court Chancellery, November 25, 1845, in AVA, AK, Evangelischer, 19 (Übertritte)/11038. Vienna returned the petition of the patriarch.

calendar.¹⁹⁶ Catholics occasionally tried to force the Orthodox to use the Gregorian calendar, but the government viewed this endeavor as unrealistic.¹⁹⁷ In Hungary, the Reform Diets attempted to implement the Gregorian calendar, but the Hungarian Court Chancellery sidestepped this issue, noting that “the mere acceptance of a new calendar will in no way avert the present danger to the Austrian state.”¹⁹⁸ Outside of Serbia, rules prescribed that the Orthodox celebrate the feast of the patrons Constantine and Helena on May 21. In Hungary, Orthodox Christians could hold processions also on Easter, Three King’s Day, St. Mark the Evangelist (*Markustag*) and after church consecrations. Orthodox Christians in Hungary could hold four additional processions, though unlike feast days, one had to attend work on a procession day. Orthodox Christians living in majority Catholic areas had to celebrate Easter, Pentecost and Christmas with the justification that these days were already holidays or on Sundays.¹⁹⁹ For Greek Catholics, the rules of the Zamosc synode (1720) set 27 holidays, though the Polish Commonwealth had moved many of them to Sunday. In 1787, Joseph abolished seven, and in 1792, Francis eliminated three more.²⁰⁰

Despite these regulations on holidays, controversies still arose on processions, especially in Cattaro in Dalmatia, near the Montenegrin border. Catholic clergy complained frequently that Orthodox there held public processions and at the end, the Austrian military saluted the procession and received a blessing from the protopopes. These soldiers also received similar

¹⁹⁶ Helfert, *Die Rechte und Verfassung der Akatholiken*, 184. In 1798, the Galician government tried to introduce the Gregorian calendar for Greek Catholics, but the bishop of Przemysl argued his parishioners would not only not accept the new calendar but that they would exploit it to celebrate the religious holidays twice, in Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 897.

¹⁹⁷ Report of the Court Chancellery, March 25 1835, in AVA, AK, Orthodoxer, 4 (Generalvikar)/25718.

¹⁹⁸ Informations-Protocoll, Ungarisch-Siebenbürgische Section, July 15, 1847, in MOL-O, A-105, 31659.

¹⁹⁹ Helfert, *Die Rechte und Verfassung der Akatholiken*, 185-186.

²⁰⁰ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 742.

blessings from Catholic priests during Catholic processions.²⁰¹ This tradition had started in 1799, under the first Habsburg occupation, when Orthodox received permission to hold a procession around the city due to the increasing Orthodox population, over the objection of the Catholic Bishop Francis Raccamarich. These processions took place on Good Friday and Pentecost. The military began to accompany the procession, and after complaints, Habsburg authorities restricted the processions to a half circle around the city. In 1806 the brief Russian occupation expanded the processions once again, and this arrangement continued under French (1805-1814) and then Habsburg rule after 1814.²⁰² In 1825, complaints arose again by Catholic general vicars, who wanted to restrict the processions and ban the military accompaniment.²⁰³ Catholic bishops even complained that the bishop, Rajačić, spent too much time strolling through the city doing his visitations. Rajačić countered these complaints, noting that the processions were only twice a year, not on workdays, and simply promoted religiosity. The Catholics objections were, he argued, the result of fanaticism.²⁰⁴

Ultimately, Habsburg officials sided with the Orthodox. The Court Chancellery noted that the Orthodox had a right to public processions and that toleration extended beyond the mere private exercise of religion.²⁰⁵ Local officials petitioned to Vienna that it was desirable for the Orthodox only to hold processions in Orthodox neighborhoods, but that the Catholic offense at Orthodox public events was due to simple “feelings of superiority” and not an actual disturbance of the peace. These same officials viewed Rajačić’s complaints as petty, but the Court Chancellery commended the Orthodox bishop for speaking out against the Catholic bishops, who

²⁰¹ Report of the Court Chancellery to Francis, August 20, 1832, in AVA, AK, Orthodoxer, 1 (Generalia)/25118.

²⁰² Court Chancellery to the emperor, January 17, 1833, in AVA, AK, Orthodoxer 1/25118.

²⁰³ Report of the Court Chancellery to Francis, August 20, 1832, in AVA, AK, Orthodoxer, 1/25118.

²⁰⁴ Report of the Court Chancellery, January 17, 1833, in AVA, AK, Orthodoxer 1/25118.

²⁰⁵ Report of the Court Chancellery, August 20, 1832, in AVA, AK, Orthodoxer, 1/25118.

had created the disorder.²⁰⁶ The governor of Dalmatia urged Vienna to look favorably on the Orthodox community, noting that the Orthodox outnumbered Catholics in Cattaro, and in neighboring Montenegro and Herzegovina, Russia had been able to stir up the Orthodox against Turkey.²⁰⁷ Ultimately, the Court Chancellery agreed and recommended that “the public military salutes to all Christian public celebrations---according to wise toleration polices---be granted” but delegated this issue to local military authorities.²⁰⁸ Vienna also dismissed the complaint about Rajačić’s travel route on his visitations and basically ordered everyone to get along.

Mixed marriages between Orthodox and Catholics also generated feuds, though they were not common and created more controversy among Protestants and Catholics than for the Orthodox. The Orthodox population was much more rural and isolated from the urbanization and industrialization of the bigger cities. Controversies over mixed marriage did, however, occasionally drag Orthodox communities and Habsburg officials into conflict after the Cologne Affair, as ultramontanism and a Catholic revival gained ground (see Chapter 2). Catholic activists tried to apply canon law to mixed marriages, and state officials strove to mitigate conflict between the various parties. The Orthodox had to obey the ABGB in Galicia, which required that mixed weddings occur before a Catholic priest, a fact that Vienna had to remind the the Orthodox clergy frequently.²⁰⁹ Ultimately, peace, especially with Russia, remained the main goal of the government, though the addition of a more zealous Catholic movement after the

²⁰⁶ Report of the Court Chancellery, January 17, 1833, in AVA, AK, Orthodoxer 1/25118.

²⁰⁷ Report of the Court Chancellery, August 20, 1832, in AVA, AK, Orthodoxer, 1/25118. Anonymous reports also noted that Russian ships in Dalmatian harbors during the Napoleonic Wars had awakened the religious consciousness of Orthodox, in “Verhältnisse der Griechen in Dalmatien,” AVA, AK, Orthodoxer, 11 (Übertritte)/no number provided.

²⁰⁸ Report of the Court Chancellery, January 17, 1833, in AVA, AK, Orthodoxer 1/25118.

²⁰⁹ Report of the Court Chancellery, September 18, 1825, in AVA, AK, Katholischer, 13 (Galizien)/73. Despite complaints that many couples did not follow this rule, officials could only cite a handful of cases in which such violations occurred.

Cologne Affair changed the algorithm, which determined Vienna's methods of conflict mediation.

After the Cologne Affair, Vienna tried to limit the controversy surrounding mixed marriages and, thus, restricted the negotiations on how to end the unrest to Catholics and Protestants. Initially, Vienna ordered the Galician government not to apply the papal note of 1841 permitting passive assistance (see Chapter 2). The Greek Catholic archbishop of Lemberg wanted to contact the papacy on how to proceed with mixed marriages, but Joseph Alois Jüstel, Ferdinand's spiritual advisor, and other officials objected, noting that mixed marriages between Latin and Greek Catholics were not a big issue and that posing this question would only delay negotiations with the papacy. It would, furthermore, only create trouble in Galicia and lead to tensions with Russia.²¹⁰ In January 1841, the government in Galicia also wrote that it opposed bringing Orthodox communities into the papal negotiations to end the Cologne affair.²¹¹ Yet, for purposes of legal uniformity on July 23, 1842, Ferdinand expanded the papal instruction of 1841 to Galicia.²¹² The next year, Ferdinand expanded this order to apply in Bukovina, though it Vienna invalidated it the next year (see Chapter 3).²¹³

In Dalmatia, mixed marriages were a bigger issue. State officials claimed that 1/3 of all marriage in this territory were mixed marriages.²¹⁴ Here, Orthodox claimed the custom was for women to follow the husband's religion and to convert. The Orthodox bishop Rajačić based this claim on laws from July 31 1599 and April 12, 1710, which stated that in mixed marriages, the woman converts to the religion of her husband and that the clergyman of the husband should

²¹⁰ Jüstel to Ferdinand, July 30, 1840, in Maass, 5: 630.

²¹¹ Galician government to the Court Chancellery, January 15, 1841, in AVA, AK, Orthodoxer, 9 (Ehen)/ no number provided.

²¹² Decree of Ferdinand, July 23, 1842, in AVA, AK, Evangelischer, 7 (ehen)/5933.

²¹³ Decree of Ferdinand, March 25, 1843, in AVA, AK, Orthodoxer, 9 (Ehen)/6307.

²¹⁴ Report of the Court Chancellery, September 13, 1835, in AVA, AK, Orthodoxer, 4/25718.

bless the marriage. Because the Toleration Patent, and thus, article 6 (see Chapter 3), did not apply in Dalmatia, Rajačić wrote that these Venetian customs should be the norm. Rajačić wanted, however, a clear rule from Vienna to protect the right of women to convert to Orthodoxy. Not surprisingly, the Catholic archbishop of Zara disagreed with Rajačić's suggestions and argued that the wife should not convert to Orthodoxy and that children should follow the religion of the father. The Court Chancellery believed this suggestion was ideal for religious peace and argued that Austrian law intended for people to remain in the religion in which they were born.²¹⁵ In 1835, Vienna began to apply the six-week course to convert, in order to ensure that conversions occurred out of pure conviction and that Catholics did not leave their religion due to custom. No new rule was issued and Vienna told Dalmatian officials simply to defer to the Austrian civil code (ABGB) and to have daughters follow the mother and the son the father in matters of faith.²¹⁶

In Bukovina the state granted Orthodox communities more autonomy. Although Orthodox had equality with Catholics in raising children of mixed marriages, there was conflict was the announcing of banns. Article 71 of the ABGB had mandated engaged couples to announce their intention to marry in Catholic churches, in order to make it easier for the community to find out hindrances to the marriage. Article 77 required Catholic priests to perform marriage ceremonies but to do so in their capacity as civil servants, and Protestant and Orthodox clergy were permitted to attend (see Chapter 2). But in Bukovina, there were few Catholic churches and only a few pastoral stations (*Seelsorgerstationen*). Although a decree in 1835 tried to enforce the ABGB, it was ignored, and other decisions permitted the Orthodox

²¹⁵ Report of the Court Chancellery, September 13, 1835, in AVA, AK, Orthodoxer, 4/25718.

²¹⁶ Decision of Emperor Ferdinand, September 25, 1835, in AVA, AK, Orthodoxer, 4 /25718.

communities to ignore articles 71 and 77.²¹⁷ As the Orthodox consistory reminded Vienna, the rule on bans, dating back to Turkish rule, only required Orthodox to make the announcement in Orthodox churches. The consistory also argued that article 77 only applied to confessions (Protestant) that did not view marriage as a sacrament. The government in Galicia agreed with the Orthodox complaints, and even after the Cologne Affair, these rules did not apply to Bukovina and the state recognized that Orthodoxy was the older and thus, privileged, confession in this region.²¹⁸

In 1843, this situation began to change after the Catholic archbishop of Lemberg, Francis de Paula Pišték, complained that canon law had no force in Bukovina. In March 1843, Ferdinand ordered the Court Commission on Justice (*Hofkommission in Justizsachen*) to decide if article 71 applied. The Court Chancellery and the Court Commission on Justice decided to apply article 71 and 77 of the ABGB to Bukovina, which dealt with announcing bans in Catholic Churches and having weddings performed before a Catholic priest. The Court Chancellery wanted to restrict the bans, however, to mixed marriages and only to the parish Church to which the Catholic side belonged. A minority in the Court Chancellery opposed enforcing these articles because these issues did not cause controversy in Bukovina and were simply the individual concerns of the Catholic archbishop of Lemberg. Ritter Peter von Salzgeber, a Court Chancellery advisor, noted that applying these articles would create uproar among the Orthodox.²¹⁹ Ferdinand decided on October 18, 1843 that article 77 but not 71 of the ABGB applied to Orthodox in Bukovina.

²¹⁷ In 1811, there were only 11 “seelsorger stations”, but by 1843 there were 36 (22 Latin and 14 Greek rite), see Report of the Court Chancellery, in AVA, AK, Orthodoxer, 9 (Ehen)/6307.

²¹⁸ Galician government to the Court Chancellery, January 15, 1841, in AVA, AK, Orthodoxer, 9/no number provided.

²¹⁹ Report of the Court Chancellery, October 18, 1843, in AVA, AK, Orthodoxer, 9/33786.

As with the other confessions, the primary goal in Vienna was to regulate anything with the potential to create religious strife. For this reason, the state monitored and served as an arbitrator in issues such as public processions, conversions, and mixed marriages. Vienna often sided with Orthodox petitions and the political advantages of domestic peace and friendly relations with Russia took precedence over the interests of Catholicism for Habsburg officials before 1848.

The Union

The most contentious issue in the empire with respect to the Orthodox community was, however, Greek Catholicism or Uniatism, known colloquially as “the Union.” Greek Catholics observed the Orthodox liturgy but remained in communion with Rome and adhered to several Catholic doctrines. The Union achieved its first significant victory in Ukraine in the late sixteenth century, and the Habsburgs and Catholic Poles promoted it for two centuries. Yet by end of Joseph’s reign, these efforts had mostly ceased. Prior to 1848 Austria made a few tepid attempts and saw political advantages in promoting the Union in Romania and Dalmatia, hoping to weaken links to foreign powers, namely Russia. Ultimately however, the Russian alliance, hesitancy about pushing any particular confession, and the fear of disorder overrode any desire to spread Greek Catholicism.

Efforts to unite Catholic and Orthodox Christianity had failed repeatedly since the formal split in 1053. The closest the two sides came to a reunification had been at the Council of Florence in the 1430s. With the Byzantine Empire facing collapse at the hands of Turkish armies, the patriarch of Constantinople agreed to recognize the pope as the head of the Church. The patriarch died soon afterward, however, and the negotiators could not agree if the Holy Spirit proceeded from the Father or from the Father and the Son, and the agreement quickly

collapsed. The first large-scale successful Union came in 1596 with the Union of Brest in Ukraine. Politically it was supposed to aid the integration of Orthodox Ukrainians into the Polish-Lithuanian state.²²⁰ Although the core of Greek Catholicism remained there, Vienna and Rome advanced the Union in southeastern Europe.

The Union soon spread modestly. Over the next century, most of the rest of the Ruthenian (Ukrainian population in Poland-Lithuania) accepted Greek Catholicism. Ruthenes in Hungary, where they had lived since the fourteenth century, also accepted the Union.²²¹ In 1614, the Hungarian Valentin Drugeth von Hommonay tried to convert the Orthodox bishop of Munkacs, in present-day Ukraine, to the Union, but the king of Hungary, the Protestant Transylvanian Gabriel Bethlen (Bethlen Gabor), disrupted these plans on the battlefields during the Thirty Years War.²²² In 1646, Ukrainians in Hungary joined the Union, when the diocese of Munkacs converted to Greek Catholicism with the Union of Uzhorod.²²³ During the conquest of Hungary in the 1680s, Cardinal Kollonitsch, an advisor to Leopold I and ardent supporter of the Union, sent the missionary John Joseph de Camillis and obtained immunities from Vienna for Greek Catholics. In the Military Border, the Jesuits had promoted the Union since 1670.²²⁴ For two centuries, Habsburg policies encouraged the Orthodox to join the Union.

Attempts to bring Serbs into the Union made little progress. Serbs had lived in Croatia since the Battle of Kosovo (1389), and in 1607 the Serbian Orthodox bishop Simean Vratania there converted to the Union. He promptly cut off his diocese from the Patriarch of Pec, leading

²²⁰ Helmut Rumpler, "Politik und Kircheunion in der Habsburgermonarchie," in *Österreichische Osthefte* 6 (1964): 312.

²²¹ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 359.

²²² Rumpler, "Politik und Kircheunion in der Habsburgermonarchie," 304.

²²³ Hans-Dieter Döpmann, *Die orthodoxen Kirchen in Geschichte und Gegenwart* (Frankfurt: Peter Lang, 2010), 305-306.

²²⁴ Turczynski, *Konfession und Nation*, 48.

to Rome's creation of the Greek Catholic dioceses of Marča in Croatia.²²⁵ In 1690, after the first Serbian migration, Cardinal Kollonitsch applied pressure on Patriarch Arsenije, who had just carried out the Great Migration. The patriarch resisted, however, and turned to Peter the Great for assistance, and in 1698 the tsar even met Arsenji in Vienna.²²⁶ Arsenji went on the offensive, attacking the Greek Catholic dioceses in Marča and nominating Simeon Filipovic as Orthodox bishop. Simeon selected his residency in Marča, where he behaved belligerently toward the Greek Catholic bishop and presided over the plundering and burning down of the latter's residence.²²⁷ Despite the efforts of Counter-Reformation activists, such as Kollonitsch, the Union made little progress among Serbs, who also disrupted such efforts in Romania.

In Transylvania the Habsburg conquest in the late 1680s paved the way for the Union among Romanians.²²⁸ Emperor Leopold I had appointed Longin Reich (Raic) as Greek Catholic bishop for the Romanians in Syrmia.²²⁹ In 1699, the *Leopoldina Secundia* announced the creation of the Union in Transylvania, and Emperor Leopold promised equality of Greek Catholics with Latin Catholics, but under the following conditions: they must recognize the pope, purgatory, and the Latin version of the trinity.²³⁰ Supposedly, the metropolitan, Theophil Seremi, held a synod in 1697 at Karlsburg (Alba Iulia) to join the Union.²³¹ In 1700 the metropolitan Athanasius Anghel signed a formal act of Union and submitted to the primate of

²²⁵ Michael Lacko, "Die Union in Kroatien," in *Rom und die Patriarchate des Ostens* ed. Wilhelm de Vries (Munich: K. Alber, 1963), 108.

²²⁶ Turczynski, *Konfession und Nation*, 17.

²²⁷ Lacko, "Die Union in Kroatien," 110.

²²⁸ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 362.

²²⁹ Joseph Fiedler, *Beiträge zur Union der Valachen (Vlachen) in Slavonien und Syrmien* (Vienna: Karl Gerold, 1867), 7.

²³⁰ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 99.

²³¹ Ioan Slavici, *Die Rumänen in Ungarn, Siebenburgen und der Bukowina* (Vienna: Karl Prochaska, 1881), 80.

Hungary, earning him a medal from Leopold but splitting the Romanian Church.²³² In 1702, Leopold confirmed these previous privileges granting Greek Catholics the same freedoms as Catholics.²³³ Greek Catholics had the right to attend Catholic universities, and the archbishop of Esztergom appointed a Jesuit administrator for the Greek Catholic bishop to monitor the Union.²³⁴

Yet the Union encountered numerous problems in Transylvania. The Rakoczy rebellion (1703-1711) drove out Athanasius, who himself considered abandoning the Union.²³⁵ In two peasant uprisings in 1744 and 1759, charismatic Serbian orthodox monks rallied Greek Catholic villages back to Orthodoxy and expelled their Greek Catholic priests. Habsburg troops under General Adolf von Buccow crushed these revolts and destroyed numerous monasteries in southern Transylvania, but these disturbances convinced Vienna to drop the fiction that all Romanians had joined the Union.²³⁶ Maria Theresa appointed an Orthodox administrator in 1759 but forbade the Romanians from making contact with Carlowitz due to the latter's support of the peasant revolts.

The Habsburgs also promoted the Union in the military border, which was majority Orthodox. The Military Border in Transylvania only went back to 1762 under the administration of Buccow, whom Maria Theresa named the governor of Transylvania.²³⁷ The Court War Council (*Hofkriegsrat*) tried to pursue religious toleration on this portion of the military border

²³² Dampier, *The Orthodox Church in Austria-Hungary*, 47. His detractors called him "Sathanasius," see Radu Florescu, *Essays on Romanian History* (Iasi and Portland, OR: Center for Romanian Studies, 1999), 164.

²³³ Bishop Andrei Saguna, *Geschichte der griechisch-orientalischen Kirche in Oestreich* trans. Z. Boiu and J. Popescu (into German) (Hermannstadt/Sibiu: Josef Drotleff, 1862), 107.

²³⁴ Hitchins, *The Idea of Nation*, 26.

²³⁵ Athanasius' sincerity in converting has been called into question; see, Hitchins, *The Idea of Nation*, 27.

²³⁶ Hitchins, *The Idea of Nation*, 60-68.

²³⁷ Göllner, *Die siebenbürgische Militärgrenze*, 21.

with General Andreas Hadik proclaiming “in promoting the Union, we only encounter more hatred and complaints among the non-Uniate Wallachs [Romanians]...it would be better for religion and the state when all public force...is removed,” but Vienna disagreed and insisted that only Greek Catholics settle on this border.²³⁸

In Galicia, the Union spread among Ruthenians. In 1648, the Union suffered a serious setback as a result of the Kymelnytsky revolts, which massacred thousands of Jews (see Chapter 5) and demanded the end to Greek Catholicism. The Poles gave in at the 1649 Diet and signed the Zborow Convention, which dealt a serious blow to the Union.²³⁹ Greek Catholicism recovered under John III Sobieski, who pushed Przemysl, Luck and Lemberg into the Union by 1702, and by 1772 the Polish Greek Catholic Church was well developed, containing eight bishops, 9,300 parishes and 4.5 million followers.²⁴⁰

In contrast to Austria, Russia had been an ardent opponent of the Union. Peter the Great viewed Greek Catholicism as a nefarious Polish plot against Russia and once even killed a Basilian monk with his bare hands.²⁴¹ Under Catherine the Great (r.1762-1796), Russia waged war against Greek Catholicism in Ukraine and Poland as the supposedly enlightened empress sponsored Orthodox missions under Melkhizedek Znachko-Iavorskii and rebellions, which killed tens of thousands of Catholics and Greek Catholics. Catherine also frequently aided Orthodox “dissidents” in the Polish Commonwealth as Poland unraveled and used it as a pretext to send in troops along with Orthodox clergy, who often robbed Greek Catholics and demanded keys to local Catholic Churches. When Russian troops occupied right-bank Ukraine (west of the

²³⁸ Göllner, *Die siebenbürgische Militärgrenze*, 65.

²³⁹ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 225.

²⁴⁰ Jerry Kloczowski, *A History of Polish Christianity* (Cambridge, U.K: Cambridge University Press, 2000), 132.

²⁴¹ Barbara Skinner, *The Western Front of the Eastern Church: Uniate and Orthodox Conflict in Eighteenth-century Poland, Ukraine, Belarus, and Russia* (Dekalb, IL: Northern Illinois University Press, 2009), 97.

Dnieper) in the early 1770s, soldiers, accompanied by Orthodox priests, traveled from village to village beating and jailing Greek Catholics and Catholic priests and seizing non-Orthodox Churches.²⁴² By 1795, when Poland ceased to exist as a state entity, Archbishop Victor Sadkovskii of Minsk reported that the Russians had brought 1,607 churches, 1,032 priests, two monasteries and over a million parishioners back into the Orthodox fold.²⁴³ Barbara Skinner comments that: “Surely, Catherine II’s image as Russia’s most ardent promoter of secular Enlightened culture must be tempered by her role in what amounted to a religious crusade against the Uniates.”²⁴⁴

Persecution of Greek Catholics began anew under Tsar Nicholas (r.1825-1855). Under the previous Tsars, Paul I and Alexander I, they had been tolerated as a necessary evil. Tsar Paul said of Greek Catholicism: “I do not like it. It is neither one thing nor the other, neither fish nor fowl.”²⁴⁵ Under Nicholas, a plan for an “Official Nationality” (Orthodoxy, Autocracy, Nationality) aimed to Russify, and thus, to spread Orthodoxy throughout the Tsarist Empire. Joseph Semashko, a former prominent Greek Catholic, designed a plan for the tsar to liquidate the Union that involved consolidation of parishes and staffing them with reliable, secular clergy.²⁴⁶ In addition, the army, along with Orthodox missionaries, coerced numerous lords back to Orthodoxy; these nobles brought their peasants with them (50,000).²⁴⁷ The governor of Vitebsk, a Protestant, offered a ruble for every convert and during the famine in Belorussia in

²⁴² Skinner, *The Western Front of the Eastern Church*, 132-138.

²⁴³ Skinner, 211.

²⁴⁴ Skinner, 12.

²⁴⁵ Theodore R. Weeks, “Between Rome and Tsargrad: The Uniate Church in Imperial Russia,” in *Of Religion and Empire: Missions, Conversion, and Tolerance in Tsarist Russia* eds. Robert P. Geraci and Michael Khodarkovsky (Ithica N.Y.: Cornell University Press, 2001), 73.

²⁴⁶ As in the Catholic Church, the secular clergy in Orthodoxy were not bound by monastic vows and lived among the world at large.

²⁴⁷ Wasyl Lencyk, *The Eastern Catholic Church and Czar Nicholas I* (New York: Romaie, 1966), 70.

1833-1834, Orthodoxy clergymen offered a sack of flour each month as a reward for leaving Greek Catholicism.²⁴⁸

This coercion turned into outright suppression in the late 1830s. Tsar Nicholas abolished the Basilian order in 1832.²⁴⁹ Petitions to the tsar for the protection of Greek Catholicism led to deportation of Greek Catholic leaders in 1838. Later that year, Semashko submitted a plan to force Greek Catholics to sign a document returning to Orthodoxy. Clergy who complied could receive bribes and other minor privileges while those in opposition would be sent to monasteries. The bishops accepted, and on February 12, 1839, they signed a synodal action of union with the Orthodox Church. Priests who refused this new union were supposedly deported to Kursk, while others fled to Galicia.²⁵⁰ Later that year, Nicholas issued several medals with Jesus on each side with the one side proclaiming “torn by force, 1596, reunited by love, 1839.”²⁵¹

Austria became, thus, the main homeland for Greek Catholicism by the nineteenth century. A bias remained in the Vienna in favor of the Union, but after Joseph II, any missionary impulse from high-ranking officials was lacking and in fact viewed with disdain. Greek Catholicism offered, however, a tool through which to weaken the Orthodox hierarchy and to split national movements, especially among Romanians. In contrast to the Russian or Ottoman Empires, stability and good relations with neighboring countries overrode any preference for Greek Catholicism. As a result, Habsburg attempts to promote the Union were feeble and usually withdrawn at the first sign of dissatisfaction.

In Galicia Greek Catholics formed almost half of the population. Most of them lived in Ukraine, and there was little promotion of the Union, for it was already well established there. In

²⁴⁸ Lencyk, *The Eastern Catholic Church and Czar Nicholas I*, 72.

²⁴⁹ Korczok, *Die griechisch-katholische Kirche in Galizien*, 77.

²⁵⁰ Lencyk, *The Eastern Catholic Church and Czar Nicholas I*, 124

²⁵¹ Lencyk, 117. One community survived in secret in Chelm until 1875.

fact, the metropolitan, Michael Lewicki complained that Greek Catholic bishoprics in Chelm and Przemyśl were vacant.²⁵² Like Protestants, Jews, Catholics, and the Orthodox, Greek Catholics had to deal with shortages of money in the Napoleonic Wars, and endowments suffered from currency devaluation and a shortage of clergy as seats at the seminary were limited.²⁵³ In addition, while the Habsburgs improved conditions for Ruthenians through education, shortages of money meant that bishoprics, such as Przemyśl, remained vacant for years.²⁵⁴

The only part of Galicia with a substantial Orthodox population was Bukovina, and here there was little attempt to promote the Union. In 1817, the Orthodox bishop, Daniel Wlachowicz, complained that Greek Catholics had attacked the Orthodox from the pulpit and that a landlord had converted to Greek Catholicism, forcing his serfs to join him. An official investigation ensued, after which the complaints ceased.²⁵⁵ The six-week course applied in Bukovina if a Union convert wanted to return to Orthodoxy.²⁵⁶ In 1825 the Greek Catholic bishop Anton Angelovych asked Emperor Francis about taking Bukovina into the Union. Francis agreed and set up a few Greek Catholic pastoral stations, but efforts did not go beyond that.²⁵⁷ The government was cautious here and assumed many would emigrate if Vienna appointed Greek Catholic priests.²⁵⁸

²⁵² Michael Lewicki to Francis, March 20, 1809, HHStA, KA, KFA, 234/XLVI.

²⁵³ Mark, *Galizien unter österreichischer Herrschaft*, 35.

²⁵⁴ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 634.

²⁵⁵ Report of the Court Chancellery, March 14, 1822, in AVA, AK, Katholischer, 29 (Toleranz)/114.

²⁵⁶ Sitting of the Court Chancellery, April 7, 1848, in AVA, AK, Orthodoxer, 11 (Übertritte)/93562.

²⁵⁷ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 893-894. The numbers of pastoral stations increased from 11 in 1811 to 36 (22 Latin and 14 Greek rite) by 1843, see report of the Court Chancellery to Ferdinand, in AVA, AK, Griechisch-Orthodoxer, 9 (Ehen)/6307.

²⁵⁸ Report of the Court Chancellery, April 2, 1816, in AVA, AK, Orthodoxer, 3 (Bischöfe: Dalmatien)/2347.

In Galicia good relations with Russia took priority over promoting the Union. In 1795 the Greek Catholic bishop of Lemberg Peter Bielanski appealed to Habsburg officials for help against Russian-sponsored Orthodox missions in the Greek Catholic dioceses of Kaminiez. Vienna acknowledged that Orthodoxy and elimination of Greek Catholicism were “state maxims” (*Staatsmaxime*) of the Russian Empire.²⁵⁹ But Vienna sympathized with its counterpart in St. Petersburg, noting that Empress Catherine had declared her dioceses independent from foreign powers.²⁶⁰ That same year, Francis also refused a request by Pope Pius VI to intercede on behalf of Greek Catholics in Russia.²⁶¹ After the Cologne Affair, Vienna denied the petition of the Latin archbishop in Lemberg to regulate mixed marriages of Greek Catholics and Catholics, noting that “a negotiation would only create confusion...and at the current moment, in which many Greeks are leaving the Union, makes it inappropriate to disrupt the existing relations between Latins and Greeks, which could cause disorder and hurt feelings.”²⁶² After the destruction of the Union in Russia, Pope Gregory XVI asked Metternich for help, but the foreign minister dodged the issue. Count Charles Fiquelmont, a prominent Austrian diplomat, lied to the pope that Greek Catholics and Catholics had freely joined Orthodoxy.²⁶³ Overall Metternich preferred good relations with Russia and restricted his efforts in Rome to pressuring the pope to moderating his condemnations of the Tsar Nicholas (see Chapter 2).

In Dalmatia controversy arose over Greek Catholicism as Habsburg officials convinced the new Orthodox bishop, Benedict Kraljević, to join the Union. Under Venetian rule, the

²⁵⁹ Note to the Secret Court and State Chancellery, January 12, 1796, in AVA, AK, Orthodoxer, 11 (Übertritte)/32.

²⁶⁰ Decree to the Galician governor, January 12, 1796, in AVA, AK, Griechisch-Orthodoxer, 11 (Übertritte)/32.

²⁶¹ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 681.

²⁶² Jüstel to Ferdinand, July 30, 1840, Maass, 5:

²⁶³ Lencyk, *The Eastern Catholic Church and Czar Nicholas I*, 133-134.

Orthodox clergy lived under the jurisdiction of the Greek Catholic bishop of Philadelphia.²⁶⁴ As early as 1804, Vienna considered placing a Greek Catholic bishop in Dalmatia in order “to remove all possible contact with the archbishop of Montenegro and the Russian Court.”²⁶⁵ That year they ordered the general vicar of Przemyśl, Julian Sponring, to visit the land under the pretext of assisting the few Greek Catholics already there but with the real goal of assessing how to bring Dalmatia into the Union.²⁶⁶ Austria soon lost this province, however, and did not receive it back until 1814. In the meantime Napoleon had appointed Kraljević as the Orthodox bishop.

Upon regaining Dalmatia, Vienna made a half-hearted attempt at sponsoring the Union there. The Court Chancellery in 1814 noted that they had probably missed their opportunity to bring Dalmatia into the Union in 1804 and once Napoleon had established an Orthodox hierarchy there, it would be hard to procure a Greek Catholic one.²⁶⁷ The ZOH advised officials in the “utmost secrecy” (*Dienstvertrauen*) to question Bishop Kraljević (see earlier in the chapter) about his openness to Greek Catholicism. They noted that bribes of property and of honorary titles might be enough to persuade the clergy to convert. In addition, they suggested that Emperor Francis meet with Kraljević in 1817 in Trieste to offer these suggestions.²⁶⁸ Officials also offered the carrot of education and believed that Austrian Catholicism, which had been supposedly transformed through the Enlightenment, could lift up the Orthodox clergy.²⁶⁹

²⁶⁴ Tomassich to the ZOH, July 19, 1816, in AVA, AK, *Orthodoxer*, 3 (Bischöfe: Dalmatien)/131.

²⁶⁵ Cabinet minister Count Coloredo to State and Conference minister, Count Johann von Majláth, November 5, 1804, in AVA, AK, *Orthodoxer*, 1 (Generalia)/no number provided.

²⁶⁶ Report of the Court Chancellery, April 2, 1816, in AVA, AK, *Orthodoxer*, 3/2347.

²⁶⁷ Report of the ZOH, December 18, 1815, in AVA, AK, *Orthodoxer*, 8 (Unterricht)/1127.

²⁶⁸ Report of the Court Chancellery, April 2, 1816, in AVA, AK, *Orthodoxer*, 3/2347.

²⁶⁹ Orthodox regions remained chronically underdeveloped in educational standards. The rate at which Catholics and Protestants sent children to school far surpassed that of Greek Catholic and Orthodox parents, see István György Tóth, *Geschichte Ungarns* (Budapest: Corvina-Verlag, 2005), 454.

But above all state officials stressed that any Union negotiations had to proceed extremely cautiously. Investigators argued to Count Prokop Lazansky, the head of the ZOH that any hint of force or state intervention in favor of the Union would generate distrust and be “awkward” (*mislich*).²⁷⁰ Officials, especially in the Court Chancellery, cautioned against moving too rashly, for this step could bring about a public controversy. The preferred course was to persuade the clergy, for the average Orthodox viewed Catholicism as heresy and considered Orthodoxy the one true faith. The ZOH advised sending over a general vicar from Galicia or Hungary to “probe” Kraljević “with the strictest caution” and to break off any hints of joining the Union at the first sign of disagreement.²⁷¹ The ZOH also deemed it unworthy to bother converting Zelich, Kraljević’s shady rival, who was close to Russia.²⁷²

Despite Kraljević’s refusal to join the Union at first, the bishop ultimately converted. In the initial conversation about Greek Catholicism Kraljević did not accede to the Union. Officials in Dalmatia suggested taking smaller steps, such as appointing “enlightened” clergy who could offer education and persuade Orthodox priests to accept Greek Catholicism.²⁷³ In 1817, Giovanni Stupnicki, the Greek Catholic bishop of Przemysl, received orders to go to Vienna to discuss bringing Dalmatia into the Union.²⁷⁴ In 1818, Kraljević converted to Greek Catholicism.

After this conversion, however, Kraljević had little success propagating the Union. His efforts aroused resistance in Dalmatia, culminating in an assassination attempt in 1821.

²⁷⁰ Tomassich to the ZOH, July 19, 1816, in AVA, AK, *Orthodoxer*, 3/131.

²⁷¹ Report of the Court Chancellery, April 2, 1816, in AVA, AK, *Orthodoxer*, 3/2347.

²⁷² Zelich constantly forged titles for himself that he did not possess, switched sides during the French-Austrian conflict over Dalmatia, and had a special ability to make enemies wherever he went. In 1808 he was arrested for disturbing the peace and brawling in a cabaret, and he even behaved obnoxiously when he met Emperor Francis. See Pisani, *La Dalmatie*, 237; see also “Leben des Archimandriten Zelich,” in *Jahrbücher der Literatur* 26 (1824): 197.

²⁷³ Tomassich to the ZOH, July 19, 1816, in AVA, AK, *Orthodoxer*, 3/131.

²⁷⁴ Report of the ZOH to Francis, July 27, 1817, in AVA, AK, *Orthodoxer*, 1(Generalia)/135.

According to officials in Vienna, he had acted unwisely and counterproductively (*zweckwidrig*) by going public with the Union, then in 1823 defiantly trying to exercise his functions from his palace.²⁷⁵ Francis let him take refuge in northern Italy, where the bishop plotted a return.²⁷⁶ Yet, by 1827, Vienna decided to fill his position with an Orthodox bishop, who was, most importantly, a bishop from the Habsburg Empire, not the Ottoman one.²⁷⁷ The Catholic bishop Jacob Frint of St. Pölten advised Francis on this matter and reminded the emperor that the legality of Kraljević's consecration was still in question and that this could be the excuse needed to dismiss the bishop. He argued however, that even if Kraljević had truly been ordained, it was not advisable for him to undertake functions of the Church because the Orthodox "hated" Kraljević. Frint contended the Orthodox would consider Kraljević's exercising of his office as a "desecration" and it would be viewed as a form of forced conscience.²⁷⁸ Frint expressed hope that the new bishop would join the Union but noted the chaos in Dalmatia had to be cleared first. He suggested delaying the attempts at the Union and placing Dalmatia under the authority of the metropolitan in Carlowitz (who would certainly demand an oath of loyalty to Orthodoxy) and simply allowing a priest to serve the small Greek Catholic population.²⁷⁹ Ultimately Vienna appointed Joseph Rajačić in 1829 and placed the diocese under Carlowitz (albeit with restrictions). There was also a new general vicar, whom Vienna ordered to go out and learn about his diocese and calm the population. In addition, Vienna pensioned off Kraljević and banned him from entering Dalmatia.²⁸⁰

²⁷⁵ Bishop Frint to Francis, November 7, 1827, in HHStA, KA, KFA, 236/LXXII/8/53.

²⁷⁶ Count Saurau to Francis, January 18, 1824, in HHStA, KA, KFA, 232/XXIX/8.

²⁷⁷ Bishop Frint to Francis, March 8, 1827, in HHStA, KA, KFA, 236/LXXII/6/39.

²⁷⁸ Bishop Frint to Francis, May 7, 1827, in HHStA, KA, KFA, 236/LXXII/7/47.

²⁷⁹ Bishop Frint to Francis, March 8, 1827, in HHStA, KA, KFA, 236/LXXII/6/45.

²⁸⁰ Frint wrote the sketch of this order, in HHStA, KA, KFA, 236/LXXII/9.

Sporadic attempts to introduce Greek Catholicism continued in Dalmatia, especially in Dornis (Drniš) in present-day southern Croatia, creating dissatisfaction, which peaked in 1835. Conflict began here in 1832 when two Orthodox clergy in Dornis converted to the Union.²⁸¹ Rajačić complained in 1833 that an Orthodox priest's conversion to the Union in Dornis was invalid because he undertook this act only because the Orthodox bishop objected to him living with a concubine. He urged the authorities to reject this conversion. In the meantime Orthodox priests refused to remove the names of converts to the Union from the parish registries and made speeches against Catholicism.²⁸²

The Orthodox bishop Pantelejmon Živković launched a series of complaints in 1835 noting that Orthodox in Dornis had joined the Union “not out of free will...but rather through threats and fraud.”²⁸³ He claimed that local officials offered wheat, money, certificates of poverty (food stamps) or tax breaks in exchange for conversions and that the local imperial official (*Kreisämter*) had even ordered that a local Orthodox priest to strike these converts from his registry. Živković claimed that converts did not go to Greek Catholic services and that on Easter Sunday of 1834, a local orthodox priest had to turn away crying converts who still wanted to attend Orthodox services. The actions of local officials such as Johann Vesich were, according to the bishop, disrupting the hitherto religious harmony with their public use of the term “schismatic.”²⁸⁴ The *Podestà* (magistrate) in Dornis, Živković claimed, had tempted his priests with the words: “Come over to our religion which is endorsed by the emperor and the governor; you will get 400 florins....the church in Kirske would be none so fitting as for you!”²⁸⁵ Živković appealed to Habsburg laws that banned forced religion, citing examples of apostates who

²⁸¹ Pantelejmon Živković to the emperor, April 13, 1835, in AVA, AK, Orthodoxer, 3/279.

²⁸² Rajačić to Francis, 1832, in AVA, AK, Orthodoxer, 2 (Bischöfe)/107.

²⁸³ Živković to the emperor, February 11, 1835, in AVA, AK, Orthodoxer, 1 (Generalia)/25.

²⁸⁴ Živković to the emperor, February 11, 1835, in AVA, AK, Orthodoxer, 1/25.

²⁸⁵ Živković to the emperor, 1835 (no date), in AVA, AK, Orthodoxer, 3/4274.

claimed they only converted out of bribery.²⁸⁶ As a result, he requested exempting these Greek Catholics from the six-week course if they wanted to return to Orthodoxy.²⁸⁷ He threatened to go to Vienna to raise a public fuss about these issues to stop these “out-of-date” (*unzeitigen*) zealots.²⁸⁸ Ultimately, he wanted a neutral commission to sort out the conversions and for the children of Union converts to remain Orthodox.²⁸⁹

Imperial officials ultimately intervened and put a stop to the Union attempts in Dalmatia. In response to Živković’s complaints, the Court Chancellery acknowledged the bishop’s “heavy heart” and claimed that he could not in good conscience be a workhorse of the Union, arguing that the situation in Dalmatia could not continue.²⁹⁰ Vienna concluded that, indeed, force had been used and conversions had not been made out of pure conviction, leading to “confusion and tragic consequences.”²⁹¹ In response to Rajačić’s complaints, the Court Chancellery noted that the local imperial officials indeed, had to approve a conversion to the Union but that if an approved convert visited an Orthodox Church, the Orthodox priest could denounce him or her to the imperial official.²⁹² A May 23, 1832 decree banned bribes and other means to bring people to the Union who were born Orthodox. The Court Chancellery reminded Dalmatian officials that Austrian law banned the word “schismatic” and that they should even avoid the word “non-Catholic” (*Akatholik*).²⁹³ The Court Chancellery wanted to remove the priests who had converted

²⁸⁶ Živković to the emperor, February 23, 1835, in AVA, AK, Orthodoxer, 3/38.

²⁸⁷ Report of the Court Chancellery, July 16, 1835, in AVA, AK, Orthodoxer, 1/25118.

²⁸⁸ Živković to the emperor, March 16, 1835, in AVA, AK, Orthodoxer, 3/57.

²⁸⁹ Živković to the emperor, April 13, 1835, in AVA, AK, Orthodoxer, 3/279.

²⁹⁰ Report of the Court Chancellery, July 16, 1835, in AVA, AK, Orthodoxer, 1/25118.

²⁹¹ Report of the Court Chancellery, May 8, 1835, in AVA, AK, Orthodoxer, 1/25118.

²⁹² Report of the Court Chancellery, March 25, 1835, in AVA, AK, Orthodoxer, 4 (General Vikar)/25718.

²⁹³ Report of the Court Chancellery, May 8, 1835, in AVA, AK, Orthodoxer, 1/25118. The term “*Akatholik*” was legal, though many non-Catholics objected to it.

to the Union from Dalmatia, but the emperor decided to wait for more information.²⁹⁴ Vienna vaguely ordered an “unbiased” investigation in August 1835 and later that year sent a clear message to the governor in Dalmatia to ban forced conversions to the Union.²⁹⁵ If, however, an Orthodox converted to Catholicism out of free will and the children followed the mixed marriages law (also modified in 1835), Orthodox priests were to remove the Greek Catholic convert from the parish registry.²⁹⁶

Union advocates also targeted the Romanian parts of the empire. Serbs controlled Romanian Orthodoxy through Carlowitz. The metropolitan, a Serb, had a reputation among Romanians for being a Serbian nationalist. He continually denied the use of the Romanian language in education; Carlowitz even forbade priests from using Romanian before the 1820s.²⁹⁷ After 1790, ethnicity began to matter more in bishop appointments, and Romanian leaders used subordination to Carlowitz to promote their national cause.²⁹⁸ By the 1840s, many Romanians demanded autonomy from Carlowitz, especially in the realm of church language.²⁹⁹ In this conflict, Catholic activists saw an opportunity to complete the goal of bringing all Romanians into the Union.

It helped these advocates that the Orthodox bishop for the Romanians, Vasilius Moga, inherited an unfavorable situation. Joseph had appointed the first Orthodox bishop (a non-Romanian) for Romanians in 1783, and in 1810, Francis selected Moga, a secular priest, as the first Romanian bishop. But before Moga could take up his post, Francis, cautious about a

²⁹⁴ Decision of Ludwig (in the name of the emperor), June 13, 1835, in AVA, AK, Orthodoxer, 1/25118.

²⁹⁵ Report of the Court Chancellery, July 16, 1835, in AVA, AK, Orthodoxer, 1/25118.

²⁹⁶ Decision of Ferdinand, September 13, 1835, in AVA, AK, Orthodoxer, 4/25718.

²⁹⁷ Keith Hitchens, *Orthodoxy and Nationality: Andrei Saguna and the Rumanians of Transylvania, 1846-1873* (Cambridge, MA: Harvard University Press, 1977), 11.

²⁹⁸ Turczynski, *Konfession und Nation*, 136.

²⁹⁹ Informations-Protocoll, Ungarisch-Siebenbürgische Section, July 15, 1847, in MOL-O, A-105, 31659.

Romanian in office, imposed on the new bishop a list of 19 points, which contained a strict ban on communication with foreign dignitaries, especially in Wallachia, the denial of privileges entitled to Serbs, and obedience to secular law, as well as firm reminders that Orthodoxy was only tolerated in Transylvania and that the Union was a received religion.³⁰⁰

Ladislaus Pyrker, the combative Catholic patriarch of Venice (see Chapter 3), and his brother, Stephan, suggested splitting off the Romanians in the Banat and Transylvania from the Serbian-run bishopric in Arad. He noted that because Romanians had been excluded from special privileges, that this plan would create “a great satisfaction” among the Romanians. They would be placed under the Greek Catholic, Samuil Vulcan, in Grosswardein (Oradea), and as Orthodox priests passed away, the bishop would replace them with Greek Catholic ones. He attacked the Orthodox bishop of Arad, Joseph Putnik, and suggested bribing the archimandrite of St. George, in the Banat, arguing that this “bright guy” (*heller Kopf*) should receive secret instructions to move his monasteries into the Union with the *quid pro quo* that he would be the Greek Catholic bishop of the Banat.³⁰¹ Pyrker contended that this action would be justified because the “Wallach” nation was oppressed by the Serbs, and thus, Romanians would welcome a new ecclesiastical organization.³⁰²

Pyrker’s message was relayed to Michael Wagner, the conservative Court chaplain, who had gained influence after Francis became ill in 1827 (see Chapter 2). He met with Bishop Moga in 1827 and quizzed him on how to promote the Union among the Romanians. Wagner pitched a plan to Francis that year to promote Greek Catholicism. He sought to assure the emperor that the

³⁰⁰ This list is located in several places, see for example, Andrei Saguna, *Geschichte der griechisch-orientalischen Kirche in Oestreich*, 130-133.

³⁰¹ “Schriften in Bezug der Union der Wallachen übersandt von der Patriarchen zu Venedig” (Writing sent over by the patriarch in Venice regarding Wallachs and the Union), August 12, 1826, in HHStA, KA, KFA, 230/303.

³⁰² Stephan Pyrker to Francis, April 25, 1825, in HHStA, KA, KFA, 230/303/56.

government could promote this project indirectly, with minimal uproar, for a direct, open campaign would generate dissatisfaction among Protestants in Transylvania and the metropolitan in Carlowitz. He urged Francis to introduce an institute for theologians and clergy or to pay Orthodox clergy to study in Vienna. Wagner also suggested paying Moga an extra bonus for converts to compensate the bishop for lost income, should the Union project succeed.³⁰³

Major Wolfgang von Cserey, a lower-level advisor in Hungarian affairs and noted scientist, also pitched similar plans to Francis in 1827 after the visit of Moga to Vienna. He said times had changed since the last attempts at Union in the eighteenth century and that new means were needed. He regretted that the state had not promoted the Union, and that the combination of Protestant pressure and Russian influence in the region made such a project impossible. He suggested that the Calvinist oppression of the Orthodox opened a window for Vienna to offer them protection, and that this need for protection would satisfy even Carlowitz. Of course, such a project would need to be secret, and he endorsed Wagner's plan.³⁰⁴ Frint, while not unsympathetic to the Union, noted that it was in the emperor's domain to appoint Orthodox Romanian priests and bishops to serve the Romanian flock in order to create stronger links to Vienna.³⁰⁵

Samuil Vulcan, the bishop of Grosswardein (Oradea) in the Partium just west of Transylvania, carried out the Union project with vigor. In his reports to Francis, he called the Orthodox clergy uneducated and argued that the Serbian bishop of Arad neglected this diocese, whose parishioners were, thus, devoid of morals.³⁰⁶ He reminded Francis that the metropolitan of Carlowitz, Stratimirović, had in 1816 rejected Vienna's candidate for filling the bishopric of

³⁰³ Michael Wagner to Francis, October 19, 1827, in HHStA, KA, KFA, 230/1.

³⁰⁴ Wolfgang Cserey to Francis, July 24, 1827, in HHStA, KA, KFA, 230/2.

³⁰⁵ Frint to Francis, March 28, 1826, in HHStA, KA, KFA, 230/49.

³⁰⁶ Samuel Vulcan to Francis, October 30, 1823, in HHStA, KA, KFA, 232/XXXVI/194-195.

Arad and instead selected Joseph von Putnik, who was a known opponent of the Union.³⁰⁷ He suggested placing Romanian Greek Catholic bishops in places such as Arad to win followers for the Union, similar to other schemes.³⁰⁸ He thought Vienna could provide better education than Carlowitz and that Romanians would appreciate being freed from using Serbian in their curriculum.³⁰⁹ Although Vulcan stressed, along with other advocates, that such plans would proceed cautiously and slowly, he was the only person who actually brought significant numbers of Orthodox to the Union.

Stratimirović disputed these accusations of Serbian oppression of Romanians. He argued that in the synods, the delegates elected the bishops, without regard to nationality, on the basis of who could best provide for their flock. Furthermore he noted that the last few bishops of Wershatz and Temesvar were not elected by the synod but rather transferred there by royal decree. Stratimirović's predecessor, Mojsije Putnik, had tried to prevent this royal usurpation in 1786, but Joseph II had refused. Overall, the metropolitan argued that these accusations were baseless and that the most fit individuals were placed in the dioceses.³¹⁰

The Hungarian Court Chancellery was more interested in confessional harmony than the various Catholic and Greek Catholic prelates. Vienna decided to meddle in the 1816 synod to fill the Orthodox bishop of Arad to procure a pliable candidate. Francis wrote to Bishop Vulcan in 1815 and asked him "under observation of the strictest secrecy" for a few individuals who could be suitable bishops, meaning inclined toward the Union.³¹¹ Vulcan submitted a few candidates, but the Chancellery rejected them and sided with the metropolitan. The Chancellery

³⁰⁷ Primate of Hungary, Alexander Rudnay to Francis, August 9, 1824, in HHStA, KA, KFA, 230/104.

³⁰⁸ Report of the Court Chancellery, November 10, 1815, in HHStA, KA, KFA, 230/7467.

³⁰⁹ Frint to Francis, January 31, 1826, in HHStA, KA, KFA, 230/22-33.

³¹⁰ Stephen Stratimirović to Francis, December 17, 1825, in HHStA, KA, KFA, 230.

³¹¹ Francis to Bishop Vulcan, October 5, 1815, in HHStA, KA, KFA, 230/397.

rejected Vulcan's prime candidate, noting that he did not meet the educational qualifications. They also had doubts about Joseph von Putnik, whom the metropolitan supported, noting that he saw the dioceses in Arad simply as a cash cow. They suspected Vulcan, however, of lying and omitting key details about Putnik. The Hungarian Chancellery's opposition to Putnik was not that he would oppose the Union but rather that he was not a good candidate, who did not know the Romanian language or culture.³¹² They rejected other candidates on the grounds that they were criminals, robbers, firebrands and blackmailers. Finally, the Chancellery was not willing to create controversy by skirting the synod and ultimately rejected Vulcan's requests.

Oddly enough, promotion of the Union genuinely helped Romanians. With the failure of Joseph's reforms in Transylvania, the Habsburgs conceded to the status quo there, which left the region under Protestant domination. Vienna permitted the establishment of an Orthodox seminary in Hermannstadt in 1816 but did little more to help the clergy there.³¹³ Romanians remained excluded from the Transylvanian Diet, despite Leopold II's efforts. A joint Orthodox-Greek Catholic petition in 1834 advocated equality, but it failed due to Magyar and Saxon opposition.³¹⁴ In 1837, Moga turned in another complaint to Vienna asking for endowments from the state for Orthodox clergy in Transylvania, clerical privileges in criminal cases similar to what Protestants and Catholics possessed, freedom from the tithe, which the Orthodox Romanians paid to their Magyar and Saxon landlords, who were not Orthodox, and to share the fee (stola)

³¹² Report of the Court Chancellery, November 10, 1815, in HHStA, KA, KFA, 230/7467.

³¹³ Joseph Trausch *Bemerkung über die vom siebenbürgischen griechisch-nichtunierten Bischof herrn Basilius Moga im Jahre 1837 den zu Hermannstadt versammelten Landesständen unterlegten Bittschrift* (Kronstadt: Druck und Verlag von Johann Gott, 1844), in Országos Széchényi Könyvtár (National Szechenyi Library) OSZK, 19.

³¹⁴ Erich Prokopowitsch, *Die rumänische Nationalbewegung in der Bukowina und der Dako-Romanismus* (Graz: Böhlau, 1965), 16.

paid at weddings.³¹⁵ This petition generated opposition from the status quo establishment, such as the Saxons, who argued that expanding privileges to Romanians would infringe on Saxon ones and feared that an improvement in the condition of the Orthodox clergy would come out of funds meant for the German population. Vienna only granted Moga's request to expand clerical tax privileges to the Orthodox clergy.³¹⁶ Moga also opposed Magyarization and hoped the diet would free the Orthodox clergy in Transylvania from the tithe, paid to Lutherans.³¹⁷ Due to bitter opposition from the "received nations" these petitions failed and Romanians, as a result, remained excluded from the Transylvanian Diet.

Thus, the legal status of Greek Catholics as Catholics provided a pathway through which Romanians had representation. In the diet, the Greek Catholic bishop of Făgăraș-Blaj was, for example, the only Romanian representative in Transylvanian Diet, due to Habsburg efforts to promote the Union in the eighteenth century.³¹⁸ Greek Catholic seminarians also served as historians and censors beginning in the 1780s. Bishop Ioan Bob of Făgăraș-Blaj established schools with instruction in Romanian, and numerous village schools opened in Romanian areas at the start of the nineteenth century.³¹⁹ Although Orthodoxy would become the rallying point for Romanian nationalism, many historians now believe that the educational opportunities offered to

³¹⁵ For the petition (in Latin), see Trausch *Bemerkung über die vom siebenbürgischen griechisch-nichtunierten Bischof herrn Basilius Moga*, 7-17.

³¹⁶ Trausch, *Bemerkung über die vom siebenbürgischen griechisch-nichtunierten Bischof herrn Basilius Moga*, 30.

³¹⁷ Informations-Protocoll, Ungarisch-Siebenbürgische Section, April 5, 1842, in MOL-O, A-105, 31653.

³¹⁸ Turczynski, *Konfession und Nation*, 94.

³¹⁹ Radu R. Florescu, "The Uniate Church: Catalyst of Rumanian National Consciousness," *The Slavonic and East European Review* 45 (1967): 338-339.

Greek Catholics raised the national consciousness of Romanians, along with the Orthodox in the Ottoman Empire, who benefited from Habsburg education.³²⁰

Ultimately Bishop Vulcan's efforts supposedly won approximately 100,000 converts to the Union.³²¹ From 1824-1839 Vulcan helped create 31 new Greek Catholic parishes for Grosswardein in areas under the jurisdiction of the Orthodox bishopric of Arad.³²² Many Greek Catholics in the Military Border converted, however, to Orthodoxy. Despite this success, Vienna appointed a strong Orthodox bishop, Andrei Saguna, in 1846 as Moga's replacement. In any case, it is doubtful Vulcan's parishioners had any idea they were part of the Union as the liturgy remained the same, and Greek Catholicism's distinguishing feature, recognition of the pope as the primate of the Church, would have had little to no effect on the average churchgoer, and was limited by Habsburg laws. Yet the Union remained a contentious issue among Orthodox leaders in Romania, and as late as 1847, Živković was complaining that Greek Catholic priests were openly proselytizing and deceiving Orthodox followers.³²³

Though communion with the pope was the main factor distinguishing Greek Catholics from Orthodox, Austria restricted contact with the papacy. After the establishment of the Metropolitanate in Halicz in 1808, Rome re-opened the St. Athanasius Greek College (*griechische Collegium zum hl. Athanasius*), which the papacy had originally opened for Ruthenes in 1615. Yet Vienna did not respond to this initiative until 1830, when the Court Chancellery ruled that candidates could go to Rome. Still, nothing happened, as the state did not

³²⁰ Emanuel Turczynski, "Orthodoxie und der Westen: von erkämpfter, oktroyierter und gesachsener Toleranz," in *Multikulturalität und Multiethnizität in Mittel Ost- und Südosteuropa* eds. Ernst Peter Brezovszky et al, (Frankfurt: Peter Lang, 1999), 118.

³²¹ Johann Schneider, *Der Hermannstädter Metropolit Andrei von Saguna: Reform und Erneuerung der orthodoxen Kirche in Siebenbürgen und Ungarn nach 1848* (Cologne: Böhlau, 2005), 61.

³²² Bárándy, *Ueber Ungarns Zustände* (Pressburg: Francis Edlen and Schmid, 1847), 12.

³²³ Informations-Protocoll, Ungarisch-Siebenbürgische Section, March 20, 1847, in MOL-O, A-105, 31658.

desire its students to study in Rome and preferred them to receive their education in Vienna, where officials could control the curriculum and the teaching staff. Finally in 1843, the Court Chancellery ruled that Greek Catholics could travel to Rome but that no public funds could be expended for this purpose, and upon their return to Austria, they had to pass state exams before entering the priesthood.³²⁴

Similarly, Greek Catholics remained banned from studying at the *Collegium de propaganda a fide* (Congregation for Propagation of the Faith) and the *Germanikum* (German college). Rome repeatedly requested permission for several Greek Catholics from the Habsburg Empire to study at these two institutions, but as in the case with Catholics (see Chapter 2), Vienna refused. Metternich wanted three or four Greek Catholics to attend and like Jüstel, viewed this institution as harmless to the state. Jüstel thought that losing a few priests would not be devastating to the clergy but that their service as missionaries in the East could be useful to Austria.³²⁵ Yet, as in the case of the Catholics and the *Germanikum*, approval did not come before 1848.

The state also restricted the Greek Catholic bishops from communicating with Rome, most clearly shown in the feud over the Russian-Austrian reorganization of Ukrainian dioceses. In 1807, Vienna had trouble getting papal confirmation of Anton Angelovych as the metropolitan of Halicz because Tsar Alexander had appointed a Greek Catholic metropolitan for Russia, and Rome did not consider Ruthenians in need of two metropolitans. Rome also refused to recognize the earlier privileges the metropolitan of Halicz had possessed, such as consecration and

³²⁴ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 910-991.

³²⁵ Jüstel to Ferdinand, January 20, 1837, in Maass, 5: 483-484.

confirmation of suffragan bishops, all of which the papacy had granted at the Union of Brest.³²⁶ Vienna insisted on these rights, however, and strove to create an independent Greek Catholic Church, subordinated to the state, cut off from Rome, with the head of the Court Chancellery, Count Alois Ugarte, writing in 1807 that “according to the laws in Austria, the policy of subordination of the two Greek Catholic bishops in Galicia cannot continue under the jurisdiction of the foreign metropolitan in Kiev.”³²⁷ Vienna demanded subordination of the Greek Catholic dioceses to a metropolitan in Galicia, whom Habsburg bureaucrats could monitor, noting that Alexander I had also created an independent Greek Catholic hierarchy in Russia.³²⁸ The nuncio agreed to confirm Angelovych but under the condition that the new metropolitan observed the Zamosc synod. Vienna rejected this condition as an infringement on Austrian affairs and tried to prevent the nuncio from communicating with Russian bishops.

Ultimately, Austria prevailed and sidelined the papacy on this matter. The Austrian government approved the papal bull confirming the new metropolitan but selectively edited out the sections dealing with the Zamosc synod and matters related to the Greek Catholic Church.³²⁹ Habsburg officials ignored the rules of the synod and appointed their own bishops, most of whom came from the secular clergy.³³⁰ The subsequent metropolitan, Michael Lewicki tried in the 1840s unsuccessfully to get the papal blessing on Francis’ unilateral reorganization and appointment of the chapter in Lemberg and Przemysl.³³¹ Pope Gregory XVI attempted in 1843, with the support of Metternich, to erect a patriarchate for the 3.5 million Greek Catholics in the

³²⁶ Count Alois Ugarte to Count Johann Philipp Stadion, November 19, 1807, in Ferdinand Maass (ed) *Der Spätjosephinismus 1790-1820* Vol 4 of *Der Josephinismus: Quellen zu seiner Geschichte in Österreich* (Vienna: Herold Verlag, 1957, 440.

³²⁷ Ugarte to Stadion, October 29, 1807, in Maass 4: 437.

³²⁸ Stadion to Francis, March 5, 1808, in Maass, 4: 448.

³²⁹ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 668-669.

³³⁰ Korczok, *Die griechisch-katholische Kirche in Galizien*, 55.

³³¹ Pelesz, *Der Union der Ruthenischen Kirche mit Rom*, 2: 978.

Habsburg Empire, but Vienna did not respond to this initiative.³³² State approval came quickly, however, when it suited Austrian officials, such as when Lewicki obtained from the pope a letter condemning the 1846 revolt in Galicia, in which many Catholic clergy had taken part.³³³

Austrian and even papal rules discouraged conversion from the Greek Catholic rite to the Latin one. The papacy did not view the Union as a means to Latinize the Orthodox. The pope had been a traditional defender against Latin encroachment on Greek Catholics and banned conversions to the Latin rite without a papal dispensation. As with all other conversions, Austrian officials stressed that such an action could not be undertaken without a “rational” (*vernünftigen*) reason, and Austrian law allowed conversions only if the local bishop approved.³³⁴ After a request by the Greek Catholic bishops of Galicia in 1817, the state ruled on conditions for conversion to the Latin and Greek rites.³³⁵ In a mixed marriage between a Greek and Latin-rite (Roman) Catholic, a decree from Vienna in 1818 said that the spouse was free to remain in their rite and the girls could follow the mother and the boys the father in religious upbringing.³³⁶ Papal approval was, of course, not required by state laws. Overall, these rules slightly favored Latin-rite Catholics, and it was not until after 1848 that Latin and Greek Catholics came to an official agreement on conversions, visitation of each other’s masses, and mixed marriages.³³⁷

³³² Emanuel Turczynski, “Orthodoxe und Unierte,” in *Die Konfessionen*, Vol IV of *Die Habsburgermonarchie 1848-1918* (Vienna: Der österreichischen Akademie der Wissenschaften, 1985 (ÖAW)), 416. That same year, the Ottoman Empire allowed a Greek Catholic Church for its Armenian population, in Vrej Nerses Nersessian, “Armenian Christianity,” in *The Blackwell Companion to Eastern Christianity* ed. Kenneth Parry (New York: John Wiley & Sons, 2010), 41.

³³³ Count Charles Inzaghi to Metternich, March 21, 1846, in HHStA, KA, Stk 59 (1846)/412.

³³⁴ Helfert, *Die Rechte und Verfassung der Akatholiken*, 225-226.

³³⁵ Decree to the government of Galicia, March 18, 1818, in AVA, AK, Katholischer, 29 (Toleranz)/119.

³³⁶ Korczok, *Die griechisch-katholische Kirche in Galizien*, 109.

³³⁷ Korczok, 115-119.

Vienna recognized that the Union would bring political benefits. It would weaken the appeal of Russia among the Orthodox and redirect their loyalties toward the Habsburgs. An Enlightened education, controlled by the state, would also create a more educated clergy to carry out apolitical tasks such as pastoral care, similar to expectations for the Catholic clergy. Despite these advantages, Austrian officials, while in favor of the Union, never pursued it with enough vigor to bring about meaningful gains, for to do so would have require using force and other means that too closely resembled tactics taken during the Counter-Reformation. In addition, as with Orthodox bishops, many Greek Catholic ones did not have close links with Vienna, and Habsburg officials viewed the most activist proponent of the Union, Bishop Vulcan, as corrupt.³³⁸ Thus the Union project was haphazard, cautious, feeble and withdrawn at signs of opposition.

Orthodoxy and the Reform Diets

When the Hungarian Diet began meeting again in 1825, the questions of mixed marriages, conversions and other contentious religious issues came up for discussion. For years the diet concerned itself with the ever-contentious topic of mixed marriages, which affected Protestants more than the Orthodox. But after the diet passed resolutions favoring Protestants in 1844 (see Chapter 3), matters dealing with Orthodoxy appeared on the agenda. As in the case with Protestants, Vienna supported concessions to the Orthodox in order to neutralize the religious issue as a rallying cry in the diet.

Of all the confessions to receive far-reaching concessions at the diet, the Orthodox were the last in line, for they already had substantial autonomy. Legally the Orthodox had obtained

³³⁸ Informations-Protocoll, Ungarisch-Siebenbürgische Section, July 21, 1838, in MOL-O, A-105, 31649.

more rights, enshrined in Article 27 of the 1791 Settlement, than the Protestants. Serbs had rallied to the defense of the crown at the end of Joseph's reign and played an important role in bringing the Magyar nobility to heel. Emperor Leopold told Francis, for example, in 1790 that the Serbs had softened the Hungarian Diet.³³⁹ Not only did Orthodox have wide-ranging autonomy, but they were not subject to the Municipal Right in places such as Croatia, which denied Protestants the right to own property (see Chapter 3).³⁴⁰ Orthodox bishops also sat in the upper house of the diet, beginning in 1792.³⁴¹ In addition many Hungarians feared south Slavic nationalism, and the contentious religious issues applied more to Jews and Protestants than to the Orthodox. Yet, by 1848, before the revolution, Orthodox Christians had received the same far-reaching concessions as had Protestants in 1844.

Greek Catholic bishops sided fully with their Catholic counterparts in the diet. Basilius Popovich, bishop of Muncaks, was one such staunch defender of Catholicism in the diet. He considered marriage laws sacramental and immune to civil law.³⁴² In fact, he had aroused the liberals of Bereg County in 1841 when he banned the daughters of his priests from marrying into the families of Orthodox clergy.³⁴³ The bishop viewed the Protestants as cherry-picking legal passages from past settlements, many of which passed before mixed marriages became legal.³⁴⁴ He argued that, traditionally, rights could only be granted to non-Catholics so long as

³³⁹ Turczynski, *Konfession und Nation*, 199.

³⁴⁰ Croatian deputies at the diet used this fact to argue they were not intolerant, see for example the speech of Herrmann von Besán at the 42nd sitting of the Magnates, September 11, 1843, in *Die Religionswirren in Ungarn* ed. Johann Majláth 2 vols (Regensburg: Verlag von G. Joseph Manz, 1845), 2: 55-56.

³⁴¹ Schwicker, *Geschichte der Serben in Ungarn*, 398.

³⁴² Speech of Basilius Popovich at the 53rd sitting of the Magnates, September 29, 1843, in *Die Religionswirren in Ungarn*, 2: 422.

³⁴³ Informations-Protocoll, Ungarisch-Siebenbürgische Section, May 11, 1841, in MOL-O, A-105, 31652.

³⁴⁴ Speech of Basilius Popovich at the 53rd sitting of the Magnates, September 29, 1843, in *Die Religionswirren in Ungarn*, 2: 428.

they did not infringe on Catholic rights, which the proposals from Vienna did.³⁴⁵ Popovich opposed the alterations to the mixed marriage laws in 1844, contending that the *reverse* was a private, binding contract.³⁴⁶ He viewed the suggestions from the lower house as partisan (*parteiisch*) and argued that the law must contain provisions for the Catholic clergy to offer “gentle rebukes” to individuals desiring to convert to Protestantism.³⁴⁷ The Greek Catholic bishop of Grosswardein joined with Popovich and voted with the primate of Hungary, Joseph Kopacsy, in the diet.³⁴⁸

Unlike the Greek Catholics, Orthodox bishops, despite their treatment of marriage as a sacrament, largely sided with the Protestants in the diet. The Orthodox hierarchy did not have a presence at the 1836 Diet due to the illness of the metropolitan, Stefan Stanković, and the four Orthodox bishops were absent at this gathering.³⁴⁹ But by 1844, a new, young metropolitan sat in Carlowitz, and he, along with other Orthodox bishops, began attending the diet.

The new metropolitan, Rajačić voted with the liberal proposals in the lower house, though with reservations. Initially, he wanted the 1844 resolutions to apply to Orthodox as well, but the mixed marriage and conversion issues soured relations with Protestants more than with Orthodox, and Vienna wanted to settle this issue first.³⁵⁰ Rajačić opposed the *reverse*, noting that couples rarely gave it out of free will, but he feared the suggestions of the Protestants and Vienna

³⁴⁵ Speech of Basilius Popovich at the 20th sitting of the Magnates, July 11, 1843, in *Die Religionswirren in Ungarn*, 1: 221-222.

³⁴⁶ Speech of Basilius Popovich at the 37th sitting of the Magnates, September 4, 1843, in *Die Religionswirren in Ungarn*, 1: 334.

³⁴⁷ Speech of Basilius Popovich at the 39th sitting of the Magnates, September 6, 1843, in *Die Religionswirren in Ungarn*, 1: 461.

³⁴⁸ Speech of Basilius Popovich at the 20th sitting of the Magnates, July 11, 1843, in *Die Religionswirren in Ungarn*, 1: 258

³⁴⁹ “Ungarn Comitalia,” in HHStA, Länderabteilung (LA), Ungarische Akten (UA), 417L (Landtagsakten, 1832-1844)/30-48. Of the 41 bishop profiles at the 1836 Diet, the Orthodox and Greek Catholic ones were all absent.

³⁵⁰ Speech of Rajačić at the 20th sitting of the Magnates, July 11, 1843, in *Die Religionswirren in Ungarn*, 1: 273.

would lead to indifference.³⁵¹ Rajačić considered conversions as harmful to morality, noting “converting from one [religion] to the other undermines morality; for this happens only rarely out of pure conviction but mostly from selfishness....I could cite many examples....but I fear I will bore the high magnates.”³⁵² Yet he opposed ultramontanism, praising Hungary’s traditional independence from Rome under an Apostolic king. The metropolitan argued that the papal order of 1841 permitting passive assistance was not only unpopular among Protestants but also led to indifference for it removed the blessing from a sacramental event. He agreed with Vienna at the 1844 Diet and more often than not, voted with the lower house, but asked that the more radical language coming from there be removed.³⁵³

Živković, the bishop of Temesvar , along with the other Orthodox bishops (Karlstadt, Ofen, and Werschatz), voted with the metropolitan and the Protestants. Court spies noted dissatisfaction among bishops. Stanković (at the time bishop of Bač), for example, grumbled that the Orthodox bishops had to sit behind the Catholic ones in the diet, but overall the spies reported he was “well-disposed” toward Vienna (*gutgesinnt*).³⁵⁴ At the diet Živković claimed he wanted to prohibit conversions by law but also supported the contradictory ideal of freedom of conscience, forcing him to vote with the liberal lower house, which wanted a 15-day waiting period for conversions.³⁵⁵ He defended the mixed marriage practices of the monarchy since

³⁵¹ Speech of Rajačić at the 38th sitting of the Magnates, September 5, 1843, in *Die Religionswirren in Ungarn*, 1: 412.

³⁵² Speech of Rajačić at the 41th sitting of the Magnates, September 9, 1843, in *Die Religionswirren in Ungarn*, 1: 536

³⁵³ Speech of Rajačić at the 53rd sitting of the Magnates, September 29, 1843, in *Die Religionswirren in Ungarn*, 2: 376-377.

³⁵⁴ “Ungarn Comitalia,” in HHStA, (LA), (UA), 417L (Landtagsakten, 1832-1844)/18. The report on him in Hungary was similar, noting he was very “logical.” Informations-Protocoll, Ungarisch-Siebenbürgische Section, March 24, 1840, in MOL-O, A-105, 31651.

³⁵⁵ Speech of Živković at the 41th sitting of the Magnates, September 9, 1843, in *Die Religionswirren in Ungarn*, 1: 540.

Joseph II, but expressed concern that civil law could contradict Church doctrine.³⁵⁶ The Orthodox bishops of Karlstadt, Ofen, and Wershatz voted with the lower house, with the bishop of Ofen, Plato Athanatzkovic saying “I support the report of the Stande [Lower House], which...brings peace to our Protestant brothers”³⁵⁷ Yet, although the Court submitted several proposals to reform Orthodoxy in the areas of education, divorce, and the holiday calendar, they went nowhere in the diet due to other pressing matters as well as to concerns expressed by the Magyars about the Illyrian movement.³⁵⁸

For the 1847-1848 Diet, Vienna positioned itself ahead of the opposition and proposed formal equality of Orthodoxy with Catholicism, in effect expanding the provisions of the 1844 Diet to Orthodoxy. Metternich viewed the bigotry of Catholic prelates and their use of the word “schismatic” as harmful to the conservative cause and wanted, once again, to neutralize the confessional question.³⁵⁹ Before the diet, in 1846, the *Statthaltereien* issued a communiqué declaring the proposed rules as the law of the land. Such unilateral action by the Court aroused many counties and several Catholic clergymen. The communiqué engendered “lively debate” in Talador County, where many local officials viewed the new law as a trick to rule Hungary absolutely.³⁶⁰ In Gran (Esztergom) County, where the primate resided and held enormous

³⁵⁶ Speech of Živković at the 53rd sitting of the Magnates, September 29, 1843, in *Die Religionswirren in Ungarn*, 2: 443.

³⁵⁷ Speech of Plato Athanatzkovic at the 41th sitting of the Magnates, September 9, 1843, in *Die Religionswirren in Ungarn*, 1: 540.

³⁵⁸ See for example, the reports on the 1844 Diet for September 3, in Informations-Protocoll, Ungarisch-Siebenbürgische Section, September 3, 1844, in MOL-O, A-105, 31655.

³⁵⁹ George Barany, “The Liberal Challenge and Its Limitations: The Religious Question at the Diet of 1843–1844” in *Hungary and European Civilization* ed. György Ranki (Budapest: Akadémiai Kiadó, 1989), 53.

³⁶⁰ Informations-Protocoll, Ungarisch-Siebenbürgische Section, July 7, 1846, in MOL-O, A-105, 31657.

influence, the sheriff and Catholic clergy declared the new law illegal.³⁶¹ On the other hand, Bishop Joseph Lonovics worked on behalf of the communiqué in Temes (Temesvar) County in the Banat.³⁶² In Abaujwar (Abovsko-turnianska) County Catholic clergy and local officials insisted that such action was illegal because it had not passed through the diet.³⁶³ In Bars (Tekovská) numerous liberal city magistrates resisted the royal measures, and the county assembly supported the communiqué but with the caveat that it received confirmation from the diet.³⁶⁴ The county judge of the heavily Greek Catholic Ung (Užská) County declared sections of the royal communiqué on conversion as illegal.³⁶⁵ The Varasd county assembly, in Croatia, ordered its deputies to support the equalization of Catholicism and Orthodoxy but to delay discussion on the Croatian Municipal Right.³⁶⁶ Other counties such as Békés and Szabolcs greeted these developments.³⁶⁷ For the most part, most Hungarian counties disliked the attempt by Vienna to implement such a change without going through the proper constitutional channels.

Article 20 of the 1847/48 Diet expanded the 1844 rules for Protestants to the Orthodox and called for a synod to arrange how the Hungarian ministries would supervise Orthodox schools.³⁶⁸ These decisions irritated the Catholic hierarchy, which despised Vienna's interference

³⁶¹ Informations-Protocoll, Ungarisch-Siebenbürgische Section, July 25, 1846, in MOL-O, A-105, 31657.

³⁶² Informations-Protocoll, Ungarisch-Siebenbürgische Section, July 3, 1847, in MOL-O, A-105, 31659.

³⁶³ Informations-Protocoll, Ungarisch-Siebenbürgische Section, June 3, 1846, in MOL-O, A-105, 31657.

³⁶⁴ Informations-Protocoll, Ungarisch-Siebenbürgische Section, June 30, 1846, in MOL-O, A-105, 31657.

³⁶⁵ Informations-Protocoll, Ungarisch-Siebenbürgische Section, June 23, 1846, in MOL-O, A-105, 31657.

³⁶⁶ Informations-Protocoll, Ungarisch-Siebenbürgische Section, November 16, 1846, in MOL-O, A-105, 31658.

³⁶⁷ See Informations-Protocoll, Ungarisch-Siebenbürgische Section, June 30 and July 7, 1846, in MOL-O, A-105, 31657.

³⁶⁸ Gesetz-Artikel des ungarischen Reichstages 1847/8: Nach der ungarischen Original Ausgabe übersetzt (Pest, Landerer und Heckenaft, 1848), 63-64.

in ecclesiastical matters. Yet, the episcopacy as a whole chose not to fight this measure, and only Bishop John Scitovszky of Rosenau (Rožňava) and Bishop Ioan Lemenyi of Făgăraș complained.³⁶⁹ This method intended to settle the religious issue by decree and to give liberals what they wanted without making concessions to representative government. In addition, liberals and Magyars were suspicious of pan-slavism and the autocratic, Orthodox tsar, who had designs on marrying a Romanov to the Palatine's son (see Chapter 2).

The Austrian Empire was the only state in the West with a sizeable Orthodox population. The Orthodox in Ukraine, northern Serbia, southern Hungary, Dalmatia, and other portions of the empire were the only Orthodox in the world to be governed according to the ideals of the Enlightenment. As a result, Vienna protected Orthodox from zealous Catholics and acted a mediator in confessional conflict. This practice contrasted sharply with Austria's eastern neighbors, Russia, which sought to eliminate competition to Orthodoxy, and the Ottoman Empire, which committed political blunders and atrocities by slaughtering Orthodox leaders they deemed traitors.

Vienna also questioned the loyalty of its Orthodox population, which was in close proximity to Russian personnel, who aggressively marketed Russia's Orthodoxy. This strategy had weakened the Ottoman Empire and caused it to lose substantial territory. Habsburg officials viewed the Union as a more indirect way to weaken sympathy for Russian propaganda, yet to promote Greek Catholicism actively, it would have had to impose it by force on a reluctant population, potentially causing more unrest than it eliminated. Furthermore, the legacy of the Counter-Reformation and the stigma surrounding it made state intervention for the Union awkward. The Habsburg policy of Josephist toleration and the protection of freedom of

³⁶⁹ Moritz Csáky, "Die Katholische Kirche und der liberale Staat in Ungarn in 19. Jahrhundert," in *Ungarn-Jahrbuch (UJ)* 5 (1973): 122.

conscience overrode the geopolitical interest of converting its Orthodox subjects to Greek Catholicism. As a result, attempts to promote the Union were cautious and quickly aborted. Overall confessionalism and the interests of the Catholic Church played little role in Vienna's relations with the Orthodox communities.

In the Ottoman Empire, the opposite situation prevailed, as massacres and murders of Orthodox leaders only justified much of Russia's intervention in the Balkans. The Ottomans, despite their reputation for toleration, acted brutally when foreign events threatened their delicate confessional situation. In 1821, in response to the loss of Morea and the calls of Ypsilantis for a crusade, Turkish officials, with the backing of the Sultan, commenced a reign of terror on Easter Sunday across the empire and hanged the patriarch of Constantinople (Gregory V) along with other Orthodox bishops in front of the main cathedral. These events outraged the European public, and even Francis considered breaking diplomatic relations with Turkey.³⁷⁰ Serbs in the Ottoman Empire had to answer to Greek bishops who were corrupt and concerned primarily with milking their dioceses. In addition, Ottoman Janissaries and bureaucrats frequently massacred Serbian men and enslaved women and children, resulting in floods of refugees to the Habsburg Empire throughout the early nineteenth century.³⁷¹ In the world of Orthodoxy, the Habsburgs easily had the most humane policy, and most offenses against Orthodox communities there were minor. As a result, the Habsburg Empire had no uprising in its Orthodox borderlands, despite Russian propaganda and events in the Ottoman Empire, and in 1848 Orthodox leaders rallied to the defense of the monarchy. Similar Habsburg policies also benefitted Jews, though most of them faced steeper obstacles to equality and could only dream of having the same rights that Protestants and the Orthodox possessed.

³⁷⁰ Tischler, *Die Habsburgische Politik gegenüber den Serben und Montenegrinern*, 214-215.

³⁷¹ Petrovich, *A History of Modern Serbia*, 79.

CHAPTER FIVE: JEWS

Today in the old Jewish district of Cracow, called Kazimierz, there lies an empty square with abandoned chairs, tables, and suitcases to symbolize the tragic fate that met the Jewish community there at Belzec and Auschwitz.¹ Yet, today Kazimierz is active and bustling, its cafes and bars full after decades of neglect under the communist regime. In the midst of the current hustle and bustle lies *Jozefa* street, named after Joseph II in the 1860s. Although the district is mostly devoid of Jews today due to the Holocaust, the street name is a reminder of better times, and the hope the Habsburgs, after Joseph, once offered the Jewish community in the empire.

Joseph II's legacy has been remembered warmly by most Jews, for his reforms, while they granted much less to Jews than to non-Catholic Christians, changed the ideology of the Habsburg state and sparked the movement for emancipation in the Austrian monarchy. Although progress on rights for Jews slowed after Joseph's death, the Habsburg government assumed up to 1848 that emancipation was inevitable and took steps to clear the barriers to equality between Jew and Christian, with the explicit goal of bringing about a gradual emancipation that would make Jews useful to the state while not provoking the numerous anti-Semites of the empire.²

¹ I owe many thanks to Piotr Kisiel for introducing me to Kazimierz.

² Much of the historiography on Jews from Joseph's death until 1848 portrays Austria's treatment of Jews as a step back. William McCagg writes in *A History of Habsburg Jews, 1670-1918* (Bloomington, IA: Indiana University Press, 1989) that Emperor Francis I (r.1792-1835) treated Jews terribly and used toleration to close doors to Jews, though he acknowledged that his policy of national neutrality facilitated the assimilation of wealthy Jews (p. 50, 51, 60-64). Gerson Wolf, one of the most frequently cited historians of Jews in Austria, focused mostly on Vienna and did not study toleration; see his *Geschichte der Juden in Wien (1156-1876)* (Vienna: Alfred Hölder: 1876). Erika Weinzierl wrote in "Der Toleranzbegriff in der österreichischen kirchenpolitik," Vol I of *Xlle Congres International des Sciences Historiques: Rapports*, p. 142 that around 1841 there was a flood of ordinances restricting Jewish toleration. Raphael Mahler's study of Galician Jews, while instructive on Hasidism, is littered with careless comments about how the Habsburg state was "reactionary," ruled by a "pious Catholic monarch." Mahler even claimed that the monarchy was based on "clerical intolerance and national suppression;" see

Austria pursued what Artur Eisenbach has labeled the “Prussian path” to emancipation, one consisting of partial solutions, compromises and delays.³ As a result, while many legal barriers remained between Christian and Jew, the state rewarded “useful” Jews and took steps, mostly by supporting education, to integrate Jews into Habsburg society. The state promoted this project despite widespread anti-Judaism among the general population and the unwillingness of many Jews, especially in Galicia, to integrate into Habsburg society.

The Status of Jews in the Habsburg Lands through the Reign of Joseph II

Like other European states, the Austrian monarchy before Joseph II viewed the Jews as an undesirable foreign element, and its treatment of Jews wavered between limited toleration of a few wealthy Jews and outright persecution. Jews had inhabited Central Europe for almost 500 years when Luther sparked the Reformation. Documents mention the presence of Jews in Vienna in 966, Styria in 1103, Graz in 1166.⁴ In the late medieval period, kings such as Frederick Barbarossa invited Jews into their realms, while other kings such as Bela IV of Hungary, Ottokar II in Bohemia and Moravia, and Frederick II, the last Babenburg duke of Austria, introduced statutes protecting Jews.⁵

Yet in the fifteenth century, Habsburg monarchs copied their counterparts in Western Europe and issued numerous expulsion decrees, as conditions worsened for Jews. Rulers, such

Raphael Mahler, *Hasidism and the Jewish Enlightenment: Their Confrontation in Galicia and Poland in the First Half of the Nineteenth Century* (Philadelphia: Jewish Publication Society: 1984), 4, 35,70. Yet few of these studies take an extensive look through the archives and study day-to-day toleration in the empire. For a good response to Mahler, see Rachel Manekin, “Hasidism and the Habsburg Empire: 1788-1867,” in *Jewish History* 27 (2013): 271-297,
³ Artur Eisenbach, *The Emancipation of the Jews in Poland, 1780-1870* translated by Janina Dorosz (Cambridge, MA: Blackwell: 1991), 19.

⁴ Bruce F. Pauley, *From Prejudice to Persecution: A History of Austrian Anti-Semitism* (Chapel Hill, N.C.: University of North Carolina Press, 1998), 13. The majority of this work dealt, however, with the twentieth century.

⁵ Wolf, *Geschichte der Juden in Wien*, 2-5.

as the archbishop of Salzburg, and numerous Habsburg rulers issued expulsion orders in the late fifteenth century. In 1670, Emperor Leopold I expelled the Jews from Lower Austria, even over the protests of the Pope.⁶ Charles VI (r.1711-1740) ordered the removal of Jews from Silesia and Bohemia, but the Bohemian Estates did not enforce this decree.⁷ As late as 1745 Maria Theresa ordered the expulsion of Jews from Prague under the assumption that they had aided Frederick the Great in the Silesian Wars (1740-1745) against Austria. Into the eighteenth century, constant expulsions and calls for violence against Jews were commonplace in the Habsburg monarchy.

Yet Habsburg rulers could never eliminate the Jewish presence in the monarchy, for the state needed loans from wealthy Jews, and geopolitical factors caused an influx of Jews into the empire by the late eighteenth century. Even the infamous Counter-Reformation Emperor, Ferdinand II (r.1619-1637) employed Jews as financiers, and in exchange, he allowed Jews to settle outside the Vienna city walls and to practice various trades.⁸ Ferdinand II also rejected requests by the Counter-Reformation bishop of Vienna, Cardinal Melchior Klesl, to expel the Jewish population. The emperor did insist that Jews in Vienna and Prague visit local churches and listen to sermons, but most Jews practiced passive resistance and slept through mass.⁹ Jews returned to Vienna after Leopold I's expulsion due to the emperor's need for money in the Great Turkish War (1683-1699), funding which the Jewish banker Samuel Oppenheimer provided.¹⁰ The Bohemian Estates fought Maria Theresa's 1745 expulsion order, fearing the economic damage that expelling the Jews would cause, and petitioned the empress to overturn this

⁶Joseph Karniel, *Die Toleranzpolitik Kaiser Josephs II* (Gerlingen: Bleicher, 1986), 30.

⁷ Christoph Lind, "Juden in den habsburgischen Ländern 1670-1848," in *Geschichte der Juden in Österreich* ed. Herwig Wolfram, (Vienna: Ueberreuter: 2006), 373.

⁸ Sonja Malinger, "Die Entstehung des politisch wirksamen, rassitisch orientierten Antisemitismus im Österreich des 19.Jahrhunderts," Ph.D Diss., University of Vienna, 2000, 19-20.

⁹ Wolf, *Geschichte der Juden in Wien*, 44-46.

¹⁰ Christoph Lind, "Juden in den habsburgischen Ländern 1670-1848," 342.

decision. Only diplomatic intervention in 1748 by numerous European states at the end of the War of Austrian Succession, along with the offer of an additional tax to be paid by Jewish communities, convinced the empress to reverse her decision.¹¹ In the meantime, Maria Theresa placed restrictions on Jews, most notably in her *Judenordnung* of 1764, which forced married men and widowers to wear beards, restricted worship to homes in utmost silence, prohibited Jews from buying property, banned them from competing with Christians in trade, and only allowed foreign Jews to visit Vienna if they stayed in a special Jewish hotel.¹²

Geopolitical factors also greatly expanded the Jewish population in the Habsburg monarchy. Most of the world's Jews lived in the Polish and Ottoman lands after 1500.¹³ The Spanish expulsions in 1492 had sent many Jews to the Ottoman Empire, while many refugees from other expulsions ended up in Poland. The 1648 Khmelnytsky Uprising by Cossacks in Ukraine killed as many as 100,000 Jews, prompting mass migration of Jews into Poland.¹⁴ As the monarchy expanded eastward into Ottoman territory after the Siege of Vienna in 1683, it swallowed numerous Jewish communities. In 1686, after the conquest of Ofen (Buda) by the Holy League army, the pan-European force formed to fight the Ottomans, a killing spree occurred in which soldiers murdered thousands of Muslims and Jews, prompting most Sephardic

¹¹ Anna Drabek, "Die Juden in den böhmischen Ländern zur Zeit des landesfürstlichen Absolutismus: Von der Schlacht am Weißen Berg bis zum Ausgang der Regierungszeit Maria Theresias," in *Die Juden in den böhmischen Ländern* ed. Ferdinand Seibt (Munich: Oldenbourg, 1983), 135.

¹² *Judenordnung* of 1764, in Alfred F. Pribram, *Urkunden und Akten zur Geschichte der Juden in Wien* 2 Vols (Vienna: Wilhelm Braumüller, 1918), 1: 374-379.

¹³ Israel Bartal, *The Jews of Eastern Europe, 1772-1881* translated by Chaya Naor (Philadelphia, PA: University of Pennsylvania Press, 2006), 15.

¹⁴ These figures remain debated and ranged historically from 100,000 to 500,000, though recent studies have lowered these figures, see Shaul Stampfer, "What Actually Happened to the Jews of Ukraine in 1648," in *Jewish History* 17 (2003): 209-221. In addition, these massacres appear in discussions about the history of genocide, see Colin Martin Tatz, *With Intent to Destroy: Reflecting on Genocide* (London: Verso, 2003) 146.

Jews to flee and to continue living in the Ottoman Empire.¹⁵ After the conquest of Hungary, Counter-Reformation advocates, such as the Hungarian Cardinal Leopold Charles von Kollonitsch, urged harsh measures against Jews. By the early eighteenth century, the Habsburgs had expelled Jews from most royal boroughs in Hungary and reduced the Jewish population to petty trade, usury, and selling alcohol.¹⁶ The 1772 partition of Poland brought over 200,000 Jews into the monarchy, dramatically increasing the number of Jews. Galician Jewry constituted three-fourths of the Jewish population in Austria. Maria Theresa immediately placed restrictions on the rights of Jews to marry and increased the taxes on meat and candles.¹⁷ After 1772, many Jews streamed into Hungary from Galicia.¹⁸

As a result, the number of Jews in the Habsburg monarchy skyrocketed, giving Austria the second largest Jewish population in Europe, after Russia. Statistics from 1803 show the following numbers: Bohemia, 48,192; Moravia and Silesia, 27,822; Austria (Upper and Lower), 1,496; Carniola, Gorizia, and Gradiska, 381; Galicia, 372,472; Hungary, 80,894; Transylvania, 2,108, and a few hundred in the military border.¹⁹ Jews as a percentage of the population, ranged from 9.6% in places such as Galicia, to under 1% in German-Austria, putting the latter more in line with its neighbors in Central and Western Europe. These numbers (but not the percentages) rose throughout French Revolution and the *Vormärz*, along with the general population.

¹⁵ Lind, "Juden in den habsburgischen Ländern 1670-1848," 377.

¹⁶ Steven Bela Vardy, "The Origins of Jewish Emancipation in Hungary: The Role of Baron Joseph Eötvös, *Ungarn Jahrbuch (UJ)*, 7 (1976): 138.

¹⁷ Joshua Shanes, *Diaspora Nationalism and Jewish Identity in Habsburg Galicia* (Cambridge U.K.: Cambridge University Press, 2012), 21.

¹⁸ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 278.

¹⁹ Wolf, *Die Geschichte der Juden in Wien*, 112. The numbers for Upper and Lower Austria would be for Lower Austria as Jews did not live in Upper Austria. In 1803, Austria held West Galicia, to the north of Galicia, which it lost in 1809 and did not receive back in 1815, giving it a larger Jewish population in 1803 than it had in 1815.

The effects of the Enlightenment and the *Haskalah*, its Jewish counterpart, slowly began to alter the relationship between Jews and Gentiles by the late eighteenth century. Joseph, as Holy Roman Emperor, in 1770 ensured that Jews received equal amounts of grain from the granaries as Christians.²⁰ Even Maria Theresa viewed the kidnapping and baptizing of Jews as barbaric and banned this practice in Hungary in 1762.²¹ In 1778, the archbishop of Vienna, Cardinal Christopher Anton Migazzi, complained that Jews and Christians congregated together in coffee houses and at the theater.²² A Masonic lodge in Vienna, the Order of the Asiatic Brethren, accepted Jew and Christian alike for membership.²³ By 1780 numerous intellectuals, such as Friedrich Nicolai and Gotthold Ephraim Lessing, and most notably the Berliner Christian Wilhelm von Dohm, were advocating for basic civil rights for Jews.

Concurrently, Jewish communities also underwent reform in the Jewish Enlightenment, called the *Haskalah*, which created a faction of Judaism willing to engage with its Gentile neighbors and to integrate with surrounding societies. The *Haskalah* initially aimed at making Judaism respectable at an intellectual level by studying Hebrew grammar, science, and correcting the imperfections in the religion, but this movement transformed into one that advocated emancipation and assimilation.²⁴ Moses Mendelsohn, the most famous representative of *Haskalah*, translated the Pentateuch into German and used philology and history to prove the

²⁰ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 310.

²¹ Karniel, 298.

²² Gerson Wolf, *Zur Geschichte der Juden in Wien nach archivalischen Urkunden* (Vienna: Herzfeld and Bauer: 1866), 21.

²³ Jakob Katz, *Out of the Ghetto: The Social Background of Jewish Emancipation, 1770-1870* (Syracuse, N.Y.: Syracuse University Press, 1998), 55.

²⁴ This is the argument of David Sorkin in *The Berlin Haskalah and German Religious Thought: Orphans of Knowledge* (London and Portland: Vallentine Mitchell, 2000).

existence of Jewish stories such as the Exodus. Yet he claimed that Judaism was tolerant and lacked a missionary impulse, making its adherents worthy of emancipation.²⁵

Joseph's reforms in the 1780s substantially reduced religious anti-Judaism at the bureaucratic level and sought to make Jews useful to the state. Dohm's work, which came out in 1781, influenced members of the state council (*Staatsrat*), who advised Joseph on the Jewish question.²⁶ The emperor's numerous Jewish patents removed many of the legal barriers on the Jewish community. Joseph's decrees stressed less on removing legal hindrances than promoting education and attacking the autonomy of the Jewish communities, with the aim of integrating Jews into Habsburg society.

Joseph issued numerous decrees to reduce legal disabilities on Jews in the monarchy. He issued his first patent regarding Jewry for Bohemia on October 19, 1781, and one for Moravia followed the next year. These decrees abolished multiple special taxes for Jews, such as the body tax (*Leibmaut*), which had been applied to cattle, and permitted Jews to learn handicrafts from Christian masters. In 1782, a German Jewish school opened in Prague, and enlightened Jews received appointments to open schools for Jews.²⁷ In Moravia, Joseph opened up new trades to Jews and permitted them to lease rural land.²⁸ Joseph issued a Jewish Patent for Lower Austria in 1782, which allowed Jews to engage in big business, lend money for property, encouraged schooling, and abolished sumptuary beards.²⁹ Joseph published a Jewish Patent for

²⁵ David Sorkin, *The Religious Enlightenment: Protestants, Jews, and Catholics from London to Vienna* (Princeton, N.J.: Princeton University Press: 2008), 195.

²⁶ Paul P. Bernard, "Joseph II and the Jews: the Origins of the Toleration Patent of 1782," *Austrian History Yearbook (AHR)* 4 (1968): 109.

²⁷ Eila Elzholz, "Toleranzedikt und Emanzipation," in *Die Juden in den böhmischen Ländern*, 153.

²⁸ Michael Miller, *Rabbis and Revolution: The Jews of Moravia in the Age of Emancipation* (Stanford, CA: Stanford University Press: 2010), 47.

²⁹ Joseph's Toleration Patent, January 2, 1782, in Pribram, *Urkunden und Akten zur Geschichte der Juden in Wien*, 1: 494-500.

Hungary in March 1783 that allowed Jews to visit Christian schools but restricted publication of Hebrew to religious books.³⁰ In Galicia, Joseph viewed the Yiddish-speaking Jews as potential agents of Germanization. The emperor promoted farming for Jews and allowed the founding of New Jerusalem in Neu-Sandez (Nowy Sącz). In 1785 he abolished the rabbinical courts, replacing them with secular ones, required attendance at German schools, and forced Jews to take German surnames.³¹ Finally in 1789 Joseph issued a Jewish patent for Galicia, where the Church hierarchy was weak, allowing for the granting of far-reaching rights, such as the right to buy property, freedom of occupation, and permission to become municipal citizens.³²

Yet Joseph's reforms did not bring the benefits they brought to Christian minorities. The hatred of Jews had a deeper and longer history than that of other non-Catholics. When Joseph spoke with Fanny von Arnstein, his friend and a prominent Jew in Vienna who operated a popular salon, she asked the emperor to aid her people. Joseph responded "I will do for them what I can; but unfortunately I do not like them; just look at them!"³³ Joseph did not bother to publish Jewish patents for Tyrol, Styria, Slovenia, and Carinthia, where few Jews lived, and the ones for Lower Austria and Bohemia confirmed many restrictions, such as on settlement and purchasing property.³⁴ He rejected a request in 1784 to build a synagogue in Vienna, where Jews did not have an official community but rather only tolerated families.³⁵ Joseph also imposed a tax on kosher meat in 1785. Jews remained officially barred from most public offices except in Galicia, and in practice, even there, few Jews attained public office.

³⁰ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 432.

³¹ Shanes, *Diaspora Nationalism and Jewish Identity in Habsburg Galicia*, 22-23.

³² Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 446-448

³³ Hilde Spiel, *Fanny von Arnstein oder die Emanzipation: Ein Frauenleben an der Zeitwende 1758-1818* (Frankfurt am Main: Fischer, 1981), 106.

³⁴ Charles O'Brien, "Ideas of Religious Toleration at the Time of Joseph II: A Study of the Enlightenment Among Catholics in Austria," *Transactions of the American Philosophical Society* 59 (1969): 29

³⁵ Wolf, *Die Geschichte der Juden in Wien*, 90.

Despite the decline of traditional anti-Judaism at the state level in Austria, secular reasons caused even enlightened thinkers to dislike Jews. While clerical anti-Judaism remained powerful, Joseph's reforms had greatly mitigated the Church's role in policy making, and secular anti-Judaism overtook its religious counterpart as the bigger obstacle to emancipation.³⁶

Centuries of separation had resulted in different dress, language, economic systems, and cultural practices, making Jews a foreign group by any rational observation. The Austrian

Enlightenment thinker Johann Pezzl wrote about Jews, for example that:

Their [the Jews] single and eternal occupation is to wheel, deal, haggle, serve as money brokers, and to defraud Christians, Turks, heathens, and even each other... This is however merely the beggardly legacy from Canaan, which is dirty, unclean, disgusting, impoverished, bedeviled, intrusive, and other qualities that the chosen people might have, only surpassed by the rubble of the twelve tribes of Galicia... there is no species, which is closer to the orangoutang than a Polish Jew. From their feet to their throat, they are full of feces, dirt, and rags... their throat open and from the color of kaffir, the face outgrown by a beard, which would generate horror even to a high priest in the old temple... These creatures come to the yearly markets in Vienna by the hundreds, in order to unload their goods³⁷

Voltaire, along with many Enlightenment thinkers despised the Old Testament for its seemingly harsh laws and outdated rituals and found Jewish adherence to such practices barbaric. In addition, the idea of Jews as God's chosen people generated universal skepticism, mockery, and anger from Gentiles.³⁸

In Galicia, which contained the largest and poorest Jewish communities, travel literature depicted the Jews as immoral and living in squalor. The traveler Francis Kratter published pamphlets in the 1780s describing Jewish pimps in Lemberg and criticizing the Jewish monopoly

³⁶ The bishops' reports to Emperor Francis commonly complained about Jews' corrupting influence on finance, liquor consumption, and working on Sundays, especially in Lemberg and Tyniec, in Haus-Hof-und-Staatsarchiv (HHStA), Kabinettsarchiv (KA), Kaiser Franz Akten (KFA), 231-238.

³⁷ Wolfgang Häusler, *Das galizische Judentum in der Habsburgermonarchie: Im Lichte der zeitgenössischen Publizistik und Reiseliteratur von 1772-1848* (Munich: R. Oldenbourg, 1979), 79.

³⁸ Katz, *Out of the Ghetto*, 97.

on the liquor trade.³⁹ Enlightened observers leveled other criticisms at Jews but praised Joseph, hoping that the emperor's reforms would transform Jews into good farmers, soldiers, and manufacturers.⁴⁰ Joseph joked after a visit through Galicia that he had always wondered why he bore the title of king of Jerusalem.⁴¹

There was also popular resistance to tearing down the wall separating Christian and Jew. Farming projects failed in Galicia, not only because Jews received poor land and disliked farming but also because neighboring peasants despised their Jewish neighbors.⁴² Nobles disliked the entry of Jews into the military with equal rights, viewing them as competing for their military privileges.⁴³ The guilds resisted the entry of Jews, whom Christian masters viewed as unnecessary competitors. In Bohemia, Vienna, and Hungary guilds protested the Jewish Patent.⁴⁴

Most Jews in the empire resisted *Haskalah* and clung to pre-Enlightenment concepts of religion, viewing themselves as diaspora communities living in a foreign land. While Jews such as Naphtali Hirz Wessely urged his co-religionists to embrace educational opportunities made available by Joseph, most Jewish communities rejected this call.⁴⁵ Many Jews wanted to retain as

³⁹ Larry Wolff, *The Idea of Galicia: History and Fantasy in Habsburg Political Culture* (Stanford, CA: Stanford University Press, 2012), 26-30.

⁴⁰ Häusler, *Das galizische Judentum in der Habsburgermonarchie*, 46.

⁴¹ Derek Beales, *Joseph II: Against the World, 1780-1790* Vol II of *Joseph II* (Cambridge U.K.: Cambridge University Press, 2009), 58. Joseph's official title included outlandish claims, such as king of Jerusalem. Typical Holy Roman Emperor titles included the list of their titles with numerous kingdoms, dukedoms, including "king of Jerusalem."

⁴² Svjatoslav Pacholkiv, "Das Werden einer Grenze," in *Grenze Und Staat: Passwesen, Staatsbürgerschaft, Heimatrecht Und Fremdengesetzgebung in Der Österreichischen Monarchie 1750-1867* eds. Waltraud Heindl, Edith Sauer, Hannelore Burger, and Harald Wendelin (Vienna: Böhlau, 2000), 600.

⁴³ O'Brien, "Ideas of Religious Toleration at the Time of Joseph II," 30.

⁴⁴ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 425-6, 525-527.

⁴⁵ Sorkin, *The Berlin Haskalah and German Religious Thought*, 106.

much self-government as possible.⁴⁶ Jews in Galicia resisted, by and large, the educational opportunities offered to them by the state. They protested schooling for girls and wanted education for boys reduced.⁴⁷ The implementation of toleration for Jews like that of Protestants, much less full equality, would have required a wholesale revolution on the part of Jews and Christians.

Jews and the French Revolution

Joseph had undertaken, nonetheless, the boldest action on Jewish rights of any ruler before 1789 and established Austria as a progressive leader on this issue. But during the French Revolution and Napoleonic Wars the situation grew more complex, as French armies suddenly wiped away centuries of anti-Jewish legislation across Europe. The National Assembly in France emancipated its tiny Jewish population in 1791.⁴⁸ French armies granted full equality to Jews on the left bank of the Rhine in 1798 and Westphalia in 1808.⁴⁹ Napoleon brought hope to assimilation-minded Jews throughout the German, Polish, and Italian lands, but as part of the French emperor's attempt to stabilize the revolution, he reversed many of these policies in 1808, and the next year, he even imposed a massive fine on the Viennese Jewish community when he conquered Vienna. In 1808, Napoleon imposed restrictions on Jews in France, requiring them to obtain special licenses to engage in commerce, revocable at any time. He annulled debts owed to

⁴⁶ Katz, *Out of the Ghetto*, 19.

⁴⁷ O'Brien, "Ideas of Religious Toleration at the Time of Joseph II," 35.

⁴⁸ Even then, this process was not smooth. Anti-Jewish riots erupted during the Great Fear, and the initial emancipation decree in 1790 excluded Ashkenazi Jews, see Nigel Aston, *Christianity and Revolutionary Europe, 1750-1830* (Cambridge U.K.: Cambridge University Press, 2002), 196.

⁴⁹ Werner E. Mosse, "From 'Schutzjuden' to 'Deutsche Staatsbürger Jüdischen Glaubens': The Long and Bumpy Road of Jewish Emancipation in Germany," in *Paths of Emancipation: Jews, States, and Citizenship*, eds. Pierre Birnbaum and Ian Katznelson (Princeton, N.J.: Princeton University Press, 1995), 69.

Jews, banned Jews in certain provinces, and only allowed them to settle in the other departments if they performed farm labor. The idea was that there was a large gap between Jews and Christians, but in the future, these differences would disappear.⁵⁰

Meanwhile in the German lands, Napoleon's armies forced reform of Jewish laws. French laws conceded near parity to Jews in Westphalia, and areas such as Bremen and Lübeck allowed Jewish settlement. Bavaria recognized local Jewish communities after 1813, though it retained many previous restrictions.⁵¹ Napoleon's victory at Jena-Auerstedt in 1806 forced dramatic change in Prussia. Frederick the Great (r. 1740-1786) had encouraged Jewish immigration to Prussia but had refused to change the legal position of Jews.⁵² Real change arrived in Prussia after 1806, led by ministers Prince Charles August von Hardenberg and Baron Charles vom Stein. Hardenberg was the impetus behind the Emancipation Edict in 1812, which did not emancipate Jews. Rather it eliminated most social and economic restrictions on them, while maintaining exclusion on Jewish participation in political life, including state service. Hardenberg harbored similar goals as Austrian officials, noting in his Riga Memorandum that the only way to improve the Jews was through education and participation in trade and civic life.⁵³

Progress on the Jewish question slowed substantially during the French Revolution in the Habsburg lands. Emperor Leopold II rejected requests to repeal Josephist legislation on Jews

⁵⁰ Frances Malino, "French Jews," in *The Emancipation of Catholics, Jews and Protestants: Minorities and the Nation State in Nineteenth-Century Europe* eds. Rainer Liedtke and Stephan Wendehorst (Manchester: Manchester University Press, 1999), 90. Napoleonic regimes, such as the Duchy of Warsaw enacted similar measures that year as well, see Eisenbach, *The Emancipation of the Jews in Poland*, 129-146.

⁵¹ Renate Penßel, "Der Wiener Kongress und der Rechtsstatus der jüdischen Gemeinden in Deutschland," in *Der Wiener Kongress—eine kirchenpolitische Zäsur?* eds. Heinz Duchhardt and Johannes Wichmeyer (Göttingen: Vandenhoeck and Ruprecht, 2013), 224.

⁵² Sorkin, *The Berlin Haskalah and German Religious Thought*, 111.

⁵³ Matthew Levinger, *Enlightened Nationalism: The Transformation of Prussian Political Culture, 1806-1848* (Oxford: Oxford University Press, 2000), 116.

and to expel Jews from royal towns in Hungary.⁵⁴ He allowed Jews to practice law and restored Jewish autonomy in areas such as marriage.⁵⁵ Under Francis petitions to eliminate the taxes on Jews failed, as the need for tax revenue during the revolutionary wars overrode all other concerns in Austria. Similarly, petitions by Jews and bureaucrats alike on eliminating taxes aimed at Jews, such as the visitation tax (*Bolletentax*) failed due to the need for money.⁵⁶ A discussion on abolishing this tax in 1793 ended, for example, with the remark “if we abolish this tax, they must make up for it.”⁵⁷ Taxes went up on the Catholic and Protestant churches alike, and in both confessions, the state left high positions vacant to save money.

Although progress stalled on the Jewish question during the French Revolution, the government set up several offices and issued multiple decrees to regulate the activities of Jews. A few months after Francis’ ascension as emperor in 1792, the government allowed the Jewish community to elect representatives to work with Austrian officials on regulating the Jews.⁵⁸ The next year the state established a Jewish Department (*Judenamt*) to handle the emigration of foreign Jews instead of the police. Despite an order abolishing this office in 1797 due to its ineffectiveness, the office technically remained in place until 1848.⁵⁹

That same year (1797) the government issued a patent for Bohemia, which in the opening preamble stated that the following regulations were needed “in order to bring Jewry in Bohemia closer to the accepted policy of toleration for the good of the state...” and “finally, to abolish the

⁵⁴ Karniel, *Die Toleranzpolitik Kaiser Josephs II*, 527.

⁵⁵ Karniel, 521.

⁵⁶ The word “Bollete” comes from the Latin, *Pollex*, meaning thumb, harkening back to the custom of marking a thumb as a mark of approval on visitors to cities, in Max Grunwald, *Vienna*, (Philadelphia: The Jewish Publication Society of America, 1936), 185.

⁵⁷ Report of the government of Lower Austria to the Court Chancellery, September 9, 1793, in Pribram, 1: 675.

⁵⁸ Wolf, *Geschichte der Juden in Wien*, 98.

⁵⁹ Report of Count Francis Joseph von Saurau, March 24, 1797, in Pribram, 1: 684.

differences between Christians and Jews, which hitherto were necessary.”⁶⁰ This patent did not grant full equality, but rather laid out conditions aimed at integrating Jews into the state, though it maintained many restrictions and upheld the abolition of the legal authority of rabbis. This promise of equality prompted demands from elite Jews for equality in German Austria.

The Jewish elite in Vienna, which had begun to burgeon in the Enlightenment, flourished during the French Revolution. The Jewish banker Bernhard von Eskeles loaned money to Austria for the 1805 and 1809 wars, and Francis often consulted him, along with the elderly baptized Jew Joseph von Sonnenfels, for advice. Eskeles founded the *Wiener Sparkasse* (Savings Bank of Vienna), and served as a director for the Austrian National Bank, established in 1816, which he helped create.⁶¹ In 1798 Emperor Francis made Nathan Arnstein the first non-baptized Jewish *Freiherr* (Baron) in Austria, writing “in order to give....N.Arnstein and his associates Salomon Herz and Bernhard Eskeles sufficient honor for the enthusiastic service granted in these times, I grant them the benefits of hereditary nobility.”⁶² At the same time, Francis also ennobled Salomon Herz and Bernhard Eskeles and ordered penalties on anyone who refused to recognize their titles.⁶³ Joseph had ennobled the first non-baptized Jew in Austria in 1789, and Francis was willing to grant titles of nobility for Jews who had distinguished themselves.⁶⁴ By 1848, the state had raised 26 Jewish families into the nobility, compared to none in Prussia.⁶⁵ In addition, wealthy Jews of Vienna performed charitable work, such as donating money and caring for

⁶⁰ Systemal Judenpatent, August 3, 1797, in Allgemeines Verwaltungsarchiv (AVA), Unterricht und Kultus, Alter Kultus (AK), Israelitischer Kultus, 3/8/797.

⁶¹ Salo Baron, *Die Judenfrage auf dem Wiener Kongreß: Auf Grund von zum Teil ungedruckten Quellen dargestellt* (Vienna: R. Löwit: 1920), 122-123.

⁶² Spiel, *Fanny von Arnstein oder die Emanzipation*, 231.

⁶³ Spiel, 235.

⁶⁴ The estates detested this practice, see William D. Godsey, “Habsburg Government and Intermediary Authority under Joseph II (1780-1790): The Estates of Lower Austria in Comparative Perspective” in *Central European History (CEH)* 46 (2013): 711.

⁶⁵ The first unbaptized Jew was not ennobled in Prussia until 1872, Lind, “Juden in den habsburgische Ländern 1670-1848,” 429.

wounded soldiers after the battle of Aspern (just outside Vienna) in 1809 during this hard year, earning the goodwill of prominent officials.

Fanny von Arnstein, the daughter of the prominent Jew Daniel Itzig and wife of Nathan Adam von Arnstein, operated her famous salon in the Austrian capital. Fanny had moved from Berlin to Vienna in 1776 and opened a salon, which flourished during the French Revolution. She kept open house to the elite men and women in Vienna.⁶⁶ Young nobles often visited, and her good looks led men to serenade her.⁶⁷ At the Congress of Vienna she received visits from prominent officials, ranging from Charles August von Hardenburg to the Duke of Wellington. Cardinal Consalvi was a frequent visitor, and even the papal nuncio, Antonio Severoli, made a brief stop, though he did not stay long or return.⁶⁸ Like the Catholic *Kreise*, her gatherings attracted police suspicion. Police suspected her of being loyal to Prussia, not a completely unfounded claim.⁶⁹ Her Prussian entourage in December 1814 puzzled police, who reported Berliners singing funny songs in her salon around a strange tree.⁷⁰ Yet, this tradition caught on in Vienna, and the Christmas tree soon became a popular fixture.

By 1815, the Jewish question had changed dramatically since the 1780s, and at the Congress of Vienna, Austria and Prussia emerged as the leading advocates for the civil rights of Jews. Jews had served in the military against the French, though many Jews in Poland had sympathized with Napoleon. In the Habsburg Empire, 36,200 Jews served in the army, and the Austrian army even contained Jewish officers, a rarity in the Napoleonic Wars.⁷¹ Many Jews

⁶⁶ Spiel, *Fanny von Arnstein oder die Emanzipation*, 261.

⁶⁷ Spiel, 176-177.

⁶⁸ Spiel, 433.

⁶⁹ Spiel writes that Fanny von Arnstein was “more Prussian than Prussia,” (p. 199).

⁷⁰ Police report of December 27, 1814, in *Die Geheimpolizei auf dem Wiener Kongress: Eine Auswahl aus ihren Papieren* ed. August Fournier (Vienna: F. Tempsky, 1913), 315.

⁷¹ Lind, “Juden in den habsburgischen Ländern 1670-1848,” 403. Joseph had pioneered drafting Jews for military service in 1788, see Michael K. Silber, “From Tolerated Aliens to Citizen-

insisted that if they were fit for military service, they were fit to enjoy other rights, a point Koppel Mendel Theben, the head of the Jewish community in Pressburg (Bratislava), argued so fiercely to Francis in 1799 that the former passed out as he yelled to the emperor. Francis agreed not to conscript Jews until a decree in 1807, which also contained minor improvements for Jews.⁷² In areas such as Cracow, an independent city under the watchful eye of Prussia, Austria, and Russia, the three powers implemented the *Statut Starozakonnych*, which was based on Joseph's toleration laws for Galicia. It established equality for Jews in taxation and occupational freedom, based on the tenets of the Enlightenment, though in practice, restrictions remained in place.⁷³

At the Congress of Vienna a committee of five German powers, Austria, Prussia, Hannover, Bavaria and Württemberg met to discuss the Jewish question. Austria, Prussia, and Hannover insisted on retaining Napoleonic changes to the legal status of Jews, while Württemberg and Bavaria resisted.⁷⁴ Austria and Prussia wanted a confederation-wide solution to grant Jews basic legal rights. Hardenberg and Humboldt pushed the hardest for Jewish rights, having been the main forces behind the 1812 Emancipation Edict but also feared that the

Soldiers: Jewish Military Service in the Era of Joseph II,” in *Constructing Nationalities in East Central Europe*, eds. Pieter M. Judson and Marsha L. Rozenblit (New York: Berghahn Books, 2004), 25. In 1793, the Court Chancellery decided that Jews could pay their way out of military service, see decree of the Court Chancellery to the provincial governors (Länderstellen) of Bohemia, Moravia, and Lower Austria, in Pribram, 2: 25. The government abolished Jewish exams for the military, see sitting of the Court Chancellery, the War Council and the Court Chamber, November 29, 1803, in Pribram, 2: 110. Jewish soldiers still faced restrictions, such as a ban on vacationing in areas where they were prohibited, see decree to the government of Lower Austria, February 14, 1805, in Pribram, 2: 132.

⁷² Raphel Patai *The Jews of Hungary: History, Culture, Psychology* (Detroit: Wayne State University, 1996), 226.

⁷³ Andrea Schmidt-Rösler, “Gesetzgebung und Politik gegenüber der jüdischen Bevölkerung in der Republik Krakau 1815-1846,” in *Jahrbücher für Geschichte Osteuropas* 41 (1993): 212.

⁷⁴ Baron, *Die Judenfrage auf dem Wiener Kongreß*, 73-75.

persecution of Jews in the rest of Germany would flood Prussia with Jews.⁷⁵ In addition, numerous spokesmen, most notably Jewish deputies from Frankfurt and the Christian Carl August Buchholz (see Chapter 1), demanded emancipation for Jews in all the German states.

While Hardenberg, Buchholz, and Humboldt were the strongest advocates of a general settlement in favor of Jews across Germany, Austria supported these goals as well. Hardenberg told Hanseatic leaders that the Austrian emperor was on the side of liberating the Jews.⁷⁶

Metternich himself even wrote to the imperial diplomat in Hamburg C.L. von Hoefer on January 26, 1815, criticizing the Hanseatic cities for their anti-Jewish activism at the Congress:

At the moment when the Jews are entitled to expect from the assembled Congress a determination of their rights and relations in line with liberal principles, I cannot remain indifferent at the oppression of the Jewish inhabitants in Hamburg, Bremen and Lübeck....in Austria as well as in other states of Germany, Jewish communities have long enjoyed humane treatment⁷⁷

Metternich also opposed the Württemberg delegation, which resisted intervention in their local affairs. He argued that it “was absolutely necessary” to provide protection for subjects, for in recent times, certain individual states had allowed repression to reappear. Metternich also supported the petitions of Jewish deputies from Frankfurt, who resisted attempts by the city council there to re-impose pre-Napoleonic restrictions on the Jews.⁷⁸ In addition, the *Österreichischer Beobachter*, the semi-official newspaper of the Austrian government, published a book review of Buchholz’s *Actenstücke, die Verbesserung des bürgerlichen Zustandes der Israelitien betreffend* (On the Civil Improvement of the Jews), which it used to promote the Jewish cause. He argued that Jews had proven their worth as citizens by taking up arms against

⁷⁵ Edward Timms, “The Pernicious Rift: Metternich and the Debate about Jewish Emancipation at the Congress of Vienna,” *Leo Baeck Institute Yearbook* 46 (2001): 14. Timms’ article serves as a concise summary of Baron’s work (*Die Judenfrage auf dem Wiener Kongreß*) in English.

⁷⁶ Baron, *Die Judenfrage auf dem Wiener Kongreß*, 91-92.

⁷⁷ Baron, *Die Judenfrage auf dem Wiener Kongreß*, 95.

⁷⁸ Baron, *Die Judenfrage auf dem Wiener Kongreß*, 75, 79.

the French, as well as being productive in regions such as Bohemia as manufacturers.⁷⁹ Another article in 1816 attacked the Lübeck senate for its resolution expelling the Jews as being a cruel, illegal act.⁸⁰

Resolution of the Jewish question failed, however, due to resistance from Bavaria and small states. Dr. Johann Smidt, a renowned politician in Bremen and outspoken opponent of Austro-Prussian plans, argued against intervention in his city of Bremen, noting that Jews had not lived there before 1803.⁸¹ Bavarian officials also insisted that the rights of Jews had no place in the final Federal Act, which determined the framework for the German Confederation. As the Congress dragged on, Prussia and Austria, after several drafts, could only get article XVI passed, promising future improvements but in the meantime leaving to the individual states the right to make their own laws regarding Jews.⁸² The provision said:

The Confederal Assembly will deliberate on how to improve, in the most concurrent manner possible, the civic status of adherents to the Jewish faith, and how, with special regard to the same, the enjoyment of civic rights could be obtained and secured in exchange for the assumption of full civic duties in the Confederal states; yet adherents to this faith will retain rights already granted to them by the individual Confederal states⁸³

Ultimately, the committees at the Congress, experts at wasting time, could not come to an agreement on the Jewish question, and the German representatives deferred the question to the Diet of the German Confederation in Frankfurt, where several attempts to revive action on this issue, including one by Metternich, failed.

⁷⁹ *Österreichischer Beobachter (ÖB)*, March 2, 1815, 336. Schlegel was the author of this piece, see Ernst Behler (ed), *Studien zur Geschichte und Politik* Vol 7 of *Kritische-Friedrich-Schlegel-Ausgabe* (Munich: Paderborn, 1966), CXXXIX (See Chapter 1).

⁸⁰ OB, Nr. 142, May 21, 1816.

⁸¹ Baron, *Die Judenfrage auf dem Wiener Kongreß*, 102.

⁸² Penßel, "Der Wiener Kongress und der Rechtsstatus der jüdischen Gemeinden in Deutschland," 238.

⁸³ This text can be found in numerous places. For the original text, see Penßel, "Der Wiener Kongress und der Rechtsstatus der jüdischen Gemeinden in Deutschland," 238. This English translation comes from the German Historical Institute, "German Federal Act (June 8, 1815)," http://germanhistorydocs.ghi-dc.org/docpage.cfm?docpage_id=139 (accessed January 3, 2015)

After the Congress, many states, including Prussia, revoked several of its promises to Jews and ignored article XVI. Over Metternich's objections, the papacy reintroduced its anti-Jewish laws.⁸⁴ Prussia refused to enforce the Emancipation Edict, and Frederick William III maintained bans on Jews in the officer corps or in academic or state positions.⁸⁵ In 1815, Christian Friedrich Rühs, who later became Prussia's official historian, published *Über die Ansprüche der Juden auf das deutsche Bürgerrecht* (On the Demands of the Jews for German Citizenship), which attacked Jewish claims to citizenship, arguing that Jews constituted a separate nation.⁸⁶ Similar tracts became more and more common after 1815.⁸⁷ In Mecklenburg, the Estates revoked the 1813 Emancipation Edict. In Lübeck and Bremen local leaders kicked out their Jews.⁸⁸ Hannover, which had not opposed the Austro-Prussian suggestions initially, became a major opponent of granting rights to Jews at Frankfurt.⁸⁹ The Habsburgs also followed their own set of laws, which also fell short of the ideals of equality considered at the Congress of Vienna, though the status of Jews remained greatly improved since the 1780s.

The Legal Status of Jews in the Habsburg Empire after 1815

In the Habsburg Empire there were few Napoleonic rules regarding the Jews to revoke. Joseph II had made strides to integrate the Jews into Austria before the revolution, and unlike revolutionary legislation, his decrees had monarchical legitimacy. As a result, subsequent

⁸⁴ Frank Coppa, *The Papacy, the Jews, and the Holocaust* (Washington D.C.: Catholic University Press, 2008), 54-59.

⁸⁵ Christopher Clark, "German Jews," in *The Emancipation of Catholics, Jews and Protestants*, 128.

⁸⁶ Levinger, *Enlightened Nationalism*, 117-118.

⁸⁷ Timms writes that around 2,500 tracts appeared, mostly hateful, regarding the Jewish question in the *Vormärz*, in "The Pernicious Rift," 17

⁸⁸ Penßel, "Der Wiener Kongress und der Rechtsstatus der jüdischen Gemeinden in Deutschland," 247-249.

⁸⁹ Baron, *Die Judenfrage auf dem Wiener Kongreß*, 180.

monarchs retained Joseph's reforms, though progress slowed on the Jewish question until the late 1830s. The government continued to view the Jews as morally deficient and wanted to limit the increase in the Jewish population, but it continued Joseph's policy of integration. Officials encouraged, therefore, secular education, knowledge of German, the adoption of German last names, and the abolition of Jewish clothing and beards.⁹⁰ State officials repeatedly stated that their aim was gradual equality. An 1818 report by the Court Chancellery in Vienna explicitly stated that the goal on the Jewish question was for Jews "to obtain all rights and become citizens, but this must be done gradually and be amenable to modification."⁹¹ That same year, the Court Chancellery in Vienna noted that "it is not proved that the Jewish religion is harmful for the state."⁹² Francis refused the Arnstein petition for full equality after the Napoleonic Wars but in 1817 and 1820 ordered a compilation and modification of all the Jewish laws. He insisted that "Jews should be moral, religious, and educated in order to eliminate their isolation and separation."⁹³ Numerous laws and decrees reiterated this goal.

While the general population, especially in Galicia, retained for the most part its traditional anti-Judaism, for the government the prejudices against Jews were secular ones. The state despised Jewish usury, involvement in the liquor trade, and the moral and material squalor in which many observers found the Jewish community. In addition, many officials viewed Jews

⁹⁰ Christians occasionally complained about Jews taking Christian names but officials ignored these complaints, see for example, report of the Bohemian government, March 28, 1836, in AVA, AK, Israelitischer 1 (In Genere: Böhmen)/19811.

⁹¹ For example, see the report of the Court Chancellery, December 29, 1818, in Pribram, 2: 284.

⁹² Report of the Court Chancellery, December 29, 1818, Pribram, 2: 287.

⁹³ Lind, "Juden in den habsburgischen Ländern 1670-1848," 409.

as lazy, fearful of manual labor, and “out to make a quick buck.”⁹⁴ While Protestants had a reputation for hard work, Jews were notorious as swindlers and cheats.⁹⁵

Even enlightened bureaucrats despised the Jewish involvement in money lending and could not overlook the perceived moral and material squalor of Jewish communities in Galicia. Reports routinely noted that “shameful” intellectual and moral condition of Jews in Galicia. Even Metternich, who was not anti-Jewish, wrote that “The entrance into Galicia is mountainous...then comes the plain, enclosed and wooded and very pretty. What spoils the country is that Jews are met at every step; no one is to be seen but Jews: they swarm here.”⁹⁶ The discriminations faced by Jews, while a legacy of Christian anti-Judaism, had relaxed under Joseph and his successors, and the many restrictions remaining on Jews remained for secular reasons. For Christian observations, many Jews continued to be a part of an insular, foreign community. The readiness of Jews to assimilate varied widely by territory to territory and the legacy of each region was different.

Even Jews disagreed among themselves about their position in the Habsburg state, and Orthodox, *Masklim* (adherents of the *Haskalah*), and Hasidic factions feuded frequently over this issue. Enlightened Jews pushed for further concessions from the state and urged their co-religionists to utilize the opportunities offered by the government. For example, Peter Beer, a Jewish teacher in Prague, supported the 1797 Jewish Patent for Bohemia and urged his fellow

⁹⁴ For example, see the Report of the Court Chancellery, in Pribram, 2: 284.

⁹⁵ Although Kann did not provide detail, he rightly noted that Protestants experienced little discrimination and had a reputation for being hardworking in Austria, see Robert Kann, “Protestant and German Nationalism in the Austro-German Alpine Lands,” in *Tolerance and Movements of Religious Dissent in Eastern Europe* ed. Bela Kiraly (Boulder, CO: East European Monographs, 1976), 18.

⁹⁶ Prince Richard Metternich ed, *Memoirs of Prince Metternich, 1815-1829*, trans. Alexander Napier 5 Vols (London: Richard Bentley & Son, 1881), 4: 16. In fact, even more liberal-minded men, such as Archduke Johann, accused Metternich of being apart of the Rothschild Jewish party, see Wolfram Siemann, *Metternich: Staatsmann zwischen Restauration and Moderne* (Munich: Beck Verlag, 2010), 97.

Jews to follow these laws. He lobbied Francis, secretly, to avoid a backlash from Orthodox rabbis, to reform Jewish worship.⁹⁷ Enlightened Jews were able to set up newspapers, and the first one was the *Judischdeutsche Monatsschrift* in 1802. An enlightened Hebrew printer in Vienna printed liturgical work, giving the Jewish community its own worship literature.⁹⁸ The maskilim, or enlightened, Jew Schalom Cohen founded the journal *Bikkure ha Ittim* in 1820, which sold well.⁹⁹ Joseph Perl led maskilim Jews in Galicia and launched fierce attacks on Hasidism, the dominant form of Judaism in Galicia.¹⁰⁰ He praised the improvements for Jews in the Habsburg Empire and believed old prejudices were disappearing.¹⁰¹ Perl went so far as to support military conscription as civilizing and accusing Hasidic Jews of dodging taxes.¹⁰² In Lemberg, there was no ban on maskilim Jews by the head rabbi, and there, future head rabbis, such as Abraham Kohn, preached integration, abandonment of moneylending, adoption of agriculture and handicrafts, moral education, science, and the use of German.¹⁰³ In 1844 an enlightened, German Jewish school appeared in Lemberg, and reformers founded others in Tarnopol, Brody, and Cracow.¹⁰⁴

⁹⁷ Karin Oberegelsbacher, “Die Juden und das habsburgische schulwesen. Toleranzpolitik vom aufgeklärten Absolutismus bis zum Vormärz,” Ph.D Diss., University of Vienna, 1985, 21.

⁹⁸ Wolfgang Häusler, “Toleranz, Emanzipation und Antisemitismus. Das österreichische Judentum des bürgerlichen Zeitalters (1782-1918),” in *Das österreichische Judentum: Voraussetzungen und Geschichte* eds. Nikolaus Vielmetti et al. (Vienna: Jugend und Volk Verlagsgesellschaft, 1974), 90.

⁹⁹ Lind, “Juden in den habsburgischen Ländern 1670-1848,” 393.

¹⁰⁰ Raphael Mahler, *Hasidism and the Jewish Enlightenment: Their Confrontation in Galicia and Poland in the First Half of the Nineteenth Century* (Philadelphia: Jewish Publication Society, 1984), 126.

¹⁰¹ Mahler, *Hasidism and the Jewish Enlightenment*, 154

¹⁰² Mahler, 132.

¹⁰³ Michael Stanislawski, *A Murder in Lemberg: Politics, Religion, and Violence in Modern Jewish History* (Princeton N.J.: Princeton University Press, 2007), 46, 53.

¹⁰⁴ McCagg, *The History of Habsburg Jews*, 112.

Enlightened, assimilationist Jews were, however, in the minority. Some estimates put the ratio of Hasidic Jews in 1847 at six out every seven Jews in Galicia.¹⁰⁵ Even if contemporary observers overestimated this preponderance, Hasidism dominated Galicia. Hasidic Jews viewed Germanization as repressive as taxation and resisted assimilation, arguing that Jews had escaped Egypt because they had not changed their names, language, or customs.¹⁰⁶ Orthodox Jews opposed the reduction of their communal autonomy and opposed emancipation on the grounds that only Israel was the messianic homeland. Although gentile officials disliked such attitudes, state policy remained to grant toleration to Hasidism, and in 1815 Vienna issued a decree reminding administrators of Joseph's 1788 order banning persecution of Hasidic Jews. The Galician government dutifully carried out these instructions and rebuked local officials who disobeyed.¹⁰⁷ Despite this Jewish resistance to assimilation, Habsburg officials still desired to integrate Jews and make them useful to the state, and legal restrictions on the Jewish communities aimed at encouraging this goal.

A complex maze of discriminatory laws and burdens still afflicted Jewish communities across the empire, differing from territory to territory. While the Habsburg state made peace with the Reformation, it had a harder time overcoming the older and deeper prejudice of anti-Judaism. Like the German states, German-Austria had few Jews, amounting to under one percent of the population. In Upper Austria Jews remained banned. In many areas, Jews who were not state officials still required special toleration in order to settle there.¹⁰⁸ In Lower Austria Joseph's Jewish Patent of 1782 remained in force, and Jews needed special permission to settle there. In Bohemia and Moravia, officially recognized Jewish communities existed. In Bohemia, Francis'

¹⁰⁵ Mahler, *Hasidism and the Jewish Enlightenment*, 25.

¹⁰⁶ Mahler, 14.

¹⁰⁷ For numerous examples, see Manekin, "Hasidism and the Habsburg Empire," 271-297.

¹⁰⁸ Report of the Court Chancellery, December 29, 1818, in Pribram, 2: 284.

Jewish Patent of 1797 governed Jewish life, and Jews there rose in prominence as they entered manufacturing. In Moravia, strict restrictions remained on Jews, especially in the allotment of the allowed number of official Jewish families there (*Familienstellen*).¹⁰⁹

In recently acquired areas of the empire, Jews had near-parity with Christians, as French armies had done the hard work of removing the anti-Jewish laws, and Habsburg rulers would not bear the anger of the population for liberating Jews. Police reports showed, in fact, that anti-Judaism had deep roots and that emancipation would only please a few hundred Jews in Venetia along with several free thinkers.¹¹⁰ Jews in Trieste retained their privileges they had prior to Joseph's reign. Habsburg Lombardy and Venetia were the exception to the reversal of emancipation across Italy as the gates closed to the ghettos after French troops left.¹¹¹ In the Illyrian [Croatia, Serbia and Dalmatia] region, Francis ordered that Jews should keep the property rights gained under Napoleon but that the Jewish community should not increase in number.¹¹² In Tyrol the government made the same decision, and in 1818 ordered that Jews should not have any civil rights revoked; however, Bavaria had made few changes to the Jews' legal status in Tyrol, who lived in Hohenems, and in the 1809 revolt, Tyrolians had, in fact, plundered several Jewish homes.¹¹³ Jews remained merely tolerated here with restricted civil rights, though they could marry without paying special taxes.¹¹⁴

¹⁰⁹ Miller, *Rabbis and Revolution*, 49

¹¹⁰ David Laven, *Venetia and Venice under the Habsburgs, 1815-1835* (Oxford: Oxford University Press, 2002), 41.

¹¹¹ Tuscany also retained its French laws, see Gadi Luzzatto Voghera, "Italian Jews," in *The Emancipation of Catholics, Jews and Protestants*, 174. Numerous reports noted that Jews and Christians lived in peace in northern Italy, and the government took little action there on this issue.

¹¹² Report of the Court Chancellery, December 29, 1818, in Pribram, 2: 296.

¹¹³ Lind, "Juden in den habsburgischen Ländern 1670-1848," 437.

¹¹⁴ Officials enforced this rule, and Jews remained merely tolerated in Innsbruck, see report of Court Chancellery, in AVA, AK, *Israelitisch*, 7 /7744. Jews did not have to pay special fees to marry, however, see Ignaz Grassl *Das besondere Eherecht der Juden in Oesterreich nach den*

The state could afford to be more ambitious in Galicia, which officials viewed as wild and disorderly and a “tabula rasa” for development.¹¹⁵ In Galicia, where most Jews lived, the Joseph’s 1789 Jewish Patent remained in force. This patent had gone much further than Joseph’s other Jewish patents, allowing Jews to buy rural property, provided they farmed it themselves, permitting Jews to hold municipal offices, and opening up numerous trades to them. Officials confirmed these provisions in 1792 allowing Jews to participate in civic life in Galician towns and sit on committees.¹¹⁶ Unlike in the western portion of the empire, where the state promoted Jewish manufacturing, in Galicia physiocratic ideas favoring agricultural development guided Austrian policy.¹¹⁷ Vienna continued to promote farming projects for Jews in Galicia by exempting them from special taxes, though this effort failed.¹¹⁸ Jews, most of whom were poor and Hasidic, constituted, in the mind of Habsburg officials, part of the problem in Galicia, requiring a lengthy, sustained process of education and moral improvement. Francis approved numerous associations, *Vereine*, such as the Society for the Spread of Industry and Employment among the Jews of Galicia, which aimed to train Jews in industry. Karaite (*Karäer*) Jews, a Turkish sect of Judaism which rejected rabbinical rule and the Talmud, formed an exception to the Jewish communities in Galicia, and observers and state officials praised them, noting that they were quiet, hardworking, engaged in agriculture and God fearing.¹¹⁹

artikeln 123-136 des allgemeinen bürgerlichen Gesetzbuches (Vienna: Ritter von Mösle’s Witwe & Braumüller, 1838), 47.

¹¹⁵ Larry Wolff uses this term in *The Idea of Galicia*, 4.

¹¹⁶ Report of the Court Chancellery to Emperor Ferdinand, August 1, 1836, in AVA, AK, *Israelitischer Kultus*, 1/6997/8.

¹¹⁷ Wolfgang Häusler, “Toleranz, Emanzipation und Antisemitismus,” 86.

¹¹⁸ By 1826, the government had only settled 724 farming plots for Jewish families, see Häusler, *Galizische Judentum in der Habsburgermonarchie*, 37. This number continued to drop throughout the *Vormärz*, see Filip Friedmann, *Die Galizischen Juden im Kampfe um ihre Gleichberechtigung (1848-1868)* (Frankfurt a.M: J.Kauffmann Verlag, 1929), 19.

¹¹⁹ Häusler, *Galizische Judentum in der Habsburgermonarchie*, 72-74.

Sephardic Jews retained special privileges from the Treaty of Passarowitz in 1718, which exempted them from Austrian travel restrictions and taxes. Austrian officials respected these rules. Jews often went to Turkey and returned with a Turkish passport.¹²⁰ Even when Jewish children met conditions for baptism in Austria, the state consulted with Ottoman officials to prevent misunderstandings.¹²¹ After complaints from Turkish Jews about worship conditions in Leopoldstadt, Sephardic Jews quickly received, for example, permission to acquire land on *Seitengasse* in Vienna for the purposes of education and worship in 1843. The Ottoman Porte even voiced its support for this petition, which Austrian officials approved.¹²²

The most obvious burden afflicting Jews was taxes. The financial problems of the government made any reduction or elimination of taxes difficult. Taxes went up on Jews, as well as Christians, during the Napoleonic wars. In fact, during the wars, several officials expressed fear that raising the special taxes on Jews would induce conversion to Christianity and deprive the government of revenue.¹²³ In Galicia, there was no Jewish tax, but taxes on candles and kosher meat aimed at collecting additional revenue from Jews. Jews traveling to Vienna had to pay the *Bollete* tax, which funded the office of Jewish affairs to monitor Jews in the city.¹²⁴ Foreign Jews visiting Vienna had to pay higher fees for staying in the capital and had to prove they had the means to pay. In 1820 Francis ordered a report on special Jewish taxes, with the explicit purpose of studying how to eliminate them without adversely affecting the state's

¹²⁰ Zdeňka Stoklásková, "Fremdsein in Böhmen und Mahren," in *Grenze und Staat*, 673.

¹²¹ See for example, the case of a Bosniak Jew who moved to Trieste and converted to Catholicism, prompting the government to worry about a backlash in the Ottoman Empire, in Decree to the Littoral government, March 15, 1842, in AVA, AK, Katholischer, 32/7462.

¹²² Report of the Court Chancellery to Emperor Ferdinand, October 27, 1843, in AVA, AK, Israelitischer Kultus, 2/3607.

¹²³ Report of the State Council (Staatsrat), August 10-21, 1804, in Pribram, 2: 94.

¹²⁴ Pribram, 1: 681.

precarious financial situation.¹²⁵ In 1832, as Austria's budget situation seemed to improve, reports came back advocating the elimination of these taxes. Francis approved of these reports, writing "it is certainly my intention....that Jews be treated the same as other subjects regarding obligations, and hence they should be freed from these taxes." Francis, always worried about state finances, ordered yet another report on the tax issue to make up for the lost money from the Jewish taxes.¹²⁶ It should be noted as well that Francis also increased business taxes during this period on entrepreneurs, Christians and Jew alike.¹²⁷ Excessive caution and bureaucratic inertia delayed liberalization of Jewish taxes until the 1840s.

In addition, Jews faced numerous obstacles to free settlement. There was no officially recognized Jewish community in Vienna, and Jews traveling there had to report to a Jewish office until its abolition in 1797. The state desired Jews to engage in big business (*Grosshandlung*) and feared a flood of "gougers."¹²⁸ An outside Jew could stay in Vienna for fourteen days, with an extension to six weeks possible. A visit longer than that required permission from the government of Lower Austria.¹²⁹ Foreign Jews faced tougher scrutiny. Tolerated Jews in Vienna had to receive permission from local officials (*Landstelle*) if they sheltered foreign Jews.¹³⁰ Jews commonly extended their trips by lying and claiming they would visit less than 24 hours, in order to obtain a travel pass, which they then overstayed. This invalid travel pass, labeled a "blue slip" (*Blauzettel*), allowed for Jews to stay for a much longer

¹²⁵ The Court Chancellery wanted to abolish the Jewish taxes, while the Finance Ministry opposed this move, Francis to Count Saurau, January 4, 1830, in Pribram, 2: 446.

¹²⁶ Decree from Francis, July 31, 1832, in Pribram, 2: 448.

¹²⁷ Bertram M. Gordon, "Catholic Social Thought in Austria, 1815-1848," Ph.D. Diss., Rutgers, 1969, 22.

¹²⁸ Report of the State Council (Staatsrat), August, 9, 1802, in Pribram, 2: 84.

¹²⁹ Instruction to the government of Lower Austria, November, 24 1792, in Pribram, *Geschichte der Juden in Wien*, 1: 665.

¹³⁰ Decree of the Lower Austrian government to the P.O.D (Polizeioberdirection), June 9, 1803, in Pribram, 2: 54.

residency.¹³¹ Jews also faced restrictions in emigrating from one territory to the other. Officials feared a wave of Jews from Galicia flooding the rest of the empire. In order to move from Galicia to Hungary, for example, a Jew had to apply from his or her old residence for permission from the local *Statthaltereien* (in Hungary) before moving.¹³² In 1803 the government of Lower Austria had to ask the *Statthaltereien* in Hungary to cease issuing travel passes for Jews to come to Lower Austria.¹³³ The state did, however, grant exemptions for “useful” Jews. Jewish manufacturers did not require special permission to enter Vienna and stay the night or to settle in the suburbs after 1838.¹³⁴

The state also prohibited Jews from buying property in parts of the empire. In Galicia, Jews could own homes in cities, but rules restricted expansion of Jewish ownership of Christian homes for fear that Jews would dominate the real estate market and cause rents to rise.¹³⁵ In Vienna, Jews could not purchase real estate within the city walls, and prominent Jews such as the Arnsteins had to acquire their estates at the gates of Vienna, in today’s *Mariahilferstrasse*.¹³⁶ Jews commonly skirted this rule by lending out money to Christians with property as collateral, as allowed under the 1782 Jewish Patent, but then having these borrowers lease the property back to the Jewish lender. Francis ordered an investigation into such activities in 1814. The subsequent report by the Court Chancellery confirmed this practice, but noted that nothing could be done about it, for disallowing it would discourage Jewish integration. The government did not liberalize property laws for Jews in Vienna, but knew these measures were outdated, with

¹³¹ Decree of Lower Austrian government to the P.O.D, June 13, 1797, in Pribram, 2: 59.

¹³² Decree of the Court Chancellery, August 15, 1806, in Pribram, 2: 146.

¹³³ Instructions of Lower Austrian government to the magistrate of Vienna, September 27, 1803, in Pribram, 2: 108.

¹³⁴ Lower Austrian government to the P.O.D., September 15, 1838, in Pribram, 2: 477.

¹³⁵ Report of the Court Chancellery to Emperor Ferdinand, August 1, 1836, in AVA, AK, *Israelitischer Kultus*, 1/6997/8.

¹³⁶ Spiel, *Fanny von Arnstein oder die Emanzipation*, 210.

many voting members in the Court Chancellery objecting to these restrictions and wondering how long they could continue.¹³⁷ Jews could also get exceptions to property bans if they operated factories.¹³⁸

Jews also encountered barriers in business, occupations, and employment of Christians. In 1808, the Lower Austrian Estates banned membership in its proceedings for anyone with Jewish descent, including baptized Jews due to their perceived predominance as bankers and wholesalers. Francis opposed this law and refused to enforce it, but it revealed the economic hostility and secular tensions many non-Jews felt toward their Jewish neighbors.¹³⁹ In Galicia, numerous ordinances attempted to remove Jews from the tavern industry in the countryside. Jews commonly flaunted this ban and thousands of taverns continued to appear, and officials were reluctant to remove Jews from their livelihood for fear that impoverished former tavernkeepers would flood the cities.¹⁴⁰ A 1725 order, applied to Galicia in 1774, had banned Jews from employing Christian servants. Jews could, however, employ Christian day laborers.¹⁴¹

The state proved flexible, however, on the ban on Jews employing Christian servants. The ban on Christian servants proved problematic for wealthier Jews, whose religious laws forbade fellow Jews from doing housework on the Sabbath. As a result, due to the fact that a Jew requiring a Christian servant usually employed many other Christians in his industrial or

¹³⁷ Report of the Court Chancellery, August 17, 1815, in Pribram, 2: 234.

¹³⁸ See, for example, the request of the Jewish trader, Jacob Lang, in report of the Court Chancellery, June 5, 1820, in Finanz-und-hofkammerarchiv (FHKA), Neue Hofkammer/Kommerz/Akten/Kommerzregulierungs-Hofkommission/2184 (10) /3756.

¹³⁹ William D. Godsey, "Nation, Government, and 'Anti-Semitism' in Early Nineteenth-Century Austria," in *The Historical Journal (HJ)* 51 (2008): 59.

¹⁴⁰ Report of the Court Chancellery to Emperor Ferdinand, August 1, 1836, in AVA, AK, Israelitischer Kultus, 1/6997/8.

¹⁴¹ Report of Court Chancellery, March 11, 1830, in AVA, AK, Israelitischer Kultus, 5 (Christliche Dienstboten) 4907/462. The government suspected that Jews labeled their Christian servants as "day laborers."

commercial endeavors, the state was lenient on this matter. Furthermore, officials were reluctant to create more unemployment by having Jews fire their Christian servants. In 1821, Francis approved, for example, an exception for Jewish families in Brünn (Brno) to employ Christian servants as long as it did not “endanger their morality.”¹⁴² In addition, Prague and other areas did not observe this law, and the government willfully allowed this noncompliance there.¹⁴³ Wealthy Jews faced fines, however, if they did not get approval from Vienna prior to employing Christian servants.

Like Protestants and Catholics, Jews faced numerous restrictions on and regulations of their religious practices. In 1797, Francis ordered quarterly reports on Jewish movements and taxes.¹⁴⁴ In 1800 the state banned the importation of Hebrew books and granted a monopoly to Anton Schmid, who operated a Jewish printer.¹⁴⁵ The state curtailed communication with foreign Jewish leaders, and state laws banned foreign Jews from being elected as rabbis. In 1806, the Austrian police monitored Jewish leaders to ensure they did not participate in a Jewish synod in Paris.¹⁴⁶ In 1807, the government banned the excommunication of rabbis in Austria, punishable with a fine, for fear that a foreign entity would obtain influence in the monarchy.¹⁴⁷ State officials also advocated the gradual introduction of German into Judaism, beginning with prayers and preaching.¹⁴⁸

Governmental officials regulated spaces of private worship, known as Miniams. While Maria Theresa’s Jewish Ordinance of 1764 had permitted the practice of Judaism only at home,

¹⁴² Francis’s decree, May 21, 1821, in AVA, AK, Israelitischer Kultus, 5/133.

¹⁴³ Report of the Court Chancellery, December 24, 1818, in AVA, AK, Israelitischer Kultus, 5/159.

¹⁴⁴ Decree to the government of Lower Austria, December 11, 1796, in Pribram, 2: 48.

¹⁴⁵ Lind, “Juden in den habsburgischen Ländern 1670-1848,” 393.

¹⁴⁶ Wolf, *Geschichte der Juden in Wien*, 113-116.

¹⁴⁷ Court Chancellery decree to the provincial governors (Länderstellen), May 25, 1808, in Pribram, 2: 173-74.

¹⁴⁸ Oberegelsbacher, “Die Juden und das habsburgische schulwesen,” 26.

by the early nineteenth century the state preferred that such gatherings be public, and thus, easier to subject to state regulation and less likely to lead to secret societies. Although the 1797 Jewish Patent for Bohemia granted Jews freedom to assemble for worship, article 1 of the patent permitted private worship and use of the Torah as long as the family paid a yearly tax.¹⁴⁹ The government allowed, however, Miniams to take place in Galicia, if a synagogue was too far away or if a Jew was ill but ultimately aimed to eliminate this practice.¹⁵⁰ In 1792, the government reduced the tax on private worship but applied it even when the party did not display the Torah.¹⁵¹ In 1810, a decree ordered that individuals must apply yearly for approval to hold a Miniam and pay a stamp tax.¹⁵² In 1823, Vienna modified the law again to make the right of Jews to hold a private Miniam similar to the standard that Christians needed to hold worship in a private chapel. This provision meant that one had to prove, as did Catholics, that they were law abiding and not religious fanatics.¹⁵³

After passage of the 1823 law, state officials routinely enforced these rules and commonly fined Jews for holding unauthorized Miniams. For one, the state worried the population in Galicia would view Habsburg officials as pro-Jewish as Jews tended to live closer to synagogues than Christians did to churches, making the equal standard in practice unfair to Catholics. In addition, the Jewish community councils opposed the Miniams for they cut down

¹⁴⁹ Systemal Judenpatent, August 3, 1797, in AVA AK, *Israelitischer Kultus*, 3/8.

¹⁵⁰ Report of the Court Chancellery to Emperor Ferdinand, August 1, 1836, in AVA, AK, *Israelitischer Kultus*, 1/6997/8.

¹⁵¹ Report of the Court Chancellery to Emperor Francis, March 8, 1806, in AVA, AK, *Israelitischer Kultus*, 2/222.

¹⁵² Report of the Court Chancellery to Emperor Ferdinand, August 1, 1836, in AVA, AK, *Israelitischer Kultus*, 1/6997/8.

¹⁵³ For the text and analysis of the 1823 law, see Rachel Manekin, "Praying at Home in Lemberg: The Minyan Laws of the Habsburg Empire, 1776-1848," in *Jews and their Neighbours in Eastern Europe since 1750*, eds. Israel Bartal, Antony Polonsky, Scott Ury (Portland, OR: Institute for Polish-Jewish Studies, 2012), 56-57.

on Jewish monetary contributions to the synagogue and cut out the council from religious life.¹⁵⁴ Appeals to Vienna, thus, rarely succeeded in overturning penalties for violation of Miniam regulations.¹⁵⁵ The law also concerned itself which rooms of private homes Jews could use for worship, and often the state suspected gatherings of Jews at homes of being secret, unapproved worship, even if they did not display the Torah.¹⁵⁶ Habsburg bureaucrats were even known to blow out candles at private ceremonies for Jews when the participants could not produce a receipt for the candle tax.¹⁵⁷

The desire to control and regulate Jewish practice led to the building of the first synagogue in Vienna in 1826.¹⁵⁸ Francis had allowed Viennese Jews to buy property for public worship in 1811. In 1817 the emperor and his new wife, Caroline Augusta, visited a public Jewish service in Brody in Galicia.¹⁵⁹ In 1820, the emperor ordered that prayers at synagogue be in German or the local language to assist the police, who did not understand Hebrew.¹⁶⁰ Jewish houses of prayer also could not be located next to Catholic ones, presumably to prevent religious conflict.¹⁶¹ Count Joseph von Seldnitztzy, the police minister, believed a synagogue in Vienna would be filled with liberal Jews, educated in Protestant universities in northern Germany, imbued with revolutionary ideas. Despite this objection, in 1826 the first synagogue opened at

¹⁵⁴ Manekin, "Praying at Home in Lemberg," 60, 68.

¹⁵⁵ Consult AVA, AK, *Israelitischer Kultus*, 2 (Miniams).

¹⁵⁶ For example, in one case in 1825, Galician authorities denied a miniam for a group of Jews in Brody. The Jews claimed it was a memorial for a dead man, and after an appeal Vienna approved the gathering, in decree to the Galician government, September 29, 1825, in AVA, AK, *Israelitischer*, 2/50383.

¹⁵⁷ Bartal, *The Jews of Eastern Europe, 1772-1881*, 77

¹⁵⁸ The first synagogue in Vienna was actually destroyed in 1420 after a Jewish expulsion. Remnants are still located at Judenplatz in Vienna today.

¹⁵⁹ Grunwald, *Vienna*, 334.

¹⁶⁰ Report of the Court Chancellery to Emperor Ferdinand, August 1, 1836, in AVA, AK, *Israelitischer Kultus*, 1/6997/8.

¹⁶¹ Court Chancellery decree to the government of Lower Austria, June 14, 1822, in AVA, AK, *Israelitischer*, 2/290.

Seitenstettengasse. Joseph Kornhäusel designed the new synagogue, which remained off the main road, in accordance with Josephist toleration rules but also due to the fact that the inner city was strapped for space.¹⁶² The first stone was laid for the Jewish synagogue in 1825, and the head of the Court Chancellery, Count Francis Joseph von Saurau, attended the ceremony.¹⁶³ The first leader of this synagogue, the Danish Jew Isaac Noah Mannheimer, supported the curtailing of ancient Jewish prayers, such as the *Kol Nidre*, and the use of the local language in worship.

The government supported Mannheimer in this endeavor, but despite these urgings, he had maintained limited goals for reforming Viennese Judaism.¹⁶⁴ Orthodox Jews boycotted his temple and adopted the motto: “a true Jew does not enter the [Vienna] Temple.”¹⁶⁵ Mannheimer, a timid man and wanted to avoid a split in the Jewish community between the assimilationists and the Orthodox. He was a moderate reformer who opposed the use of organ music in synagogue services. He turned down an invitation to attend the reformist 1845 rabbi conference called by Abraham Geiger in the German lands due his opposition to mixed marriages and elimination of the limitations of the Sabbath.¹⁶⁶ Mannheimer’s services retained prayers in

¹⁶² Reneta Kessal-Mikula, “Architektur zwischen Klassizismus und Historicismus,” in *Wien 1815-1848: Bürgersinn und Aufbegehren: die Zeit des Biedermeier und Vormärz* ed. Robert Waissenberger (Vienna: Verlag Überreuter Carl, 1986), 147. This architecture ensured that it was the only synagogue to escape destruction in Kristallnacht in 1938 due to fears fire would burn down the adjacent buildings.

¹⁶³ Wolf, *Die Geschichte der Juden in Wien*, 132-134.

¹⁶⁴ Peter Landesmann, “Die Ausbildung von Rabbinern in Wien vom Toleranzpatent bis zur Gründung des Beth ha-Midrash (1863) sowie der Israelitisch-theologischen Lehranstalt (1893) unter Berücksichtigung des geistigen und geographischen Umfeldes,” Ph.D Diss., University of Vienna, 1993, 34-38.

¹⁶⁵ Landesmann, “Die Ausbildung von Rabbinern in Wien,” 37.

¹⁶⁶ Jacob Allerhand, “Die Rabbiner des Stadttempels von J.N. Mannheimer bis Z.P. Chajes,” in *Der Wiener Stadttempel 1826-1976. Studia Judaica Austriaca* (Eisenstadt: Edition Roetzer, 1978), 13.

Hebrew but contained a German one for the authorities and lacked an organ.¹⁶⁷ This moderate path of reform, inspired from Hamburg, became known as the Vienna rite. The lack of a formal Jewish community to hinder and excommunicate Jews who took part in this new rite facilitated assimilation.¹⁶⁸

The state also regulated the Jewish practice of circumcision. Numerous state laws ordered governmental officials to supervise this process in order to protect the child from injury. Article 10 of the Bohemian Jewish Patent of 1797 required a certificate from the authorities before carrying out a circumcision, and article 42 demanded that a governmental doctor ascertain that the Jew performing the operation possessed sufficient medical knowledge.¹⁶⁹ The child had to undergo a health inspection prior to circumcision, with the operation taking place on the eighth day after birth. Meticulous regulations called for the doctor to pull back the gland with the left hand and use his right hand, presumably the steadier one, to make the incision smoothly and with “great speed.” Injuries from the operation had to be reported to the local imperial official (*Kreisamt*). Such regulations did not always prevent injuries, but they were rare.¹⁷⁰ In the government’s zeal to regulate the religious order, it prescribed rules for dealing with an individual’s most personal and religious milestones.

The state also regulated Jewish baptisms and the raising of children when a parent converted to Christianity. A rescript from 1765 had ordered that a Jewish child over seven could be baptized against the will of his parents or guardians.¹⁷¹ Numerous decrees, in 1782 and 1787,

¹⁶⁷ Rozenblit, “Jewish Assimilation in Habsburg Vienna,” in *Assimilation and Community: The Jews in Nineteenth-Century Europe* eds. Johnathan Frankel and Steven Zipperstein (Cambridge U.K.: Cambridge University Press, 1992), 229.

¹⁶⁸ Rozenblit, “Jewish Assimilation in Habsburg Vienna,” 227.

¹⁶⁹ Systemal Judenpatent, August 3, 1797, in AVA AK, *Israelitischer Kultus*, 3.

¹⁷⁰ Bohemian government to the Court Chancellery, October 16, 1845, in AVA, AK, *Israelitischer Kultus*, 1/17652.

¹⁷¹ Report of the Court Chancellery, July 5, 1821, in AVA AK, *Israelitischer Kultus*, 7/4391.

banned forced baptisms and set the age of discretion, “when one could determine good from bad,” at 18.¹⁷² A last-minute order by Joseph ordered that if a parent converted to Catholicism, all children below the age of consent (18) were to be baptized and raised Catholic, though this rule was not enforced.

These regulations remained in force under Francis as the state promoted the authority of the father and sought to avoid family disputes. The Austrian civil code (ABGB) retained Joseph’s earlier decrees, which provided legal recourse for Jewish fathers if a child underwent baptism without his approval.¹⁷³ Officials held to a rule that children under fourteen needed governmental approval for baptism.¹⁷⁴ Children under seven could not, however, be forced into baptism. If the father remained Jewish, all children would be raised in Judaism, unless he died, in which case the mother would raise the children Christian.¹⁷⁵ Conversely, the government desired that if a father converted to Christianity, the children under seven would follow him; if the mother converted, only the girls should be raised Christian.

In 1802, the state issued rules on baptism in Galicia. It banned baptisms, even emergency ones, punishable by a fine or jail time, for children under seven. Children over seven could receive baptism if they did so voluntarily and received parental and governmental approval.¹⁷⁶ A baptized Jew could take the six-week course (see Chapter 3) and return to Judaism.¹⁷⁷ Overall, there was a ban on baptizing Jewish children without the approval of parents

¹⁷² The Court Chamber Procurate to the Court Chancellery, February 26, 1835, in AVA, AK, Katholischer, 30 (Kindererziehung)/3540/391.

¹⁷³ The Court Chamber Procurate to the Court Chancellery, February 26, 1835, in AVA, AK, Katholischer, 30 (Kindererziehung)/3540/391.

¹⁷⁴ Report of the Court Chancellery, 1832, in AVA, AK, Israelitischer Kultus, 7 (Taufen: Niederösterreich)/8550.

¹⁷⁵ Decree of the Court Chancellery, February 19, 1790, in Pribram, 1: 688.

¹⁷⁶ Order of the West Galician Imperial government (Verordnung des kaiserlichen königlichen westgalizischen Landesguberniums), October 8, 1802, in AVA, AK, Israelitischer Kultus, 7/305

¹⁷⁷ Decision of Francis, March 18, 1801, in AVA, AK, Katholischer, 32 (Judentaufen)/102/16.

for it violated the rights of families, and the government announced laws on this matter at various times in the entire empire except Dalmatia.¹⁷⁸

In Italy, the state kept Napoleonic rules on baptism. The 1803 law in the Italian Kingdom allowed a four-month grace period for converted Jews to return to Judaism, required examinations to prove that such a conversion was done out of free will and conviction, and forced the potential apostate to appear before the Jewish elders and declare their intention to convert.¹⁷⁹ The Central Organization Court Commission (ZOH), charged with reorganizing northern Italy after 1815, advised keeping this rule rather than introducing the harsher Austrian laws, which, for example, provided a six-month grace period, noting that the Italian decree served the same purpose. The Venetian and Lombardi ordinariates, the local Catholic authority, wanted seven set as the age allowed to convert and requested for children over seven the right to receive baptism against the will of the parents and the fine for kidnapping Jewish kids for baptism reduced.¹⁸⁰ The bishop of Chioggia even declared that he viewed the 1803 rule as invalid.¹⁸¹ The ZOH urged taking the path of least resistance in Italy and keeping the 1803 laws, arguing that implementing the stricter Austrian rules would expose the government to “Catholic enthusiasm” and presupposed: “better a gap in the law code than in the peace of the people.”¹⁸² The ZOH contended that the best way to eliminate prejudice against Jews was slowly, through better education of the clergy and the appointment of bishops in Italy, another contentious point between Vienna and Rome (see Chapter 1). Francis accepted the recommendations of the ZOH in 1817.

¹⁷⁸ Report of the Court Commission on Justice (*Hofkommission in Justizsachen*), April 28, 1836, in AVA, AK, Katholischer, 30 (Kindererziehung)/3540/291.

¹⁷⁹ Sitting of the Court Chancellery, February 24, 1842, in AVA, AK, Katholischer, 32 (Judentaufen)/5335/565.

¹⁸⁰ Report of the ZOH, July 22, 1816, in AVA, AK, Katholischer, 32/95.

¹⁸¹ Sitting of the Court Chancellery, February 24, 1842, in AVA, AK, Katholischer, 32/5335/565.

¹⁸² Report of the ZOH, July 22, 1816, in AVA, AK, Katholischer, 32/95.

These rules underwent slight revisions. The state provided protections to converts in 1821, decreeing that Jews could not be disinherited from their parents due to conversion.¹⁸³ In 1828, after a case of forced baptism in Hungary, Archduke Louis ordered a thorough review of the baptism laws.¹⁸⁴ The government considered permitting legalizing such conversions *ex post facto* when the child reached majority age, foreclosing possibilities of converting back to Judaism.¹⁸⁵ At the end of his life, while hoping for a concordat with Rome (see Chapter 2), Francis threw his support behind loosening the baptism rules, noting “the ordinance of my uncle....it was not right.”¹⁸⁶

But as usual little changed. In 1833, the Galician Gubernium (government) advised that the punishments for performing illegal baptisms, usually half a year in prison or a fine, were sufficient, and noted that “the experience of 46 years has shown this ban on emergency baptism effective in preventing such cases.”¹⁸⁷ In 1836, the Court Chancellery and other organs of government voted to uphold Joseph’s 1787 decree in Galicia and to continue to use it as a guide.¹⁸⁸ In 1838, an imperial decree approved the baptism of children between ages seven and fourteen if the child accepted baptism from his or her own free will and with the approval of the father.¹⁸⁹ Suggestions to change the 1803 law in northern Italy also failed.¹⁹⁰ In 1840, the

¹⁸³ Report of the Court Chancellery, July 5, 1821, in AVA AK, Israelitischer Kultus, 7/4391

¹⁸⁴ Archduke Louis to Count Saurau, January 19, 1828, in AVA, AK, Katholischer, 30/13.

¹⁸⁵ Decision of Francis, May 30, 1829, in AVA, AK, Katholischer, 32/21891/3207.

¹⁸⁶ Decision of Francis, January 4, 1833, in AVA, AK, Katholischer, 32/170/23. Francis was referring to Joseph’s earlier, progressive decrees in 1787.

¹⁸⁷ Report of the Galician government to the Court Chancellery, April 16, 1833, in AVA, AK, Katholischer, 30/3540/391.

¹⁸⁸ The Court Chamber Procurate to the Court Chancellery, February 26, 1835, in AVA, AK, Katholischer, 30/3540/391.

¹⁸⁹ Decree of the Court Chancellery, May 13, 1838, in Pribram, 2: 476. In the archives, it is in AVA, AK, Katholischer, 32 (Judentaufen)/11580/1371.

¹⁹⁰ Sitting of the Court Chancellery, February 24, 1842, in AVA, AK, Katholischer, 32/5335/565.

consistory in Prague requested freedom to baptize Jews without receiving state approval, but Vienna rejected this request.¹⁹¹

The government strictly followed these rules. Cases often reached Vienna because imperial officials enforced the regulations on baptism. In one case in 1807, the Court Chancellery even voted in the case of a father who had converted to Christianity but then reneged that the children would return to Judaism.¹⁹² That same year, Vienna approved the baptism of a ten-year old boy, but not a six-year old girl, for officials viewed the latter as incapable of understanding the enormity of her decision, whereas the boy had visited Christian schools and comprehended the religion.¹⁹³ In other cases, the government approved baptism of the children of converts to Catholicism when the children were under seven years of age, pursuant to a decree passed in 1810.¹⁹⁴ In 1839, the patriarch of Venice complained to Vienna because a Jewish mother converted the previous year and wanted to baptize her two children, over the objections of the father, who disowned his children. But the Venetian Gubernium, pursuant to the ZOH's directive from 1817, ordered the children returned to the father. The patriarch appealed to Vienna, which agreed to the baptism, noting that the children lived with the mother and had received a Catholic education.¹⁹⁵ In practice the clergy could perform deathbed baptisms when the child on his or her initiative demanded it.¹⁹⁶ There were very few baptisms, however, of Jews before 1848, and the state did not actively support the conversion of Jews. The number of converts per year remained in the single digits and did not rise significantly until the

¹⁹¹ Decree to the Bohemian government, 1840, in AVA, AK, Katholischer, 32/261.

¹⁹² Report of the Court Chancellery, January 22, 1807, in Pribram, 2: 154.

¹⁹³ Report of the Court Chancellery, June 4, 1807, in AVA, AK, Israelitischer Kultus, 7/58

¹⁹⁴ Bohemian government to the Court Chancellery, June 26, 1827, in AVA, AK, Israelitischer Kultus 7/18232.

¹⁹⁵ Report of the Court Chancellery, March 12, 1840, in AVA, AK, Katholischer, 32/12332.

¹⁹⁶ Report of the Court Chancellery, March 15, 1838, in AVA, AK, Katholischer, 32/11580/1371.

1850s.¹⁹⁷ Ultimately, the state demanded that a convert undertake a baptism only with the full knowledge of what he or she of was doing, unless a child was following a decision of a parent.

Jews faced hurdles, also, in acquiring the proper documents for the basic milestones in life, such as marriage. The state had originally instituted restrictions on Jewish marriages because in many regions Jews were banned except for a few tolerated families. Article 124 of the Austrian civil code required approval from the local imperial official (*Kreisämte*), and the government viewed marriages performed without this permission as invalid.¹⁹⁸ Article 127 of the civil code required a rabbi or a religious figure (*Religionsweiser*) to perform the marriage as a priest would for Catholics.¹⁹⁹ Marriages between Christians and Jews remained banned as they were in most of the German states. Approval for marriages was usually contingent on receiving German education or the husband performing useful economic functions. For example Jewish soldiers could marry with the same rights as Christian soldiers after 1815.²⁰⁰ The government used this important social and economic function as a lever to induce Jews to integrate and to punish anti-assimilationist Jews. Jews commonly dodged this requirement, however, and the overall population of Jews continued to rise, though not as quickly as that of the Christian population.²⁰¹

¹⁹⁷ These numbers come from Johannes Friedrich Alexander de Le Roi, *Judentaufen im 19 Jahrhundert* (Leipzig: J.C. Hinrichsche Buchhandlung, 1899), 29-32, 38. His figures came from the Protestant confessions, but he noted that the numbers of converts to Catholicism was even smaller.

¹⁹⁸ Report of the Court Chancellery, April 8, 1824, in Pribram, 2: 422-426.

¹⁹⁹ Legal Compilation by the Court Chancellery, February 28 1840, in AVA, AK, Israelitischer Kultus, 6 (Ehen: Galizien)/4225.

²⁰⁰ Grassl, *Das besondere Eherecht der Juden in Oesterreich nach den artikeln 123-136 des allgemeinen bürgerlichen Gesetzbuches*, 82.

²⁰¹ Officials noted that the Jewish population had increased from 178,072 in 1789 to 231,606, certainly an understatement, in 1832 but argued that the Christian population had risen by an even higher percentage, see legal compilation of the Court Chancellery, February 28 1840, in AVA, AK, Israelitischer Kultus, 6/4225.

In the 1797 Jewish Patent for Bohemia the government relaxed the restrictions on the number of Jewish families allowed in this region. For example, article 29 allowed teachers to marry without counting against the quota of allowed Jewish families.²⁰² Article 35 allowed foreign Jews to marry if they brought in a certain amount of money into the country.²⁰³ Silesia and Moravia had tighter marriage restrictions, where the privileges that Jewish craftsmen possessed in Bohemia did not apply.²⁰⁴

In Galicia, there were no limitations on the number of Jewish marriages, though regulations set standards on this practice. Maria Theresa imposed restrictions on the right to marry after the partition. Starting in 1812 Jewish couples had to pass a test from German schools and from Herz Homberg's work *Bne Zion* (Sons of Zion), a book on morality geared toward Judaism, in order to procure a marriage license. Homberg was the government's censor for Jewish books, and he banned works deemed superstitious and intolerant.²⁰⁵ Homberg's work stressed the Ten Commandments and de-emphasized dietary laws and Jewish rituals. Jews who engaged in farming could also receive marriage dispensations. In addition, Jews who practiced a trade could obtain marriage licenses.²⁰⁶ The government of Galicia ordered in 1826 for officials to display leniency to Jews who did not have access to German education, but in practice, restrictions remained on Jews.²⁰⁷

Although the government enforced these measures in Galicia, Jews found ways around them. A commission in 1836 estimated that a mere 1/20th of all Jewish marriages in Galicia

²⁰² The government cited this article as a reason to permit teachers to marry without restriction, see report of the Court Chancellery, May 25, 1841, in AVA, AK, *Israelitischer Kultus*, 6/8422

²⁰³ Report of the Court Chancellery, July 8, 1847, in AVA, AK, *Israelitischer Kultus*, 6/21662.

²⁰⁴ Report of the Court Chancellery to Emperor Francis, December 29, 1818, in Pribram, 2: 284.

²⁰⁵ Mahler, *Hasidism and the Jewish Enlightenment*, 108.

²⁰⁶ Report of the Court Chancellery to Emperor Ferdinand, August 1, 1836, in AVA, AK, *Israelitischer Kultus*, 1/6997/8.

²⁰⁷ Grassl, *Das besondere Eherecht der Juden in Oesterreich nach den artikeln 123-136 des allgemeinen bürgerlichen Gesetzbuches*, 50.

were performed legally. Often the rabbi would carry out the wedding and produce a marriage certificate without having received prior approval.²⁰⁸ Jewish girls also commonly married before turning 18.²⁰⁹ Many Jews traveled to Hungary, where there were few restrictions on Jewish marriages, to obtain a license.²¹⁰ In addition the state was apprehensive about blaming children for the mistakes of the parents, and courts did not question the legitimacy of the children of these illegal marriages.²¹¹ The state tried to punish individuals for illegal marriages, but had to rely on Jews denouncing each other, a practice officials found dangerous and soon stopped. As a result of this chaotic situation, the governor of Galicia, Ferdinand d'Este, proposed, over the objections of the Court Commission on Education (*Studienhofkommission*), eliminating the requirements to pass an exam from *Bne Zion* because the German-Jewish schools no longer existed, and d'Este deemed these requirements unrealistic.²¹² In 1841, Vienna opted to continue requiring the exams from *Bne Zion* in Galicia, yet illegal marriages continued.²¹³

Education

The best tool the government had at its disposal to encourage Jewish integration was secular education. Joseph had permitted Jews to set up their own schools and allowed them to attend Christian schools. Joseph's Jewish Patent of 1782 for Lower Austria allowed Jews to

²⁰⁸ Legal compilation of the Court Chancellery, February 28 1840, in AVA, AK, Israelitischer Kultus, 6/4225

²⁰⁹ Bartal, *The Jews of Eastern Europe, 1772-1881*, 72.

²¹⁰ Elisabeth Herzog, "Graf Franz Anton Kolowrat-Liebsteinsky: Seine politische Tätigkeiten in Wien, 1826-1848," Ph.D. Diss., University of Vienna, 1970,74

²¹¹ Legal Compilation by the Court Chancellery, February 28 1840, in AVA, AK, Israelitischer Kultus, 6/4225. D'Este thought that a simple statement showing that a Jew had good morality should suffice.

²¹² Report of the Court Chancellery, February 28, 1840, in AVA, AK, Israelitischer Kultus, 6/36136.

²¹³ Decision of Emperor Ferdinand, March 24, 1841, in AVA, AK, Israelitischer Kultus, 1/6997/8.

erect schools, but the Jewish community had to fund them. In practice the state provided funds, though Jewish schools remained underfunded. In many areas of the empire, Jews had to rent educational facilities, due to bans on owning property, but Francis allowed exceptions for Jews to own buildings if they were used for education.²¹⁴ The 1797 Jewish Patent for Bohemia reinforced the 1782 Jewish Patent and ordered that Jews could set up their own schools but if there were not enough students to justify such an institution, the children must attend Christian schools. After 1820, Christian schools of higher learning (*Lehranstalten*) were open to Jews, and numerous decrees stressed the goal of integration of Jews into Christian schools for all subjects except for religious education.²¹⁵

Austrian officials distrusted traditional Jewish education, as did Enlightened Jews. A report by the Court Chancellery in 1818 said that “Delusion [*Wahn*] dominates among a great part of Jewry and works against those who see this as foreign... thus we must put in Enlightened teachers for Jewry.”²¹⁶ The goal, as an 1820 resolution, among others, stated, was “to improve the morals and lifestyle of the Jews and to make them equal with the rest of the citizens of the empire as quickly as possible.” That same year Francis decreed that rabbis had to pass exams about Jewish religious teachings, possess appropriate knowledge of “*Wissenschaft*”, and hold prayers in German.²¹⁷ The state also imposed curriculum for Jewish schools. The 1797 Jewish Patent for Bohemia banned Talmudic education.²¹⁸ Jewish students had to pass exams from Homberg’s *Bne Zion*. The state also promoted Homberg’s work *Die Religion des Israeliten und*

²¹⁴ Oberegelsbacher, “Die Juden und das habsburgische schulwesen,” 60.

²¹⁵ Landesmann, “Die Ausbildung von Rabbinern in Wien,” 49.

²¹⁶ Report of the Court Chancellery, December 29, 1818, in Pribram, 2: 287.

²¹⁷ Imperial resolution, January 22, 1820, in Pribram, 2: 306.

²¹⁸ Article 14 of the 1797 Jewish Patent for Bohemia, in AVA, AK, Israelitischer Kultus, 3/8.

die Sittenlehre (The Religion of the Jews and Ethics), despite its unpopularity.²¹⁹ Finally, officials ordered schools to teach morality and to assign books in German.²²⁰

In Galicia, the law did not mandate elementary education; it only encouraged it. Despite the state-sponsored building of hundreds of new schools, the German-Jewish schools set up under Joseph failed. There were few Jewish teachers qualified to serve as teachers, forcing the officials to recruit instructors from Bohemia and the German lands.²²¹ The government abolished these schools due to poor attendance and the pro-Napoleonic sentiment of these schools in 1806.²²² Furthermore, the government envisioned that Jews should go to school with Christians in the future. Efforts to found Jewish schools then devolved to activists, the most prominent of whom was Joseph Perl, who established a maskilim school in Russian-Tarnopol (Тернопільське) in 1813, which Austria recognized after taking possession of the city in 1815. Perl requested the re-establishment of the German-Jewish schools, which Vienna answered affirmatively, but the state could not find the funds to allocate for this project.²²³ By 1840, many

²¹⁹ Report of the Court Chancellery, August 31, 1810, in Pribram, 2: 168. There was dissent on this issue with several opinions viewing Homberg's unpopularity among Jews as reason enough not to recommend the book, but Martin von Lorenz (see chapters 1 and 2) viewed the work as necessary.

²²⁰ Oberegelsbacher, "Die Juden und das habsburgische schulwesen," 65.

²²¹ Landesmann, "Die Ausbildung von Rabbinern in Wien," 56.

²²² Numerous reasons have been given for the closure of these schools in 1806. The most common explanation was due to the lack of attendance. Landesmann wrote that the government distrusted the pro-Napoleonic maskilim teachers, see Landesmann, "Die Ausbildung von Rabbinern in Wien," 52-56. The government suggested, however, as early as 1787 the abolition of these German-Jewish schools in Galicia, see report of the Court Chancellery to Emperor Ferdinand, August 1, 1836, in AVA, AK, Israelitischer Kultus, 1/6997/8.

²²³ The government considered an increase in the tax on kosher meat to fund schools, but officials were reluctant to add more taxes to the overtaxed Jewish population, see Landesmann, "Die Ausbildung von Rabbinern in Wien," 58-59.

Habsburg officials regretted the closure of the German-Jewish schools in 1806, for this decision meant that Jewish education languished, as Jews did not attend school with Christians.²²⁴

Schools taught toleration and officials ordered Christian schools not to mix in religion with normal education. The emperor ordered the Bohemian-Austrian Court Chancellery to watch out for cases of intolerance and to report such matters.²²⁵ Like Protestants, Jews could skip morning prayers at Catholic schools, and children of Orthodox Jews could even wear coverings on their head. Priests who granted equal instruction to Jews even received distinctions from the government.²²⁶

Most Jews opposed these attempts at education and assimilation, which amounted to Germanization. Jews, especially in Galicia, where Hasidism dominated, despised Homberg. Hasidic Jews viewed secular education, the study of German, and science as opposed to God.²²⁷ In Venetia, where *Bne Zion* was only recommended and not required, Jewish rabbis complained that many passages of this work were incompatible with Judaism.²²⁸ In Moravia, the Chief Rabbi, Nehemia Trebitsch, attacked Jews who knew German.²²⁹ In response to enlightened schools, Orthodox Jews formed *Jeschiwoths* (yeshivas), the most prominent of which was in Pressburg (Bratislava), founded in 1807 and run by Moses Sofer. This school was anti-reform, anti-Haskalah and anti-assimilationist. Sofer worried that legal improvements for Jews would delay the return to Israel by tying Jews to Hungary. This school grew into a center of Orthodox Judaism.²³⁰

²²⁴ Report of the Court Chancellery to Emperor Ferdinand, August 1, 1836, in AVA, AK, Israelitischer Kultus, 1/6997/8.

²²⁵ Oberegelsbacher, "Die Juden und das habsburgische schulwesen," 53-54.

²²⁶ Oberegelsbacher, "Die Juden und das habsburgische schulwesen," 54-56.

²²⁷ Mahler, *Hasidism and the Jewish Enlightenment*, 15.

²²⁸ For a list of objectional paragraphs in *Bne Zion*, see the footnotes in Pribram, 2: 434.

²²⁹ Miller, *Rabbis and Revolution*, 113.

²³⁰ Oberegelsbacher, "Die Juden und das habsburgische schulwesen," 78-79.

Habsburg laws also regulated rabbinic education with the aim of elevating Jewish education and promoting morality. Rabbis had opposed the state's attempts to integrate Jews into Habsburg society, for it meant discarding rabbinical authority in favor of secular courts and placing state control over rabbinic education. The Bohemian Jewish Patent of 1797 ordered that no rabbi could hold office without education in a German school, and in 1820 Francis ordered again that rabbis must pass exams in philosophy and teachings in Judaism. The state wanted to transform rabbis from judges to teachers, in the pastoral (*Seelsorger*) mold. Austrian officials desired for Jewish youth to learn from a rabbi as a Catholic would learn from a priest.²³¹ Ideally, rabbis should teach morality, virtue and obedience. The Court Chancellery approved the founding of a rabbinical seminary in 1829 with this aim in Padua, which would provide rabbis for Lombardy and Venetia.²³² Perl attempted to get a rabbinical seminary established in Galicia because he did not think Jews would trust rabbis trained at Austrian universities. Galician officials preferred rabbis, in the short term, to study at Perl's school in Tarnopol.²³³ The Court Chancellery kept recommending a seminary, similar to the one in Padua, for Galicia but could not procure the funds, and officials established another seminary instead in Prague in 1842.²³⁴ In 1841 Ferdinand ordered that after 1846, rabbis in Galicia provide proof of education at Austrian institutions in courses on pedagogy and philosophy.²³⁵

Rabbis obtained, however, numerous exemptions from these rules in practice. Samson Raphael Hirsch, the chief rabbi in Moravia after 1847, received a foreign education, but the

²³¹ Decree to the Lower Austrian government, November 2, 1821, in AVA, AK, *Israelitischer Kultus*, 1/18

²³² Oberegelsbacher, "Die Juden und das habsburgische schulwesen," 95.

²³³ Report of the Court Chancellery to Emperor Ferdinand, August 1, 1836, in AVA, AK, *Israelitischer Kultus*, 1/6997/8.

²³⁴ Landesmann, "Die Ausbildung von Rabbinern in Wien," 95.

²³⁵ Report of the Court Chancellery to Emperor Ferdinand, August 1, 1836, in AVA, AK, *Israelitischer Kultus*, 1/6997/8.

Court Chancellery assessed his record at other synagogues, found “nothing bad in his morals,” and approved his position as the rabbi of Nikolsburg (Mikulov) in Moravia in 1846.²³⁶ In 1839 Vienna approved the appointment of Michael Sachs by a local association (*Verein*) in the Altschul-Synagogue in Prague, after confirming with Berlin police that Sachs possessed good conduct and academic ability.²³⁷ In addition, the government approved Soloman Rapoport’s election as rabbi of Prague in 1839, despite the fact that he was from Galicia and lacked the training in Jewish studies and philosophy required by the 1797 Patent.²³⁸ The government never controlled Judaism the way it did the Christian churches, and state officials had to approve numerous other foreign rabbis elected by the Jewish communities for lack of other options.²³⁹

Secular education was one of the best means the Habsburgs had to integrate Jews into broader society. Schools would teach subjects similar to those taught to Christians. In addition, the state tried to create rabbis in the same mold as Christian clergy through the creation of seminaries and requirements to have German education. These methods worked better than the blackmail employed by the state in exchange for marriage licenses. In Vienna, northern Italy and Bohemia, Jews attended secular schools in large numbers. But in the largest Jewish communities, in Galicia and in Hungary, opposition formed as Orthodox Jews resisted assimilation. These Orthodox Jews formed yeshivas to provide alternative forms of education, and in Galicia, the secular schools failed. These failures only ensured that age-old conditions remained, though as it turned out, many Christians also remained stuck in a medieval mindset.

²³⁶ Report of the Court Chancellery, May 5, 1846, in AVA, AK, Israelitischer Kultus, 3 (Rabbiner-Mähren)/15560.

²³⁷ Report of the Court Chancellery, January 12, 1839, in AVA, AK, Israelitischer Kultus, 4 (Rabbiner nach Ländern)/9893.

²³⁸ Report of the Court Chancellery, September 28, 1839, in AVA, AK, Israelitischer Kultus, 4/30778.

²³⁹ See AVA, AK, Israelitischer Kultus, 4 (Rabbiner)

Austria as Protector of Jews

In the *Vormärz* the Austrian government emerged as one of the most ardent defenders of Jews at home and abroad. Popular religious anti-Judaism and rumors of ritual murder persisted among the population, much to the horror of Austrian officials.²⁴⁰ The press outside the Habsburg Empire often supported these allegations and contributed to hatred of Jews. Violence against Jews and Jewish property was frequent across Central Europe and only increased as the economy soured in the 1840s.²⁴¹ Yet in Austria, where the state suppressed free media, and thus popular agitation, Jews remained mostly spared of the effects of popular anti-Judaism in the *Vormärz*.²⁴²

During times of economic hardship the masses were quick to blame Jews and often expressed this anger violently. A famine and economic hardship after the Napoleonic Wars provoked the Hep-Hep riots in 1819, the first sustained violent outbreak of anti-Semitism since the Middle Ages.²⁴³ Across the German lands that year, anti-Jewish riots broke out, killing many Jews and damaging Jewish property. During that year, eliminationist anti-Semitism, promoted by Hartig von Hundt-Radowsky, who called for the murder of Jews in his journal, *Judenspiegel*, appeared.²⁴⁴ “Hep,” a common insult used by Germans against Jews, was the rallying cry of these anti-Semites. Austria and Prussia avoided this violence, however, and in Austria, the

²⁴⁰ Thomas Pöschl’s millennialist sect, which the police harassed and banned from preaching, attempted to convert Jews, see Eduard Hosp, *Kirche Österreichs im Vormärz 1815-1850* (Vienna: Verlag Herold, 1971), 166. He spent years in jail or under house arrest at various monasteries, and officials drew up numerous reports on attempts to curb his religious enthusiasm.

²⁴¹ Clark, “German Jews,” 143.

²⁴² The censors banned, for example, *Der Ewige Jude* in Austria, see Isabel Weyrich, “Die Zensur als Mittel der Unterdrückung von Liberal Bestrebungen im Österreichischen Vormärz 1830-1848,” Ph.D Diss., University of Vienna, 1975, 165.

²⁴³ Helmut Walser Smith, *The Continuities of German History: Nation, Religion, and Race Across the Long Nineteenth Century* (Cambridge U.K.: Cambridge University Press, 2008), 122.

²⁴⁴ Isak Arie Hellwing, *Der konfessionelle Antisemitismus im 19. Jahrhundert in Österreich* (Vienna: Herder, 1972), 16-18.

government was proactive in preventing such riots. In Vienna, rowdy subjects wrote “Hep” in chalk on the doors of a few Jewish homes, and after two individuals yelled “Hep” at a Polish Jew, the police threw the offending party in jail. The police then issued an order on September 8, 1819 to all major officials in the empire that the call “Hep” would be punished.²⁴⁵

Another instance of anti-Jewish violence occurred in Bohemia, where textile workers rioted against wealthy Jews in 1844. Two Jewish families, the Epsteins and the Porges, produced ten percent of Austria’ cotton fabric, and when they announced plans to introduce machines and reduce wages, the workers destroyed the plant equipment. This protest transformed, however, into a general anti-Jewish protest and mobs soon attacked the Jewish quarter in Prague. Many Christian merchants, guildsmen, and members of the lower-middle classes petitioned Vienna to restore economic restrictions on Jewish industry. Vienna did not act on these petitions, and the military put down the riots.²⁴⁶ These events induced many Jews to renounce Czech nationalism and identify with the Habsburgs and German culture.²⁴⁷

The best example of Austria’s protection of Jews in the face of popular hatred stemmed from a case in the Ottoman Empire. In 1840 an Italian monk disappeared in Damascus, and the local authorities charged Jews there with ritual murder, also called blood libel, an accusation that Jews kidnapped and killed Christians and used their blood for religious rituals, usually near Passover. Under torture, several Jews admitted to these charges, and the police hanged a rabbi, who was an Austrian subject, from the ceiling for two days until blood “gushed from his extremities.”²⁴⁸ Another suspected Jew, Isaac Picciotto, was a consular representative of the

²⁴⁵ Wolf, *Die Geschichte der Juden in Wien*, 111.

²⁴⁶ Hillel J. Kieval, “The Social Vision of Bohemian Jews: Intellectuals and Community in the 1840s,” in *Assimilation and Community*, 263-264.

²⁴⁷ For details, see Kieval, “The Social Vision of Bohemian Jews,” 265-275.

²⁴⁸ Jonathan Frankel, *The Damascus Affair: “Ritual Murder,” Politics, and the Jews in 1840* (Cambridge U.K.: Cambridge University Press, 1997), 71.

Habsburg government, and as an Austrian citizen he confidently ignored the Ottoman officials.²⁴⁹

Austrian officials viewed these events with abhorrence. Anton von Laurin, the Austrian consul in Alexandria, argued that these charges were barbaric and even if true, noted that religious fanaticism would not have caused the murder.²⁵⁰ Metternich reacted similarly to the news in Damascus and wrote to Laurin:

The accusations that Christians are deliberately murdered for some blood-thirsty Passover festival is by its nature absurd, and the ways in which the governor of Damascus has chosen to prove this unnatural crime are utterly inappropriate... The misuse of power, persecutions and the mistreatment of innocent people, would, however, become known throughout all of Europe and would undoubtedly be in open contradiction to the viceroy's views²⁵¹

Although Austria continued to deny equal rights to Jews, Metternich sought to end the scandal in Damascus by ruining the viceroy of Egypt's reputation as a civilized ruler in the East.

Muhammad Ali, the French-backed Egyptian ruler with authority over large portions of the Ottoman Empire, including Damascus, ruled Egypt. Metternich wanted to publish the reports of blood libel in the European press, telling Laurin that "I am convinced that the press will raise a cry of horror."²⁵² The *Österreichischer Beobachter* ran these stories and transmitted them to satellite papers throughout the Austrian Empire, but much to Metternich's dismay, the European press did not react with outrage to these reports.

The French government, along with the Catholic press, supported the charges, directly or indirectly, against the Jews. The government of Adolph Thiers, an ally of the Egyptian leader, was willing to ignore Muhamed Ali's transgressions. The ultramontane press in France, along

²⁴⁹ Frankel, *The Damascus Affair*, 94.

²⁵⁰ Frankel, 159.

²⁵¹ Frankel, 122.

²⁵² Frankel, 104.

with Catholic journals in the German lands, considered the Jews guilty.²⁵³ Metternich asked the pope to order the monasteries to look for the missing man, but the papacy refused, asserting that the Jews had committed the crime. Cardinal Lambruschini, the papal secretary of state, used the opportunity, furthermore, to complain about the employment of Jews in the Austrian civil service.²⁵⁴ Ultimately, pressure by the Austrian government and prominent Jews from across Europe convinced the Egyptian government to release the surviving Jewish suspects.

Similar cases emerged closer to home in Galicia in the late 1830s and early 1840s, requiring the delicate attention of the government. Unlike events in far-away Damascus, the Habsburg police had to deal with any potential unrest arising from Christian-Jewish relations and had to avoid offending the anti-Jewish Galician Christians. There were anti-Jewish riots in Cracow in the 1830s.²⁵⁵ In 1836, a commission in Galicia warned that “the abolition of restrictions must proceed with caution in order to prevent friction with Christian inhabitants.”²⁵⁶ While such reasoning justified procrastination on making difficult decisions on the Jewish question in Austria, in poor, backwards Galicia, such fears were not unfounded.

Multiple accusations arose, for example, in Galicia of ritual murder. In 1829, the murder of a child and placing of the body in a swamp near Tarnów three weeks before Passover led to cries by the local population of blood ritual by Jews.²⁵⁷ In 1839 locals near Bochnia leveled similar allegations at the Jewish community after someone killed a local child. Later that year, a

²⁵³ Frankel, 200.

²⁵⁴ Frankel, 229-230. The Austrian ambassador in Rome, Count Rudolf Lützow, complained as well about the publication of the events in the Vatican press, which he noted were informed by blind hatred. Rome preferred to believe the French ultramontane press, instead of Austrian officials, who were held in low regard at the Vatican (see Chapter 2).

²⁵⁵ Bartal, *The Jews of Eastern Europe, 1772-1881*, 128.

²⁵⁶ Report of the Court Chancellery to Emperor Ferdinand, August 1, 1836, in AVA, AK, *Israelitischer Kultus*, 1/6997/8.

²⁵⁷ Report of the Court Chancellery to the emperor, September 6, 1844, in AVA, AK, *Israelitischer Kultus*, 3/4640.

speeding carriage injured a Christian daylaborer working on a Jewish home. The injured man subsequently claimed that Jews had held him for a blood ritual and had only released him once he developed leprosy. On March 25, 1844, a couple of weeks before Passover, a local eight-year old boy went missing and witnesses noted that they had last seen him in the Jewish quarter, leading to similar blood ritual charges against the Jewish community.²⁵⁸

Jews complained, naturally, about these allegations. The legal system and investigations by imperial officials had absolved Jews of these aforementioned accusations, a fact that Jewish leaders naturally appreciated. Although the threat of being charged with murder was daunting, Jews complained, in a letter to Vienna about the blood libel accusations, more about the attitudes of the local Christians. They informed Vienna that the medieval prejudices had not disappeared and that calumny against Jews was still rampant among the Christian public. The Jewish community complained that demands for revenge against Jews were loud after each baseless accusation, and this tension made it impossible for Jews to go out in public. They also lamented that several local officials were corrupt and only searched Jewish quarters when Christians went missing. Jewish leaders demanded a bold denunciation of blood libel from Vienna.²⁵⁹

Imperial authorities cleared the Jews of these charges without much issue. The criminal court in the 1829 case concluded that the mother murdered her own child due to lack of means.²⁶⁰ In the first 1839 case, a criminal investigation at Bochnia cleared the accused Jews and

²⁵⁸ Leaders of the Jewish Community in Tarnów to the emperor, April 17, 1844, in AVA, AK, Israelitischer Kultus, 3/4499. The three last cases are explained in more detail in this letter than in the report of the Court Chancellery.

²⁵⁹ Leaders of the Jewish Community in Tarnów to the emperor, April 17, 1844, in AVA, AK, Israelitischer Kultus, 3/4499.

²⁶⁰ Presentation of the Court Chancellery to the emperor, September 6, 1844, in AVA, AK, Israelitischer Kultus, 3/4640.

determined that a Christian woman drowned the child.²⁶¹ An investigation by the Galician appellate court in the second 1839 case ruled that the Jews had been unfairly accused due to prejudice. In the 1844 case, local Jews found the missing boy, who then claimed he suffered abuse, but the government found his testimony unreliable. The Court Chancellery also rebuked and ordered an investigation of the local officials for only singling out Jewish homes for inspection when looking for the missing boy, noting that the boy could easily have been in a Christian home.²⁶²

Officials were stumped on how to prevent future accusations of ritual murder, which they viewed as barbaric. In Galicia, Vienna faced what they called the “fanaticism of the public.” Here, inhabitants demanded revenge against Jews for any baseless accusation, unlike in Bohemia where, they noted, “the Enlightenment thrived.” Officials viewed probes into blood ritual as undesirable because an investigation alone would be enough to confirm the guilt of the Jews in the eyes of the public. The Court Chancellery debated the most appropriate way to announce in Galician newspapers the government’s intentions to stop the “mania” (*Wahne*). Several members of the Court Chancellery wanted to publish the government’s position in Galicia, Bohemia, Moravia, and Silesia, whereas other officials viewed it as unnecessary in the latter three provinces because the Galician cases were, they claimed, isolated. Ultimately, Vienna kept this issue out of the papers, hoping that an official investigation clearing the Jews would discourage future accusations.²⁶³

²⁶¹ Leaders of the Jewish Community in Tarnów to the emperor, April 17, 1844, in AVA, AK, *Israelitischer Kultus*, 3/4499.

²⁶² Report of the Court Chancellery to the emperor, September 6, 1844, in AVA, AK, *Israelitischer Kultus*, 3/4640.

²⁶³ Report of the Court Chancellery to the emperor, September 6, 1844, in AVA, AK, *Israelitischer Kultus*, 3/4640.

In his study of the Damascus Affair, Jonathan Frankel has written that “The state that provided the Damascus Jews with their most consistent, and at times courageous, support was the Habsburg empire, the linch-pin of the absolutist political system.”²⁶⁴ Although the goal of Habsburg protection of Jews was to maintain order and to prevent popular religious violence, which could become unpredictable, this system, informed by Josephism and the Enlightenment, also viewed popular anti-Judaism as barbaric and superstitious. Unlike many countries in Europe, Austria muzzled the ultramontane press (see Chapter 2) and feared popular violence and mass politics, which were not all that different in the eyes of the absolutist rulers of the Austrian Empire. If liberalism was the best friend of the Jews in the nineteenth century, then Josephist absolutism was its bodyguard.

The 1840s

By the 1840s, the forces of emancipation began to make progress across Western Europe, despite economic hardship, which had sparked anti-Jewish riots in numerous cities. After the 1830 revolution, Jews obtained legal parity with Christians in France. In 1843 the Rhenish Diet passed, for example, a motion calling for full Jewish equality with Christians, a measure rejected by Frederick William IV, the king of Prussia.²⁶⁵ Discussions of emancipation also took place in Great Britain.

Such conversations also reached the Habsburg Empire by the late 1830s. The goal of the state since the reign of Joseph had been the gradual integration and emancipation of the Jews, with as little disorder and controversy as possible. By 1840 this policy was over fifty years old and advocates of emancipation grew frustrated, as the contradiction between Habsburg values of

²⁶⁴ Frankel, *The Damascus Affair*, 440.

²⁶⁵ Clark, “German Jews,” 139.

non-confessionalism and the sluggish progress on the Jewish question, grew increasingly apparent. As early as 1797, the Court Chancellery bemoaned the special taxes, such as the candle tax in Galicia, noting that “the special taxation of a class of people because they are of a different religion is not justified in our policies [*Grundsatz*].”²⁶⁶ In 1813 discussions in Vienna about abolishing the special taxes noted that this condition went against humanity and Christianity.²⁶⁷ By 1840, this gap between Habsburg ideals and policy began to close as the state granted more concessions and privileges to its Jewish population. Despite Austria’s strict press laws that suppressed the liberal and ultra Catholic press alike, discussion about emancipation also reached the Habsburg Empire.

The best-known work, *Die Juden von Österreich* (The Jews of Austria) by Joseph von Wertheimer, appeared in 1842. He had founded the *Verein zur Förderung der Handwerk unter den Israeliten* (Association for the Promotion of Craftmanship Among the Jews) in 1840, which promoted useful skilled trades for Jews. His work fought against stereotypes that Jews did not engage in “useful” trades, arguing that farming was a cornerstone of the ancient state of Judea and that Jews practiced handicrafts in Bohemia, Hungary, and Western Europe.²⁶⁸ In addition Wertheimer attacked the notion that Jews were not good soldiers, pointing to their fierce defense of the Second Temple in 70 C.E.²⁶⁹ Although he attacked these stereotypes about Jews, he engaged in them himself, noting that inertia characterized Galicia and Hungary, that the climate in Italy did not favor trade, and that hedonism dominated in Austria due to the sun, which

²⁶⁶ “die besondere Besteuerung einer Menschenklasse wegen ihres Religionsunterschiedes schon im Grundsatz nicht rechtfertigen lasse” in Häusler, *Das galizische Judentum in der Habsburgermonarchie*, 38.

²⁶⁷ Report of the Lower Austrian government to the Court Chancellery, April 29, 1813, in Pribram, 2: 214.

²⁶⁸ Joseph von Wertheimer, *Die Juden in Österreich: Vom Standpunkte der Geschichte, des Rechts und des Staatsvortheils* 2 Vols (Leipzig: Mayer and Wigand, 1842), 2: 14, 27.

²⁶⁹ Wertheimer, *Die Juden in Österreich*, 2: 76.

encouraged hunting and mining rather than industry.²⁷⁰ Wertheimer's most poignant point was that of "morality," which the state zealously promoted. But he argued, quite fairly, that for Christians, "morality" was a negative requirement, meaning that they simply had to stay out of trouble to retain basic liberties, whereas for the Jewish community, it was positive, something that a Jew had to prove to earn civil rights.²⁷¹

The Hungarian novelist and politician, József Eötvös (see Chapter 3) also published *The Emancipation of the Jews*. The book was quickly translated into German in 1841. Eötvös claimed that in this age of religious toleration, the lingering burdens on Jews were unacceptable. Eötvös attributed the slow progress on the Jewish question not to religious prejudice but to greed and the desire among non-Jews to prevent competition in the real estate market.²⁷² He argued that Jews suffered "undeserved torture" and that freedom was not something that one had to earn. He contended that a few flawed individuals could not deprive a whole group of their rights. Eötvös argued that the granting of civil rights to Jews in places such as France and the United States had improved their morality, promoted the abandonment of Hebrew, and made them good citizens. In fact, emancipation would root Jews to the fatherland, he wrote, and weaken their connection to Israel.²⁷³

The pace of reform did indeed accelerate in the 1840s in the Habsburg Empire. In 1841, Vienna modified, for example, the 1797 Jewish Patent for Bohemia. This process had begun in 1826 when the government of Bohemia issued suggestions to improve the state of Jewry.²⁷⁴ But Francis dithered on this matter multiple times, and the 1797 Patent remained in force when he

²⁷⁰ Wertheimer, 2: 49-50.

²⁷¹ Wertheimer, 1: 351-352.

²⁷² Baron Joseph von Eötvös, *Die Emancipation der Juden* 2nd edition, trans. Hermann Klein (Pest: Gustav Heckenast, 1841), 4-7. As an accomplished intellectual, Eötvös held a seat in the diet.

²⁷³ Eötvös, *Die Emancipation der Juden*, 16, 30.

²⁷⁴ Oberegelsbacher, "Die Juden und das habsburgische schulwesen," 24.

died in 1835. In 1841, Baron Francis von Pillersdorf, a prominent official in the Court Chancellery, took up this matter and pushed through modifications to the 1797 Patent, loosening property and marriage restrictions on Jews in Bohemia.²⁷⁵ Rabbis and teachers could marry freely and did not count toward the number of families (*Familienstellen*) allotted to the Jewish community. The order also permitted Jews to buy rural property if they worked the land themselves, though at harvest time they could employ helpers. Jews also obtained permission to leave Bohemia without paying an emigration tax (*Abfahrtgeld*), and this same decree ordered officials to handle emigration cases of Jews and Christians equally. It also allowed the purchase of Christian homes and property in general on a case-by-case basis for those engaged in trade, industry, and *Wissenschaft* and other activities that served the state.²⁷⁶

And the emperor did indeed routinely approve such cases. In 1841, in response to a request by a Jewish schoolteacher, imperial authorities ordered that Jewish teachers receive dispensation from the marriage laws.²⁷⁷ The next year, the emperor granted legitimacy to numerous illegitimate Moravian children, allowing them to take up a family spot (*Familienstelle*).²⁷⁸ In 1843, the emperor granted conscripted Jewish soldiers dispensations from marriage laws in Prague.²⁷⁹ In January 1846, the Court Chancellery urged, for example, Ferdinand to grant a marriage license to an industrialist, though there were no free family spaces available, arguing that this particular individual not only had good morals but also employed

²⁷⁵ Report of the Court Chancellery with a special note to the remarks of Pillersdorf, July 15, 1841, in AVA, AK, *Israelitischer Kultus*, 1/21050.

²⁷⁶ Decision of Emperor Ferdinand, July 4, 1841, in AVA, AK, *Israelitischer Kultus*, 1/21570.

²⁷⁷ Report of the Court Chancellery, May 25, 1841, in AVA, AK, *Israelitischer Kultus*, 6/8422.

²⁷⁸ For example, see Report of the Court Chancellery to Ferdinand, April 2, 1842, in AVA, AK, *Israelitischer Kultus*, 6/37906. This box contains numerous examples.

²⁷⁹ Report of the Court Chancellery, September 30, 1843, in AVA, AK, *Israelitischer Kultus*, 6/25396.

thirty people and contributed to society.²⁸⁰ In early 1848, before the revolution, the state allowed a foreign Jewish industrialist to buy a home in the suburb of Brünn (Brno) with the explicit rationale that his activities benefitted the state and encouraged assimilation. The government rubber-stamped numerous other requests for dispensations from restrictive Jewish laws in the 1840s, especially in industrial Bohemia. In addition, officials ceased enforcing restrictions on Jews moving to Vienna, and the Jewish population there began rising quickly in the 1840s to over 4,000 in 1847, despite only a few hundred families possessing official toleration.²⁸¹ The Habsburg state, leaderless by the 1840s and unable even to remove restrictions on Catholicism (see Chapter 2), could not make wholesale changes for Jews, but as a substitute, granted numerous exemptions.

In 1840 the Hungarian Diet also pushed forward the debate on emancipation with cooperation from Vienna. Since 1791 article XXXVIII, which preserved most of Joseph's reforms, had regulated Jewish conditions in Hungary.²⁸² With the exception of individuals such as Joseph Eötvös, very few Hungarian leaders supported unconditional emancipation.²⁸³ Several counties, such as Bihar and Liptau (Liptov), expressed worry about emancipation, while Pest and Eisenburg (Vas) came out in favor of it.²⁸⁴ Even Louis Kossuth argued that Jewish emancipation must proceed only coupled with the reform of Judaism.²⁸⁵ As in Cisleithanian Austria, in Hungary economic considerations drove the push to loosen restrictions on Jews. This point was

²⁸⁰ Report of the Court Chancellery to Ferdinand, January 16, 1847, in AVA, AK, Israelitischer Kultus, 6/26242.

²⁸¹ Wolf, *Die Geschichte der Juden in Wien*, 143-144.

²⁸² Patai, *The Jews of Hungary*, 231.

²⁸³ Vardy, "The Origins of Jewish Emancipation in Hungary," 145.

²⁸⁴ Sitting of the Informations-Protocoll, Ungarisch-Siebenbürgische Section, May 5, 1840, in Magyar Országos Levéltár: Obuda (MOL-O) (Hungarian National Archives: Obuda), Magyar kancelláriai levéltár, A-105 (Informations-Protocolle der Ungarisch-Siebenbürgischen Sektion, 1837-1848), 31652.

²⁸⁵ Vardy, "The Origins of Jewish Emancipation in Hungary," 155.

especially relevant as the Hungarian half of the empire, even by the 1840s, was underdeveloped industrially, compared to Lower Austria or Bohemia.

Surprisingly, there was little debate in the diet on granting limited emancipation to Jews, as this issue was civil, not religious and only involved the most basic rights. In article XXIX of the 1840 settlement, Jews obtained the right to settle in royal cities and to engage in manufacturing and to hire Jewish journeymen.²⁸⁶ Soon after, numerous factories sprang up, and in 1842 the Jew Moric Fischer founded a porcelain factory in Herend, whose products won the bronze medal at the first Hungarian Industrial Exposition.²⁸⁷ By 1846, an association in Pest to support Jewish artisans had almost 10,000 members.²⁸⁸ Many Magyar nationalists, furthermore, viewed Jews as allies against Slavs, assuming the Jews were born in Hungary and spoke Magyar. The 1840 rule only applied to Jews born in Hungary or naturalized there and obliged Jews to take last names.²⁸⁹

This fear of foreign Jews, which had been growing for decades, accelerated in the 1840s, as illegal immigration from Galicia surged. Jews had been moving to Hungary from Galicia for decades. After the 1846 Uprising in Galicia, numerous Jewish revolutionaries fled to Hungary.²⁹⁰ The Jewish population grew rapidly in Hungary as a result, and many poor Jews often wandered from village to village, to the chagrin of liberals and conservatives. In addition,

²⁸⁶ Patai, *The Jews of Hungary*, 233.

²⁸⁷ Patai, *The Jews of Hungary*, 264-65.

²⁸⁸ Informations-Protocoll, Ungarisch-Siebenbürgische Section, August 1, 1846, in MOL-O, A-105, 31658

²⁸⁹ Patai, *The Jews of Hungary*, 239.

²⁹⁰ Most notably the Russian-Pole Moses Samuel Kohn, whom the army arrested in Pressburg (Bratislava), in note of the police to Palatine Joseph, May 2, 1846, in Magyar Országos Levéltár: Obuda (Hungarian National Archives: Obuda), Regnicolaris levéltár, N-22 (Archivum palatinale secretum archiducis Josephi (1795-1847), 31238, LXX. The role of Jews in the 1846 Uprising was a matter of dispute between Polish and German historians with Poles denying that Jews had anything to do with it and Germans blaming it on the Jews. See for example: N.M. Gelber, "Die Juden und die polnische Revolution im Jahre 1846," in *Aus zwei Jahrhunderten* (Vienna: R. Löwit, 1924). 261-265.

rich Jews often lent money to the peasantry, further engendering hatred among many Hungarian Christians. Although Jews conducted 50 to 75 percent of product trade across Hungary, (though this percentage was on the decline), Jews remained excluded from guilds and corporations.²⁹¹ Hungarian representatives in the diet, even on the left, often spoke of the “monied aristocracy,” referring to Jews, whom one delegate labeled as more dangerous than the hereditary aristocracy.²⁹² In Kashau (Košice), a petition by the burghers opposed immigration of Jews, for they worried it would lead to competition that would bankrupt the town’s economy.²⁹³ The leader of the reform-minded conservatives, Aural Dessewffy, demanded, in the proceedings of the 1840 Diet, that emancipation come with curbs on Jewish immigration, a position on which the Magnates agreed.²⁹⁴ Other proposals from the magnates included property requirements of at least 1,000 florins to come to Hungary.²⁹⁵ The notable moderate reformer, Stephen Szechenyi, under the influence of his wife, shared these anti-Jewish values, which were particular strong in the northeast, where many Galician Jews had settled.²⁹⁶ Speaking about emancipation, Szechenyi’s commented that in France, Jewish emancipation would be like a drop in the ocean, but in Hungary it would be equivalent to a drop of ink in a bowl of goulash.²⁹⁷ This growing anti-Judaism in Hungary would erupt in 1848 with violent results (see Chapter 6).

²⁹¹ Vera Bacskai, “Die Pester Grosskaufleute: Stadtbürger, Unternehmer or Dritter Stand?” in *Bürgertum in der Habsburgermonarchie* eds Ernst Bruckmüller et al (Vienna: Böhlau Verlag, 1990), 25. The ban from joining guilds often benefitted Jews, however, during years of economic downturn as they could more easily adapt to market conditions.

²⁹² “Landtagsberichte,” *Agram Politische Zeitung*, Nr. 77, September 25, 1844.

²⁹³ Informations-Protocoll, Ungarisch-Siebenbürgische Section, June 19, 1840, in MOL-O, A-105, 31652.

²⁹⁴ Vardy, “The Origins of Jewish Emancipation in Hungary,” 153.

²⁹⁵ Informations-Protocoll, Ungarisch-Siebenbürgische Section, April 3, 1840, in MOL-O, A-105, 31651.

²⁹⁶ George Barany, *Stephen Szechenyi and the Awakening of Hungarian Nationalism, 1791-1841* (Princeton N.J.: Princeton University Press, 1968), 359.

²⁹⁷ Andrew C Janos, *The Politics of Backwardness in Hungary, 1825-1945* (Princeton N.J.: Princeton University Press: 1982), 81.

Ultimately this fear of foreign Jews applied to domestic ones as well. As many Jews gained prominent positions in the economy, economic hardship made Jewish factory owners easy targets for unemployed or underemployed workers, and in cities, such as Pest, local officials feared an outbreak of violence similar to what happened in Prague in 1844.²⁹⁸ County officials also often disobeyed orders from the sheriffs on allowing Jews to settle.²⁹⁹ By the mid-1840s, rising grain prices led to outcries against Jewish traders in places such as Klausenburg (Cluj-Napoca).³⁰⁰

In 1846, the state also eliminated the special oath required for Jews. Since the Middle Ages, most European courts had required Jews to take a special, humiliating oath due to the link between Church and state, which informed the legal system. Christians worried about the Jewish prayer *Kol Nidrei*, which seemingly invalidated oaths between Jew and non-Jew with its line:” all vows, obligations, oaths....which we have sworn....they shall all be deemed absolved, forgiven, annulled...” Opponents of emancipation continued to use the argument that Jews could not take oaths and were thus unfit to partake in the legal process.³⁰¹ The oath remained in the law courts of most European states throughout the nineteenth century, and it had been a complaint of Joseph von Wertheimer.³⁰² A sample oath, from Maria Theresa’s reign, applicable to Galicia read:

I swear to God almighty, creator of heaven and earth....as my Jewish law confirms...that I give to Emperor Joseph II and Empress Maria Theresa as my legal rulers...should I however not invest in this oath with a true heart, so should God give me just punishment, just as he devoured Sodom and Gomora with heavenly fire; leprosy shall devour me, like

²⁹⁸ Informations-Protocoll, Ungarisch-Siebenbürgische Section, November 12, 1845, in MOL-O, A-105, 31657.

²⁹⁹ See for example, Máramaros County, in Informations-Protocoll, Ungarisch-Siebenbürgische Section, October 6, 1840, in MOL-O, A-105, 31652.

³⁰⁰ Informations-Protocoll, Ungarisch-Siebenbürgische Section, June 19, 1847, in MOL-O, A-105, 31659.

³⁰¹ Eötvös, *Die Emancipation der Juden*, 34.

³⁰² Wertheimer, *Die Juden in Österreich*, 1: 46.

it did the sister of Moses and the earth shall consume me like it did Korah, Dathan, and Aaron when my state of mind [*Gesinnung*] is not true and upright, so well God, who had banished the people of Israel to the desert for 40 years, strike me with hunger and thirst; I shall through the law of Moses, which God handed down with his own finger from Mount Sinai, be excluded from seeing Abraham but rather with body and soul be led into the abyss of hell for all eternity.³⁰³

Similar oaths had applied to Muslims, but the state discarded it in 1806 and allowed Arabic-language Korans for oaths.³⁰⁴ Joseph confirmed the Jewish oath in 1785, and a decree in 1806 had left it intact.³⁰⁵ Jews could take an oath on the Torah but with restrictions. The state prescribed a specific edition of the Torah by Anton Schmid and paid educated Jews to administer the oath in Galicia.³⁰⁶ In Moravia and Silesia, a decree from 1787 technically only allowed Jews to take an oath in emergency cases, but the government permitted it to be used regularly. Jews there took an oath on the Torah of the Prague printer, Karl Fischer, though the state tried to use the Schmid edition because it was cheaper, but the discrepancies in translation led to confusion.³⁰⁷ Other rules, formulated in consultation with top Jewish leaders, banned Jews from taking oaths on Jewish holidays and feastdays.³⁰⁸

After a complaint by Bohemian rabbis, Austrian officials agreed that the oath “violates self worth” and that it “belongs to the Middle Ages.”³⁰⁹ In August 1846, Vienna ordered alterations to the Austrian civil code, which applied to Cisleithanian Austria, to change the oath for Jews. A Jew had to place his hand over Exodus 20.14, the seventh Commandment, instead of

³⁰³ 1776 Oath, in AVA, AK, *Israelitischer Kultus*, 1/25.

³⁰⁴ Venetian-Dalmatian government (Gubernium) to the Court Chancellery, March 29, 1824, AVA, AK, *Israelitischer Kultus*, 1/88.

³⁰⁵ Imperial Justice Department (k.k. Justizstelle) to the Imperial Galician Appellate Court, November 25, 1831, in AVA, AK, *Israelitischer Kultus*, 1/29864

³⁰⁶ Sitting of the Court Chancellery, March 18, 1830, in AVA, AK, *Israelitischer Kultus*, 1/263.

³⁰⁷ Report of the Imperial Justice Department, June 19, 1818, in AVA, AK, *Israelitischer Kultus*, 1/78.

³⁰⁸ Report of the Bohemian government, September 20, 1832, in AVA, AK, *Israelitischer Kultus*, 1/8295.

³⁰⁹ Report of the Court Commission on Justice, November 19, 1845, in Pribram, 2: 495.

Leviticus 26.14, as previously required and which promised death, incurable diseases, and an assortment of terrible ailments for disobeying God.³¹⁰ With his or her hand over this passage in the Torah, a Jew would henceforth give the following oath:

I [name] swear before God, the all mighty, all powerful, and all knowing, the Holy God of Israel, creator of heaven and earth, ...to give a pure, unreserved [*unverhalten*] oath...without secret reservations, restraints or ambiguity.....

This new oath continued in several varieties depending on if the oathgiver was witness to a criminal or civil trial or was an expert witness. The following lines were innocuous, such as the following one for criminal witnesses:

What I am giving before the court in regard to the testimony, is pure and the undoubted truth in its contents, like I hold true before the all-knowing and all-present God.

Most versions prescribed similar lines depending on the situation. Every oath ended with:

So help me God, all mighty head of the angels [*Heerschaaren*], Adonaj Elohe Zebaoth, whose unspeakable name is holy, in all my business assists, in all my needs helps. Amen! Amen!³¹¹

In addition, the government began phasing out special taxes by the 1840s for Bohemia, as officials strove to realize the promise of equality between Jew and Christian as laid out in the preamble of the 1797 Jewish Patent for Bohemia. In 1833, the Court Chancellery suggested abolishing the toleration tax and the prohibition on Jews buying property. A few state officials noted that this ban contradicted the ideal of making Jews patriotic subjects, for property was immobile.³¹² Members of the Court Chancellery argued that property formed the strongest bond with the fatherland, and Pillersdorf, the prominent official in the Court Chancellery, wrote the

³¹⁰ “Vorschrift über das Verfahren bei den Eiesablegung der Israelitien” (New rules on the Process by which Jews Take Oaths), October 1, 1846, in AVA, AK, Israelitischer Kultus, 1/6836.

³¹¹ These new oaths are located in, “Vorschrift,” October 1, 1846, in AVA, AK, Israelitischer Kultus, 1/6836.

³¹² Report of the Court Chancellery, October 28, 1833, in Pribram, 2: 337.

Jewish ownership of real estate would improve their morality and citizenship.³¹³ By the time this decision reached the emperor's desk in 1837, Ferdinand was in charge, and he affirmed Joseph's laws that only allowed Jews to buy property in Lower Austria if they were ennobled or possessed exceptional talents.³¹⁴ The government decided, however, to permit children of tolerated Jews to inherit this privilege.³¹⁵

The government finally began to eliminate Jewish taxes in the 1840s. In 1832, the Court Chancellery promised, once again, to abolish special taxes for Jews.³¹⁶ In 1846, Bohemian officials passed new regulations to phase out the proof of means requirements for marriage. The state had implemented this requirement in the 1797 Jewish Patent for Bohemia, but Jews had found ways around it by lending each other the money as proof of sufficient means. In 1846, the government ceased this requirement, laid out in article 32 of the 1797 Patent, effective February 1, 1850.³¹⁷ Bohemian authorities also decided to end the special taxes on Jewish families and consumption by 1852.³¹⁸ At the 1839-1840 Diet, Hungarian Jewish communities sent deputies to argue for the lifting of restrictions, most notably the elimination of the special taxes in Hungary and lobbied the Rothschilds to use their influence in Vienna to accomplish this feat.³¹⁹ Vienna

³¹³ Report of the Court Chancellery, October 28, 1833, in Pribram, 2: 341.

³¹⁴ Decision of Ferdinand, January 27, 1837, in Pribram, 2: 363.

³¹⁵ Wolf, *Geschichte der Juden in Wien*, 139.

³¹⁶ Report of the Court Chancellery to the emperor, January 16, 1847, in AVA, Ak, Israelitischer Kultus, 6/26242.

³¹⁷ Report of the Bohemian government, May 21, 1847, in AVA, Ak, Israelitischer Kultus, 6/30917.

³¹⁸ Report of the Court Chancellery to the emperor, July 8, 1847, in AVA, AK, Israelitischer Kultus, 6/21662.

³¹⁹ Informations-Protocoll, Ungarisch-Siebenbürgische Section, July 26, 1842, in MOL-O, A-105, 31652.

abolished the toleration tax for Hungary in 1846, a special demand of the Jewish community, though Habsburg officials had been lax in enforcing it for decades.³²⁰

Finally, even social attitudes, the main source of anti-Judaism, began to change, albeit only in a few areas, by the 1840s. In Vienna, prominent Jews received invitations to attend balls of the nobility by the end of the *Vormärz*.³²¹ In Hungary, once the towns opened up to Jewish settlement in 1840, Jews applied, unsuccessfully, to attend balls and to participate in the aristocratic casinos. Although Jews attained little success in breaking into these organizations, pressure grew for groups and county committees to elect Jews for membership once Hungarian towns opened up for Jewish settlement, despite the growing anti-Judaism in the country.³²²

Concluding Remarks

The wheels of change turned too slowly for Habsburg Jews who desired assimilation and who, in the meantime, experienced irritating burdens. Jews faced legal and social prejudices that Christian minorities did not have to endure. These lingering hardships were at first the result of secular concerns by officials and numerous observers about the willingness of Jews to integrate. The Habsburg state desired after Joseph's reign, to make Jews useful to the state and promoted Jewish education and assimilation. The state aimed to make emancipation gradual, with as little controversy as possible, and throughout the *Vormärz*. Jews received slow but steady concessions. Anti-Judaism in Austria was not governmental policy; the state did not encourage

³²⁰ Howard N. Lupovitch, *Jews at the Crossroads: Tradition and Accommodation during the Golden Age of the Hungarian Nobility* (Budapest: Central European University Press, 2007), 67. In the 1840 proceedings, the Pressburg Jewish community had, for example, realized that emancipation was unrealistic and strove, instead, to eliminate the toleration tax, in note of Seldnitzky, May 8, 1840, in MOL-O, A-105, 31652.

³²¹ Godsey, "Nation, Government, and 'Anti-Semitism' in Early Nineteenth-Century Austria," 83.

³²² Michael K. Silberg, "The Entrance of Jews into Hungarian Society in the *Vormärz*," in *Assimilation and Community*, 296-305.

Jews to convert, and the same censors who tried to snuff out liberal newspapers also silenced racist and ultra Catholic literature aimed against Jews. Habsburg officials maintained a non-confessional ideology toward the Jews, even if it was inefficient in its implementation.

The first half of the nineteenth century was one of the best in European Jewish history, but as in Austria, assimilationist Jews experienced setbacks and partial solutions in the first half of the century. Even in the most liberal German states, such as Baden, liberals opposed emancipation, arguing Jews “had to earn it.” Jews here could not settle in new areas, take seats in the parliament, nor could they hold state or military offices.³²³ The process was slowest and the challenge the greatest in Eastern Europe, where the majority of the world’s Jews lived, mostly worlds apart from their Gentile neighbors. Emancipation arrived in most of Western Europe by 1860, and in Austria, Jews gained complete legal equality in 1867, in the German states by 1871, but in Russia, not until 1917. In these areas, ruled by absolutist monarchs, states pursued gradual assimilation of its large Jewish populations.

Austria’s policy most closely resembled that of Prussia’s, though Prussia had many fewer Jews and a different legacy. Joseph’s reforms cast a stronger shadow on the Habsburg monarchs than did the Emancipation Edict, which bore the legacy of a French conquerer, for the Prussian kings. Although Prussia aimed to integrate its Jews, the Prussian kings enacted multiple decrees restricting the rights of Jews and refused to consider emancipation. In addition, the power of German nationalism in Prussia ultimately excluded Jews, whereas in Austria, the incomplete development of nationalism allowed for Jewish integration. In Prussia, multiple decrees reserved state offices for Christians, and in its Polish provinces Prussia expelled many of its poor Jews

³²³ Dagmar Herzog, *Intimacy and Exclusion: Religious Politics in Pre-Revolutionary Baden* (New Brunswick, N.J.: Transaction Publishers), 54-55. In Baden, liberals changed their stance and voted for emancipation in order to strike back at the rising Catholic conservatism and ultramontaniam, see Herzog, 62-81.

after the final partition of Poland in 1795.³²⁴ In Posen (Poznańska), numerous regulations banned Jewish employment of Christian servants, buying land, and other restrictions.³²⁵ But by the 1840s, as Rhenish Jews and Christians alike agitated for Jewish equality, Prussian laws became more favorable to Jews. The Prussian law of 1845, for example, allowed Jews to engage in all trades and professions.³²⁶

Russia had a mostly negative record in its treatment of Jews. In Russia, tsarist absolutism pursued similar goals, though it employed harsher measures. Russia, which had annexed the most Polish territory, had the largest Jewish population. In 1794, the Russian army massacred hundreds of Jews as it partitioned the rest of Poland.³²⁷ In addition, Tsar Alexander encouraged Jews to convert and allowed the London Society for Promoting Christianity Among the Jews to operate in Russia.³²⁸ Jews could not serve in the military or the police, nor could they employ Christians in industrial enterprises. In addition, Jews experienced expulsion from several villages, and military conscription after 1827 targeted Jews with the aim of inducing conversion.³²⁹ Although Tsar Nicholas I abolished the British missionaries societies, he provoked Jewish riots with harsh taxes on Jewish clothing and economic activity as well as with conscription.³³⁰ This oppression induced many Jews to move to Galicia.³³¹ Nicholas copied Joseph II and set up schools in the 1840s aimed to help Jews assimilate, modified the special

³²⁴ Bartal, *The Jews of Eastern Europe, 1772-1881*, 33.

³²⁵ Eisenbach, *The Emancipation of the Jews in Poland*, 200-201.

³²⁶ Eisenbach, 292.

³²⁷ Bartal, *The Jews of Eastern Europe, 1772-1881*, 33.

³²⁸ Bartal, *The Jews of Eastern Europe, 1772-1881*, 63.

³²⁹ Eisenbach, *The Emancipation of the Jews in Poland*, 151-152.

³³⁰ Mahler, *Hasidism and the Jewish Enlightenment*, 199-200. For conversion of Jews under Tsar Nicholas, see John D. Klier, "State Policies and the Conversion Jews in Imperial Russia," in *Of Religion and Empire: Missions, Conversion, and Tolerance in Tsarist Russia* eds. Robert P. Geraci and Michael Khodarkovsky (Ithica N.Y.: Cornell University Press, 2001), 97-105.

³³¹ Friedmann, *Die Galizischen Juden im Kampfe um ihre Gleichberechtigung (1848-1868)*, 6.

Jewish oath, and supported maskilim Judaism.³³² Russia remained, however, an estate society, and the emancipation model was difficult to copy in the tsarist lands.

In Western Europe, where the Jewish population was much smaller and more assimilated, Jews still experienced slow progress on gaining basic civil rights. In Britain, Jews received the right to buy land, endow schools and practice numerous trades by the 1840s. Jews could also sit in the House of Commons after 1835, though they had to take a Christian oath until 1858.³³³ In France, the country with the most favorable Jewish laws, increased freedom of the press accompanied parity between Jews and Christians after the 1830 Revolution. As ultramontane Catholicism began to emerge in the 1840s (see Chapter 2) in the West (except in Austria), ultra-Catholic journals outnumbered liberal ones, and often led to anti-Jewish publications, such as in the Damascus Affair.

The desire for religious peace hindered the Habsburg state from granting further rights to Jews, which the government feared would cause disorder. The Austrian state, in its zeal for non-confessionalism, subjected Judaism, as it did Catholicism, to numerous constraints and regulations, as it aimed for religious peace and foreclosed the political space to confessionalism. In addition, the state suppressed popular politics, which could lead to attacks on Jews, who were unpopular across broad spectrums of society. In Austria, as elsewhere, guilds did not want to compete with Jewish craftsmen, nobles did not want Jews interfering with their tenuous hold on the officer corps, the workers were quick to blame Jewish industrialists when times were hard, and peasants still held traditional anti-Jewish values. In addition, the desire among Jews to assimilate was weak in Galicia, and mixed in the western provinces of the empire. For these

³³² Michael Stansilawski, "Russian Jewry and Jewish Emancipation," in *Paths of Emancipation*, 273.

³³³ Eisenbach, *The Emancipation of the Jews in Poland*, 276.

reasons, the state proceeded cautiously and preferred gradual emancipation for fear of popular violence against Jews, a fear that turned into reality in 1848.

PART III: 1848 AND ITS AFTERMATH

The system of discouraging confessionalism and promoting religious harmony described in the chapters above underwent drastic changes during the revolutions of 1848-1849. Freedom of expression meant the expiration of Josephist ordinances prohibiting disturbing the religious peace. Groups suppressed by the authorities, such as German-Catholics, made their way to Austria in 1848. Although religion cannot count as one of the causes of the revolution, partly due to the tame Church that Habsburg policies had promoted, religious polemics took place in this new age of free speech. Such debates took place especially among Catholics and Jews. Catholics split into ultramontane, radical, Josephist, and other camps and debated their relationship with the new Habsburg government. Jews split between Orthodox and Reform, with the latter assuming the progress made in the pre-1848 period would lead to emancipation in that year. Violent anti-Jewish riots proved otherwise, as the progress made in the *Vormärz* and during 1848 provoked a Christian backlash. Protestants and Orthodox Christians had few complaints and their aims were subordinated to larger political issues in Hungary. The Orthodox metropolitan in Carlowitz, Joseph Rajačić, rallied many Orthodox against the revolutionary Hungarian government, while much of the Catholic hierarchy and Protestant leaders sided with the revolution.

The result of 1848 was a Catholic revival of the sort long desired by activists in the pre-1848 period. The new counter-revolutionary government that came to power in November 1848 restored the close link between Catholicism and the Habsburg monarch by 1850. Sophie's dream of her son Francis Joseph becoming emperor became a reality on December 2, 1848. The new emperor eliminated most of the Josephist controls on the Church, such as communication with Rome, in 1850. Francis Joseph also promoted Catholic activists from the pre-1848 period. Students from the Brixen seminary received bishoprics, and Joseph Othmar Rauscher, the

ultramontanist tutor of Francis Joseph, became the archbishop of Vienna in 1853. In addition the government of Felix zu Schwarzenberg reversed decades of frosty relations with Rome. He convinced the papacy that Josephism was dead in Austria and removed many of the Josephist bishops and officials. This change was most dramatic in Hungary, where decades of isolation, imposed by Vienna and Protestant leaders, had left the Catholic episcopacy demoralized and staffed with careerists and weak bishops. By 1849, many of these bishops were sitting in Habsburg jails, and vigorous ones, such as John Scitovszky who had fought the Protestants in the diet in the 1830s and 1840s, received promotions.

Yet, the new officials, like Schwarzenberg himself, had grown up in the tolerant atmosphere of the *Vormärz* and accepted its precepts. They simply thought the restrictions on Catholicism had gone too far and had ignored Austria's historical mission. In the aftermath of 1848, Protestants received equality in Cisleithanian Austria (until 1855), an easy step after what was essentially the practice in the *Vormärz*. But for Jews the result was mixed, and in the 1850s, the state revoked the partial emancipation obtained in 1848 and 1849, though Jews registered gains in other areas. The Orthodox also had to submit to the centralization drive pushed by Vienna in the 1850s, and prominent officials openly promoted the Union. In Hungary, less favorable conditions prevailed. The government removed much of the Catholic and Protestant hierarchy and punished both communities for the Hungarian revolution. The military occupation aimed to punish Protestants and did so until the late 1850s. Although Vienna stressed Catholicism after 1850, it did so in conjunction with centralization and forced the Hungarian Church to submit to a single set of laws governing the Church, most notably the Concordat of 1855, which, though favorable to the Catholic Church, aroused resistance among Hungarian Catholics.

Overall, the 1780-1848 period marked the only period in which the Habsburgs chose not to link themselves politically with Catholicism. In the 1850s, the new government restored this connection. Despite a brief period of liberal ascendancy in the late 1860s and early 1870s, Catholicism never lost the freedoms it had gained in 1848, and it remained a key pillar of the Habsburg state down to 1918 and for the First Republic in the interwar period. The results of 1848 also unleashed anti-Judaism as many anti-Semites, such as Father Sebastian Brunner, began their careers during the revolution. In the late nineteenth century, politicians used clerical anti-Judaism as a gateway to pander to voters skeptical about racial elements of anti-Semitism. Such conditions contributed to Austria's infamous anti-Semitism down to the demise of Austria in 1938.

CHAPTER SIX: 1848, THE CONFESSIONS, AND THE TRIUMPH OF CATHOLIC REVIVAL IN THE HABSBURG EMPIRE

At the center of Zagreb today lies Ban Jelačić Square. In the middle of this plaza, where the bus terminals meet and through which city life is routed, stands a statue of the Ban of Croatia, Josip Jelačić. The Ban, or Viceroy, is depicted on horseback, and he is facing southward with ambiguous intent. Yet for almost a century, the Ban faced northward, toward Hungary.¹ Jelačić, a Croatian patriot who remained loyal to the Habsburgs, helped Vienna crush the revolutions of 1848, especially in Hungary. Jelačić's story is one of many contradictions, however, as he was an Illyrian nationalist who promoted south Slavic unity, while remaining true to the Habsburgs. Jelačić was, in fact, the lynchpin of the divide-and-conquer strategy employed by Vienna to suppress revolutionary upheaval. As a result, he is an appropriate symbol of the splits that marked all the different forces, most notably the nationalities of the empire, but also the confessions, all of whom took divergent and contradictory positions during the upheaval of 1848/49.

In 1848 the revolutionary virus, which Austria had avoided for over 50 years, struck the Habsburg Empire hard. Although crowds stormed barricades in Paris, and skirmishes broke out in the Germanies, nowhere was the revolution more violent and more threatening than in the Austrian Empire, where mobs took control of the capital for a month, the war in Hungary claimed over 100,000 lives, and brutal ethnic civil war raged in Transylvania and the southern Slavic lands, killing 40,000 Romanians along with thousands of Serbs.² In addition, barricades

¹ Joseph Tito removed the statue in 1947 and kept the Jelačić monument in storage. In 1990, as Yugoslavia was breaking up, Croatian authorities returned him to the square but faced him south.

² Despite this fact, there is no comprehensive work on 1848 in the Habsburg Empire, though many individual studies exist. Carlie Aylmer Macartney's 1848 chapter in *The Habsburg Empire 1790-1918* (New York: MacMillan, 1969) provides a good overview of the events across the monarchy, 322-425. John Rath's *The Viennese Revolution of 1848* (Austin: University of Texas Press, 1957), despite its age, provides a good perspective on the revolution in Vienna and the

set up in Prague, Vienna and other cities led to bloody military confrontations. These revolutionaries who took down the *Vormärz* regime were not, however, protesting the Church or the ecclesiastical system in Austria, for it had been tame. In fact, Catholic prelates effectively used the new freedoms granted in the opening days of the revolution and exploited the events that brought the counter-revolution to power in the fall of 1848. The end result by 1850 was a restoration of the connection between the Habsburgs and Catholicism.

In this chaos the confessions of the empire took on multiple positions. Among Catholics, some remained neutral, others used the opportunity to agitate for the restoration of Catholic privileges in the empire, while still others formed radical movements. Jews were also divided: Orthodox Jews opposed the revolution, most Reform Jews supported moderate reform, a few radicals fought on the barricades, and some Jews argued for giving up on Europe altogether and leaving for America. In Austria, Jews played a disproportionate role in the revolutionary upheaval, while in Hungary and Bohemia riots targeted Jews and Jewish emancipation. The Orthodox sided with Vienna, fearing Magyarization more than absolutism, and the Orthodox clergy provided leadership for what was largely a political affair. In the end, the result also differed among the confessions, depending on the region, with Austrian Protestants winning concessions, but losing, along with Catholics, privileges in Hungary. Ultimately, ultramontanist political Catholicism, in union with the government in Vienna, was the biggest victor. It not only recaptured what it had lost under Josephism but also gained unprecedented privileges over

surrounding events, though its assessment on the religious situation is short. For an overall view of the revolutions and the historiographical arguments, see Jonathan Sperber, *The European Revolutions, 1848-1851* (Cambridge U.K.: Cambridge University Press, 1994). The numbers of dead in Transylvania come from Radu Florescu, "Debunking a Myth: The Magyar-Romanian National Struggle of 1848-1849," in *Austrian History Yearbook (AHY)* (1976-77): 82. For the casualty figures of the 1848-49 war between Hungary and Austria, see István Deák, *The Lawful Revolution: Louis Kossuth and the Hungarians* (New York: Columbia University Press, 1979), 329.

public life by 1850 in the Habsburg Empire under the counter-revolutionary, neo-absolutist regime that took over in late 1848.

The Outbreak of Revolution

The revolutionary eruption across Europe in 1848 had numerous causes. A series of crop failures induced an economic crisis in the mid 1840s, most notably in Ireland, where British policy blunders led to mass starvation and emigration.³ In addition, an economic downturn provoked protest among artisans and the nascent working classes across the continent. On February 24, a crowd in Paris toppled king Louis-Phillippe and the Guizot government and established a republic. In Berlin, an angry mob forced king Frederick William IV to lift censorship and to promise a constitution and a parliament. Other uprisings and reforms occurred in the other German states, and a German parliament met in Frankfurt to work out a new constitution and plans for a unified Germany, including, possibly, Austria. The Frankfurt Parliament even elected a Habsburg, Archduke John, as its provisional president.

The revolutionary upheaval began, however, not in France, but rather in Habsburg Italy. Here, rebellion began as a result of a dispute between Vienna and the papacy after the election of Pope Pius IX in 1846, a liberal who embarked on a series of political reforms that destabilized central Italy.⁴ Pius IX released hundreds of political prisoners, appointed a commission of Italian jurors to recommend legal reform, liberalized censorship and created a suggestion box for

³ Unlike Britain, on the continent, governments organized soup kitchens, implemented bans on food exports, and arranged for shipments of grain from Russia and the United States until the famine passed in 1847, in Sperber, *The European Revolutions, 1848-1851*, 106.

⁴ Rumors persisted that Metternich had ordered the archbishop of Milan, Charles Gaisruck, to veto Pius IX's election but arrived too late to cast the vote. Friedrich Engel-Janosi's article "Zwei Studien zur Geschichte der österreichischen Vetorechts," in *Mitteilungen des Österreichischen Staatsarchivs (MÖSTA)*, Festschrift zur Feier des Zweihundertjährigen Bestandes des Haus-, Hof- und Staatsarchivs. (1951), 283-290, demonstrated that no such orders existed.

ordinary subjects to voice complaints.⁵ In addition he sold half of the sixty horses in the papal stables, cut spending on the police, and opened the ghetto.⁶ These actions spurred activists, such as Giuseppe Mazzini, the founder of Young Italy, a political party that strove for national unification, to urge Pius to lead a crusade against the Habsburgs. Austria, which had not been on good terms with the papacy since the eighteenth century, viewed these developments with concern. On July 17, 1847, Austria reinforced its garrison in Ferrara as allowed under article 103 of the Congress of Vienna.⁷ The Austrian Field Marshall in northern Italy, Count Joseph Radetzky von Radetz, dispatched additional troops to Modena and Parma.⁸ Pius protested, and the Austrian troops went back into the citadel on December 16, 1847, but this step back did not stop the march to war.⁹ Other issues, such as the hated tobacco tax, fueled revolutionary upheaval, and in January, clashes between Austrian troops and the crowd in Milan erupted. Radetzky had to leave Milan on March 22 and on that same day the Habsburg flag fell in Venice, where revolutionaries proclaimed a republic.¹⁰ King Charles Albert of Sardinia organized a rebellion against Austria, declaring war on March 23, with the pope agreeing to send forces, ostensibly as “observers.” The pope praised early victories against Austria as an act of God.¹¹

This turmoil hit Vienna on March 13, and the Habsburg capital quickly became the nexus of the revolution in Central Europe. After weeks of rumblings, a crowd gathered near the

⁵ Frank J. Coppa *Pope Pius IX: Crusader in a Secular Age* (New York: Twayne Publishers, 1979), 47-48.

⁶ Francis Beauschense Thornton, *Cross upon Cross: The Life of Pius IX* (New York: Benziger Brothers, 1955), 81.

⁷ Coppa, *Pope Pius IX*, 62.

⁸ Coppa, 63.

⁹ E.E.Y. Hales, *Pio Nono: A Study of European Politics and Religion in the Nineteenth Century* (London: Eyre and Spottiswoode, 1954), 67.

¹⁰ Gunther Rothenberg, *The Army of Francis Joseph* (West Lafayette, IN: Purdue University Press, 1998), 25.

¹¹ Friedrich Engel-Janosi, “The Return of Pius IX in 1850,” in *The Catholic Historical Review* (*CHR*) 36 (1950): 134.

Landhaus, where the local estates met. Adolf Fischhof, a physician, gave a speech demanding freedom of the press, and by the end of the day Metternich, at the behest of Archduchess Sophie and Archduke John, had fled Austria. A few days later the emperor lifted censorship and promised a constitution. After a series of ministries came and went, Francis von Pillersdorf, a *Vormärz* liberal official, who had spearheaded the lifting of many anti-Jewish laws in the 1840s (see Chapter 5), established a stable government and issued a constitution on April 25. This constitution promulgated a bill of rights and a parliament but retained the emperor as head of the government with an absolute veto, and the question of whether the ministries would be responsible to the parliament or the emperor remained an open one. Radicals were impatient with this constitution and commonly treated opponents of the revolution with mocking serenades known as *Katzenmusik*. After a riot in Vienna on May 15 and the construction of barricades, Emperor Ferdinand fled to peaceful Innsbruck, where he stayed until August 12.¹²

In the rest of the empire similar developments took place but with a nationalist twist. Most notable were the April Laws in Hungary, which created an autonomous Magyar state. After Metternich fell, Louis Kossuth and a delegation arrived in Vienna and asked for, and received, a separate ministry to govern the Kingdom of Hungary, giving it autonomy and pseudo-independence. Kossuth failed, however, to get himself or his candidates prominent positions in the cabinet. Instead, the moderate Louis Batthyány appointed a ministry of reformist liberals and conservatives.¹³ In Prague, Count Leopold Thun created a separate administration in Prague with a council including Czechs. German liberals in Prague sided with the petitions there despite

¹² Rath, *The Viennese Revolution of 1848*, 204.

¹³ Deák, *The Lawful Revolution*, 88. Kossuth had the Finance ministry.

Czech nationalist overtones.¹⁴ The historian Francis Palacký convened a Slav congress in reaction to the Frankfurt Parliament and called for a federation, with substantial Slavic autonomy.¹⁵ In Galicia a diet met at Lemberg, and street fighting broke out in Cracow.¹⁶ The 1846 revolt in Galicia had, however, scared the elites from stirring up the peasant population, the latter of whom had remained loyal to the Habsburgs and slaughtered their landlords. Count Francis Stadion, the governor of Galicia, promptly abolished serfdom to reinforce peasant support for the regime and to split any potential united Polish opposition.¹⁷ All across the empire, regional diets met and abolished serfdom where it still existed. And across Europe, numerous parliaments enacted similar measures but also met with the hope of reorganizing states along national and liberal lines in what has become known as the “Springtime of Nations.”

Liberals in Vienna and elsewhere were moderate and greeted the initial developments granting greater representation in government and the lifting of censorship. But they feared the radicals, who remained a sizeable force in Vienna due to the large student population and new working-class suburbs. These constituencies demanded further reforms and an independent committee and army to run the city. Furthermore, liberals disliked the increasingly nationalist anti-German fervor in the non-German lands. Yet until the late summer, the Court in Vienna was too weak and disorganized to exploit these divisions among the revolutionaries. In the meantime, a free press emerged, with journals ranging from the moderate *Wiener Zeitung* to the radical *Der Satan*, leading to a wave of religious polemic, which had been absent in the *Vormärz*.

¹⁴ Pieter Judson, *Exclusive Revolutionaries: Liberal Politics, Social Experience, and National Identity in the Austrian Empire, 1848-1918* (Ann Arbor, MI: University of Michigan Press, 1996), 36.

¹⁵ Macartney, *The Habsburg Empire 1790-1918*, 364.

¹⁶ Macartney, 369.

¹⁷ Vienna viewed the nobility as a carrier of Polish national consciousness and a danger to Habsburg rule. For a good, albeit dated, summary, see Arnon Gill, *Die polinische Revolution 1846: Zwischen nationalem Befreiungskampf der Landadels und antifeudaler Bauernerhebung* (Munich: R. Oldenbourg, 1974)

Such battles and political jockeying commenced immediately after the fall of Metternich and the abolition of censorship.

The Confessions in the Habsburg Empire during the Springtime of Nations,
March-October, 1848

In this atmosphere, the Catholic reaction was divided, with the Josephists opposing all involvement in political activities, activists agitating for Catholic freedoms, and radicals unconditionally supporting the revolution. The Orthodox, most of whom lived in Hungary, feared Magyarization but used the upheaval to wring concessions from Vienna. The Protestant stance on the revolution differed from territory to territory. For Reform Jews, most of whom played a big role in the March events, hope turned to disappointment as anti-Jewish mobs raged across Hungary and Bohemia. In this environment, the walls between the confessions that the Josephist government had maintained fell, and confessional politics entered the public arena, though the state apparatus continued compiling reports and making decisions on matters such as conversions until April.¹⁸ Meanwhile, the Pillersdorf Constitution provisionally governed religious affairs, with article 17 vaguely promising “full freedom of belief and conscience as well as personal freedom.”¹⁹ In the meantime a parliament in Vienna tried to anchor a permanent, comprehensive set of regulations regarding the confessions of the empire.

¹⁸ At the Allgemeines Verwaltungsarchiv (AVA), reports on conversions, for example, end in late April 1848, though reports on sects continued into July, 1848. In one case, a Hungarian Protestant moved to Linz and tried to get the 1844 conversion laws applied in Austria, which the government rejected, in note to the Hungarian Foreign ministry, August 17, 1848 in AVA, Unterricht und Kultus, Alter Kultus (AK), Katholischer, 30/33755. Officials also maintained the rules on baptism and ruled on cases of baptizing Jewish children when the father had left. See, for example, decree to the Littorial government, January 16, 1849, in AVA, AK, Katholischer, 32 (Judentaufen)/326/46.

¹⁹ Erika Weinzierl-Fischer, “Die Kirchenfrage auf dem Österreichischen Reichstag 1848/49” in *MÖSTA*, 8 (1955) 160.

Revolutionaries considered ecclesiastical issues a secondary matter, for the Catholic Church was inoffensive in the Habsburg lands, and liberals wanted to end the *robot*, pass tax reform, and most of all, gain access to the state.²⁰ In the first days of revolution, most petitions ignored religious issues. One well-known petition, “Suggestions of the Austrian Burghers for Reform of State Administration on the Lines of Legal Progress” (*Vorschläge der österreichischen Bürger zu einer Reform der Staatsverwaltung im Sinne des gesetzlichen Fortschritts*) in early March vaguely mentioned religious tolerance in one line in point seven, the smallest article in the petition.²¹ Most articles dealt with censorship. Many petitions did not even mention religion. In Styria, point six of a March 15 demand a similarly vague “freedom of conscience,” and point 25 demanded the expulsion of the Jesuits.²² The Jesuits then quietly left Styria after this demonstration, but a mob arrived and protected the other clerical leaders.²³ While revolutionaries embraced the image of Joseph II, marching past his statue in *Josefsplatz* and sending an honor guard to protect it, this act was more a tribute to his relatively lenient stance on censorship than to his Church reforms.²⁴

Catholics in the Springtime of Nations, March-October, 1848

Josephist Catholics, who dominated the Church hierarchy throughout most of the *Vormärz*, opposed the revolution. Laymen such as the playwright Francis Grillparzer feared

²⁰ Judson, *Exclusive Revolutionaries*, 27.

²¹ This petition is located in Heinrich Reschauer, *1848: Geschichte der Wiener Revolution* (Vienna: Verlag R von Waldheim, 1872), 127.

²² Baron Joseph Alexander von Helfert, *Die confessionale Frage in Oesterreich 1848: Zugleich ein Beitrag zur Tages-und Flugschriften-Literatur jener Zeit* (Vienna: Verlag von Ludwig Mayer, 1882), 58-60.

²³ Helfert, *Die confessionale Frage in Oesterreich 1848*, 59-60.

²⁴ R.J.W. Evans, “Josephinism, ‘Austrianness,’ and the Revolution of 1848,” in *The Austrian Enlightenment and its Aftermath*, ed. Ritchie Robertson and Edward Timms (Edinburgh: Edinburgh University Press, 1991), 14, 152-154.

popular politics and abjured the revolution.²⁵ In fact, Grillparzer praised the victories of General Radetzky against the Italian armies.²⁶ The most influential Josephists were the bishops, who, despite the ultramontane influence within the episcopacy (see Chapter 2), still maintained high positions in the Church. Yet, despite the many commonalities between this group and the liberals, the Josephists suffered from their association with the *Vormärz* regime.

The main representative of the Josephists was the archbishop of Vienna, Vincent Eduard Milde (see Chapter 2). He wrote to his parishioners during the revolution that “the danger to your faith is all the greater since freedom of speech and the press is allowed by article 19 of the constitution. Press freedom is an important but dangerous gift.”²⁷ He ended his letter noting that people in the press tend to lie, sensationalize and promote immorality. Milde accordingly banned his priests from participating in the revolution. A committee of priests who wanted to submit grievances to the state sent a delegation to Milde, who rejected the demands.²⁸ He turned away other requests, such as a petition supporting equality of Jews, arguing that he disliked any condition that weakened the freedom of conscience but that as an archbishop, he could not intervene in political matters.²⁹ Overall, Milde, true to his Josephist upbringing, rejected calls to advocate greater freedom for the Church and urged an absolute abstention from political activity.

Ultramontanists and Catholics advocating the elimination of Josephist controls formed another bloc. This group was diverse, with some arguing for a renewed union between Vienna and Catholicism. Others simply desired freedom of religion, and the rights pertaining to it, such

²⁵ Bruce Thompson, *Franz Grillparzer* (Boston: Twayne, 1981), 97.

²⁶ Macartney, *The Habsburg Empire 1790-1918*, 392.

²⁷ Hermann-Josef Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49: Episkopat-Klerus-Laien-Vereine* (Cologne: Böhlau Verlag, 2008) 91.

²⁸ The radical priest, Anton Fuster, claimed Milde angrily turned away the delegation, in Anton Fuster, *Memoiren vom März 1848 bis July 1849: Beitrag zur Geschichte der Wiener Revolution* 2 vols (Frankfurt am Main: Literarische Anstalt, 1850), 1: 95.

²⁹ “Declaration of the Prince-Archbishop,” in *Österreichisches Central-Organ für Glaubensfreiheit, Kultur, Geschichte und Literatur der Juden (ÖCO)* April 15, 45.

as freedom of assembly, the right to form associations (*Vereine*), and free communication with Church leaders. This group was a motley one and counted ultramontanists, priests, bishops, reform-minded bureaucrats and even some liberals, who wanted separation of church and state.

The most outspoken proponent of relieving the Church of its Josephist restrictions was the priest Sebastian Brunner. Before 1848, he joined forces with Metternich's secretary Charles Ernst Jarcke (see Chapter 2) and became an admirer of Clemens Maria Hofbauer. He railed against Josephists and the "Jewish press" but also the weak-willed bishops, whose complicity with the *Vormärz* government, he argued, weakened the Church and made it a "police institution" despised by the population.³⁰ He called the bishops willing workhorses in the state's domination of the Church.³¹ He also carelessly linked Jews to working-class journals (including anti-Jewish ones) and German-Catholicism with pamphlets such as "A Jew as German-Catholic or the New Johannes Ronge at the Old Meat Market" (*Der Jude als Deutschkatholik oder der neue Johannes Ronge auf dem alten Fleischmarkt*)³²

But Brunner's most significant act was the founding of the *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit, und Gesetz in der katholischen Kirche*. He had tried to found a newspaper in 1847, but Milde blocked it.³³ The initial issue in March depicted the Church as the first victim of the *Vormärz* regime, noting that the "free word of the Church was held down, its life suppressed, its spirit enslaved" and that "in this time of battle for government, for religion, for prince and for fatherland, for German (if possible) unity, one cannot overlook the Catholic Church, which, aside from its eternal, holy, supernatural interests, here on earth alone possess the

³⁰ Sebastian Brunner, *Woher, Wohin? Geschichten, Gedanken Bilder und Leute aus meinem Leben* 5 vols (Vienna: Verlag J.F. Erck, 1855), 2: 201.

³¹ Johannes Ritzen, *Der junge Sebastian Brunner in seinem Verhältnis zu Jean Paul, Anton Günther und Fürst Metternich* (Aichach: L. Schütte, 1927), 40.

³² Brunner, *Woher, Wohin?*, 2: 195. Ronge was the leader of German-Catholicism.

³³ Brunner, *Woher, Wohin?*, 2: 155.

legal title and legitimacy, which only it can give, I want now to unroll my banner, on which stands the words: FREEDOM FOR THE CHURCH!”³⁴

Other voices, though less aggressive, also wanted to use the revolution as an opportunity to overturn Josephism. The Court chaplain John Michael Häusle published a piece *Questions to the Archbishop of Vienna (Fragen an den herrn Erzbischof von Wien)* criticizing Milde and urging the bishops to provide leadership, warning that otherwise lay persons would fill this role. Another priest, William Gärtner, called an assembly of priests on April 17, which Brunner attended, and compiled a petition demanding independence from the state. On April 19, Pillersdorf received this notice and promised to act on it.³⁵ Brunner and Gärtner agitated throughout 1848 for a diocesan synod, but Milde refused.³⁶

Activist voices outside of Vienna agitated for similar goals. Bishop Gregory Ziegler of Linz (see Chapter 2) promised his loyalty to the emperor but sent in a petition to the minister of the interior asking for freedom of communication with lay people and the papacy, abolition of the *Placet* (royal approval to publish Church writings), and representation in the new parliament.³⁷ Yet, unlike other Catholic activists, who usually held little sympathy for constitutionalism or liberalism and only wanted to exploit it, Ziegler gave indications he supported a constitutional monarchy, citing Psalm 127 “Unless the Lord builds the house, the builders labor in vain; unless the Lord watches over the city, the guards stand watch in vain”

³⁴ *Prospectus der Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der katholischen Kirche in Wiener Kirchenzeitung (WKZ)* 1 (1848) April, 1848.

³⁵ Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49*, 239-240.

³⁶ Scheidgen, 273.

³⁷ Eduard Hosp, *Bischof Gregorious Thomas Ziegler: Ein vorkampfer gegen den Josephinismus* (Linz: Oberösterreichischer Landesverlag, 1956), 167.

(NIV).³⁸ In St. Pölten priests called for a clerical convent and for missions, but the local bishop, Anton Alois Buchmayer, blocked it.³⁹

A joint petition to the Austrian Parliament by the prince-archbishop of Olmütz (Olomouc), Maximilian Joseph Sommerau-Beckh, and the bishop of Brünn (Brno), Anton Ernst von Schaffgotsche, was the most comprehensive action taken by the episcopacy. They stated that in accordance with the new constitution, the “Church should not be a slave” in the new free Austria and laid out the following concerns and demands:⁴⁰

1. Under a constitutional ministry, combined with the Josephist precedent of the last 60 years, it was possible that a Jew or non-Catholic could issue orders to the Church (articles 1, 10, 13).
2. Assurance of state aid to the Church, especially in light of abolition of the tithe (articles 8, 9).
3. Freedom to communicate with the pope, noting that the pontiff was the representative of Jesus on earth, entitled to govern the entire Church, and that enemies of the Church had the “godless” intention to separate the head from the body (article 10).
4. Transparency on administering the *Religionsfond*, which was a secret (articles 2, 14).
5. Freedom to run Church affairs, manage Church property, form associations, and to call meetings and conferences (articles 11,12, and 18).

³⁸ Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49*, 92-93. Scheidgen wrote it was Psalm 26, but the text is clearly Psalm 27.

³⁹ Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49*, 285.

⁴⁰ Memorandum des episcopates der mähr. Kirchenprovinz über die wünschenswerthe Gestaltung der verhältnisse der katholischen kirche in der konstitutionellen Monarchie (no date), in AVA, AK, Katholischer Kultus/13 (Ehesachen und Taufen)/10/Mähren.

6. Freedom for bishops to run seminaries (articles 1, 3).
7. Permission to run the educational system in Austria (article 17).
8. A return to the Council of Trent in the realm of marriage, arguing that the state had harmed the conscience of Catholics on this issue and that the pope was the final authority in this matter (article 13)
9. Catholics should have the same rights to form associations as other civil groups (article 13)

Whereas in the Josephist system, the Catholic emperor and his top officials had regulated the Church, the emergence of a liberal constitutional monarchy would mean that liberals or non-Catholics in parliament could administer the Church. This petition aimed to ensure that in a constitutional state, the Catholic Church would have the freedom to run its own affairs, which included marriage and education, without interference from non-Catholics. In addition, this petition expressed the desire that all the rights of religious freedom accrue to the Catholic Church.

A group of Catholics, loosely labeled Güntherians, after the theologian Anton Günther, stood in the middle of these groups. With conservative Catholics and Josephists alike silent in the spring of 1848, Güntherians were a major voice speaking up for the rights of the Church in 1848. Günther had been part of the Hofbauer group and joined the Jesuits in Galicia before leaving in 1824. Afterward, he split from the ultramontanists and took up the intellectual fight against pantheism. He settled in Vienna and sought to unite science and faith, adopting some Protestant ideas, though he still viewed the Catholic Church as the one and only faith.⁴¹ He opposed Josephism, lumping it in with Hegelian ideas of the state being morally superior to the

⁴¹ Adam Bunnell, *Before Infallibility: Liberal Catholicism in Biedermeier Vienna* (Rutherford N.J.: Associated University Presses, 1990), 72-93.

Church. Günther argued that the Church should be liberated from state tutelage but also that the Church should not dictate political principles to the state. Ultimately he wanted to give the educated classes a Catholic but intellectually modern Christian education, which would then spread to the general population.⁴²

Emmanuel Veith (see Chapter 1) was a follower of Günther and a Redemptorist preacher. He was born a Jew but converted in 1816 and was so close to Hofbauer that the latter died in his arms in 1820.⁴³ Veith and others, including Brunner, wanted freedom from the shackles of the state along with more democratic ideas in the church and less episcopal authority over the priests. Veith was a moderate, however, viewing the revolution as a chance to reform the Church, and founded the first Catholic association, the “Catholic Association for Faith, Freedom, and Ethics” in May (*Katholikenvereine für Glaube, Freiheit und Gesittung*).⁴⁴ The goal of this association was to “revive the de-Christianized bourgeoisie,” and they held meetings, submitted petitions to the parliament, and sent numerous delegations begging Milde, who had gone into hiding, to return to Vienna.⁴⁵ Veith founded branches around Vienna, and eventually more than 2,000 Viennese joined. He also preached freely, viewing the Irishman Daniel O’Connell’s battle against a non-Catholic government as inspiration.⁴⁶ Unlike Brunner, Veith preached calm, and he silently obtained support for his association from the priests, such as Häusle and even the American consul John Schwarz, while Milde had no choice but to ignore Veith’s association.⁴⁷ Despite this moderation, Veith still faced threats and riots in Vienna, leading Brunner to dare

⁴² Donald J. Dietrich, “Theology and Reform in Central Europe, 1845-1855,” in *CHR*, 71 (1985): 537-538.

⁴³ Bunnell, *Before Infallibility*, 66.

⁴⁴ Rudolf Till, *Hofbauer und Sein Kreis* (Vienna: Verlag Herder, 1951), 104.

⁴⁵ Thomas W. Simons, Jr, “Vienna’s First Catholic Political Movement: The Güntherians, 1848-1857. Part II,” in *CHR*, 55 (1969): 387-389.

⁴⁶ Franz Loidl, *Geschichte der Erzbistums Wien* (Vienna: Herold, 1983), 229.

⁴⁷ Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49*, 497.

rioters to shoot Veith, calling his opponents hypocrites for supporting freedom in the realm of politics but not for the Catholic Church.⁴⁸

Among historians, Vienna often figures as one of the few hotspots of religious radicalism. This distinction is somewhat deceptive, however, for even here religious radicalism was a fringe element, and the radicals attacked groups, such as the Jesuits, which were already illegal in Vienna (see Chapter 1).⁴⁹ Finally, while liberals viewed Church affairs as a secondary issue and typically did not renounce their faith, even radicals invoked the name of God, and some even claimed to be Catholics. In fact, many of the Viennese students protesting in March attended mass before streaming into the streets calling for revolution. A petition by the “progressive party” in Austria on March 4, while urging Austrians to throw off the yoke of absolutism, even praised the pope, who “as the head of the oldest Christian Church, has begun the first crusade against the suppression of our freedom and spirit and has taken the first steps on the path to light.”⁵⁰ Although mobs occasionally damaged property, such as the plundering of the *Mariahilferkirche* on March 14, most churchmen and property remained unmolested.⁵¹

Anti-clerical placards restricted their attacks to those whom radicals viewed as abusing religion. One pamphlet on May 13 criticized the Catholic clergy of the empire for its neutrality and urged it to help: “Open your chests of gold and silver! Spring the locks of your money boxes

⁴⁸ Sebastian Brunner, *Kanzel und Politik*, in *ÖNB Sammlung von Handschriften und alten Drucken* (Vienna: Mayer, 1850), 4-6.

⁴⁹ Historians of 1848 commonly cite Vienna as a center of religious radicalism and anti-clericalism, see for example: Sperber, *The European Revolutions, 1848-1851*, 116; Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49*, 92. Another hotspot of religious radicalism was Bohemia, where the rector Francis Nahlovsky, a former student of Bernard Bolzano (see Chapter 1) held a meeting of the clergy on March 18 calling for a synod, redistribution of clerical income and other radical measures. Archbishop Schrenk of Prague rejected these calls, in Peter Leisching, “Die Römisch-Katholische Kirche in Cisleithanien,” in *Die Konfessionen*, Vol 4 of *Die Habsburgermonarchie 1848-1918* (Vienna: ÖAW, 1985), 17.

⁵⁰ The text can be found in Reschauer, *1848*, 123-124.

⁵¹ Reschauer, *1848*, 343.

and you will find millions of treasures heaped up to help the fatherland!”⁵² Once Pius IX decided he could not continue with the revolution in April, he also became a target, blamed for starting a civil war in Italy and for speeches that “inflamed the hot-blooded Italians.” In a pamphlet, Friedrich Unterreiter argued “the dependence of Austria and Germany on the Roman See has always been a curse.” But even Unterreiter noted “I am a Christian---a genuine Catholic Christian...among the Catholic clergy I have known very fine men.”⁵³

Religious orders, especially the Jesuits, were a lightning rod for radicals, despite the fact that the Society of Jesus was illegal in most parts of the empire. Radical journals such as the *Constitution* and *Freimuthige* called Brunner, for example, a “Jesuit Scoundrel” (*Schuft*).⁵⁴ A group of radicals gathered outside the Redemptorist monastery and claimed the monks were Jesuits and had murdered Pope Clement XIV, who had suppressed the Jesuits in 1773.⁵⁵ Another pamphlet by Unterreiter called “A Little Light for Poor Souls about Jesuits, Liguorians and Redemptorists” sold 10,000 copies in a few days. He roused the population with lines such as:

you are despised, and feared, disgraced, condemned....you who barter away the word of God as Jews barter away rubbish!....You, whose secret institute for novitiates still contains those dangerous shameful books, which in violation of the commands of both God and human beings justify regicide, adultery, and treason and who knows what else!....You are still in Vienna? You, whether you are called Jesuit, Liguorian or Redemptorist hide the same atrocious system behind each of these names!....You who have sacrificed the lives of thousands of people and of several kings of the altar of your dark God, Ignatious Loyala!...And you still exist?...Do you believe, pious fathers, that you can slip by under the principles of the constitution in order to undermine them, as it has happened in other states? No!...But when you leave---which we hope will happen soon and in a peaceful way, do not forget to read all those millions of masses for us which you have already been paid in cash! ⁵⁶

⁵² The text and translation come from Rath, *The Viennese Revolution of 1848*, 233.

⁵³ The translated text is from Rath, 170-172.

⁵⁴ Brunner, *Woher, Wohin?*, 2: 222.

⁵⁵ Rath, *The Viennese Revolution of 1848*, 167.

⁵⁶ The text and translation comes from Rath, *The Viennese Revolution of 1848*, 167-168.

Agitation and attacks on monks resulted in a ban on the Jesuits and Redemptorists, and a wagon took Redemptorists in Vienna and dropped them off in Ottakring, a suburb outside Vienna.⁵⁷

Archbishop Milde was another target of the radicals. After Milde punished a student for staying out past curfew on April 5, a mob treated Milde to several nights of *Katzenmusik*. Two days after the announcement of the Pillersdorf Constitution (April 25), Milde cautioned against press freedom, provoking *Katzenmusik* and prompting the archbishop to flee to a castle in Kranichberg, where he hid from not only from mobs but also from Catholics wanting his blessing on various projects.⁵⁸ Poems playfully continued to mock the archbishop, such as this one, which appeared over the summer:

Milde! dein Name ist Ironie;
Denn milde warst du nie!⁵⁹

Milde. An Ironic Name
For you were never mild

The leader of the radical Catholic clergy was Anton Füstler, a professor of theology at the University of Vienna. On the opening days of the revolution, he attended and spoke at an interfaith funeral for a Jew killed in the demonstrations. He then joined the Academic Legion, the student-led paramilitary organization, as a field chaplain. Füstler viewed Catholics, Protestants, Jews and Muslims as having the same God.⁶⁰ He also denied original sin. Füstler admired the early structure of the Church, which he viewed as democratic but despised the hierarchy and monasteries that sprang up later. But thankfully, he noted, every once in a while God sends a Joseph II.⁶¹ At the assembly of priests organized by Gärtner and Brunner in April,

⁵⁷ Andreas Posch, "Die deutsch-katholische Gemeinde in Wien," in *MÖSTA*, Festschrift zur Feier des Zweihundertjährigen Bestandes des Haus-, Hof- und Staatsarchivs. 4 (1951): 270.

⁵⁸ Loidl, *Geschichte der Erzbistums Wien*, 229.

⁵⁹ Füstler, *Memoiren vom März 1848 bis July 1849*, 2: 61.

⁶⁰ Füstler, 1: 224.

⁶¹ Füstler, 1: 267.

Füster feuded with Brunner, and other priests, whom he believed were obsessed with making demands on the state, and not feeding the proletariat (*Proletariern*) or reforming the Church.⁶²

After being elected to the parliament, he worked on issues such as Jewish emancipation.

The most organized movement of religious radicals was the German-Catholics (see Chapter 2), who took advantage of the new freedoms to organize in Vienna and Graz. In Vienna, two former priests, Hermann Pauli and Johann Hirschbeger, and in Graz, Charles Scholl, took up the cause of German-Catholicism. Pauli had become a priest in 1837, but his condemnation of the trinity and the divinity of Jesus quickly made him unsuitable as a Catholic priest.

Hirschberger was more conservative and wanted to join reason and religion but in harmony with Rome.⁶³ Scholl was a former Protestant pastor and in 1848 advocated a separation of the Catholic Church from Rome and the founding of a church of humanity.⁶⁴

These activists held sermons on the new religion, and spread German-Catholicism in Vienna. In July, Pauli began agitating for German-Catholicism. Although accounts depicted Füster as a German-Catholic, Füster denied participation in this sect.⁶⁵ Hirschenberg demanded toleration for the new group, noting that Unitarians in Transylvania had enjoyed such rights for centuries.⁶⁶ German-Catholics announced with great fanfare in September that Johannes Ronge would soon arrive in the capital. When Ronge arrived on the 17th, he read aloud a letter to Bishop Arnoldi in Trier, whose display of the Holy Coat in 1844 had provoked the development

⁶² Füster, 1: 93-94.

⁶³ Gertrud Habres, "Der Deutschkatholizismus in Österreich," Ph.D Diss., University of Vienna, 1961, 56-57.

⁶⁴ Habres, "Der Deutschkatholizismus in Österreich," 58-59.

⁶⁵ Wolfgang Häusler, "Die Deutschkatholische Bewegung in Österreich," in *Die Habsburgermonarchie 1848-1918*, 4: 606-607. Füster claimed he rejected German-Catholicism because it mixed politics and religion, in Füster, *Memoiren vom März 1848 bis July 1848*, 1: 254.

⁶⁶ Posch, "Die deutsch-katholische Gemeinde in Wien," 272. The provisions of the Reform Diets did not extend to Unitarians.

of German-Catholicism (see Chapter 2). In this letter, Ronge described the principles of German-Catholicism and called for a unification of Catholics and Protestants. German-Catholics adopted a new constitution with 47 paragraphs, which renounced the Catholic past of their members, accepted unbaptized Jews, employed priests without vestments and listed other aims of German-Catholicism.⁶⁷ The German-Catholics numbered between 2,000 and 4,000 members. After the government rejected the request of German-Catholics to take over the old Redemptorist Church at *Maria am Gestade* or the *Minoritenkirche*, they rented out the *Musikvereinsaal*, and held their first service on September 24. German-Catholicism had several prominent supporters, such as the parliamentary delegate, Francis Schuselka (see Chapter 2), who advocated in vain for state recognition of the new religion.⁶⁸

German-Catholicism encountered, however, significant resistance. Numerous pamphlets called them communists and anarchists. Brunner mocked Ronge as the “Don Quixote of German rationalism” and Veith cautioned against this heathen movement.⁶⁹ Pauli’s lectures required protection from the academic legion because rumors spread that workers would attack the gatherings.⁷⁰ At one event, Hirschenberg gave a speech in front of 10,000 people, but a false fire alarm broke up the gathering.⁷¹ The topic of German-Catholicism led to fist fights in St. Stephens Square, and a speech on August 29 by Pauli attracted only 300 people, most of whom dispersed after Pauli asked for money.⁷²

In the first few months the Catholic response to the revolution was mixed. The Josephists urged, in the spirit of obedience to the state, abstention from politics. Yet many Catholic

⁶⁷ Habres, “Der Deutschkatholizismus in Österreich,” 37-40.

⁶⁸ Habres, 51.

⁶⁹ Habres, 63.

⁷⁰ Habres, 37.

⁷¹ Posch, “Die deutsch-katholische Gemeinde in Wien,” 272.

⁷² Rath, *The Viennese Revolution of 1848*, 303.

activists took advantage of the newly-won freedoms and worked simultaneously to overcome restrictions imposed by Joseph II and to prevent the same domination from being exercised over the Catholic Church by state officials in the new liberal Habsburg Empire. Finally, radicals used the fall of censorship to preach grand reforms, and some even tried to break away from Rome and to create a new religion. While Catholics had contentious arguments about their position in the new state, Jews held similar but more intense debates, for they had much more at stake than Catholics.

Jews in the Springtime of Nations, March-October, 1848

Jews benefitted at the start of the revolution and played a large role in the initial events in Vienna. Pillersdorf planned to include several articles in his constitution to allow Jews to buy property and to grant them equality, but due to pressure from provincial representatives dropped these measures in exchange for article 31, which granted Jews freedom to practice their religion but deferred civil and political rights to the upcoming parliament.⁷³ The collapse of censorship in March meant that the content of these rights were a matter of public discussion, though by the late spring it was clear that the loudest voices opposed emancipation, and many Jews subsequently soured on the revolution as it became clear that the assumption that Christian hatred against Jews had been receding since the Enlightenment had been overstated.

In the spring, Jews were prominent and successful in revolutionary activity. A Jew, Heinrich Spitzer, was one of the fallen in the first days in March, and revolutionaries viewed him as a martyr.⁷⁴ Fuster and other Christians held joint funerals with Jews for the first victims of the

⁷³ Käthe, Hammer, "Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848," Ph.D. Diss, University of Vienna, 1948, 152.

⁷⁴ Helfert, *Die confessionale Frage in Oesterreich 1848*, 50.

street violence on March 17.⁷⁵ The rabbi Isaac Noah Mannheimer spoke at the funeral as well, and urged Jews not to fight for their own specific causes but rather for the general cause of liberty, urging “Not a word about Jewish emancipation unless others speak it for us! Not a word!”⁷⁶ Of the 29 names on a March 15 Manifesto of Viennese writers, one-third were Jews.⁷⁷ On March 15, as Ferdinand left Vienna, two students approached the emperor and shouted “don’t forget about us poor Jews.”⁷⁸ Fischhoff and Maximilian Goldner, a Jewish medical student, gave keynote speeches in the early March days.⁷⁹ Joseph Wertheimer (see Chapter 5) also returned to Vienna from Paris. Jewish journals sprouted, most notably the *Österreichisches Central-Organ für Glaubensfreiheit, Cultur, Geschichte, und Literatur (ÖCO)*, which covered Jews across the empire, refuted anti-Jewish literature, attacked pan-Slavism, published short biographies of prominent Jews, and printed songs and poems about Jewish life.

In northern Italy and Hungary, Jews joined their compatriots in the revolution and the wars of independence. The few Jews in northern Italy had retained the emancipation granted to them by Napoleon under Habsburg rule. In Hungary Jews had supported Magyarization and joined the National Guard at higher rates than the general population but encountered intense hostility. Already in March, protests emerged when Jews tried to join the guard, and the new ministry ordered Jews to form their own units.⁸⁰ In Pest, a heated debate took place about the position of Jews, with loud calls calling for Jews who had moved to the cities since 1840 (see

⁷⁵ For Fuster’s speech at the interconfessional service, see Fuster, *Memoiren vom März 1848 bis July 1849*, 1: 59.

⁷⁶ Salo W. Baron, “The Revolution of 1848 and Jewish Scholarship: Part II: Austria,” in *Proceedings of the American Academy for Jewish Research* 20 (1951): 5.

⁷⁷ Helfert, *Die confessionale Frage in Oesterreich 1848*, 53.

⁷⁸ Wolfgang Häusler, “Konfessionelle Probleme in der Wiener Revolution von 1848,” in *Das Judentum im Revolutionsjahr 1848*, Vol I of *Studia Judaica Austriaca* (1974): 71.

⁷⁹ Rath, *The Viennese Revolution of 1848*, 60-65.

⁸⁰ I.E. Horn, *Die Juden in Ungarn: Nebst einem Rückblick auf die Geschichte der Letztern* (Leipzig: Carl Geibel, 1851), 91.

Chapter 5) to leave. Batthyány sought to appease the popular anti-Judaism and urged them not to riot but also tolerated the discharging of Jews from the guard.⁸¹ In 1848, the Hungarian ministry sidestepped the issue of emancipation, claiming it “had no time” for this matter.⁸²

In Bohemia and Moravia similar movements emerged. Sermons appeared urging Jews not to obey discriminatory laws. Hirsch Fassel, the rabbi of Prossnitz (Prostějov), gave a speech saying intolerance would no longer be accepted in Austria, comparing the situation of Moravian Jews to that of their forefathers in Egypt.⁸³ In Moravia Samson Hirsch took up the cause of Jewish emancipation, urging his flock not to pay the toleration tax, arguing “the times are forever gone when a Jew had to purchase his rights.”⁸⁴ He struck a more conciliatory tone in the *ÖCO*, however, urging Christians to walk forward with Jews on the march to freedom, especially now, he noted, that the Habsburgs were on their side.⁸⁵ Hirsch won election to the Moravian Diet, where he attacked the familial laws and pushed for the end of toleration taxes.⁸⁶

Galicia, though it had the largest Jewish population by size and percentage, was relatively quiet. Many Jews here spoke Yiddish and, like the Bohemian Jews, were seen by the local population as Germanized, while the majority were Orthodox or Hasidic and did not desire assimilation. In the 1846 revolt, Jews, particularly in Lemberg, supported the Austrians and showed their gratitude through contributions of liquor to Habsburg soldiers.⁸⁷ Stadion sought to

⁸¹ Horn, *Die Juden in Ungarn*, 75.

⁸² Salo W. Baron, “The Impact of the Revolution of 1848 on Jewish Emancipation,” in *Jewish Social Studies* 11 (July, 1949), 240.

⁸³ Baron, “The Revolution of 1848 and Jewish Scholarship,” 46.

⁸⁴ Baron, “The Revolution of 1848 and Jewish Scholarship,” 37.

⁸⁵ S.R. Hirsch, “Ein Wort zur Zeit an unsere christlichen Brüder,” in *ÖCO*, March 23, 18-19.

⁸⁶ Michael Miller, *Rabbis and Revolution: The Jews of Moravia in the Age of Emancipation* (Stanford CA: Stanford University Press: 2010), 200-201.

⁸⁷ Michael Stanislawski, *A Murder in Lemberg: Politics, Religion, and Violence in Modern Jewish History* (Princeton N.J.: Princeton University Press, 2007), 57.

win Jewish support for the dynasty in the face of a potential Polish-Jewish rapprochement.⁸⁸ Stadion consulted with the Reformed rabbis to ensure tranquility in Galicia and over the summer eliminated the candle tax and other burdens afflicting Jews.⁸⁹

Yet there were rumblings. In May Jews requested relief from fines for unauthorized miniams (see Chapter 5) collected in January 1848, based on the Pillersdorf Constitution.⁹⁰ In April Ferdinand finally referred reports to the new minister of the interior from the Galician government and Pillersdorf, which had sat on his desk since the late 1830s about liberalizing the granting of Jewish marriage licenses.⁹¹ The rabbi Berusch Meisels in Cracow ran for parliament and appeared there in Jewish Eastern European garb. In addition, he quipped to Stadion that Jews sat on the left because they had no rights.⁹² Abraham Kohn, the Reformed rabbi in Lemberg, also prepared a petition to the emperor asking for a rapid acceleration of emancipation and for less authoritarian rule from Vienna.⁹³ In addition, Kohn sent in articles to the *ÖCO*, frequently visited Vienna, and worked to reorganize Habsburg Jewry on a consistorial model, giving Jews a central consistory and a provincial one, with the community electing the rabbi and the government merely have the right of confirmation.⁹⁴

Orthodox Jews opposed these measures. In Lemberg, Orthodox communities attacked Reform Jews who wanted toleration taxes lifted, and the infighting prevented Jews from electing

⁸⁸ Joshua Shanes, *Diaspora Nationalism and Jewish Identity in Habsburg Galicia* (Cambridge U.K.: 2012), 32.

⁸⁹ "Wochenbericht," in *ÖCO*, August 13, 1848, 267.

⁹⁰ Report of the Galician government, April 5, 1848, in AVA, AK, Israelistlicher, 2 (Andacht)/13190/739.

⁹¹ Report of the Court Chancellery, February 28, 1840 in AVA, AK, Israelitischer, 6/36136.

⁹² Baron, "The Revolution of 1848 and Jewish Scholarship," 66.

⁹³ Stanislawski, *A Murder in Lemberg*, 69.

⁹⁴ Abraham Kohn, "Israelitische Konistorien müssen errichtet werden" *ÖCO*, September 26, 1848, 367-369.

any of their members to the parliament.⁹⁵ In the most dramatic event, an assassin entered Kohn's kitchen on September 7 and poisoned the rabbi's soup, killing Kohn and his infant daughter.⁹⁶

This act, combined with anti-Jewish violence across the empire disillusioned many Reform Jews.

This split among the Jews became irrelevant as anti-Jewish violence soon sidelined the Reform Jews, and Jews found themselves not locked in a negotiation with the state but dealing with popular anti-Judaism. The start of mechanized manufacturing in the 1830s, combined with the loosening of anti-Jewish laws (see Chapter 5) made Jews easy scapegoats for groups hurt by industrialization. As historians and contemporaries have pointed out, popular anti-Judaism was economic and driven by traditional artisans and lower middle classes, who competed against nascent industry, disproportionately owned by Jews.⁹⁷ The *Vormärz* regime's promotion of Jewish industry and punishment of Orthodox, mostly poor, Jews, created, however, the perception that Jews had done well as governmental policies created the conditions for the foundation of the capitalist order with its support of the Jewish industrial classes.⁹⁸ Metternich's quip before the revolution that Jews were ripe for emancipation but not the people amidst whom they lived proved itself true in 1848.⁹⁹

In the early days of the revolution, pamphlets already appeared opposing emancipation. "A Calm Word against Jewish Emancipation" (*Ein ruhiges Wort gegen die Judenemanzipation*) by Johann Quirin Endlich opposed Jewish equality due to the Jews' "unmistakable" efforts to

⁹⁵ Hammer, "Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848," 73.

⁹⁶ Stanislawski, *A Murder in Lemberg*, 74.

⁹⁷ Wolfgang Häusler argued that the lower middle classes (*Kleinbürgertum*) were politically revolutionary but economically reactionary, see "Demokratie und Emanzipation 1848" in *Das Judentum im Revolutionsjahr 1848* Vol I of *Studia Austriaca* (1974): 101.

⁹⁸ Wolfgang Häusler, "Toleranz, Emanzipation und Antisemitismus. Das österreichische Judentum des bürgerlichen Zeitalters (1782-1918)," in *Das österreichische Judentum: Voraussetzungen und Geschichte* eds. Nikolaus Vielmetti et al. (Vienna: Jugend und Volk Verlagsgesellschaft, 1974), 95.

⁹⁹ Baron, "The Revolution of 1848 and Jewish Scholarship," 1.

speculate and shatter public credit.¹⁰⁰ Another piece by J.M Schleichert simply demanded that Jews give up their status as a separate “caste.”¹⁰¹ One pamphlet called *Just no Jewish Emancipation! (Nur Keine Judenemanzipation!)* by Hubert Müller argued that Jews had not earned emancipation and denounced their “improper, haughty display of wealth” (*freche übertmut ihrere Reichen*).¹⁰² The tones of these works grew harsher with pieces titled *Bittschrift der Christensklaven an die Herren Juden um Christen-Emanzipation (Petition of Christian Slaves to the Jewish Masters for Christian Emancipation)* by Francis Schmidt, while Johann Quirin Endlich moved on to justify medieval Jewish persecution and attacked the Enlightenment.¹⁰³ Even *Der Satan*, the short-lived socialist magazine, attacked Jews, identifying them with the workers’ capitalist bosses, though this did not stop Brunner from accusing a few “talented but audacious [*kecken*]” Jews of being behind the magazine.¹⁰⁴ Even works, such as the *Judenspiegel*, a piece of eliminationist anti-Judaism by Hartwig von Hundt-Radowsky after the Hep-Hep riots (see Chapter 5), appeared in Vienna in the revolution.¹⁰⁵

Bohemia was the scene of much anti-Jewish violence as the national and economic interests of many Czechs clashed with those of Jews. There had been violence in the 1840s as Czech workers, who despised their Jewish bosses, ransacked Jewish neighborhoods and identified the German-speaking Jews with the German administration (see Chapter 5). In 1848, most churches in Prague used Czech in sermons, while Jews continued to use German.¹⁰⁶ In the spring Christian tradesmen rejected consultation with Jews and petitioned to return them to the

¹⁰⁰ “Ein ruhiges Wort gegen die Judenemanzipation. Von Einem Freunde der guten Sache” in *Studia Austriaca* Vol I. *Das Judentum im Revolutionsjahr 1848* (1974): 47.

¹⁰¹ “Nur jetzt keine Judenfreiheiten,” in *Das Judentum im Revolutionsjahr 1848*, 49.

¹⁰² Hammer, “Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848,” 81.

¹⁰³ “Bittschrift der Christensklaven an die Herren Juden um Christen-Emanzipation,” in *Das Judentum im Revolutionsjahr 1848*, 51.

¹⁰⁴ Brunner, *Woher, Wohin?*, 2: 258.

¹⁰⁵ Häusler, “Toleranz, Emanzipation und Antisemitismus,” 100.

¹⁰⁶ Baron, “The Impact of the Revolution of 1848 on Jewish Emancipation,” 242.

ghetto.¹⁰⁷ The clergy tried to stop the riots, and the archbishop of Prague, Count Alois Joseph von Schrenk, feared the Church would be blamed for religious fanaticism. As a result he published a letter condemning the riots, ending with:

I believe it is in the interest of public order and it is my holy obligation of my office to bring to the Christian population of my diocese the urgent request, that everyone work for peace and to love all people without difference of faith, which is the main requirement of our holy religion¹⁰⁸

Yet when street fighting between Habsburg forces and rebels broke out in June (the Whitsuntide Uprising), many Jews erected barricades but hid there and waited for the Habsburg army.

Moravia was relatively calm due to the cooperation between the national guard and imperial troops.¹⁰⁹ Several towns allowed Jews into the national guard, while others only admitted Christians.¹¹⁰ In Nikolsburg, calm prevailed. There were, however, disturbances in Brünn (Brno), and around Easter a riot at Gross-Mesertisch (Velké Meziříčí) took place after a rumor spread that Jews had stolen a monstrance from a local church, leading authorities to search homes and to call in the military to surround the ghetto. In addition, there were riots and Jews beaten up in Znaim (Znojmo) and Olmütz.¹¹¹ But overall, local governments contained the disturbances.

The violence was the most widespread in the Kingdom of Hungary, where many in the lower middle classes demanded the repeal of Jewish entry into royal towns and trades (see Chapter 5). Article six in a March 15 petition by the burghers in Pest demanded equality, but point ten petitioned for the removal of the Jewish monopoly on money and industry.¹¹² This economic frustration boiled over into rioting and Jews suffered attacks in Neustadt (Nové

¹⁰⁷ Hammer, "Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848," 118.

¹⁰⁸ Archbishop Schrenck, "Bitte des Erzbischofs," in *ÖCO*, April 29, 1848, 72.

¹⁰⁹ Miller, *Rabbis and Revolution*, 234.

¹¹⁰ Miller, 253-254.

¹¹¹ Hammer, "Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848," 129.

¹¹² Helfert, *Die confessionale Frage in Oesterreich 1848*, 61.

Mesto), Szered, Radas, and Pest, but not Buda. In addition, the Jews' support for Magyarization resulted in attacks in the Balkans. In Croatia 22 Jews died in attacks, and Serbs in the Vojvodina ambushed Jews in numerous villages and hacked to death a prominent Jewish patriotic speaker in the middle of prayer.¹¹³

The worst of the violence was in Pressburg (Bratislava), where the ghetto had been abolished in 1842, and prosperous local burghers feared economic competition.¹¹⁴ On Easter Sunday, April 23, there were anti-Jewish riots, and a mob plundered the Jewish quarter, supposedly shredding a portrait of Emperor Francis, while the civic guard watched.¹¹⁵ The military intervened and fought pitched battles with the crowds overnight. The next day, the rioters came out again and robbed Jewish homes in the Christian quarters, and the city magistrate ordered the Jews expelled. The Hungarian ministry annulled this order, and Emperor Ferdinand proclaimed that all of his subjects had the right to security.¹¹⁶

These anti-Jewish riots led many Jews to alter their stance on the revolution. Leopold Kompert wrote a series of articles in the *ÖCO* called "Off to America!" (*Auf, nach Amerika!*). In Kompert's first article he opened with: "There is no help coming for us!" arguing that the springtime of freedom did not apply to Jews and urging his Jewish comrades to give up on Europe and leave for a new fatherland in America.¹¹⁷ He contended America was big enough for multiple faiths, lacked a guild system barring them from various trades, and noted with wonder

¹¹³ The number of Jews killed in Croatia comes from Artur Eisenbach, *The Emancipation of the Jews in Poland, 1780-1870* translated by Janina Dorosz (Cambridge, MA: Blackwell, 1991), 361. The story of the prominent Jew, simply labeled "R. Weber," murdered in Petrovoszelle comes from Raphael Patai *The Jews of Hungary: History, Culture, Psychology* (Detroit: Wayne State University, 1996), 279.

¹¹⁴ Horn, *Die Juden in Ungarn*, 41.

¹¹⁵ Horn, *Die Juden in Ungarn*, 95.

¹¹⁶ Hammer, "Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848," 85-86.

¹¹⁷ Leopold Kompert, "Auf, nach Amerika!" in *ÖCO*, May 6, 1848, 77.

that Jewish thrift there did not “provoke bloody, plunderous ambushes [*Aufflauern*].”¹¹⁸ Writers and organizers supported this movement, and numerous organizations set up offices in Pressburg, Pest and Austria to raise money for Jews to emigrate. Articles in the *ÖCO* urged for a central association to be established in Austria and Germany to organize a mass migration.¹¹⁹ Isidor Busch, the publisher of the *ÖCO*, founded an emigration committee in Vienna and received hundreds of letters asking for help leaving Europe.¹²⁰ An article in the *ÖCO* on July 22 noted that Jews had done so much for Hungary but only received hate in response and that the best option was not to respond but just to leave for America or Algeria.¹²¹

Several Jewish writers opposed this movement as treasonous. David Wendl wrote an open letter to Kompert and others contemplating emigration condemning this call to leave for America. Wendl argued this action would disband the Jewish communities, which would be too scattered in the United States. Furthermore, he pointed out that there was no guarantee of equality in the United States, where slavery remained legal.¹²² Wendl argued that emancipation was just around the corner and that Austria had taken major steps with the establishment of press freedom. Rabbis such as Abraham Schmiedl reiterated Wendl’s point with scripture, citing Psalm 37:3 (NIV) “dwell in the land and enjoy safe pasture.”¹²³ An article in the *ÖCO* responded to Wendl, arguing the Jewish community as it was constituted was incapable of flourishing and that slavery was restricted in America and on its way to extinction. He ended noting “I would

¹¹⁸ Leopold Kompert, “Auf, nach Amerika! II,” in *ÖCO*, May 13, 90.

¹¹⁹ Simon Szántó, “Auf, nach Amerika!” in *ÖCO*, May 20, 111.

¹²⁰ Evyatar Friesel “The Oesterreichisches Central-Organ, Vienna 1848: a Radical Jewish periodical,” *Leo Baeck Year Book* 47 (2002): 139.

¹²¹ A.L-n, “Ein Blick auf die Verhältnisse der Juden Ungarns,” in *ÖCO*, July 22, 1848, 228.

¹²² David Wendl, “Offener Brief an alle Auswanderungslustigen,” in *ÖCO*, June 3, 138-139.

¹²³ Abraham Schmiedl, “Bleib im Lande!” in *ÖCO*, June 10, 1848, 147.

rather raise my voice against slavery as a freeman in America than to write about the already exhausted question of Jewish emancipation as a slave in Hungary.”¹²⁴

Over the summer of 1848, the Austrian Parliament made slow progress in coming to an agreement on the status of Jews in the monarchy. The estates of Upper Austria demanded that Jews be excluded from political rights, with only 7 delegates supporting equality of Jews. In Styria, the local diet accepted an amendment excluding Jews from the body, while in Tyrol the diet broke out in applause after a speech by a delegate arguing that only Catholics could have public rights.¹²⁵ After an initial delay in August, by October the issue of the toleration tax was on the docket. Fuster adamantly supported abolition of this tax, calling it proof that Jews were slaves and the existence of the tax threatened the very freedom of the monarchy’s citizens.¹²⁶ He was quizzed in parliament for his views on religious freedom and Jewish emancipation, to which he responded “Religion can never be forced, people possess religion in different forms and churches but we all remain children of one father. All are equal, and each religion, assuming it is not a danger to the state, has a right to protection.”¹²⁷ The Austrian Parliament did pass a measure to abolish Jewish taxes, and it received royal sanction on October 20.¹²⁸ With such progress, the goals of Reform Jews seemed close to realization on the eve of the counter-revolution.

¹²⁴ “Und immer doch: Auf nach Amerika!” in *ÖCO*, July 9, 1848, 204.

¹²⁵ Hammer, “Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848,” 138-141.

¹²⁶ Fuster, *Memoiren vom März 1848 bis July 1849*, 2: 165

¹²⁷ “Professor Fuster,” in *ÖCO*, August 13, 1848, 263.

¹²⁸ Hammer, “Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848,” 164.

Protestants and Orthodox Christians in the Springtime of Nations

Orthodox and Protestant Christians had fewer grievances than Catholics, the latter of whom wanted to recapture their hold on the Habsburg state, and Jews, who wanted relief from the remaining anti-Jewish laws. Protestants and Orthodox Christians had minor complaints, but their main concerns were bound up with the bigger political issues of Hungarian and South Slavic autonomy. For the Orthodox, confession was part of a larger identity and was merely the means to organize in support of political goals.¹²⁹ Serbs rallied, for example, to the crown under the leadership of the Orthodox metropolitan of Carlowitz. Ultimately Vienna exploited these divisions and split the revolutionaries from each other.

As in the *Vormärz*, the complaints of Protestants were minor. The most notable came from the pastor Jacob Ernst Koch in Upper Austria who wanted formal equality with the Catholic Church, the termination of the word *Akatholik* (see Chapters 4 and 5) in official usage, permission to hold a synod, and approval to convert to Protestantism before reaching majority age; for converts, the Koch petition demanded that they show nothing more than a personal statement and two witnesses to complete a conversion. Koch also requested: the right to communicate with German Protestants, permission to engage in missionary work, employment of German Protestants at the Protestant Institute in Vienna, better reimbursement for official visits and inspections through the district, and even, unrealistically, reparation for injustices 200 years prior, such as the demand for the return of property confiscated by Ferdinand II (r. 1617-1637) in the Counter-Reformation.¹³⁰ Protestants were allowed to sit in the Upper Austrian Diet

¹²⁹ This is the argument of R.J.W. Evans in “Religion und Nation in Ungarn, 1790-1849” in *Siebenbürgen in der Habsburgermonarchie, vom Leopoldinum bis zum Ausgleich*, eds. Zsolt K Lengyel and Ulrich Andreas Wien (Cologne: Böhlau, 1998).

¹³⁰ The text of this petition can be found in Karl Schwarz, “Die Josephinische Toleranz und Ihre Überwindung---Im Lichte einer oberösterreichischen Denkschrift aus dem Jahre 1848,” in *Jahrbuch des OÖ. Musealvereines Gesellschaft für Landeskunde* 130 (1985), 125-128.

on August 8, 1848 without much issue.¹³¹ The diet took up Koch's petition, endorsed it, and handed it over to the Austrian Parliament for further debate, which adopted many of his demands.¹³²

A more serious complaint concerned the correction of injustices from the 1830s. As soon as a year after the initial expulsion of the *Inklinanten* of Zillertal from Tyrol in 1837 (see Chapter 3), many of the expellees had changed their minds and petitioned, unsuccessfully, to return to Austria. In September 1848, many of the expelled Zillertal Protestants tried, once again, to return to the monarchy. They appealed, noting that the new constitution should now protect them from religious persecution. But Vienna instructed the governor of Tyrol that the constitution did not address this issue and that the earlier laws remained in effect.¹³³ The minister of the interior asked the foreign ministry that these Protestants return but not yet to Tyrol.¹³⁴

Protestants gravitated closer to national movements than Catholics, and tended to be more opposed to Jewish emancipation than Catholics. Protestants greeted article 17 of the Pillersdorf Constitution, which granted freedom of belief, but disliked article 31.¹³⁵ Protestant clergy also lacked the authority and the will to prevent their flock from participating in riots against Jews. After the initial riots in Prague, the *ÖCO* published a piece from a Protestant clergyman, in which the clergyman argued he did not care which language Jews used in their services but that Jews could not enjoy public civil freedoms if they maintained their isolation, continued to cheat in their professions, and insisted on their false understanding of the

¹³¹ Schwarz, "Die Josephinische Toleranz und Ihre Überwindung," 124.

¹³² Schwarz, 132.

¹³³ Decree to the Tirolean governor, September 14, 1848, in AVA, AK, Evangelischer, 4 (Generalia, Oberösterreich-Venedig)/5.

¹³⁴ Minister of the interior to the foreign ministry, October 6, 1848, in AVA, AK, Evangelischer, 4, 5682/210.

¹³⁵ Erika Weinzierl-Fischer, "Die Kirchenfrage auf dem Österreichischen Reichstag 1848/49," 177.

Messiah.¹³⁶ Another clergyman in Pressburg stressed that emancipation was complicated by the fact that Orthodox Jews did not follow the laws of the state in which they were born but that of a foreign one from Palestine. He argued emancipation should be granted only to those Jews who left their communities and assimilated.¹³⁷

In Hungary, many Protestants were leaders in the revolution. Kossuth and Sándor Petőfi, the revolutionary poet who had led a demonstration in Pest on March 15, were Protestants. Numerous Protestants framed the revolution as part of the 300-year struggle to topple Habsburg rule.¹³⁸ The superintendent Johan Szebery celebrated the revolution, as did many Protestant high clergy, noting “the good success which Protestants hitherto in Hungary have obtained....appear today only as clouds next to sunshine.”¹³⁹ Historically Protestants, who made up approximately a quarter of the population and were prominent among the independent-minded nobility, formed a sizeable contingent of the revolutionaries. Although the Catholic hierarchy also implicated itself in the revolution, Protestant leaders did so with even greater alacrity.

For the Orthodox, political issues took priority over religious ones and Serbs and Croats worked together to oppose Magyarization. In the decade before 1848, an “Illyrian” movement had emerged among intellectuals promoting south Slavic unity through a common language and supraconfessionalism but also loyalty to the Habsburg monarchy. Illyrianism found support with

¹³⁶ “Ein ernstes Wort an die Gesetzgebung: von einem evangelischen Geistlichen,” *ÖCO*, April 29, 73.

¹³⁷ “Ein ernstes Wort an die Gesetzgebung: von einem evangelischen Geistlichen in Pressburg,” in *ÖCO*, May 27, 123.

¹³⁸ Friedrich Gottas, “Die Geschichte des Protestantismus in der Habsburgermonarchie,” in *Die Habsburgermonarchie 1848-1918*, 4: 497.

¹³⁹ Friedrich Gottas, *Die Frage der Protestanten in Ungarn in der Ära des Neoabsolutismus: Das ungarische Protestantenpatent vom 1. September 1859* (Munich: Verlag R. Oldenbourg, 1965), 28.

Croat intellectuals as well as Orthodox officers on the military borders.¹⁴⁰ One feature of Illyrianism was opposition to Magyarization, such as use of Hungarian in schools and public life, which had made strong inroads in the 1840s. Once the Hungarian ministry received royal sanction in 1848, Magyarization proceeded at an accelerated pace and provoked resistance among the non-Hungarians who made up half of the Kingdom of Hungary.

One prominent Illyrian was Joseph Jelačić, a military commander and supporter of the Illyrian movement. The Croatian elite condemned the Hungarian ministry and wanted to remain part of the Habsburg Empire. On March 21-23, they received their wish after a secret conference in Vienna appointed Jelačić as Ban (viceroy) of Croatia, who severed ties with the Hungarian government and sought out Serbian leaders. A delegation of Croats attended the Serb national assembly in May, while a Serbian one visited the Croatian one.¹⁴¹

Serbs, under the leadership of the Orthodox Church, also resisted the Hungarian ministry. After Kossuth rejected calls for Serbs to receive the same rights as Hungarians, especially in matters of language, Serbs called their own congress. Hungarian officials in Temes (Temesvar) County forbade a Serb Congress in Novi Sad, but the delegates moved to Carlowitz.¹⁴² At the Carlowitz Congress in May, the delegates illegally elected the metropolitan, Joseph Rajačić (see Chapter 4), as the patriarch and leader of the Serbs in the new, autonomous region of the Vojvodina.¹⁴³ They elected Stevan Šupljikac as the voivoda (prince) of the new province. After

¹⁴⁰ Wolfgang Kessler, *Politik, Kultur und Gesellschaft in Kroatien und Slawonien in der ersten Hälfte des 19. Jahrhunderts: Historiographie und Grundlagen* (Munich: R. Oldenbourg, 1981), 96.

¹⁴¹ Markus Tomislav, "Between Revolution and Legitimacy: The Croatian Political Movement of 1848-1849 and the Formation of the Croatian National Identity," in *Review of Croatian History* 5 (2009): 16-17.

¹⁴² I.D. Suciú, "Rumänen und Serben in der Revolution des Jahres 1848 im Banat," in *Revue des études sud-est européennes* 6 (1968): 610.

¹⁴³ Deák, *The Lawful Revolution*, 128.

this act, Serbs in southern Hungary seized local administrations.¹⁴⁴ On May 24, Rajačić received support from Belgrade and prepared a full revolt against Hungarian rule. These actions prompted Kossuth to quip: “if they insist on it, we will draw our swords” to which the hot-tempered Serbian general George Stratimirović replied “The Serbs have never backed down!” (*Der Serbe war nie feig dazu*).¹⁴⁵ In June, the Hungarian ministry sent in Baron Janos Hrabovszky to crush the Serbian revolt but Stratimirović defeated his army. War continued, however, to rage between Orthodox Serbs and the Hungarian government.¹⁴⁶ In this environment, albeit organized by the Church, secular nationalists, such as Szetozar Miletić, used church bells to gather crowds, and then utilized the opportunity to propagate secular nationalism.

Caught in the middle of the Hungarian-Serb war were Romanians who had clamored for independence from Serbian ecclesiastical authorities (see Chapter 4). After the election of Rajačić as patriarch, Romanians wanted their own patriarch and Ban.¹⁴⁷ In Pest, on March 24, Romanians petitioned for a separate episcopacy, independent of Carlowitz.¹⁴⁸ In the meantime the Orthodox (exclusively Romanian) obtained full equality with the other four confessions of Transylvania, and the Transylvanian Diet voted for union with Hungary.¹⁴⁹ A congress at Blasendorf (Blaj), attended by Orthodox and Greek Catholic bishops demanded not only equality of the Romanian churches but also requested clerical salaries from the state coffers, though the peasants cared mainly about eliminating the *robot*.¹⁵⁰ Romanian peasants viewed the Hungarians

¹⁴⁴ Ivo Banac, “The Confessional ‘Rule’ and the Dubrovnik Exception: The Origins of the ‘Serb-Catholic’ Circle in Nineteenth-Century Dalmatia,” in *Slavic Review* 42 (1983): 460.

¹⁴⁵ Evans “Religion und Nation in Ungarn, 1790-1849,” 41.

¹⁴⁶ Deák, *The Lawful Revolution*, 129.

¹⁴⁷ Emanuel Turczynski, “Orthodoxe und Unierte,” in in *Die Habsburgermonarchie 1848-1918*, 4: 433.

¹⁴⁸ Suciú, “Rumänen und Serben in der Revolution des Jahres 1848 im Banat,” 610.

¹⁴⁹ Macartney, *The Habsburg Empire 1790-1918*, 381.

¹⁵⁰ Evans in “Religion und Nation in Ungarn, 1790-1849,” 41.

as landlords and, thus, by and large, refused to join the Hungarian army to fight the Serbs.¹⁵¹ In addition, the bishops pushed for a restoration of a Romanian metropolitanate and a general synod.¹⁵² The Orthodox Bishop Andrei Saguna (see Chapter 4) remained loyal to Vienna and opposed the union of Transylvania with Hungary.¹⁵³ Ultimately, Romanian Orthodox bishops remained loyal and continued to issue orders in the name of “his majesty” and not the Hungarian ministry.¹⁵⁴

During the Springtime of Nations in the spring and summer of 1848, the religious situation was chaotic and subordinate to larger political issues. Confessional tensions were mild due to wise Habsburg policies in the *Vormärz*, and there were few scores to settle, especially for Protestants and the Orthodox, once the strong arm of the state disappeared. For Reform Jews, there was a more direct religious battle, because they had been the most disadvantaged before 1848 due to laws based on medieval religious bigotry but sustained by economic rivalry. Most Reform Jews appreciated the progress made before 1848 and assumed that a moderate, liberal ministry, embodied by Enlightened men such as Pillersdorf, could give emancipation the final push it needed. The Catholic Church was divided on what to do. Many Catholics viewed the collapse of Josephism as a chance to throw off the shackles of the state, but Josephist bishops appointed by Francis still retained influential positions in the episcopacy. Catholic activists advocated a loosening or elimination of governmental controls on the Church but reiterated their loyalty to the Court. Radicals advocated measures such as the elimination of clerical celibacy, a complete break with Rome, and some even rejected the trinity and the divinity of Jesus. Not all

¹⁵¹ For a summary of the campaign, see Suciú, “Rumänen und Serben in der Revolution des Jahres 1848 im Banat,” 614-623.

¹⁵² Keith Hitchens, *Orthodoxy and Nationality: Andrei Saguna and the Rumanians of Transylvania, 1846-1873* (Cambridge, MA: Harvard University Press, 1977), 49.

¹⁵³ Hitchens, *Orthodoxy and Nationality*, 46.

¹⁵⁴ Evans “Religion und Nation in Ungarn, 1790-1849,” 42.

radicals were disloyal to Vienna but many were, and they would pay the price after the counter-revolution emerged triumphant.

Meanwhile in Germany, the Frankfurt Parliament approved articles granting religious liberty, and Catholics levied petitions to it. Bavarian Catholics demanded freedom for the Church to run its affairs but tended to reflect a strident anti-liberal tone, while Catholics in Baden and the Rhineland wanted similar goals but framed their demands under the rubric of liberalism and legality.¹⁵⁵ But the Catholic bishops in Germany seized the initiative and organized at Würzburg. Here they passed resolutions in October demanding freedom of communication and warned they would protect Church freedom, including their Jesuit and Redemptorist brothers expelled from Austria.¹⁵⁶ The Austrian episcopacy soon copied this model, organized effectively, and in the counter-revolution, used its renewed vigor to recapture the influence on the Habsburg state it had lost in the 1780s.

The Victory of the Counter-Revolution, November 1848-August 1849

This springtime of freedom did not last, and by the late summer, the counter-revolution advanced as Habsburg armies won on the battlefield and the Court in Vienna (or Innsbruck or Olmütz) regained its nerve. In the battle against radicals and non-German nationalists, liberals sided with the government as many of them thought events had gone too far. Most reformers simply wanted a constitution and a voice in an assembly.¹⁵⁷ These liberal interests were at odds with the workers and the students. Furthermore, liberals opposed nationalist movements, and the war in Italy had always been popular.

¹⁵⁵ Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49*, 390, 402.

¹⁵⁶ Scheidgen, 129-142.

¹⁵⁷ Macartney, *The Habsburg Empire 1790-1918*, 356.

The first victories of the government came in northern Italy and Bohemia. In Prague, general Alfred, prince of Windischgrätz put down an anti-German riot on June 17, much to the delight of Viennese liberals.¹⁵⁸ Afterward, Windischgrätz shut down the Slav Congress. Radezky had refused to consider the Court's suggestions to write off northern Italy to save the rest of the empire.¹⁵⁹ Radetzky's refusal to concede paid off when he crushed Charles Albert of Sardinia at Custoza on July 22 and signed a truce. Although Charles Albert later broke it, Radetzky remained in Italy and easily put down future revolts.¹⁶⁰

Events in Hungary, however, radicalized the revolution. Spurred on by military victories in Italy and Bohemia over the summer, the Court took a harder line against the Hungarian ministry. Vienna provoked Hungary by re-appointing Jelačić as the Ban of Croatia. Ferdinand had removed Jelačić on June 10, but on August 26, a secret emissary from Vienna reappointed Jelačić and promised equality of the nationalities. Jelačić passed on this note to Rajačić. Jelačić rejected a last ditch effort by the Hungarian ministry to offer autonomy to the Croats and invaded Hungary on September 11, advancing toward Budapest before losing at Pakozd.¹⁶¹ The Croatian-Hungarian conflict led to the downfall of the Batthyány ministry, and Kossuth built an army and prepared to lead Hungary in a full-scale war against Vienna. The Court opted for war after sending a delegate, the Hungarian-born, but *Habsburgtreu* soldier Count Francis von Lamberg, to make a personal appeal on September 28 in Pest to Hungarian generals to avoid war. A mob discovered Lamberg and murdered him on the bridge between Buda and Pest. In response, Vienna issued a manifesto on October 3 ordering the dissolving of the Hungarian Parliament,

¹⁵⁸ Rath, *The Viennese Revolution of 1848*, 262.

¹⁵⁹ Rothenberg, *The Army of Francis Joseph*, 26.

¹⁶⁰ Rothenberg, *The Army of Francis Joseph*, 34.

¹⁶¹ Deák, *The Lawful Revolution*, 155-56. A Hungarian delegation probably caught the mentally incompetent Ferdinand alone, whom they convinced to remove Jelačić.

which Pest rejected. Ferdinand appointed Jelačić commander in chief of imperial troops in Hungary, and Austria invaded Hungary.¹⁶²

The war in Hungary upset radicals in Vienna, who rightly feared those same armies invading Hungary would soon put an end to the revolution in the Habsburg capital as well. Radicals sympathized with Kossuth and rebels across the empire. On October 6, another revolution broke out in Vienna when radicals blocked the departure of a battalion to fight the Hungarians and plied mutinous units with alcohol and women.¹⁶³ Mobs clashed with loyal troops, and radicals marched to overthrow the government, lynching the minister of war, Count Theodore Francis von Latour, in the process. Emperor Ferdinand and the Court hurriedly left Schönbrunn and went to Olmütz. Most officials, property owners, and bourgeois Viennese fled the city, while a powerless council ruled Vienna.¹⁶⁴

In response, Windischgrätz and Jelačić besieged the city and bloodily put down the October revolution. The radicals monitored the situation using a system of telegraphs run by the student committee, whose members reported on the government's army from the three observation posts on top of St. Stephen's Cathedral.¹⁶⁵ As the siege tightened, revolutionaries lost hope and viewed compromise as a more acceptable alternative. On October 30, as the radicals prepared to surrender, a rumor spread that Kossuth had sent an army to relieve the city. A report from the top of St. Stephen's Cathedral confirmed that, indeed, a battle was taking place in Schwechat, and many revolutionaries decided to fight Windischgrätz's troops.¹⁶⁶ Jelačić

¹⁶² Rath, *The Viennese Revolution of 1848*, 319.

¹⁶³ Rath, *The Viennese Revolution of 1848*, 323.

¹⁶⁴ Rath, 329-337.

¹⁶⁵ W.G. Dunder, *Denkschrift über die Wiener October-Revolution: Ausführliche Darstellung aller Ereignisse aus ämtliche Quellen geschöpft, mit zahlreichen Urkunden begleitet, dann nach eigenen Erlebnissen und nach authentischen Berichten von Augenzeugen und Autoritäten* (Vienna: Self published, 1849), 445-446.

¹⁶⁶ Rath, *The Viennese Revolution of 1848*, 356,

defeated this Hungarian incursion, Windischgrätz took the city by November 1, and a series of executions began. In the aftermath, Windischgrätz imposed martial law, and the Austrian Parliament fled to Kremsier (Kroměříž).

The new minister president, Felix zu Schwarzenberg, translated these victories into a reinvigorated, counter-revolutionary neo-absolutism.¹⁶⁷ Schwarzenberg had spent much of his life in the diplomatic corps, was young, bright, and had a clear vision for establishing neo-absolutism in the monarchy. At the castle of Selowitz on October 12, a meeting of Ferdinand, the Empress Elizabeth, Archduchess Sophie, Francis Joseph, and Francis Charles, the father of the future emperor, decided secretly to make Schwarzenberg the head of the new ministry.¹⁶⁸ Although the Court did not officially name Schwarzenberg minister president until November 21, he handled the aftermath of the October revolution and made the decision to execute prominent members of the revolution, most notably Robert Blum, a member of the Frankfurt Parliament and a leader of the German-Catholics (see Chapter 2), who had traveled to Vienna, as had many radicals, to take part in the uprising. Windischgrätz suggested simply expelling Blum from Austria, but Schwarzenberg ordered him shot in order to send a provocative message to the Frankfurt Parliament.¹⁶⁹ Blum believed the parliamentary immunity he possessed would spare his life, but he was mistaken, and on the morning of November 9 a firing squad executed him.¹⁷⁰

¹⁶⁷ The historiography on Felix zu Schwarzenberg is not large. Before his death, he ordered his sister to destroy his records, a task that she dutifully carried out. Adolf Schwarzenberg, a descendant of Felix zu Schwarzenberg, wrote *Prince Felix zu Schwarzenberg* (New York: Columbia University Press, 1946) but opposed the Nazi regime after the annexation of Czechoslovakia and lost his family's documents, and after the war, the Czech government barred him from his property.

¹⁶⁸ Stefan Lippert wrote that the sources are uncertain, but that it is probable that this decision occurred at the October 12 meeting, see *Felix Fürst zu Schwarzenberg: Eine politische Biographie* (Stuttgart: Franz Steiner Verlag, 1998), 116.

¹⁶⁹ Lippert, *Felix Fürst zu Schwarzenberg*, 170-171.

¹⁷⁰ Blum's execution on November 9 has naturally thrust Austria into the debates about the meaning of November 9 in German history, see Christian Jansen, "Noch ein 9, November...Die

The Frankfurt Parliament reacted with anger, and Schwarzenberg exacerbated this outrage by announcing that Austria would only join a unified Germany with its numerous non-German territories, effectively scuttling the “Big Germany” solution favored by some delegates. The shootings of notable revolutionaries, printers, and intellectuals continued until May 1849.¹⁷¹

In addition, the new counter-revolutionary government annulled Emperor Francis’ mistake in 1835 of insisting on the incompetent Ferdinand as his successor. The women of the Court orchestrated the extraordinary step of unilaterally deposing their own emperor and replacing him with someone not in line for the throne. Archduchess Sophie held long discussions with Schwarzenberg, and they agreed that her 18-year old son Francis should replace Ferdinand. The emperor’s wife, Maria Anna, easily convinced Ferdinand to renounce the throne.¹⁷² Sophie, with difficulty, convinced her stubborn and unintelligent husband, Francis Charles, to renounce his legitimate claim as the next monarch.¹⁷³ On December 2, 1848, this switch took place, and on the advice of Schwarzenberg, Francis added Joseph to his title, in order to pacify liberals.¹⁷⁴

Meanwhile, the war in Hungary continued. Kossuth and the government retreated on December 31 to Debreczin (Debrecen). On January 5, Windischgrätz marched into Pest, but after this conquest, he assumed the conflict had ended and allowed Hungarian armies to rebuild in eastern Hungary. Arthur Görgei, the commander in chief of the Hungarian forces, stopped the

Delegation der Paulskirchenlinken nach Wien und der Tod Robert Blums,” in ‘*Für Freiheit und Fortschritt gab ich alles hin*’: Robert Blum (1807-1848)—*Visionär, Demokrat, Revolutionär* eds. Martina Jesse et. al (Berlin: Verlag für Berlin-Brandenburg, 2006), 154-163.

¹⁷¹ For the lists of executions, see Dunder, *Denkschrift über die Wiener October-Revolution*, 903-908.

¹⁷² Gerd Holler, *Sophie die heimlichen Kaiserin: Mutter Franz Joseph I* (Vienna: Amalthea Verlag, 1993), 185.

¹⁷³ Holler, *Sophie die heimlichen Kaiserin*, 192. Apparently the late Emperor Francis also conveniently appeared to Francis Charles in a vision and told him to pass the crown to Francis Joseph, see Macartney, *The Habsburg Empire 1790-1918*, 408.

¹⁷⁴ Holler, *Sophie die heimlichen Kaiserin*, 195.

flood of desertions by proclaiming more moderate goals and proclaiming loyalty to the royally sanctioned constitution, much to the chagrin of Kossuth.¹⁷⁵ A furious counter attack repelled most imperial forces from Hungary, and by April Hungarian armies, led by Görgei, threatened Vienna.¹⁷⁶ On April 19, 1849, the Hungarian Parliament in Debreczin formally dethroned the Habsburgs.

In Transylvania, the tide had also turned in favor of Hungarian forces. In the fall of 1848 Romanians had revolted against the Hungarian ministry, and Romanian peasants hunted down their Magyar landlords, while a Székely (see Chapter 4) noble Jäger corps retaliated with atrocities against the Romanian peasantry.¹⁷⁷ By November, most of Transylvania was in Habsburg hands, but by the spring, General Joseph Bem, a Polish revolutionary who had commanded forces in the October Revolution in Vienna and supported the Magyar revolt, reconquered the region. Hungarian forces also made gains against the Serbs. On March 27, Hungarian troops took the Petrovaradin fortress, leveled Novi Sad, and massacred thousands of Serbian prisoners, along with their families.¹⁷⁸

Faced with this disaster, Vienna brought itself to call in the reactionary Tsar Nicholas I to quell the rebellion. The tsars and Emperor Francis had been on friendly terms, and had mutual pacts to crush revolutions. The tsar, fearful of Polish agitation, mobilized his army but did not want to intervene, disliking Vienna's initial concessions and being of the opinion that the Habsburgs should correct their own "errors."¹⁷⁹ The Russian army briefly intervened in the Transylvanian conflict in March, 1849, but Bem defeated the tsarist forces. Afterward Nicholas

¹⁷⁵ Deák, *The Lawful Revolution*, 234.

¹⁷⁶ Deák, *The Lawful Revolution*, 270.

¹⁷⁷ Deák, 205-210.

¹⁷⁸ Deák, 271.

¹⁷⁹ Kenneth Rock, "Schwarzenberg versus Nicholas I, Round One: The Negotiation of the Habsburg-Romanov Alliance against Hungary," *AHY*, 6 (1970), 130.

insisted that Francis Joseph publically call for Russian intervention if it were to take place. Vienna hesitated, fearing the tsar had designs on Hungary (see Chapter 2). Schwarzenberg worried about Habsburg prestige if the tsar rescued the dynasty and feared that the presence of Russian troops in Hungary would provoke another revolt in Vienna.¹⁸⁰ But with the situation increasingly desperate, on May 1, Francis Joseph asked the tsar publically for intervention with a formal request in the *Wiener Zeitung*. In addition, Schwarzenberg appointed Julius Jacob von Haynau, a competent, energetic and cruel general, as the new imperial commander. Haynau easily reversed Hungarian gains, and once Russian forces entered, the situation of the Hungarian revolution was hopeless. On August 13, 1849, Görgei and other commanders intentionally surrendered to the Russian forces, who treated the Hungarian forces as heroes for giving the Habsburgs all they could handle.¹⁸¹ They sheltered Görgei while Kossuth and Bem escaped to Turkey.¹⁸² With the revolt crushed, Habsburg forces hung hundreds of traitors, including 13 generals at Arad, and shot Batthyány, who had opposed the radicalism and separatism of Kossuth.¹⁸³

In the meantime, the new counter-revolutionary regime shut down the Austrian Parliament, which had moved to Kremsier after the Vienna revolution. On March 4, 1849,

¹⁸⁰ Rock, “Schwarzenberg versus Nicholas I,” 133.

¹⁸¹ Rothenberg, *The Army of Francis Joseph*, 35.

¹⁸² Turkey’s harboring of revolutionaries led to tense relations between Austria, Russia and the Ottoman Empire. Turkey disliked Russian armies in Wallachia, a rebellious province, which was still technically Ottoman territory, albeit under Russian domination in reality, see Barbara Jelavich, *Russia and the Formation of the Romanian National State 1821-1878* (Cambridge U.K.: Cambridge University Press, 1984), 43-49. The Porte had a treaty with Austria agreeing not to grant asylum to rebels, but a clause allowed asylum in cases of conversions to Islam, and officials such as Bem conducted fake conversions and received high positions in the Ottoman army. Kossuth refused to convert and lived under house arrest in Turkey until being invited to visit the United States, where the public received him as a hero. See Deák, *The Lawful Revolution* 340-343.

¹⁸³ Although the number of executions was modest, the negative press surrounding the Habsburg conquest of Hungary induced Tsar Nicholas to ask Francis Joseph to end the terror in Hungary, see Holler, *Sophie die heimlichen Kaiserin*, 217.

Francis Joseph granted an “oktroiert” (imposed) constitution and then dissolved the Austrian Parliament. This March 4 Constitution, also called the Stadion Constitution, contained many features of the Kremsier one, such as freedom of speech, but it eliminated any mention of popular sovereignty.¹⁸⁴ It also adopted centralization and subordinated economic affairs to Vienna. A new ministry carried out this neoabsolutism, led by Schwarzenberg, and included powerful ministers, such as Baron Alexander von Bach, a *Vormärz* liberal, who headed the interior. Leopold Thun, who sympathized with the Czech national cause and granted concessions in early 1848 before turning against the revolution, took over the education ministry. Thun pursued an ultramontanist agenda and employed Catholic activists such as Metternich’s secretary Charles Ernst Jarcke (see Chapter 2) to cleanse the educational system of enlightened works.¹⁸⁵ The ministry abolished this constitution in 1851 with the Silvester Patent and throughout the rest of the decade, the empire, including Hungary, was ruled centrally from Vienna.

While the counter-revolution achieved victory in late 1848 and 1849, revolutionary threats from abroad also dissipated. The voters in France elected a conservative parliament, which shut down Louis Blanc’s workshops designed to provide employment. Riots broke out among workers, who were mostly traditional craftsmen, in what became known as the “June Days.” General Louis-Eugene Cavaignac crushed this uprising and assumed the role of head of state, though he had sympathy for parliamentary government.¹⁸⁶ In December, 1848, Louis Napoleon, later Napoleon III won election as president, who in 1851 dissolved parliament and

¹⁸⁴ Macartney, *The Habsburg Empire 1790-1918*, 422.

¹⁸⁵ Franz Leander Fillafer, “Rivalisierende Aufklärungen: Die Kontinuität und Historisierung des josephinischen Reformabsolutism in der Habsburgermonarchie,” in *Die Aufklärung in ihre Weltwirkung* ed. Wolfgang Hardtwig (Göttingen: Vandenhoeck & Ruprecht, 2010), 157.

¹⁸⁶ For details, consult, Frederick A. de Luna, *The French Republic under Cavaignac, 1848* (Princeton N.J.: Princeton University Press, 1969).

ruled France as a dictator after a plebiscite. After the defeat of radicals in Vienna, the Court in Berlin regained its nerve and shut down the Prussian assembly and announced its own constitution on December 5, 1848.¹⁸⁷ A few months later, Frederick William IV infamously rejected the “crown from the gutter” offered by the Frankfurt Parliament and sent in troops to end revolutionary experiments in Baden.¹⁸⁸ By 1850 the Springtime of Nations had given way to a neo-absolutist winter.

The Catholic Church in the Counter-Revolution, November, 1848-1850

At the height of the revolution, the Habsburgs had lost the capital city and a majority of their territory to rebels. The new government had to rebuild the structures of the state, and Schwarzenberg pursued a course of strict centralization, including in Hungary, and a strong military, but he also was eager to reestablish Catholicism as a pillar of Habsburg governance. In addition, Schwarzenberg wanted Austria to pose as a Catholic power in order to gain sympathy in places such as Germany. This task was made easy by the fact that the new emperor, Francis Joseph, was an enthusiastic Catholic, prodded by his mother, archduchess Sophie, who continued the Catholic instruction of her sons even as the revolution raged and the royal family dodged revolutionary mobs.¹⁸⁹ The papal nuncio, Michele Viale Prelà viewed Sophie as a strong, positive influence on the new emperor.¹⁹⁰ Furthermore, Schwarzenberg’s brother, Cardinal Friedrich zu Schwarzenberg, the archbishop of Salzburg (archbishop of Prague after 1850),

¹⁸⁷ Hans Joachim Hahn, *The 1848 Revolutions in German-Speaking Europe* (Harlow, U.K.: Longom, 2001), 103-104.

¹⁸⁸ For a summary of the events in the third Germany, see Hahn, *The 1848 Revolutions in German-Speaking Europe*, 53-73.

¹⁸⁹ Hollar, *Sophie die heimlichen Kaiserin*, 189.

¹⁹⁰ Lajos Lukács, *The Vatican and Hungary, 1846-1878: Reports and Correspondence on Hungary the Apostolic Nuncios in Vienna* (Budapest: Akademiai Kiado, 1981), 84.

urged the minister president in Olmütz that the interests of the state and Church should align.¹⁹¹ In addition Rauscher, Joseph Othmar, Francis Joseph's ultramontanist tutor, received high positions in the episcopacy, first obtaining the bishopric of Seckau, then the archbishopric in Vienna in 1853. Although the new counter-revolutionary government was pro-Catholic, the new regime had a lot on its plate in late 1848 and all of 1849, and the Church still had to lobby its cause to the ministry.

The first victims of the victory of the counter-revolution were the radical Catholics. Their last stand was in the Vienna revolution, and here in October, they printed poems such as *À la Laterne* (To the Lamppost!) in which they called for the hanging of "clerics" (*Pfaffen*) "from the highest lampposts" for committing the greatest sin by abusing God's word.¹⁹² A Catholic woman, Caroline Perin, formed a democratic women's association, which demanded improvements in girls' education. On October 17, about 300 of these Catholic women marched to the Austrian Parliament to urge it to stand firm in its push for a constitution.¹⁹³ Even in revolutionary Vienna, these women met with scorn and mockery. With the execution of radical writers after the military occupation of Vienna, such publications and movements naturally ceased. By 1849, there were again religious celebrations and on July 30, 1849, 20,000 workers even took part in a giant mass.¹⁹⁴

German-Catholicism also suffered a decline as the movement lost its leaders. The execution of Robert Blum, one of the earlier organizers of German-Catholicism, was a clear shot at the movement. Hirschberger also left the sect. The Church had excommunicated him on

¹⁹¹ Erika Weinzierl-Fischer, *Die Österreichischen Konkordate von 1855 und 1933* (Vienna: Verlag für Geschichte und Politik, 1960), 29.

¹⁹² "A la Laterne," in Dunder, *Denkschrift über die Wiener October-Revolution*, 34-36.

¹⁹³ Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49*, 383.

¹⁹⁴ Weinzierl, "Die Kirchenfrage auf dem Österreichischen Reichstag 1848/49," 187.

September 13, but the next year, he applied to re-enter the Catholic Church.¹⁹⁵ Pauli agitated for recognition of German-Catholicism based on the *Oktoyierte* Constitution, but on April 14, 1849, the police arrested Pauli for his part in the illegal sect, and after his release, he fled to Germany.¹⁹⁶ Schuselka quit the movement, regretting that it had mixed politics with religion and noting that people would not change their religion overnight.¹⁹⁷

The government, which over the summer of 1848 had stalled on recognizing German-Catholicism as a legal faith, renewed the explicit ban on December 20, 1848.¹⁹⁸ The military government in Vienna banned German-Catholic gatherings, even in private worship on Sundays.¹⁹⁹ Yet services, burials, baptisms, and marriages continued in secret. A decree of January 24, 1850 granted German-Catholicism recognition as a political association but not as a religion, and German-Catholics continued to have difficulties registering their children in school and interring corpses in graveyards, which required a death certificate by a Catholic priest.²⁰⁰ In 1851, Schwarzenberg revised the law on associations, the *Vereinsgesetz*, and subsequently punished parents who refused to baptize children and ordered them to attend Catholic schools. Many German-Catholics decided to return to the Church or to convert to Protestantism, upsetting many Protestants.²⁰¹ Bach blamed the German-Catholics for disorder and viewed them as a political sect.²⁰² In 1852, he ordered the jailing of a German-Catholic preacher in St. Pölten.²⁰³ Ronge never gave up on trying to implant German-Catholicism or varieties of it in Austria. He founded numerous communities in Bavaria after 1848, and after the 1867 Constitution in Austria

¹⁹⁵ Posch, "Die deutsch-katholische Gemeinde in Wien," 273.

¹⁹⁶ Habres, "Der Deutschkatholizismus in Österreich," 68.

¹⁹⁷ Posch, "Die deutsch-katholische Gemeinde in Wien," 272.

¹⁹⁸ Wolfgang Häusler, "Die Deutschkatholische Bewegung in Österreich," 609.

¹⁹⁹ Habres, "Der Deutschkatholizismus in Österreich," 66.

²⁰⁰ Habres, 70-73.

²⁰¹ Habres, 86.

²⁰² Posch, "Die deutsch-katholische Gemeinde in Wien," 280.

²⁰³ Habres, "Der Deutschkatholizismus in Österreich," 86.

granted freedom of religion, and house worship for unrecognized faiths, Ronge returned to Graz but had little success.²⁰⁴ In 1887, Ronge died on his way to Vienna.

Hungarian Catholics also suffered. As they had played both sides during the revolution, they received punishment both from the Hungarian ministry and from the Schwarzenberg government. Although many bishops voluntarily renounced their tithe income and participated in various revolutionary activities, these acts did not spare the Church from revolutionary changes in Hungary.²⁰⁵ In the revolutionary parliament, of 415 delegates, only 15 were clergy, and radicals, such as Ladislau Madarasz, proposed radical reforms of the Church. The ministry laicized many schools to remove “the harmful influence of the Church” and secularized ten gymnasiums.²⁰⁶ During the war for independence, the governments in Vienna and Debreczin demanded sacrifices from the Catholic clergy. Many priests fought for the Hungarian government, and those who did not had their property confiscated and ended up in jail.

The Habsburg armies also punished the supposedly traitorous Hungarian Catholic Church. As Habsburg armies advanced, priests loyal to Hungary suffered imprisonment, while Austrian generals forced bishops to grant oaths of loyalty and to donate to the war effort.²⁰⁷ Of the 13 generals executed at Arad, 10 were Catholic (two were Protestant and one was Orthodox), and according to Istvan Deák, the Habsburgs killed an “astonishing number” of Catholic priests

²⁰⁴ Habres, 104.

²⁰⁵ Michael Horwath, *Fünfundzwanzig Jahre aus der Geschichte Ungarns von 1823-1848*, trans. Joseph Novelli 2 Vols (Leipzig: F.A. Brockhaus, 1867), 2: 549.

²⁰⁶ Gábor Adriányi, “Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855,” Ph.D. Diss. St. Thomae Aque, Rome, 1963, 20.

²⁰⁷ The primate refused to pay a fine, see Adriányi, 22.

in the occupation of Hungary.²⁰⁸ The radical Catholic, Imre Szacs vay, who advocated surrendering of all church property, was hanged, for example, in October 1849.²⁰⁹

Much of the Hungarian episcopacy was either vacant or staffed with careerists during the *Vormärz*, and Vienna sacked many of the bishops in 1849, removing seven from office.²¹⁰ Bishop Ladislaus Bemér of Grosswardein (Oradea) congratulated the Hungarian ministry after it declared independence in April 1849 and received a death sentence, later commuted to 20 years in prison.²¹¹ The bishop of Zips (Szepes), Vincent Jekelfalussy, lost his office temporarily and had to live under house arrest in a monastery. A military court sentenced Bishop Joseph Rudnyánszky of Neusohl (Banská Bystrica) to six years in jail.²¹² The Hungarian ministry had appointed John Hám to the vacant primate position in 1848, but he fled to Vienna during the revolution, and Kossuth appointed Michael Horvath as the primate of Hungary, who agitated for a national Church and the abolition of celibacy.²¹³ A Habsburg court condemned Horvath to death, but he later escaped.²¹⁴ The government also removed Bishop Joseph Lonovics, (see Chapter 3), a Josephist whom Rome along with the new government in Vienna viewed as a wishy washy careerist and subsequently threw him in jail.²¹⁵ Finally, Croatia, as a reward for its

²⁰⁸ Deák, *The Lawful Revolution*, 246, 334. Adriányi placed the number at only seven priests but acknowledged the number was probably much higher, p. 28.

²⁰⁹ Moritz Csáky, "Die Römisch-Katholische Kirche in Ungarn," in *Die Habsburgermonarchie 1848-1918*, 4: 262.

²¹⁰ For details on the court martials of the bishops, see Waltraud Heindl, "Die Wiener Nuntiatur und die Bischofsernennungen und Bischofsenthebungen in Ungarn 1848-1850," in *MÖSTA* 24 (1971): 400-432.

²¹¹ Lukács, *The Vatican and Hungary, 1846-1878*, 71.

²¹² Adriányi, "Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855," 23.

²¹³ Adriányi, "Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855," 22.

²¹⁴ Csáky, "Die Römisch-Katholische Kirche in Ungarn," 259-260.

²¹⁵ Adriányi, "Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855," 46.

loyalty, received its own archbishopric in Agram (Zagreb), which was free from the jurisdiction of the Hungarian primate and the archbishop of Kalocsa.²¹⁶

In this environment, the Josephists faded in influence, and the sentiment of Catholic activists gained traction in late 1848 and 1849. The archbishop of Olmütz silenced Füster, for example, from preaching at Kremsier in October 1848.²¹⁷ Jarcke concluded in 1849 that the war Joseph had waged against the Church and Francis had continued, had uprooted one of the foundations of society and led to the revolution.²¹⁸ He argued that Pillersdorf had been one of the hostile forces in the *Vormärz* and a “fanatic” of the Josephist system.²¹⁹ Although Jarcke viewed the separation of Church and state as dangerous, he admired the American system for permitting Christianity to flourish and argued that Vienna had to jettison Josephism. Brunner, who had stayed in Vienna during October, came to similar conclusions and praised Windischgrätz after the October revolution as a great Christian savior.²²⁰ With a solid government in place and the Josephists silenced, cowed, or sitting in jail, the Catholic Church became more assertive, ultramontane and agitated not for freedom from absolutist government but for a union with it.

The Catholic clergy sent numerous petitions to the parliament in Kremsier. Some were modest and expressed willingness to bless the new constitution with the assurance that the state did not confiscate Catholic property and would renounce authority over spiritual affairs.²²¹

Catholic clergy in Breslau, which lay in a Habsburg diocese, demanded most of what other

²¹⁶ The Hungarian episcopacy complained about this action but to no avail, in Adriányi, 109.

²¹⁷ Füster, *Memoiren vom März 1848 bis July 1849*, 2: 246.

²¹⁸ Carl Ernst Jarcke, *Staat und Kirche in Österreich vor, während und nach der Revolution von 1848 (Ein Schreiben an Herrn Georg Schwartz Consul der vereinigten Staaten von Amerika in Wien)* (Munich: Literarisch-artistische Anstalt, 1849)

²¹⁹ Jarcke, *Staat und Kirche in Österreich vor, während und nach der Revolution von 1848*, 119.

²²⁰ Brunner, *Woher, Wohin?*, 2: 251.

²²¹ No date or title, in Haus, Hof, und Staatsarchiv (HHStA), Länderabteilung (LA), Österreichische Akten, Österreichischer Reichstag 1848/90 (Katholische Kirche und Geistlichkeit)/IX/198/22/1.

Catholics desired but also wanted a subsidy to replace the abolition of the *robot*, which had formerly included the tithe.²²² Cardinal Schwarzenberg sent in a petition stating that the Church only wanted the blessings of liberty and would no longer be a “maid” or a “workhorse” for the state.²²³ The bishops of St. Pölten and Linz petitioned against the proposed article 16 of the new constitution, which stated “there is no state Church” as well as article 18, which declared that marriage would only be observed as a civil contract.²²⁴ The bishop of Küstenland (the Austrian Littoral) protested, similarly, against the Catholic Church losing its public privileges.²²⁵ A petition by the Viennese clergy contained simply a few hundred signatures due to Milde’s refusal to participate in the revolution.²²⁶

The most defiant petitions came from Galicia. Michael Lewicki (see Chapter 4), the Greek Catholic bishop of Lemberg and the metropolitan of Galicia, along with the Greek Catholic bishop of Przemyśl submitted a joint petition on February 5, 1849. Their note to the parliament demanded freedom to exercise canon law as they saw fit. They argued that God alone created the Church and that it also was inseparable from the state. The petition stated that God had tasked the bishops with evangelizing the earth and that a strict adherence to the Council of Trent needed to be restored.²²⁷ The Latin bishop of Przemyśl, Francis Xavier, argued for Catholic bishops to sit in the upper house, contending that the state needed a Catholic imprint.

²²² Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49*, 300. This diocese overlapped with territory in Prussia.

²²³ Petition of Cardinal Schwarzenberg to the Austrian Parliament, in HHStA, Österreichische Reichstag/90/22/5/6/.

²²⁴ Petition of the bishops of St. Pölten and Linz to the Austrian Parliament, in HHStA, Österreichische Reichstag/90/22/5/c/.

²²⁵ Petition of the Catholic bishop of the Littoral to the Austrian Parliament, in HHStA, Österreichische Reichstag/90/22/5/f/.

²²⁶ Petition of the Viennese clergy to the Austrian Parliament, in HHStA, Österreichische Reichstag/90/22/5/235.

²²⁷ Petition of the “Uniate” clergy of Galicia to the Austrian Parliament, in HHStA, Österreichische Reichstag/90/22/5/j/.

They also spoke out explicitly for a new concordat because the state had so mismanaged the Church that major changes required papal approval.²²⁸

Ultimately, the potential dangers of a constitutional Habsburg monarchy drove Catholics into the arms of the new government. Article 11 granted freedom of belief for Austrian citizens and “unrestricted” rights to home and public worship as long as they did not contradict civil obligations or prove harmful to morals (*sittenverletzend*). More alarmingly for Catholics, article 12 of the Kremsier constitution said that no church had special privileges from the state.²²⁹ The left was split on what to do with the Church. Many liberals, such as Alois Borrosch and Florian Ziemialkowski, supported freedom for the Church and the monasteries. Josephists tended to sit on the right, but in Church matters, they had a lot in common with the left. Ultimately, no matter the political stripes, delegates from Poland and Tyrol were adamant about freeing the Church from state restrictions, while the Czechs, Viennese, and Italians tended to sit in the Josephist camp.²³⁰

These petitions came to nothing because the Court shut down the Kremsier Parliament and announced the March 4, Oktroyierte Constitution, which granted freedom of private religion and public worship and autonomy to the recognized confessions in the empire. Although Rauscher advised Francis Joseph on the Oktroyierte constitution, the four non-Catholic religions of the Habsburg Empire gained vis-à-vis Catholicism.²³¹ The unconstitutional actions of the state would soon, however, render even the Oktroyierte Constitution meaningless and make Catholicism, by far, the privileged religion in the monarchy.

²²⁸ Petition of the Latin Episcopacy in Galicia to the Austrian Parliament, in HHStA, Österreichische Reichstag/90/22/5/f/3737.

²²⁹ Lukas Wallner, *Die Staatliche Anerkennung von Religionsgemeinschaften: die historische und aktuelle Umsetzung der religiösen Vereinigungsfreiheit in Österreich unter Berücksichtigung des deutschen Religionsrechts* (Frankfurt am Main: Lang, 2007), 79.

²³⁰ Weinzierl, “Die Kirchenfrage auf dem Österreichischen Reichstag 1848/49,” 185-186.

²³¹ Wallner, *Die Staatliche Anerkennung von Religionsgemeinschaften*, 82.

One freedom gained by Austrians was the right to form associations (*Vereine*). These concessions benefitted the highly organized Catholic Church. Veith's *Katholikenverein* temporarily shut down, as did all associations, after Windsichgrätz put down the October Revolution.²³² Although Milde disliked Veith's *Katholikenverein*, influential bishops such as Cardinal Schwarzenberg and Ziegler backed it.²³³ Milde warmed up to this association but warned that it must stay out of politics and forced Veith to step down as the president. In addition, Milde changed the organization's name to the Severinus Association. After Milde died in 1853, the association met regularly in Vienna.²³⁴ In addition the first Catholic days, lay festivals celebrating Catholicism, began after the revolution, with the first one taking place in Linz in 1850 and the first in Vienna after Milde died.²³⁵

The first step toward the Catholic Church regaining influence over the state was the holding of a bishops' conference a few months after the proclamation of the March 4 Constitution. Cardinal Schwarzenberg and Joseph Fessler, the future bishop of St. Pölten, had attended the Würzburg conference in Germany, and Schwarzenberg was technically the primate of Germany. He played down this title, however, and refused to be named president of the conference, deferring that honor to the archbishop of Cologne, Johannes von Geisel (see Chapter 2).²³⁶ Schwarzenberg had supported a bishops' conference since spring, 1848 and wanted to publish journals promoting various Catholic issues. His brother Felix supported the conference, but Stadion forced the bishops to hold it in Vienna, where a state official could monitor the proceedings.²³⁷ The meeting of the bishops, and the papal nuncio in secret, took place from April

²³² Rudolf Till, *Hofbauer und Sein Kreis* (Vienna: Verlag Herder, 1951), 110.

²³³ Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49*, 499.

²³⁴ Scheidgen, 503-504.

²³⁵ Till, *Hofbauer und Sein Kreis*, 119.

²³⁶ Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49*, 128.

²³⁷ Scheidgen, 168.

17 to June 17, 1849, and afterwards the bishops sent over a declaration to the ministry of the interior requesting the right to manage their own affairs, to run the *Religionsfonds*, to restore the Jesuits and Redemptorists, communication with the papacy, authority to run their own seminaries, jurisdiction over Catholic schools, and a ban on Protestantism in Tyrol.²³⁸ At the end of the conference, the bishops selected a five-person committee to negotiate with the interior ministry. Now afforded the freedom of assembly, the episcopacy would prove able to steer public policy and influence the government.

Despite the great influence Cardinal Schwarzenberg and Rauscher possessed over the minister president and the emperor, there was a delay for almost a year on fulfilling the demands of the bishops. Bach, who filled in for the ill Stadion, promised action. Yet, there was debate, even among the ultramontane ministers, about the wisdom of loosening communication with Rome. Joseph Alexander von Helfert and Thun, both of whom disliked Josephism, wanted to preserve a veto over papal works.²³⁹ Bach wanted to differentiate on the types of communication the state could censor, noting there was a difference between issues that dealt with matters of state and those dealing with purely spiritual affairs. Bach only wanted to give up censorship of the latter.²⁴⁰ Finally ministers Anton von Schmerling (Justice), Baron Philipp von Krauss (Finance), and Carl Louis von Bruck (Commerce) disapproved of easing communication of the clergy with Rome or wanted to dangle this issue as a bargaining chip in future concordat negotiations. Thun disagreed, having come around to the idea of freeing up contact between Rome and the episcopacy, and argued that such an approach would not garner good will with the

²³⁸ Scheidgen, 170-178.

²³⁹ Erika Weinzierl-Fischer, "Der Ministerrat und die kaiserlichen Verordnungen vom 18. und 23. April 1850, in *MÖSTA*, 11 (1958): 469.

²⁴⁰ Weinzierl, "Der Ministerrat und die kaiserlichen Verordnungen," 474.

papacy.²⁴¹ Bruck, a Protestant, contended that other confessions could be harmed with such a measure.²⁴²

Rauscher and Francis Joseph broke through this bureaucratic delay, however, and on April 18 and 22 issued a series of decrees, which greatly strengthened the Catholic Church. Rauscher directed a note to the ministry warning them that the bishops needed to give their clergy instructions on this matter and that “in this era in which the feelings are agitated to the most,” clarification on this question was necessary. Furthermore, concessions to the Church by the Austria would raise the prestige of the new government among Catholics in Germany and Italy.²⁴³

Francis Joseph’s orders of April 18 and 23rd contained the following: bishops were free to turn to the pope in spiritual affairs and could receive instructions from the papacy without approval from secular authorities; bishops could issue orders to the clergy and lay people in their dioceses without state approval; spiritual authorities could promulgate Church decisions without risk of backlash; no one could be a Catholic teacher or theology professor without the permission of the bishop in the diocese in which the learning institution was located; the bishop could dismiss teachers in these schools; bishops had the right to appoint half of the commission that developed theology tests for teachers, as long as the appointee had a doctorate in theology. Finally the emperor freed bishops from governmental regulations on worship.²⁴⁴

These ordinances generated uproar in the press, as this decree dissolved 60 years of Josephist controls on the Church. Numerous papers condemned these measures. The *Pesti*

²⁴¹ Weinzierl, 483.

²⁴² Protocol of Minister Sitting, March 21 and 22, in Weinzierl, “Der Ministerrat und die kaiserlichen Verordnungen,” 489.

²⁴³ Weinzierl, 482.

²⁴⁴ Imperial Ordinance of April 18 and 23, 1850, in Ferdinand Maass *Lockerung und Aufhebung 1820-1850* Vol 5 of *Der Josephinismus* (Vienna: Herold Verlag, 1961), 5: 741-743.

Napló (The Pest Diary) wrote on May 8th and 10th that “the relationship between Church and state, of which the royal *placet* was key...this monument [Josephism] which the glorious son of Maria Theresa created which the deeply religious Kaiser Francis...had maintained, is now destroyed.”²⁴⁵ The liberal press predictably opposed the new rules, especially in Bohemia, referring to them as “bishop absolutism.”²⁴⁶ The retired Count Francis von Hartig, the Josephist bureaucrat from the *Vormärz*, lamented to Metternich that these controversial ordinances had been put on public display. He noted that

had the cultural ministry spoken with the former advisor, Jüstel [see Chapters 3, 4 and 5], this wise and adroit man would have advised the avoiding...of controversial words such as ‘*placetum*, excommunication, church discipline’...and would have avoided the upheaval which these words have provoked. Would it not have been wise to say to the Emperor ‘that the hitherto existing rules, which made communication with the Church leaders, clergy, people as well as the practicing of canon law, dependent on state authority, are abolished?’²⁴⁷

Rauscher, the Prince-Bishop of Seckau and close advisor to Francis Joseph, naturally praised these ordinances. He noted in a pastoral letter to his clergy that these new rules showed that the state no longer distrusted the Church and argued that only those who supported revolution and hated Christianity could oppose these freedoms.²⁴⁸ He regretted that Austria had been “pulled into the stream” that had spread across Europe in the Enlightenment, resulting in the persecution of priests, isolation from Rome, and police intervention for anything that did not

²⁴⁵ Adriányi, “Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855,” 53.

²⁴⁶ Weinzierl, *Die Österreichischen Konkordate von 1855 und 1933*, 62.

²⁴⁷ Francis Hartig to Metternich, May 29, 1850, in *Metternich-Hartig: Ein Briefwechsel des Staatskanzlers aus dem Exil 1848-1851*, ed. Franz Hartig (Vienna: Wiener Literarische Anstalt, 1923), 55-56.

²⁴⁸ Rauscher’s pastoral letter to the clergy of Seckau and Leoben, May 6, 1850, in *Hirtenbriefe, Predigen, Anreden von Joseph Othmar Kardinal Rauscher, Fürst-Erzbischof von Wien*, 2 Vols (Vienna: Verlag Friedrich Manz, 1858), 1: 54-58.

fit the state's vision of Catholicism. He praised God for getting the Austrian Church through these difficult times.²⁴⁹

The rumbling grew loud enough that Milde, who had opposed the bishops' conference and other forms of Catholic activism, published a letter in the *Wiener Zeitung* defending the April ordinances. He claimed the outrage surrounding these ordinances was the result of a misunderstanding, driven by anti-Catholic newspapers, which had misled otherwise good-minded people. Milde noted that other confessions and groups could have free communication with leaders and asked "why does one only want to ban this for Catholic bishops?" He promised that the Church would not abuse this power and would share information with the state. The archbishop also defended the Church's right to impose punishment on its members, noting that it had precedent and that Jesus and Paul had justified it.²⁵⁰

Bishop Lonovics, having plenty of time to reflect in jail, praised the 1850 resolutions. He claimed this was the end of Josephism, and that it had fallen because its roots had not been deep enough to survive.²⁵¹ Lonovics claimed the ordinances had "broken the chains with which the bureaucracy in its conceit had repressed the Church."²⁵² He condemned Joseph for having weighed down the Church with "febronianism", an infliction that Francis upheld and made more burdensome.²⁵³ This system was, he claimed, more dangerous, for in contrast to open

²⁴⁹ Rauscher's pastoral letter to the clergy of Seckau and Leoben, May 6, 1850, in *Hirtenbriefe, Predigen, Anreden*, 1: 58-59.

²⁵⁰ Vincent Eduard Milde editorial, *Wiener Zeitung*, May 10, 1850, 1454-1455.

²⁵¹ Joseph Lonovics, *Der Josephinismus und die kaiserlichen Verordnungen vom 18. April 1850 in Bezug auf die Kirche (übersetzt aus dem ungarisch)* (Vienna: Jasper, Hügel, and Manz, 1851), vi.

²⁵² Lonovics, *Der Josephinismus und die kaiserlichen Verordnungen*, 1.

²⁵³ Lonovics referred to John Hontheim's proposal, written under the pseudonym Justinus Febronius, in 1763 to limit papal power in favor of bishops and general councils. Reformers used Febronianism to justify state authority over the Church at the expense of Rome.

persecution, it claimed to serve Catholicism while in fact it was weakening the Church.²⁵⁴ In essence, Lonovics recognized that the Church had been co-opted by the state. He said that Catholics should cheer that Austria had again become the “first Catholic power, not merely because of its material aid, which it also hitherto possessed but rather due to the sympathies which it recently won over from Catholics around the world.”²⁵⁵

The victory of the counter-revolution and the ascendancy of Francis Joseph and his entourage to the throne sidelined competitors to ultramontanist Catholicism. The defeat of the revolution in Vienna and Hungary resulted in the death and imprisonment of religious radicals and forced them to give up or go underground. Overall, there was a realization that the Josephist Church had failed to keep order in 1848, and in the aging Josephist camp itself several members switched sides, in tune with the times, and others naturally did not want to oppose the state. In addition, as the Josephists died, Francis Joseph replaced them with more conservative clerics from the Brixen seminary (see Chapter 2), such as Joseph Fessler.²⁵⁶ Although the defeat of Josephism was the most apparent victory, Rauscher subtly crushed the Güntherians as well, sidelining clerics who wanted a more democratic church. He removed them, for example, from the Severinus Association, the successor to Veith’s original *Verein*. As archbishop of Vienna after 1853, Rauscher caused trouble for Günther and in 1857, Rome placed Günther’s works on the Index.²⁵⁷ With the crushing of competitors to ultramontanist Catholicism defeated, the state had to reorganize the position of the other confessions in the empire.

²⁵⁴ Lonovics, *Der Josephinismus und die kaiserlichen Verordnungen*, 5.

²⁵⁵ Lonovics, 58.

²⁵⁶ Gottfried Mayer, *Österreich als katholische Großmacht: ein Traum zwischen Revolution und liberaler Ära* (Vienna: ÖAW, 1989), 174.

²⁵⁷ Bunnell, *Before Infallibility* 150-154. Cardinal Schwarzenberg opposed the condemnation, however, of Günther, Mayer, *Österreich als katholische Großmacht*, 204.

Protestants, Jews, and Orthodox in the Counter-Revolution, November, 1848-1850

Although ultramontane Catholicism was, by far, the biggest victor of 1848, the other confessions registered mixed results in the revolution. Non-Catholics in general despised the newly enhanced status of Catholicism, an irritant that grew after the Concordat of 1855. In addition, religious minorities lost several rights gained in the *Vormärz*. Yet while the state embraced a union of throne and altar, on the whole the non-Catholic confessions gained in 1848. Many of the new ministers, such as Bach, had been *Vormärz* liberals with Josephist sympathies, though they recognized the power of political Catholicism. Furthermore, Francis Joseph, while a devout Catholic, was no bigot and had no desire to annul 60 years of toleration for recognized religious minorities.

In Vienna, many Jews called for ardent resistance during the October revolution. The radical writer Hermann Jellinek participated in the Viennese revolution. He wrote *Der Radikale*, which advocated democracy.²⁵⁸ He attacked German nationalism as well as religion and the state but also Orthodox Judaism and its intolerance. While he was not a socialist, he sympathized with the proletariat and even met Karl Marx during the latter's brief visit to Vienna.²⁵⁹ In addition, while Isaac Noah Mannheimer was not a radical, he grew impatient with the slow pace of reforms and gave a fiery speech on October 5th demanding the elimination of discriminatory laws.²⁶⁰ In the meantime, the same revolutionaries, such as Fischhoff, who happened to be Jewish, were powerless against the mob but stayed in the city.²⁶¹

²⁵⁸ Max Grunwald, *Vienna* (Philadelphia: The Jewish Publication Society, 1936), 287.

²⁵⁹ Baron, "The Revolution of 1848 and Jewish Scholarship," 28-30.

²⁶⁰ Gerson Wolf, *Geschichte der Juden in Wien (1156-1876)* (Vienna: Alfred Hölder: 1876), 152.

²⁶¹ Hammer, "Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848," 48.

The role of Jews in the revolution provoked cries of treason. A military court sentenced Jellinek to death, and on the morning of November 23 he was executed.²⁶² The Jewish doctor, Joseph Jacob Goldmark, received a death sentence due to his mere presence in the city, but he appealed and won.²⁶³ Ludwig August Frankl, who had organized a society for Jews to emigrate to America, took his own advice and moved to New York after the October revolution.²⁶⁴ Mannheimer continued his work at Kremsier, but after the Oktroyierte Constitution, he blasted the new government for its authoritarian manner and retreated from politics.²⁶⁵

In Hungary, Jews, along with the other religious groups suffered due to their involvement in the Hungarian revolution. Despite the widespread anti-Jewish violence in Hungary, Jews in Hungary contributed disproportionately to the Hungarian war effort. Jews constituted about 1/30th of the population in Hungary but made up 1/9th of the soldiers in the Hungarian army.²⁶⁶ In recognition of this fact, the Hungarian Parliament in Szegedin (Szeged) granted emancipation as Hungarian defeat seemed certain, on July 28, while Kossuth appeared in a synagogue in Grosswardein (Oradea) asking for forgiveness for the crimes committed against Jews.²⁶⁷

This emancipation, which came as Hungarian forces faced imminent defeat, only discredited the role of the Jews in the eyes of the victors. When Windischgrätz entered Pest in January 1849, he imposed a steep fine on the Jewish communities. Haynau heavily fined Jewish communities as his army rolled through Hungary. Windischgrätz refused to meet Löb Schwab, the rabbi in Pest, who wanted to negotiate the fine, and instead imposed on him a three-month

²⁶² Baron, "The Revolution of 1848 and Jewish Scholarship," 32.

²⁶³ Hammer, "Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848," 52.

²⁶⁴ Baron, "The Revolution of 1848 and Jewish Scholarship," 24.

²⁶⁵ Baron, 16.

²⁶⁶ Horn, *Die Juden in Ungarn*, 118.

²⁶⁷ Baron, "The Impact of the Revolution of 1848 on Jewish Emancipation," 240.

jail sentence for his sermons supporting the insurrection.²⁶⁸ On September 20, 1850, Francis Joseph reduced the fine and redirected moneys from it to a Jewish school and religion fund. These schools were subject, however, to supervision by the Catholic clergy.²⁶⁹

Meanwhile, the Schwarzenberg government advocated legal equality, which became enshrined in the Oktroyierte Constitution. Despite the anti-Jewish petitions sent in against equality and the warnings of Palacký, who warned that emancipation would provoke the “highly intolerant populace,” the Kremsier Parliament was poised to grant Jewish emancipation.²⁷⁰ In preparing the March 4 Constitution, the new regime co-opted the Kremsier Parliament and incorporated equality of confessions into the new constitution. With a stable government back in Vienna, officials cracked down on popular anti-Judaism and forced newspapers such as *Geissel* to tone down its attacks on Jews.²⁷¹ In addition, the government forced Slovak villages that had attacked Jews to pay indemnities.²⁷² Stadion urged the new government to emancipate Jews throughout the entire empire, though he acknowledged that such an act would generate uproar. Schwarzenberg and Bach agreed and wanted to proceed on this question. Schwarzenberg and his brother, the Cardinal, both rejected anti-Judaism, with the minister president noting that “every since the time of Pharaoh, governments which persecuted the Jews suffered for it.”²⁷³ Yet there was opposition within the cabinet. Some officials, such as Baron von Kübeck, thought an outbreak of anti-Jewish violence outweighed the benefits of emancipation, while Windischgrätz simply opposed emancipation. The feuding between Windischgrätz and the ministry grew

²⁶⁸ Horn, *Die Juden in Ungarn*, 135.

²⁶⁹ Patai *The Jews of Hungary*, 283-285.

²⁷⁰ Baron, “The Impact of the Revolution of 1848 on Jewish Emancipation,” 242. For petitions and debate on the Jewish question at Kremsier, see, Hammer, “Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848,” 95, 173.

²⁷¹ Hammer, “Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848,” 94.

²⁷² Patai *The Jews of Hungary*, 289.

²⁷³ Grunwald, *Vienna*, 280.

heated enough that Stadion and Bach threatened to resign. Schwarzenberg's intervention patched up this dispute and averted a scandal.²⁷⁴ Ultimately, article one of the Oktroyierte Constitution granted freedom of religion, and article two allowed each recognized confession the right to public worship.²⁷⁵ Article 24 allowed Jews to acquire property except in mining towns.²⁷⁶

These articles initially meant more for Jews than for the other confessions, for the other religions already had these rights. The ban on marriage between Christians and Jews ended on June 28, 1849, and Jews gained community electoral rights in areas in which they had not possessed them before 1848.²⁷⁷ Cracow granted political rights to Jews, but Jews agreed to remain in the ghetto.²⁷⁸ Overall, prominent Jews also remained in manufacturing and benefited from the new Habsburg-wide trade zone implemented by the new government.²⁷⁹

These newly won freedoms, however, did not last, due to local resistance and the Sylvester Patent, which abolished the Oktroyierte Constitution in 1851. In Moravia, Christians opposed the Provisional Township Law requiring Jewish and Christian neighborhoods to merge, and of 27 amalgamations, only two were voluntary. Riots occurred in Moravia in 1850 against Jews, while the archbishop of Olmütz worked to overturn emancipation peacefully.²⁸⁰ In Galicia, municipal officials blocked much of the Oktroyierte Constitution, and in 1851, Francis Joseph's abrogation of it returned Jews to their pre-1848 legal status. In 1853, Jews lost the right to buy property again, and areas such as Tyrol and Styria were again closed to Jews. Police had to approve marriages, and astonishingly, in 1853, the old Jewish oath, which the *Vormärz*

²⁷⁴ Hammer, "Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848," 180-183.

²⁷⁵ Wallner, *Die Staatliche Anerkennung von Religionsgemeinschaften*, 81-82.

²⁷⁶ Sonja Malinger, "Die Entstehung des politisch wirksamen, rassistisch orientierten Antisemitismus im Österreich des 19. Jahrhunderts," Ph.D Diss., University of Vienna, 2000, 8.

²⁷⁷ Hammer, "Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848," 187.

²⁷⁸ Baron, "The Revolution of 1848 and Jewish Scholarship," 68.

²⁷⁹ Patai *The Jews of Hungary*, 290.

²⁸⁰ Miller, *Rabbis and Revolution*, 285-285.

government had eliminated in 1846, returned.²⁸¹ In 1855, Jews also lost access to the judiciary in Galicia.²⁸²

Protestants accumulated more gains in Cisleithanian Austria during the counter-revolution. Although Protestants played a disproportionately small role in the revolution, they did agitate demands occasionally. In 1848, like the Catholics, Protestants held two conferences demanding freedom of their confession from state regulations and financial dependence on the state.²⁸³ At Kremsier, Carl Samuel Schneider spoke out against a state church and pushed for article 14, which accomplished this goal.²⁸⁴ A petition by Lutheran and Calvinist clergy from Prague on January 18, 1849 demanded unhindered public worship, free conversion of Catholics to Protestantism, a Protestant theological program at the University of Prague, for mixed marriages to be performed before the bridegroom's clergyman and children to follow the father in religious matters.²⁸⁵

Protestants also benefitted from the changes of 1849. As a recognized confession, Protestants of the Augsburg (Lutheran) and Helvetic (Calvinist or Reformed) rite had full freedom of religion from the March 4 Constitution as well as autonomy. A decree of January 30, 1849 by Stadion, the minister of the interior, banned the term *Akatholik*, and eliminated the announcement of banns in Catholic Churches for Protestant marriages.²⁸⁶ In addition any remaining stol fees (see Chapters 3 and 4) still paid to Catholic priests ceased.²⁸⁷ Rules for

²⁸¹ Hammer, "Die Judenfrage in den westlichen Kronländern Österreichs im Jahre 1848," 189.

²⁸² Eisenbach, *The Emancipation of the Jews in Poland, 1780-1870*, 382.

²⁸³ Barton, *Evanglisch in Österreich* (Vienna: Böhlau, 1998), 144.

²⁸⁴ Gottas, "Die Geschichte des Protestantismus in der Habsburgermonarchie," in *Die Habsburgermonarchie*, 4: 549.

²⁸⁵ Petition of the Protestant clergy of both rites in Bohemia to the Austrian Parliament, January 18, 1849, in HHStA, Österreichische Reichstag/90/22/2.

²⁸⁶ Gustav Reingrabner, *Protestanten in Österreich: Geschichte und Dokumentation* (Vienna: Hermann Böhlau, 1981), 211-212.

²⁸⁷ Barton, *Evanglisch in Österreich*, 144.

conversions loosened, and the Stadion decree borrowed from the 1844 settlement (see Chapter 3) in Hungary, allowing converts, provided he or she was 18, to appear before the clergyman of the community to which he or she had hitherto belonged with two witnesses and to proclaim his or her intentions. There was a four-week grace period after which the convert had to reappear and give the same proclamation.²⁸⁸ Finally any remaining prohibitions restricting access of Protestant churches to the main street ended.²⁸⁹ On April 1, 1849, the interior ministry ordered officials to cease annual reports on conversions.²⁹⁰ In 1851, the requirement that Bohemian Protestants receive state approval before receiving aid from the Gustavus Adolphus Association on a case-by-case basis ceased. Instead, the Protestants simply had to send in a yearly report on gifts received from the association.²⁹¹ The Silvester Patent left these changes intact, and it was not until the Concordat of 1855 that Protestants in Cisleithanian Austria experienced discrimination from the counter-revolution.

Protestants bore, however, the brunt of the blame for the Hungarian revolution. The military government imposed restrictions immediately after the reoccupation of Hungary, despite the fact that Haynau was a Lutheran. Count Emil Dessewffy, a conservative Hungarian, told Windischgrätz that “the experience of the last 300 years shows that without a doubt revolutionary elements are consistently identified with Protestants.” Count George Andrassy added in a report to Baron von Hubner that Hungarian Protestantism was more dangerous to the monarchy than Magyarism and urged the new regime to remove the autonomy hitherto enjoyed

²⁸⁸ “Erlass des Ministerium des Innern vom 30. Jänner 1849” in *Urkundenbuch zum Oesterreichisch-Evangelischen Kirchenrecht* ed. Karl Kuzmany (Vienna: Wilhelm Braumüller, 1855), 107

²⁸⁹ Gottas, “Die Geschichte des Protestantismus in der Habsburgermonarchie,” 549-550.

²⁹⁰ Decree to the Upper Austrian, Lower Austrian, Styrian, Bohemian, Moravian, Galician, Littoral, Tirol, and Illyrian presidents, April 1, 1849, in AVA, AK, Katholischer, 30/6711/884.

²⁹¹ “Kundmachung des Statthalters für Böhmen vom 7. April 1851,” in *Urkundenbuch zum Oesterreichisch-Evangelischen Kirchenrecht*, 442.

by the Protestant community. Bach and Schwarzenberg agreed with the assessment, noting that while Protestants were loyal in the crownlands, they were revolutionaries in Hungary.²⁹²

As a result of this sentiment, several measures negatively impacted Protestants in Hungary. In order to remedy the “abuse of authority for partisan ends [*Parteizwecken*],” Haynau removed the Protestant superintendents and replaced them with state officials.²⁹³ He issued an ordinance on February 10, 1850 banning synods and elections of superintendents. On September 7th of that year, another decree revoked the autonomy Protestants had hitherto enjoyed under article 26 of the 1791 Diet. This new rule subjected Protestant schools to state control and forced those who did not obey to become private schools, completely cut off from state funds.²⁹⁴ Furthermore, Protestants had to give the *reverse* in mixed marriages.²⁹⁵

Protestants appealed in vain against these measures. The Pressburg community argued that the March 4 Constitution banned such actions. They found a sympathetic ear in Maria Dorothea, the Protestant widow of the ex-Palatine Joseph, who had supported the Protestants in Hungary (d. 1847) (see Chapter 3). She passed on numerous petitions by Hungarian Protestants to Bach.²⁹⁶ Complaints against the loss of school autonomy and for a call to restore the pre-1848 situation, however, remained unanswered.

Finally, Vienna exploited Slovak Protestantism as a trump card against Magyarization. Slovaks had opposed Charles Zay’s union movement (see Chapter 3) for fear that it would lead to the Magyarization of the Protestant Church. Slovaks such as Ján Kollár advised the Austrian government and spoke out against a Hungarian National Church, which would be dominated by

²⁹² Gottas, *Die Frage der Protestanten in Ungarn in der Ära des Neoabsolutismus*, 29-30.

²⁹³ “Verordnung des Befehlshabers der kaiserlichen Armeen in Ungarn vom 10. February 1850 an sämtliche Militär-Districts-Commanden des Kronlandes Ungarn,” in *Urkundenbuch zum Oesterreichisch-Evangelischen Kirchenrecht*, 350

²⁹⁴ Gottas, *Die Frage der Protestanten in Ungarn in der Ära des Neoabsolutismus*, 35.

²⁹⁵ Gottas, 41.

²⁹⁶ Gottas, 33.

Magyars, preferring any national organization be limited to informal discussion on common matters.²⁹⁷ Charles Kuzmany, the Lutheran Slovak, worked with Vienna and helped draft several plans for re-organizing the Protestant Church. These plans failed, however, and it was not until martial law in Hungary ended on May 1, 1854 that the government implemented plans to centralize the Hungarian Protestant church in exchange for the retrieval of rights lost in 1850.

In the Orthodox world, little changed with the counter-revolution as the Serbs continued their war against Hungary. The Serbs under Rajačić maintained their war against the Hungarians during the counter-revolution. In early 1849 he wrote that:

old men, children and woman are being murdered by Christian barbarians; churches and holy altars are being defiled and desecrated in horrendous fashion; the dead are pulled from their graves [*herausgegraben*], their corpses and murdered remains dismembered, thrown into wells or thrown to dogs and birds for nourishment...there is no mortal pen gifted enough to describe the misery the Serbian people have suffered²⁹⁸

Rajačić concluded that the Magyars were worse than “Redskins in the American desert.”²⁹⁹ The Serbs proved their loyalty to the Habsburgs but received little in return, other than a bishop conference held in Vienna in 1850 and retention of the patriarch title for Rajačić.³⁰⁰ Although the Oktroyierte Constitution promised religious equality, Serbs received little more than that. In fact, under neo-absolutist centralization, Illyrianism fell out of favor, and the fear of Russian intervention in Orthodox areas of the Habsburg lands (see Chapter 4) reappeared, especially after

²⁹⁷ Karl Schwarz, “Ján Kollárs Denkschrift zur ungarischen Kirchenfragen (1849),” in *Österreichische Osthefte/Österreichisches Ost-und Südosteuropa-Institut* 21 (1979): 109.

²⁹⁸ Evans in “Religion und Nation in Ungarn, 1790-1849,” 13.

²⁹⁹ Evans, 13.

³⁰⁰ Willbald M Plöchl, *Die Wiener orthodoxen Griechen: eine Studie zur Rechts-und Kulturgeschichte der Kirchengemeinden zum Hl. Georg und zur Hl. Dreifaltigkeit und zur Errichtung der Metropolis von Austria* (Vienna: Verlag des Verbandes der wissenschaftlichen Gesellschaften Österreichs, 1983), 63.

Serbs participated in an Orthodox mass with the Russian army in the 1849 campaign.³⁰¹ Even the Ban of Croatia had to accept fiats from Vienna and dissolve his council and the diet in 1850.³⁰²

Although the Romanian Orthodox bishops had remained loyal to the Habsburgs, Orthodoxy in Transylvania suffered during the counter-revolution. For one, along with the countless villages burned to the ground, numerous churches, Catholic and Orthodox, including the Catholic bishop's palace in Karlsburg (Ala Iulia), were also destroyed.³⁰³ Bishop Saguna had to flee Hungarian troops on several occasions.³⁰⁴ In addition, the new governor, Louis von Wohlgemuth, jailed priests without trial, banned parish meetings, and forced churches to quarter troops. Bishop Saguna received, however, permission to hold a conference in Transylvania, and compiled complaints about Wohlgemuth, resulting in Vienna recalling the governor.³⁰⁵ Wohlgemuth's successor, Charles Schwarzenberg, was more favorable to Saguna. Thun continued, however, as minister of education and religion, to promote the Union and viewed the Orthodox as schismatics. He also supported the Serbs, hoping it would drive Romanians to the Union.³⁰⁶ Furthermore, police mistrusted Orthodox priests, whose long hair and beards aroused suspicion.³⁰⁷

Although Rajačić warned of a greater Daco-Romanian empire and opposed the restoration of the Romanian metropolitanate, Saguna wanted to save the fight against the Serbs

³⁰¹ Rothenberg, *The Army of Francis Joseph*, 36.

³⁰² Tomislav, "Between Revolution and Legitimacy," 40.

³⁰³ Gyula Várhelyi, "Das Zeitalter des österreichischen Absolutismus (1848-1867), in *Siebenbürgen in der Habsburgermonarchie*, 221.

³⁰⁴ Johann Schneider, *Der Hermannstädter Metropolit Andrei von Saguna: Reform und Erneuerung der orthodoxen Kirche in Siebenbürgen und Ungarn nach 1848* (Cologne: Böhlau, 2005), 93.

³⁰⁵ Schneider, *Der Hermannstädter Metropolit Andrei von Saguna*, 72.

³⁰⁶ Hitchens, *Orthodoxy and Nationality*, 232-234.

³⁰⁷ Schneider, *Der Hermannstädter Metropolit Andrei von Saguna*, 76.

for another day, for religion, not nationalism, was the main concern of the Romanian bishop.³⁰⁸ In the meantime, Saguna argued, Serbs and Romanians needed to cooperate against the Catholic revival underway in the Habsburg monarchy.³⁰⁹ Saguna continued to demand a metropolitanate for Romanians, while Bishop Eugene Hacman (Hackmann) of Bukovina requested an independent archdiocese for Bukovina, another area with significant numbers of Romanians. None of these requests were granted.³¹⁰ Saguna also banned his priests from giving sacraments to Greek Catholics and prohibited Greek Catholic publications.³¹¹ He set up a printer for his diocese, funded confessional schools, and published a Romanian bible in Latin, contributing, undoubtedly, to the triumph of Latin over Cyrillic in Romanian.³¹²

For Greek Catholics, there was little change in 1848, though Greek Catholic clergy received enhanced autonomy and leadership in their communities. With the exception of the bishop of Fogarash (Făgăraș), Ioan Lemenyi, who sided with the Magyars in 1848-49 and whom Vienna subsequently removed, the Greek Catholic clergy registered numerous gains after the revolution. In Croatia, Greek Catholics were subordinated to the archbishopric of Zagreb.³¹³ In 1853, the Greek Catholic bishopric in Fogarash became an arch-episcopacy, independent of the Hungarian Catholic Church.³¹⁴ The Greek Catholic diocese of Grosswardein was placed under Fogaras' jurisdiction. In addition, Greek Catholics received a bishopric in Lugos, which was subordinate not to the Hungarian primate but rather to Fogarash.³¹⁵ In 1851, Thun reopened a

³⁰⁸ Emanuel Turczynski, "Orthodoxe und Unierte," 434.

³⁰⁹ Hitchens, *Orthodoxy and Nationality*, 182.

³¹⁰ Erich Prokopowitsch, *Die rumänische Nationalbewegung in der Bukowina und der Dako-Romanismus* (Graz: Böhlau, 1965), 79.

³¹¹ Hitchens, *Orthodoxy and Nationality*, 198.

³¹² Schneider, *Der Hermannstädter Metropolit Andrei von Saguna*, 82.

³¹³ Emanuel Turczynski, "Orthodoxe und Unierte," 456.

³¹⁴ Lukács, *The Vatican and Hungary, 1846-1878*, 119.

³¹⁵ Adriányi, "Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855," 109.

central Greek Catholic seminary, which took in students from across the empire.³¹⁶ In Ukraine, a Supreme Ruthenian Council gathered in 1848 and requested equal rights for Greek Catholics. Of the 25 Ruthenian delegates to the Austrian Parliament eight had been priests, much to the chagrin of Polish nationalists, who accused Stadion of stirring up Ruthenes against Poles, quipping “how many nationalities have they left to invent?”³¹⁷ By 1852, the Greek Catholic bishop of Przemyśl, Michael Iakymovich, convinced Vienna to reopen the Greek Catholic seminary in Vienna, which had closed in 1848, and during the 1850s, Greek Catholic clergy established and operated hundreds of Ruthenian schools to educate the peasantry.³¹⁸

In Galicia, Latin and Greek Catholics came to an agreement ending their feud over marriages and conversions to each other’s rite (see Chapter 4). In 1851 Vienna asked the nuncio to bring about harmony between the two rites, and both sides came to an agreement embodied in the Concordia of 1863 which stated: conversion to each other’s rite was strictly banned and dispensations could only come from Rome; each rite could visit each other’s holy sites, the clergy could take confession from both rites, mixed marriages were permitted as long as the banns were performed in both churches; the boys would follow the father and the girls the mother in religious matters; if a Greek Catholic priest married a Latin-rite woman, then all children followed the father’s rite; and finally, illegitimate children followed the rite of the mother.³¹⁹

³¹⁶ Emanuel Turczynski, “Orthodoxe und Unierte,” 460.

³¹⁷ At the Parliament, Slavic political leaders opposed splitting Ruthenians from Galicia, arguing that Polish and Ruthenian had a shared language and history, see speech of Palazky, January 23, 1849, in *Protokolle des Verfassungs-Ausschusses im oesterreichischen Reichstage 1848-1849* ed. Anton Springer (Leipzig: Verlag von S. Hirzel, 1885), 27-28. The quote comes from Sperber, *The European Revolutions, 1848-1851*, 143.

³¹⁸ John-Paul Himka, “The Greek Catholic Church in Galicia, 1848-1914,” in *Harvard Ukrainian Studies* 26 (2002-2003): 246.

³¹⁹ Anton Korczok, *Die griechisch-katholische Kirche in Galizien* (Leipzig: B.G. Teubner, 1921), 114-121.

Elsewhere in Europe there were mixed results with regard to religious toleration after 1848. Britain had formally dropped medieval restrictions on Jews in 1846, and Jews could sit in Parliament after 1858.³²⁰ In France, Protestants lost high offices they had held before 1848, while Napoleon III allied himself with the Catholic Church and applied strict restrictions on French Protestants.³²¹ In Prussia, Jews, as in Austria, played a prominent role in political life for the first time during the revolution.³²² The Prussian Constitution of 1850 granted Jews equality before the law in article 12, but article 14 effectively annulled this article by proclaiming Prussia a Christian state.³²³ In practice Jews remained barred from public service and assemblies in Prussia until 1860.³²⁴ In Germany, Catholics also formed associations based on the French *Association Catholique* and Daniel O'Connell's organizations in the 1840s that sought autonomy and freedom from state controls.³²⁵ Furthermore, the first Catholic days and Pius Associations emerged in the Rhineland in October 1848, though tensions remained high between Catholics and the Prussian

³²⁰ For details, see David Cesarini, "British Jews," in *The Emancipation of Catholics, Jews and Protestants: Minorities and the Nation State in Nineteenth-Century Europe* eds. Rainer Liedtke and Stephan Wendehorst (Manchester: Manchester University Press, 1999), 34-47 or Geoffrey Alderman, "Reflections on the Emancipation of Anglo-Jewry," in *Paths of Emancipation: Jews, States, and Citizenship*, eds. Pierre Birnbaum and Ian Katznelson (Princeton N.J.: Princeton University Press, 1995), 129-136.

³²¹ André Encrevé, "French Protestants," in *The Emancipation of Catholics, Jews and Protestants*, 79-81.

³²² Irmtraud Götz von Olenhusen, "Juden 1848/49: Fortschritt oder Rückschritt," in *Judenemanzipation und Antisemitismus in Deutschland im 19. und 20. Jahrhundert: ein Tagungsband* eds. Wolfgang Michalka and Martin Vogt (Eggingen: Edition Isele, 2003), 50.

³²³ The Prussian Constitution of 1850 has been the subject of much debate. For a standard account of the constitution, see Ernst Rudolf Huber, *Bismarck und das Reich*, Vol 3 of *Deutsche Verfassungsgeschichte seit 1789* (Stuttgart: W. Kohlhammer Verlag, 1963), 54-128. See also Peter Landau, "Die Entstehung des neueren Staatskirchenrechts in der deutschen Rechtswissenschaft der zweiten Hälfte des 19. Jahrhundert," in *Religion und Gesellschaft im 19. Jahrhundert*, ed. Wolfgang Schieder, (Stuttgart: Klett-Cotta, 1993), 37-40. For a summary of the debates on if Jews gained or lost in 1848, see Götz von Olenhusen, "Juden 1848/49: Fortschritt oder Rückschritt."

³²⁴ Eisenbach, *The Emancipation of the Jews in Poland*, 400.

³²⁵ Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49*, 464.

state.³²⁶ After 1848, Jews received political rights in Denmark and in Sweden could settle and engage in economic activity in several towns.³²⁷ Yet the Protestant national churches remained prominent, and Swedes could not leave the Church of Sweden until 1860.³²⁸ In the Netherlands, Jews had enjoyed emancipation since 1796, but the Catholic hierarchy did not return until 1853. While Jews and Protestants had mixed gains, the biggest victor in the revolutionary events was ultramontane Catholicism and a Catholic revival that characterized the next few decades.

The Triumph of Catholicism in the Age of Neo-Absolutism, 1850-1861

Actions taken by the new regime in Vienna ensured that the Catholic revival was intense and combative in Austria. Although the state had removed its controls on the Catholic Church in 1850, Francis Joseph and numerous prelates wanted a concordat with Rome as issues such as marriage remained in question. Bach saw the political benefits of a concordat, noting

I only saw the power Christendom possessed [*innewohne*]...therefore I advise a concordat. It should solve the Italian and Hungarian question and help overcome all political and national prejudices.³²⁹

Relations between Vienna and the papacy had completely reversed by 1849, as Pope Pius IX fled to Gaeta after the assassination of his prime minister on November 15, 1848, while the Schwarzenberg government wanted the Church as a pillar of the new Habsburg state. Pius, who had once called for victory over Austrian forces in early 1848, now invited them into northern

³²⁶ Scheidgen, *Der deutsche Katholizismus in der Revolution von 1848/49*, 440. For information on relations between Rhenish Catholics and the Prussian state, see Jonathan Sperber, "Competing Counterrevolutions: Prussian State and Catholic Church in Westphalia during the 1850s," in *Central European History (CEH)* 19 (1986), 45-62.

³²⁷ Eisenbach, *The Emancipation of the Jews in Poland*, 339.

³²⁸ Dag Thorkildsen, "Scandinavia: Lutheranism and National Identity," in *World Christianities c. 1815-1914* eds. Sheridan Gilley and Brian Stanley, in *The Cambridge History of Christianity* 9 Vols (Cambridge U.K.: Cambridge University Press, 2005) 8: 351.

³²⁹ Weinzierl, *Die Österreichischen Konkordate von 1855 und 1933*, 40.

Italy to establish peace, as revolution turned the pope into a bitter reactionary.³³⁰ Papal officials, who in early 1848 had supported war against Austria, in 1849 praised the war against Hungary as a religious war against the Protestant Kossuth.³³¹ Preliminary negotiations began as early as 1849 when Schwarzenberg instructed his envoy to the papacy, Count Moritz Esterhazy, to explain to the papal court that the Austrian government was ready to abrogate Josephism in the Habsburg monarchy.³³²

Yet, Rome and Vienna continued to differ on minor issues. Even after the papacy renounced war with Austria in 1848, the Viennese nuncio remained obsessed with “the dominant anti-Roman mood” and apathetic government in Vienna.³³³ Although the papacy worked with Schwarzenberg to remove many of the Hungarian bishops, Pius IX disliked the execution of clergy, such as the Italian nationalist, Enrico Tazzoli, whom Austrian police executed in 1852 over the pope’s protest.³³⁴ The nuncio in Vienna, Viale Prelà, took offense when secular officials, especially the Protestant Haynau, unilaterally removed bishops from office, and Prelà worked to mitigate the punishments for the Hungarian bishops.³³⁵ Rome tried to get Vienna to remove Milde during the sacking of the Hungarian episcopacy in 1849 and 1850 but failed. Schwarzenberg replied that removing Milde, and presumably replacing the archbishop with an

³³⁰ For details on the Esterhazy mission and the pope’s request for Austrian troops, see Engel-Janosi, “The Return of Pius IX in 1850,” 143-158.

³³¹ Heindl, “Die Wiener Nuntiatur und die Bischofsernennungen und Bischofsenthebungen in Ungarn 1848-1850,” 412.

³³² Engel-Janosi, “The Return of Pius IX in 1850,” 158.

³³³ Heindl, “Die Wiener Nuntiatur und die Bischofsernennungen und Bischofsenthebungen in Ungarn 1848-1850,” 405.

³³⁴ Friedrich Engel-Janosi, “The Church and the Nationalities in the Habsburg Monarchy,” in *AHY*, 3 (1967): 69.

³³⁵ For details, see Heindl, “Die Wiener Nuntiatur und die Bischofsernennungen und Bischofsenthebungen in Ungarn 1848-1850.”

activist, would generate too much unrest in Vienna at the time.³³⁶ Milde, who had sabotaged earlier concordat negotiations (see Chapter 2), was aging, however, and died in 1853.

Before Milde died, Francis Joseph authorized Rauscher to negotiate the concordat, and talks began with the nuncio in Vienna. Rome made far-reaching demands for Church influence in public education, a private censor for religious books, and special treatment in civil courts for ecclesiastical officials. Talks came to a halt during the summer of 1854 over papal complaints on interfaith issues, such as burial of Catholics with non-Catholics and the religious indifference of the Austrian bureaucracy. Rauscher, the archbishop of Vienna after 1853, grew unpopular among papal officials, the latter of whom still did not appreciate that the archbishop represented the government and not the Church.³³⁷ After negotiations stalled, Francis Joseph intervened and ordered Rauscher to yield to papal demands, such as marriage, and on August 18, 1855 the two sides signed the concordat.³³⁸

The Concordat of 1855 granted the Church unprecedented rights in Austria. It recognized papal jurisdiction over the Austrian Church, abolished governmental approval for papal documents to enter the monarchy, acknowledged the freedom of bishops to run the affairs of their dioceses without the interference of secular authorities, granted the episcopacy influence in education and the press, agreed to protect the Church and provide it with local immunity, guaranteed the property rights of the Church, respected the rules of the orders, granted episcopal supervision of all schools and teaching staffs, obligated the government to prevent the distribution of books banned by the Church, abolished state interference with monastic orders and allowed the foundation of new ones, declared the *Religionsfonds* the property of the Church

³³⁶ Maass, 5: 160-161.

³³⁷ Weinzierl, *Die Österreichischen Konkordate von 1855 und 1933*, 68-72.

³³⁸ Weinzierl, 78.

but allowed the state to continue managing it.³³⁹ The 1850 ordinances had dismantled Josephist rules on the Church, but the Concordat of 1855 reinstated for Catholicism substantial authority and marked the formal union of throne and altar.

Most importantly, article X of the agreement granted the Church jurisdiction over marriage, as prescribed in the canons of the Council of Trent. Within a few months, ecclesiastical authorities began rejecting mixed marriages. An imperial decree in October 1856 confirmed this new rule, and in January 1857, the ecclesiastical courts took over the function of marriage for all Catholics in the empire, thus rendering the Austrian civil code invalid for Catholics in this realm. Rauscher ordered that the *reverse* must be provided. He did, however, permit passive assistance in his diocese as a “tragic but necessary measure.”³⁴⁰

While Josephists bitterly opposed the concordat and the powers it granted the Church, the concordat contained Josephist elements. For the first time, one comprehensive set of rules governed the entire episcopacy. During the negotiations, the one point on which the Austrian government insisted was that a concordat must apply to the entire empire, with Rauscher telling the papacy “His Majesty will conclude a concordat either for the whole monarchy or not at all.”³⁴¹ Rauscher was convinced of the need to apply it to the whole empire, writing to Schwarzenberg on February 5, 1850 that “there are no hindrances for the equalization of the church in Hungary [with the other territories]. The king has extraordinary rights in Hungary...now Hungary should be seen as an organic part of the empire.”³⁴² Nowhere was the

³³⁹ The results of the concordat are described in Weinzierl, 80-81; a copy of the Concordat of 1855 in German is located in Weinzierl, 250-258.

³⁴⁰ Rauscher’s pastoral letter to parish clergy, December 21, 1856, in *Hirtenbriefe, Predigen, Anreden*, 1: 477.

³⁴¹ Adriányi, “Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855,” 96.

³⁴² Adriányi, “Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855,” 35.

centralization more apparent than in Hungary, where Joseph's centralizing reforms had failed the most spectacularly. The imposition of a centralized ecclesiastical hierarchy onto Hungary formed a major pillar of Habsburg neo-absolutism in the 1850s.

In Hungary, the difficult task of rebuilding the Church fell to John Scitovszky, the archbishop of Gran, whom Vienna promoted to primate in 1849. Scitovszky had been an ardent opponent of mixed marriages and had stood up to the countries on this issue after the Cologne Affair (see Chapter 3).³⁴³ Although he had been loyal to Vienna in 1848, he fought to preserve the privileges of the Hungarian Church. Scitovszky reopened the seminaries by 1850, had the bishoprics filled that the *Vormärz* regime had left vacant, and called several episcopal conferences on the model of those in Austria in 1850, 1851, and 1852. The Jesuits also returned in 1853 and took over several colleges.³⁴⁴ Scitovszky also urged Francis Joseph to apply the April decrees of 1850 to Hungary and to release the jailed clergy.³⁴⁵ He was unable to get these concessions nor was he able to restore the "Catholic character" of Pest University, where, he lamented, the majority of students were Jews and the majority of professors were Protestant.³⁴⁶

Yet Scitovszky's biggest battle was against the Concordat of 1855, the contents of which he supported, but the style, imposed from Vienna, he vehemently opposed. Scitovszky even made a secret trip to Rome in 1854 to stop the concordat. Austrian officials argued that Hungary's privileges had long been abolished, especially during the Reform Diets of the 1840s

³⁴³ Primetshofer, *Rechtsgeschichte der gemischten Ehen in Österreich und Ungarn*, 99.

³⁴⁴ Moritz Csáky, "Die Römisch-Katholische Kirche in Ungarn," in *Die Habsburgermonarchie 1848-1918*, 4: 265.

³⁴⁵ Adriányi, "Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855," 51, 60.

³⁴⁶ For a summary of the demands, see Adriányi, "Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855," 63.

(see Chapters 4, 5, and 6).³⁴⁷ But Scitovszky noted that in Hungary, unlike Austria, canon law was still in force for marriage, bishops had more authority over school inspections, there were stricter fasting rules, the hierarchy still used Latin in church administration, clerics had immunity from secular courts, and the primate was a central figure in the episcopacy.³⁴⁸ The pope expressed sympathy for these arguments about Hungary's historical privileges and autonomy, but he could not get exceptions for Hungary added into the concordat, which applied to the entire monarchy.

The Concordat of 1855 brought obvious advantages for the Hungarian Catholic Church as it again made Catholicism the privileged faith of the empire, which included the Kingdom of Hungary. In addition it also forced the king to consult with Rome on episcopal nominations, granted episcopal influence in managing the *Religionfonds*, and enhanced property protections. But other articles, such as a strengthened loyalty oath to the king and the de facto sidelining of the primate's office, along with the annulment of Hungary's historical ecclesiastical autonomy, upset many Catholics in Hungary.³⁴⁹

Protestantism in Hungary underwent a similar centralization from Vienna. After 1854, Habsburg officials began loosening up restrictions on Protestants in exchange for reorganization of the Protestant churches under the authority of an Austrian official. Joseph Andreas Zimmerman and Thun worked out several reorganization plans, but opposition from Protestants, who wanted guarantees of the 1844 settlement (see Chapter 3), delayed action from Vienna until September 10, 1859 when Francis Joseph published the Protestant Patent. This patent formed an office for Protestants in the cultural ministry, allowed local election of clergy, permitted synods

³⁴⁷ Adriányi, "Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855," 105.

³⁴⁸ Adriányi, "Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855," 97.

³⁴⁹ Adriányi, 118-119.

to determine marriage laws, placed all taxes into a Protestant church fund, and only employed Protestants as school inspectors. Protestant schools remained publicly funded, and the 1859 patent not only confirmed the articles from the 1791 and 1844 Diets but expanded them to Croatia, ending the Municipal Right which had banned Protestantism (see Chapter 3).³⁵⁰

Despite these seemingly favorable rules, the 1859 patent generated opposition, especially among Magyar Protestants. Many Protestants objected to Catholics sitting on a governing board making decisions for Protestant churches.³⁵¹ A Lutheran synod in eastern Hungary on October 6, 1859 requested the restoration of the pre-1848 conditions and opposed the imposition of rules from Vienna.³⁵² Despite numerous protests, reorganization of Protestant communities according to the guidelines of the patent proceeded, especially in Slovakia, where Lutherans greeted it, fearing Magyarization more than Vienna.³⁵³ Ultimately pressure from Great Britain and General Louis von Benedek convinced Vienna to retract the patent on May 15, 1860.³⁵⁴ A year later, neo-absolutism would formally end in Cisleithanian Austria, and a parliament opened.

Karl Marx famously blamed discord among the revolutionaries, especially class divisions, as the reasons for 1848's failure, an assessment even non-Marxist historians have adopted.³⁵⁵ Liberals recoiled from radicalization, while ruling regimes studied and digested the events of 1789 and 1793, and while they bided their time, they built up loyal armies, confronted the revolutionaries, and ultimately exploited these divisions. Nowhere was this truer than in the Austrian Empire, which was the nexus of revolutionary fervor in 1848-49. Nor was the Austrian

³⁵⁰ Gottas, *Die Frage der Protestanten in Ungarn in der Ära des Neoabsolutismus*, 80-81.

³⁵¹ Bela Kiraly, "Protestantism in Hungary between the Revolution and the Ausgleich," in *Tolerance and Movements of Religious Dissent in Eastern Europe* ed. Bela Kiraly (Boulder, CO: East European Monographs, 1976), 69.

³⁵² Gottas, *Die Frage der Protestanten in Ungarn in der Ära des Neoabsolutismus*, 86.

³⁵³ Adriányi, "Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855," 113.

³⁵⁴ Gottas, *Die Frage der Protestanten in Ungarn in der Ära des Neoabsolutismus*, 130.

³⁵⁵ Sperber, *The European Revolutions, 1848-1851*, 246.

Revolution of 1848 unique in producing a victory for the Church. Across Europe, a Catholic revival took place as pilgrimages, Catholic days, missions, associations ---all with the support of Catholic governments---blossomed and attracted ordinary Catholics.³⁵⁶ In countries with Catholic minorities, the episcopacy, abolished since the sixteenth century, emerged again after 1848. Catholicism even flourished in traditionally Protestant countries such as the Netherlands, though Catholics remained, in large part, shunned in Dutch society.³⁵⁷ Again, Austria participated in this trend as the new regime fervently allied itself with the Catholic Church, marking a sharp reversal from the *Vormärz* when a Catholic revival had been underway in most of the West (see Chapter 2), with the notable exception of the Habsburg Empire.

Despite the gains registered by Catholicism as a result of 1848, religious concerns played a secondary role in the revolutions. The divisions that afflicted the various social, linguistic and ethnic groups of the empire also applied to the various confessions. In the Habsburg Empire, the religious compromises of the *Vormärz* ensured that confessional tensions were minor in 1848. In addition, they retained the loyalty of Protestants in Austria and the Orthodox across the empire. Austria had a structure to move forward with full equality and most Reform Jews thought they could work within the moderately liberal system put together by Pillersdorf. In 1849, it was not difficult to grant near parity to non-Catholics, for that had been the practice in most of the

³⁵⁶ For details on the Catholic revival in Germany, see Jonathan Sperber, *Popular Catholicism in Nineteenth-Century Germany* (Princeton N.J.: Princeton University Press, 1984), 44-150. The Catholic revival in nineteenth-century Germany has confounded historians, who only studied the topic in large numbers in the 1980s. For a summary of this historiographical issue, see Margaret Lavinia Anderson, "The Limits of Secularization: On the Problem of the Catholic Revival in Nineteenth-Century Germany," in *The Historical Journal (HJ)* 38 (1995): 647-670.

³⁵⁷ For a succinct overview, see Erik Sengers, "Dutch and Catholic: The Catholic Church and Dutch Catholics in the Dutch Nation-State since 1795," in *Religious Newcomers and the Nation State: Political Culture and Organized Religion in France and the Netherlands* (Delft: Euboron, 2010), 79-97.

Habsburg Empire before 1848, even if Jews had lost such gains by 1852 and Protestants suffered disadvantages in mixed marriages after the Concordat of 1855.

The policies of the pre-1848 regime also left Catholics unsure of how to respond to the revolution. Many Catholic activists sat on the sidelines and did not rally to the government until the Schwarzenberg regime emerged victorious. The Josephists, most closely linked to the old order, had been trained not to mix religion with politics and to work only in spiritual affairs and thus did not defend the government. For Hungarian Catholics, Vienna held no special appeal for the state had not boosted Catholicism, and in fact, had left many dioceses vacant and had sided with liberals on the religious question during the Reform Diets (see Chapters 4, 5 and 6). In addition many of the bishops were careerists who threw their lot in with the Hungarian ministry in 1848-49.

The new situation was pleasing to none other than Metternich, who had unsuccessfully tried to loosen state controls on the Church in the 1830s and 1840s, while at the same time maintaining toleration for non-Catholics (see Chapter 2). Metternich, whose frustration showed in 1847, supposedly proclaimed to the Protestant wife of the Palatine, Maria Dorothea, "I will no longer allow any more Protestant wives in the family of the emperor!"³⁵⁸ But by 1850, the influential members of the emperor's entourage were Archduchess Sophie and Rauscher, while the minister president, Schwarzenberg, took advice from his brother, who was the only cardinal in the empire in 1848. Although Metternich, always suspicious of centralization, disliked the reorganization of the Protestant churches in Hungary, he greeted, in general, ecclesiastical developments after 1848, including the Concordat of 1855.³⁵⁹ He condemned the outcry over the

³⁵⁸ Gottas, *Die Frage der Protestanten in Ungarn in der Ära des Neoabsolutismus*, 39.

³⁵⁹ Adolf Beer, "Kirchliche Angelegenheiten in Österreich 1816-1842," *Mitteilungen des Institutes für österreichische Geschichtsforschung (MIÖG)*, 18 (1897), 1. Metternich opposed the plans to centralize the Protestant confessions in Hungary, in Metternich to Charles von

annulment of Josephist laws, noting the “decades-long period” through which the “misguided” Josephist laws interfered with the Church had only made the “return to these simple wise” policies appear as a violation against “supposed” (*vermeinte*) rights.³⁶⁰ Metternich noted with wonder that the clergy and the revolution had accomplished what he and a Catholic monarch in 35 years could not.³⁶¹ In religious matters, Metternich was one of the greatest victors of 1848.

Kübeck, May 30, 1853, *Metternich und Kübeck: ein Briefwechsel*, ed. Baron Max von Kübeck (Vienna: Verlag von Carl Herold, 1910), 173-175.

³⁶⁰ Metternich to Kübeck, May 5, 1850, in *Kübeck und Metternich. Denkschriften und Briefe*, ed. Adolf Beer (Vienna: Carl Gerold, 1897), 114.

³⁶¹ Franz Leander Fillafer, “Rivalisierende Aufklärungen: Die Kontinuität und Historisierung des josephinischen Reformabsolutismus in der Habsburgermonarchie,” 156.

CHAPTER SEVEN: JOSEPH II'S REVENGE AND THE LONG-TERM EFFECTS OF THE REVOLUTIONS OF 1848

In the aftermath of 1848, numerous Catholics praised Austria's new course and recommitment to Catholicism. Works such as *Österreichs Mission als katholische Weltmacht* (Austria's Mission as a Catholic Power) in 1850 praised the government for restoring Catholicism to its rightful place in Austria, which Joseph II had unwisely cleared out, noting that "Catholicism is the first imperative, the soul of the state and Austria owes its inheritance to it."¹ The new archbishop of Vienna, Joseph Othmar Rauscher noted that Francis Joseph would go down in history as a savior for he stood up to forces determined to restrict Catholicism.² Tangible results of this Catholic revival were increased missions, the construction of churches and cathedrals (most notably the Cathedral of the Immaculate Conception in Linz), and the emergence of Catholic associations, which outpaced liberal ones in members by four to one in regions such as Upper Austria.³ In recognition of this success, Rauscher began the canonization process in the 1860s for the man most responsible for planting the seeds of Catholic revival in the dark days of the *Vormarz*: Clemens Maria Hofbauer (see Chapter 1). The devoutly Catholic Archduke Franz Ferdinand, the presumptive heir to the throne, finished this undertaking in 1909 when Hofbauer received sainthood.⁴ In 1914, Vienna made Hofbauer the patron saint of the city. The alliance of the Habsburgs and Catholicism, interrupted from 1780 until 1848, lasted until the demise of the empire after the First World War and had ramifications long after 1918.

¹ Joseph Chawanetz, *Oesterreichs Mission als katholische Weltmacht* (Schaffhausen: Fr. Hurter'schen Buchhandlung, 1850), 162.

² Rauscher's pastoral letter to the clergy, February 24, 1853, in *Hirtenbriefe, Predigen, Anreden von Joseph Othmar Kardinal Rauscher, Fürst-Erzbischof von Wien* 2 Vols (Vienna: Verlag Friedrich Manz, 1858), 1: 232.

³ Max Herbert Voegler, "Religion, Liberalism and the Social Question in the Habsburg Hinterland: the Catholic Church in Upper Austria," 1850-1914 Ph.D Diss., Columbia University, 2006, 3.

⁴ Hans Novogoratz, "Sebastian Brunner und der frühe Antisemitismus," Ph.d, Diss., University of Vienna, 1978, 46.

The period of clerical authoritarianism after the Concordat of 1855 was, however, short lived. After Austria's defeat in a war against the French-backed Sardinians and the loss of Lombardy in 1859, liberals, such as the banker Ignaz von Plener, refused to grant loans to the government until Francis Joseph agreed to a parliament.⁵ This assembly had few powers, there was limited suffrage, and most non-German lands opposed it. But liberals managed to force concessions for the empire's religious minorities. At the new parliament in 1860 the Transylvanian Protestant Carl Maager complained about the mixed marriage restrictions and demanded equality of confessions.⁶ In 1860 Leopold Thun and Joseph Zimmermann created a Protestant department in the cultural ministry, similar to what they had tried to do with Hungarian Protestants (see Chapter 6). On April 8, 1861, the ministry released the Protestant Patent, which, much to the chagrin of the pope and Tyroleans, granted formal equality with Catholics.⁷ The patent retained the same structure for Protestantism, with the state confirming the superintendents, but Protestants could form associations and communicate with foreign bodies.⁸

⁵ Pieter Judson, *Exclusive Revolutionaries: Liberal Politics, Social Experience, and National Identity in the Austrian Empire, 1848-1918* (Ann Arbor, MI: University of Michigan, 1996), 76.

⁶ Gottas, "Die Geschichte des Protestantismus in der Habsburgermonarchie," in *Die Konfessionen*, Vol IV of *Die Habsburgermonarchie 1848-1918* (Vienna: Der österreichischen Akademie der Wissenschaften (ÖAW), 1985), 553-554.

⁷ Pope Pius IX complained to Francis Joseph that this patent violated the Concordat of 1855. The emperor reassured the pope that these concessions dealt with internal Protestant affairs and did not harm the Catholic Church. See the exchange between the emperor and the pope, July 30 and August 31, 1861 in Friedrich Engel-Janosi, ed, *Die politische Korrespondenz der Päpste mit den österreichischen Kaisern 1804-1918* (Vienna: Verlag Herold, 1964), 258, 259. In Tirol numerous pamphlets denounced the Protestant Patent as a violation of Tyrolean Catholic rights; see, for example, *Für die Glaubenseinheit Tirols: Ein offenes deutsches Wort an das Tiroler Volk: von einem Rheinischen Rechtsgelehrte* (Innsbruck: Vereins-Buchdruckerei, 1861). The bishops tried to suspend the Protestant Patent for Tirol, which succeeded for several years, see Wolfgang Liebenwein, "Die Toleranzgesetzgebung und Tirol," *Im Lichte der Toleranz* ed. Peter F. Barton (Vienna: Institut für Protestantische Kirchengeschichte, 1981), 262-265; Tyrolean politicians, backed by the pope, opposed the creation of any Protestant communities in Tirol. The first Protestant community appeared in Innsbruck and Meran in 1876, see Josef Gelmi, *Kirchengeschichte Tirols*, (Innsbruck, Tyrolia-Verlag, 1986), 192.

⁸ Gottas, "Die Geschichte des Protestantismus in der Habsburgermonarchie," 556.

General synods could issue church laws, which needed the emperor's approval.⁹ The patent did not, however, address interconfessional relations, which remained governed by the Concordat of 1855.

For the Orthodox, the pre-1848 concessions remained in force. Article XX of the 1847-1848 Diet, passed right before the revolutions (see Chapter 4), had granted equality to the Orthodox. Romanians also received formal equality in 1863, their own metropolitan in 1864 at Hermannstadt (Sibiu), and permission to sit in the Transylvanian Diet.¹⁰ After the creation of the Dual Monarchy in 1867, the new Hungarian Parliament retained the status quo.¹¹ In 1868 when Transylvania merged with the Kingdom of Hungary, the new laws simply expanded provisions of the 1844 Diet (see Chapter 3) on mixed marriage and conversions to Transylvania.¹²

After defeat in the Austro-Prussian War in 1866, Francis Joseph granted far-reaching concessions to liberals and Hungarians, resulting in the 1867 Constitution and the Dual Monarchy or *Ausgleich*, granting Hungary autonomy and Jewish emancipation. The 1867 Constitution granted parity for the four recognized confessions of the Habsburg Empire but nothing to the other faiths, enshrining the "all or nothing" policy.¹³ Article 17 of the constitution also introduced civil marriage.¹⁴ The strengthened parliament with its limited suffrage favored the upper bourgeoisie, a liberal constituency, and liberalism entered its golden age in the 1860s

⁹ Barton, *Evanglisch in Österreich* (Vienna: Böhlau, 1998), 146.

¹⁰ Emanuel Turczynski, "Orthodoxe und Unierte," in *Die Habsburgermonarchie 1848-1918*, 435.

¹¹ For the text, see Emilian Edler von Radics, *Die Orthodox-Orientalischen Partikularkirchen in der Ländern der Ungarischen Krone: eine rechtsgeschichtliche Abhandlung* (Budapest: Victor Hornyanszky, 1885), 65-68.

¹² The legal text can be found in, Eugen Brode, *Die rumänische Frage in Siebenbürgen und Ungarn: eine politische Denkschrift* (Berlin: Puttkammer & Mühlbrecht, 1895), 234.

¹³ Lukas Wallner, *Die Staatliche Anerkennung von Religionsgemeinschaften: die historische und aktuelle Umsetzung der religiösen Vereinigungsfreiheit in Österreich unter Berücksichtigung des deutschen Religionsrechts* (Frankfurt am Main: Lang, 2007), 85.

¹⁴ Karl Vocelka, *Verfassung oder Konkordat? Der publizistische und politische Kampf der österreichischen Liberalen um die Religionsgesetze des Jahres 1868* (Vienna: ÖAW, 1978), 48.

and 1870s. The biggest target for liberals was the Concordat of 1855, which they dismantled in steps in 1868 in the Cisleithanian Austrian Parliament.

The announcement of the concordat had immediately unleashed a storm of protest. The police minister, John Francis Kempen, was a Josephist and protected liberal organs that attacked the concordat.¹⁵ After the signing of the concordat, numerous pundits pronounced it the death of Joseph's reforms. Rumors spread about the reintroduction of the Inquisition and a return to the fifteenth century.¹⁶ Protestants strongly disliked the concordat, and the Vienna Protestant consistory complained it "conceded to the Catholic Church unrestricted authority" and made it master over the state, rendering it impossible for secular authorities to provide protection.¹⁷ Francis Grillparzer wrote that, regarding the Concert of Europe, "the Turk entered the first door, while Austria exited through the second," referring to the progressive Tanzimat reforms juxtaposed to the backwards concordat in Austria.¹⁸ Grillparzer, always one for wit, added "do hurry and proclaim the concordat. Then castrate yourselves to keep from sinning."¹⁹

Josephists and liberals formed an alliance in parliament against the concordat. In the attack on the concordat, liberals and old Josephists invoked the memory of Joseph II. One ultramontane delegate, Count Blome, electrified parliament with a speech declaring "what Joseph did was nothing more than strive to strengthen state power" and asked the government to respect freedom of the Church.²⁰ Anton von Schmerling, the former interior minister, replied the next day and implied supporters of the concordat were disloyal to the Habsburgs, noting to lively

¹⁵ Vocelka, *Verfassung oder Konkordat?*, 32.

¹⁶ Erika Weinzierl-Fischer, *Die Österreichischen Konkordate von 1855 und 1933* (Vienna: Verlag für Geschichte und Politik, 1960), 92.

¹⁷ Gotta, "Die Geschichte des Protestantismus in der Habsburgermonarchie," 553-554.

¹⁸ Vocelka, *Verfassung oder Konkordat?*, 34.

¹⁹ Peter Horwath, *Der Kampf gegen die religiöse Tradition: die kulturkampfliteratur Österreichs 1780-1918* (Bern: P. Lang, 1978), 78.

²⁰ Vocelka, *Verfassung oder Konkordat?*, 84.

applause that "...and so I must today raise my voice to reject what is being said about Joseph....for [he] thoroughly tore down the medieval establishment, and those, which are undertaking to put our modern state on old historical foundations....to them the memory of Emperor Joseph is unpleasant."²¹ Blome responded that there were 183 million foreign Catholics and 17 million Austrian ones and that the 183 million were no admirers of Joseph, prompting boos from delegates in parliament.²² Rauscher argued, partially correctly, that liberals misunderstood Joseph, for the emperor himself eventually concluded his reforms had gone too far and retracted them at the end of his reign.²³ What liberals were really defending were the pillars of the *Vormärz* religious order, though they tried to deny the continuities of the Enlightenment with the 1792-1848 period.²⁴ In this sense, Josephism provided a bridge to liberalism, though one that has gone largely unnoticed because liberals were loathe to claim legitimacy from the *Vormärz* regime.

The concordat did not go down without a fight. Catholic associations pointed to Joseph's rule, noting that revolution would follow Enlightenment.²⁵ The archbishop of Zagreb, George Haulik von Varallya, defended the concordat saying "it is an unqualified good for Catholics, who make up the majority of the population; not only because it loosened the chains on the Church...but rather because it brought the rules of religion into harmony with that of secular

²¹ Vocolka, 84.

²² Vocolka, 88.

²³ Address of the gathered archbishops and bishops in Vienna to Francis Joseph, September 28, 1867, in *Hirtenbriefe, Reden, Ausschriften von Joseph Othmar Kardinal Rauscher*, 2: 231.

²⁴ After 1848, liberals tried to depict the *Vormärz* as backwards and as a break with the Enlightenment, see Franz Leander Fillafer, "Rivalisierende Aufklärungen: Die Kontinuität und Historisierung des josephinischen Reformabsolutismus in der Habsburgermonarchie," in *Die Aufklärung in ihre Weltwirkung* ed. Wolfgang Hardtwig (Göttingen: Vandenhoeck & Ruprecht, 2010), 147.

²⁵ Laurence Cole, "The Counter-Reformation's Last Stand: Austria," in *Culture Wars: Secular-Catholic Conflict in Nineteenth-Century Europe*, eds. Christopher Clark and Wolfram Kaiser, (Cambridge U.K.: Cambridge University Press, 2003), 305.

law...thus eliminating conflict between the two.”²⁶ Albert Jäger, a Tyrolian Catholic cleric, argued that legally only mutual negotiations between the emperor and pope could annul the concordat.²⁷

Bishops personally pleaded with Francis Joseph asking for preservation of the concordat. The defenders of the concordat also included Rauscher, who remained one of Francis Joseph’s most influential advisors and also sat in parliament. In a speech on February 15, 1866, Rauscher attacked the opponents of the concordat, proclaiming “anyone from Austria who demands that Austrian withdraw from the rank of Catholic state is an enemy of the empire.” He noted that Protestants were only a small minority and argued that Austria was now a Catholic state, just as England was a Protestant one, “and with God’s help will remain so.”²⁸

Ultimately, however, Josephism did a more effective job of controlling the Church than liberalism. Liberals passed the May Laws in 1868, which returned marriage to secular courts, restricted clerical influence on schools to religious instruction, and ended state support for feast days. The elderly Grillparzer gleefully voted for the May Laws. After the passage of these laws, a celebration in Vienna took place and students and officials streamed to the monument of Joseph.²⁹ Yet liberals had only rolled back the most offensive parts of the concordat and did not annul the other privileges gained in 1848, such as free communication with Rome, for they did not want to be seen as anti-religious.

The May Laws were moderate and did not restore Josephist controls on the Church, but many clergy, now emboldened, considered them intolerable and resisted their imposition. Most notable was Bishop Rudigier of Linz, who ordered disobedience of this law, called civil marriage

²⁶ Vocolka, *Verfassung oder Konkordat?*, 37.

²⁷ Vocolka, 20.

²⁸ Rauscher’s Speech in Parliament, February 15, 1866, in *Hirtenbriefe, Reden, Ausschriften von Joseph Othmar Kardinal Rauscher, Fürst-Erzbischof von Wien*, 2: 54-58.

²⁹ Vocolka, *Verfassung oder Konkordat?*, 127.

null and void, and declared the brides of such ceremonies concubines.³⁰ The bishop's refusal to follow the law earned him a fourteen-day jail sentence, but Francis Joseph commuted it. Even then, the bishop wrote that Francis Joseph would have to answer for the May Laws in heaven.³¹ But it was not until the pope declared infallibility (when speaking *ex cathedra*) at the First Vatican Council in 1870 that Francis Joseph formally ended the concordat. In Hungary, the concordat lost the force of law after the *Ausgleich* in 1868 when a bishop conference informed the papal nuncio that the concordat had been imposed unconstitutionally on Hungary and was no longer valid.³² Yet liberals did not retain their influence on state affairs, and Catholicism remained a pillar of the Habsburg, and later Austrian, state.

Liberals never held the reins of government in Austria-Hungary, and after the 1873 stock market crash and the subsequent depression, they lost credibility, losing their ruling majority in parliament in 1879. By the 1890s, the Christian Social Party was able to market the idea that the traditional values of the Church coincided with those of artisans and the lower middle classes. Christian Socialists convinced artisans that their occupational decline was due to cultural lawlessness, and offered themselves as a bulwark against radical red socialism. As a result, clericalism gradually ceased becoming a negative word in Austrian politics.³³ In fact, the Church consciously entered popular politics in Austria, and became a fixture in political life that previous governments had tried to prevent.³⁴

³⁰ Vocelka, 164.

³¹ William M. Johnston, *The Austrian Mind: An Intellectual and Social History, 1848-1938* (Berkeley CA: University of California Press, 1983), 56.

³² Gábor Adriányi, "Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855" Ph.D. Diss. St. Thomae Aque, Rome, 1963, 20.

³³ John W. Boyer, *Political Radicalism in Late Imperial Vienna: Origins of the Christian Social Movement 1848-1897* (Chicago: The University of Chicago Press, 1981), 116.

³⁴ John W. Boyer, "Catholic Priests in Lower Austria: Anti-Liberalism, Occupational Anxiety, and Radical Political Action in Late Nineteenth-Century Vienna," in *Proceedings of the American Philosophical Society* 118 (1974): 337.

One element required in Christian Socialism was a politically active clergy, the emergence of which can be directly traced back to 1848. The Catholic social reformer Charles von Vogelsang edited the *Das Vaterland* (The Fatherland) and promoted traditional, Catholic anti-Judaism but in a coherent form that blamed Jews for liberal capitalism and other social problems.³⁵ After the May Laws removed clerical influence from the school system, many priests, eager to retrieve the leadership role that Josephism had conferred on them as bureaucrats, bought into Christian Socialism in the 1880s.³⁶ Christian Socialists welcomed priests as grass roots organizers, who provided legitimacy for public order.³⁷ Priests adopted secular anti-Semitism in hopes that the middle classes would drop their anti-clericalism, over the objections of the government and episcopacy, which viewed these priests as radicals.³⁸ Priestly leadership, confined to busy work of record keeping and enforcing bland decrees under Josephism, transformed into a political role and one that contributed to Austria's infamous anti-Semitism at the turn of the century.³⁹

Sebastian Brunner's career is a good example of this process. Brunner's initial stance in 1848 toward Jews was moderate. He defended Orthodox Jewry and its 3,000-year history, and his use of the word "Jew" was an insult that applied to Reform Jews, whom he viewed as atheists and materialists.⁴⁰ Along with his attacks on Jewish "materialism" he employed typical anti-Jewish arguments such as that the Jews were cursed because they had killed Christ, but this anti-

³⁵ Isak Arie Hellwing, *Der konfessionelle Antisemitismus im 19. Jahrhundert in Österreich* (Vienna: Herder, 1972), 16-18.

³⁶ Boyer, *Political Radicalism in Late Imperial Vienna*, 122.

³⁷ Boyer, 165.

³⁸ Boyer, "Catholic Priests in Lower Austria," 367.

³⁹ The idea that priests enjoyed the responsibilities placed on them by Josephism is not new. For details on these bureaucratic duties, see William D. Bowman, *Priest and Parish in Vienna 1780-1880* (Boston: Humanities Press, 1999).

⁴⁰ "Unsere Stellung zu den Juden," in *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der katholischen Kirche* (WKZ), April 29, 1848, 28.

Judaism was relatively tame in that tumultuous year, and louder voices drowned out Brunner.⁴¹ He even remained friends with and defended Emmanuel Veith (see Chapters 1 and 6), a Jewish convert to Catholicism. In the 1850s, Brunner's anti-Semitism intensified. He caused a stir, for example, by claiming Jews committed blood libel and tried to link past cases, such as the Damascus one (see Chapter 5), to Jews.⁴² He also agitated against re-abolishing the Jewish oath and opposed the entry of Jews into Christian corporations.⁴³ Brunner criticized the liberal Jew, Ignaz Kuranda, who blamed Christians for Jewish persecution. Brunner responded that emancipation was impossible because Jews had rejected the messiah.⁴⁴ Kuranda attacked Brunner in the *Ostdeutsche Post* writing that "Mr Sebastian Brunner has turned Jew hatred into a literary industry."⁴⁵ Brunner even sued Kuranda for libel--but lost.

Racial anti-Semites borrowed from Brunner and utilized his Christian anti-Judaism to generate credibility among Christians and used it as a bridge to secular anti-Semitism. Brunner's hatred of Jews grew more virulent, and in 1886 he referred to Jews as insects and parasites and anti-Semitism as insect powder.⁴⁶ Brunner was a darling of the rabid anti-Semites at the turn of the century, with one biographer praising him for "protecting our Aryan people for 50 years against the corruption and trampling [*Niedertretung*] by foreign, nomadic peoples."⁴⁷ A Nazi biography of Carl Lueger in 1936 opened with an honorable mention of Brunner, praised the

⁴¹ Novogoratz, "Sebastian Brunner und der frühe Antisemitismus," 125.

⁴² Novogoratz, 215.

⁴³ Novogoratz, 190.

⁴⁴ Erika Weinzierl, "On the Pathogenesis of the Anti-Semitism of Sebastian Brunner (1814-1893)," in *Yad Vashem Studies* 10 (1974): 231.

⁴⁵ Wolfgang Häusler, "Orthodoxie und Reform im Wiener Judentum in der Epoche des Hochliberalismus," in *Der Wiener Stadttempel 1826-1976* Vol 6 of *Studia Judaica Austriaca*, (Eisenstadt: Edition Roetzer, 1978), 40.

⁴⁶ Weinzierl, "On the Pathogenesis of the Anti-Semitism of Sebastian Brunner," 235.

⁴⁷ H.R. Lenz, ed, *Judenliteratur und Literaturjuden: Aus Sebastian Brunner's Werken dargestellt* (Münster: Adolph Russell's Verlag, 1893), 4.

latter for paving the way for Lueger.⁴⁸ These developments redeemed the Jews who had called for massive emigration to the United States after the outbreaks of violence in 1848 and discredited those, such as Simon Hock, who noted how much things had improved for Jews from 1648 to 1748 and to 1848 and prophesized that “the year 1948 will someday look down with proud contempt on its century-old predecessor.”⁴⁹

The Hofbauer circle had a direct influence on Brunner, whose biographers and Brunner himself closely linked to the patron saint. In 1858 Brunner wrote a glowing biography of Hofbauer.⁵⁰ When Brunner died in 1893, he asked that his remains be placed with his heroes in the “cemetery of the Catholic Romantics,” which included Hofbauer’s grave. While Brunner was a traditional anti-Semite and opposed pogroms, the rabid anti-Semites, who grew in number and ferocity at the turn of the century, used Brunner’s work, honored him, and exploited it for legitimacy among Christians who were otherwise hesitant to embrace racial anti-Semitism. Brunner’s career would not have been possible without the Catholic revival, which emerged victorious after the events of 1848/49 and which Hofbauer had inspired. As this account suggests, one result of 1848 was the release of social forces that would contribute to the ideological brew of clerical fascism in the interwar period.

Christian Socialists offered crucial assistance in propping up the dynasty until 1918, even if Francis Joseph disapproved of their anti-Semitism, but even the fall of the regime did not supplant political Catholicism, which entered its golden age in the interwar period. Ignaz Seipel, the priest and chancellor of the First Republic twice in the 1920s, supported Catholic days in the

⁴⁸ Novogoratz, “Sebastian Brunner und der frühe Antisemitismus,” 286.

⁴⁹ Salo W. Baron, “The Revolution of 1848 and Jewish Scholarship: Part II: Austria,” in *Proceedings of the American Academy for Jewish Research* 20 (1951): 58. Baron caustically noted that Hock had a “misguided fling at prophecy.”

⁵⁰ Sebastian Brunner, *Clemens Maria Hoffbauer [sic] und seine Zeit: Miniaturen zur Kirchengeschichte von 1780 bis 1820* (Vienna: Wilhelm Braumüller, 1858).

1920s and paved the way for a new concordat, which was signed in 1933. Engelbert Dollfuss, the dictator who implemented the Concordat of 1933 noted “we want to create a Christian German state” and promised to be the first country to follow the pope’s encyclical, *Quadragesimo Anno* (1931), which condemned liberal capitalism and totalitarian communism.⁵¹ The Constitution of 1934 amounted to the establishment of Catholicism as the quasi-state religion.⁵² In the meantime, Protestants were sidelined from public life.

Jews suffered the most, however, once they lost the steady protection of the Habsburgs. The appearance of unstable democracy led to rabid attacks on Jews in the 1920s. Groups such as the Anti-Semitic Club (*Antisemitenbund*) and the Front Fighters Association (*Frontkämpfervereinigung*) held mass rallies and attacked Jews.⁵³ The police had to turn Vienna into an armed camp to ensure the safety of the World Zionist Congress in 1925.⁵⁴ Christian Socialists tried to tame violent anti-Semitism, though they fed on the more moderate varieties. Seipel represented his constituency when he claimed the Christian Social Party was an anti-Semitic party aimed at combating Jewish influence, though he discouraged public attacks on Jews.⁵⁵ Conditions improved briefly under the fascist regimes of Dollfuss and Curt Schuschnigg, both of whom tried, ultimately in vain, to prevent the *Anschluss* (annexation) to Nazi Germany. One of the few prominent voices to speak up for the Jews and against the *Anschluss* was Otto von Habsburg, earning the Habsburg pretender a death warrant from the Nazis.

⁵¹Markus Rudolf Einfalt “Ignaz Seipel im Spannungsfeld zwischen Politik und Kirche: Politischer Katholizismus in den Jahren 1918 bis 1934” (master’s thesis, University of Vienna, 2004), 45.

⁵² Lukas Wallner, *Die Staatliche Anerkennung von Religionsgemeinschaften*, 96.

⁵³ Bruce F. Pauley, *From Prejudice to Persecution: A History of Austrian Anti-Semitism* (Chapel Hill: University of North Carolina Press, 1992), 78-82.

⁵⁴ Pauley, *From Prejudice to Persecution*, 110.

⁵⁵ Klemens von Klemperer, *Ignaz Seipel: Christian Statesman in a Time of Crisis* (Princeton N.J.: Princeton University Press, 1972), 255-256.

CONCLUSION

The famed toleration of the Habsburgs only took root in the 1792 to 1848 period. Joseph II changed the ideology of the Habsburg state, breaking its close link with Catholicism, and his successors maintained this shift. Leopold II expanded Josephism, and Francis II/I anchored it in the first twenty-five years of his rule. While the Toleration Patent was the landmark feature of toleration, historians have rightfully pointed at its restrictions. What Joseph did, however, was to effect a revolution in the practice of toleration that imperial officials inherited and implemented. During the *Vormärz*, the regime applied liberal interpretations of the Toleration Patent in Austria and Bohemia. In Galicia, Vienna voluntarily enforced an obscure treaty granting near parity to Protestants over the more restrictive Toleration Patent. In Hungary, the Habsburgs ignored the Edict of Toleration and granted Protestants wide-ranging autonomy and toleration, embodied in article 26 of the 1791 settlement, and during the Reform Diets, Vienna sided with the Protestants in order to defuse confessional tensions. The Orthodox possessed similar privileges in Vienna, Dalmatia and in the Kingdom of Hungary. Jews still had to wait until 1867 for emancipation, but the state made incremental steps toward equality, even if was frustratingly slow for Reform Jews. After the death of Francis, the lack of a strong emperor meant that Austria stagnated while the Josephist structure grew increasingly enfeebled as liberalism and ultramontanism pulled the empire into two opposite directions. Yet the Josephist system dominated Austria until 1848.

Although historians tend to adore Joseph for his relatively loose press controls, Josephism from 1792 until 1848 interwove itself tightly with the infamous censorship regime of the *Vormärz*. The state retained controls on the Church that Joseph had established, and accomplished this feat largely through censorship, which officials employed, not only against leftists and revolutionaries, but also religious zealots. While the Catholic and ultramontane press bloomed in the German states, in Austria the state suppressed such mouthpieces, much to chagrin

of Catholic activists who lamented the lack of Catholic essays from Austria. Just as the Habsburg monarchs chose not to politicize events in the German Confederation as the president, the Austrian government refused to tap Catholicism for political capital.¹ The state's fear of public opinion included Catholic activism, and a Catholic revival would inevitably invoke popular politics and with that the potential for disorder.

While the regime maintained confessional peace, it came at the price of freedom. General rights to worship remained mostly unhindered, but officials banned proselytizing and anything with the potential to cause strife. The state regulated minute details of everyday religious life, and top officials in Vienna expended enormous time and energy deciding individual cases of conversions, mixed marriages, and other disputes that erupted between the various confessions. Catholic historians, such as Eduard Hosp and Ferdinand Maass are thus wrong when they criticize these controls as anti-Catholic, for the state strove to keep all confessions out of the political space. It was the lack of domination of the state apparatus by outspoken Catholics that upset such critics of the Josephist regime.

Although liberals mostly viewed the pre-1848 period with disdain, in 1873 the liberal Eduard von Bauernfeld looked back on the *Vormärz* and noted that:

the clergy never enjoyed such power like as it has in our day, for the Catholic and religious Kaiser [Francis], who was no friend of freedom, also tolerated no free Church in his unfree state, held immutably firm to his *placetum regium* [royal approval] and would have never been pleased with the Concordat [of 1855].²

Censorship and absolutist government were not universally negative and not unilaterally employed against liberals or potential revolutionaries. These tools of the state were also used to

¹ Wolf D. Gruner, *Der Deutsche Bund 1815-1866* (Munich: C.H Beck, 2012), 37. Although Gruner focuses on the "Third Germany," he noted that Austria entrusted the Confederation only with administrative duties.

² Peter Horwath, *Der Kampf gegen die religiöse Tradition: die kulturkampfliteratur Österreichs 1780-1918* (Bern: P. Lang, 1978), 79.

create compromise and religious harmony after centuries of bitter discord. Officials viewed the Counter-Reformation as a huge mistake in Habsburg history and set out to tackle the age-old problem of toleration and to keep zealous Catholics at bay, while at the same time promoting morality. In this compromise, the Church had to operate within the confines established by Joseph II, requiring substantial state regulation. Toleration and censorship went hand in hand and were instrumental to maintaining stability.

This system should be credited with giving Austrian religious peace in an era in which ultramontanism and the confessional states of the so-called “neo-confessional age” emerged. Remarkably, in a period that saw revolutions and riots break out repeatedly in France, Belgium, several German states, Poland, Switzerland and other states, Austria, with its absolutist system of government, weak structure, and diverse population, remained tranquil in a sea of troubles until 1848. In fact, the only real revolt, the 1846 Uprising in Galicia, failed because the peasants remained loyal to the Habsburgs. Although it was unimaginative at times and did not grab headlines (thus proving its effectiveness), the Josephist system that Francis and his bureaucrats carried out ensured that the explosive issue of confessionalism remained tamed. The state strove to keep religion out of the political sphere to prevent it from feeding into political conflict. Habsburg officials refused to use Catholicism as a political weapon and expended great effort in defusing potential confessional conflicts as it acted as an arbiter in the most religiously diverse state in Europe. These policies provided a structure for conflict resolution that not only provided stability before 1848 but also proved durable in the late nineteenth century and early twentieth century, when dealing with the growing problem of nationalism. The neutralization of religious conflicts must count as an important factor in the stability of Metternich’s Austria.³

³ While it is tempting to attribute Austria’s political stability to censorship and brute force, one must remember that most states had censorship, including Britain and France, both of which had

Although Francis Joseph restored the union of Church and altar in the 1850s and signed the Concordat of 1855, it did not last long, and liberals repealed it in the late 1860s. The ecclesiastical system of the *Vormärz* can, thus, be seen as a bridge to liberalism, which granted parity to the recognized confessions. Although Francis Joseph and the Austrian state maintained close links with Catholicism, toleration and protection for the religious minorities of the Austrian Empire remained, a tradition that lasted from Joseph II down to the collapse of the monarchy in 1918. Overall, the 1780s to 1848 marked the period in which the biggest gap existed between the Habsburg state and the Catholic Church. It was also the only era in which the Habsburgs disassociated themselves politically with Catholicism.

Whether the churches in the empire were centrifugal or centripetal forces is an open question. The monarchy was already brittle in many ways by the 1830s, and nearly collapsed in 1848.⁴ Habsburg officials' paranoia of disorder was rooted in the monarchy's relative weakness, and many of Vienna's concessions in places such as Hungary often came from a position of impotence due to the power of local authorities who possessed substantial privileges and political power. These compromises subsequently left the Hungarian Catholic episcopacy listless and ambivalent toward Vienna, as the Habsburg regime refused to use Catholicism to procure political capital in Hungary. These policies did, however, neutralize Protestant opposition in Cisleithanian Austria and bought the loyalty of the Orthodox in southern Hungary. Even in Hungary, concessions split the opposition and prevented it from using Vienna as a Counter-Reformation boogeyman, a tactic that had worked well in the past in prompting uprisings.

much larger police forces protecting their monarchs, see Alan Sked *Metternich: An Evaluation* (New York: Palgrave Macmillan, 2008), 126. In fact, Francis commonly walked around Vienna unprotected.

⁴ Constitutionalism, firmly anchored after 1867, muted the centrifugal forces, as even the forces of nationalism, which threatened the empire in 1848-9, proved too weak to rip apart the monarchy until World War I, which also toppled three other empires.

Catholicism was not a pillar of the government in 1848 and the Church subsequently sat on the sidelines in the opening days of 1848.

The regime itself viewed Catholicism as a spent political force. For Vienna, Catholicism was a political burden not an advantage. This attitude was a tacit acceptance of the Enlightenment idea that historical progress had eliminated the Counter-Reformation and that even Jews would, inevitably, be emancipated and fully integrated into larger society. Metternich was one of the few top officials who saw that the history does not run on a linear line pointed at progress. He unsuccessfully tried to loosen the controls on Church life for he knew ultramontane, political Catholicism was a growing force that Austria would need. Without Catholicism to hold the empire together, Vienna gambled on dynastic loyalty. One of the privileges of being a Habsburg citizen was freedom from forced religion, and officials made decisions on conversions and mixed marriages based on whether the subject at hand was doing it out of inner conviction. Because the regime rejected legitimacy based on liberal constitutionalism, German nationalism, or Catholicism, the government allocated spaces for the major religious minorities and promised a non-confessional, vaguely neutral state as one of the benefits to living in the Habsburg Empire.

This system of toleration contained deficiencies and was by no means perfect. It was practical with no claims to high-minded ideals. It was unimaginative and at many parts, chained to the Josephist system, which was 60 years old by the end of the *Vormärz*. In addition, despite the complaints by Catholics and the special privileges given to Protestants and Orthodox (denied to Catholics), Catholicism remained legally the dominant religion, and top officials were Catholics. Although the state refused to utilize Catholicism as a political weapon, it had to respect Catholics by virtue of their numbers and historical dominance, in order to prevent a Catholic backlash and to deny Catholic activists a rallying point. Yet this system granted far-

reaching privileges and autonomy to legally recognized confessions, which covered the vast majority of the population. The state, in place of strident confessional dogma, stressed “morality” and strove in sermons and education to create moral, virtuous subjects, who would work hard, create wealth but also obey the law. Furthermore, nowhere in Europe did pure religious toleration exist, and in fact, in much of Western Europe, only the majority religion was legal, and in most other states, rulers aligned themselves with the majority religion to exploit popular opinion. The Habsburg system was progressive for its time, and though it had stagnated by the late 1830s, it was entrenched and Austria retained a well-functioning system that promoted toleration and discouraged confessionalism in the most religiously diverse state in Europe.

Confessionalism in the Twenty First Century

The issue of confessionalism and toleration has not disappeared. It was not until industrialization, literacy, and mass communications of the twentieth century that secularization of the general population occurred in Europe, and its roots were shallow until the 1960s. Despite the victory of numerous secular ideologies in the nineteenth and early twentieth centuries and the seemingly unstoppable march of “progress” that continued into the twentieth century, the secularization paradigm collapsed by the 1980s. After suppression by secular ideologies, such as Soviet communism and Kemalism, confessional states are emerging in places such as Vladimir Putin’s Russia and Recep Erdoğan’s Turkey. Putin has helped sponsor an Orthodox revival, and in exchange, Patriarch Kirill of the Russian Orthodox Church has blessed Russian expansionism. In addition, the old conflict between Greek Catholicism and Orthodoxy has re-emerged with the re-legalization of Greek Catholicism after the collapse of the Soviet Union, and the ongoing

Russian-Ukrainian conflict has heightened these tensions.⁵ Meanwhile, Erdoğan has substantially rolled back Kemal Atatürk's reforms in the 1920s. Much to the chagrin of secular autocrats and Western leaders, confessional states and movements have emerged in the aftermath of the Arab Spring and as of this date (2015) are plunging large portions of the Middle East, such as Syria, Iraq and Yemen, into civil war.

Although Western Europe, including Austria, has undergone a thorough secularization since the 1960s and the religious revival that took place in the U.S. in the 1980s is receding, religious tensions have not been resolved. American forms of religious freedom in Austria are, for example, relatively recent. The Protestant churches only obtained freedom from state control in 1961. Methodists and Mormons only obtained recognition in Austria in 1951 and 1955 respectively. In 1997 Jehovah Witnesses unsuccessfully applied for state recognition in Austria. After a lawsuit, the European Court for Human Rights ruled that Austria had violated the rights of Jehovah Witnesses along with other groups in Austria, such as Hindus and Baptists. Only in 2009, did Jehovah Witnesses obtain legal recognition.⁶ In addition, in recent years, anti-Semitic attacks have risen to levels not seen since the 1940s.⁷

Islam poses the biggest challenge, however, in present-day Europe. The problem of how to incorporate large numbers of Muslims into secular societies with Christian traditions is a hot topic that makes the news daily. Although the Habsburg monarchy was the first European state to recognize Islam in 1912 and integrate it into the legal system, the law only recognized the

⁵ See, for example: Tom Heneghan, "Religious Tensions Deepen Ukraine Splits—Russian Orthodox Official," *Reuters*, May 16, 2014. Amie Ferris-Rotman, "Ukraine's Greek Catholic Church looks to Boost Sway—by Equipping Military," *Christian Science Monitor*, December 28, 2014.

⁶ Karl Vocelka, *Multikonfessionelles Österreich: Religionen in Geschichte und Gegenwart* (Graz: Styria Premum, 2013), 22-23.

⁷ Jon Henley, "Antisemitism on Rise across Europe 'in Worst Times since the Nazis,' *The Guardian*, August 7, 2014.

Hanifa rite in Austria until 1987.⁸ Ultimately, the question of how to incorporate minority religions, many of which reject the values of their host countries, into countries that have not embraced the “melting pot” remains unresolved.

The experiences of the twentieth century and the present day demonstrate the extraordinary difficulties in resolving religious tension. As this account and others show, the problem of toleration and confessionism remained a thorny issue in the nineteenth century. It did not go away with the Enlightenment, the French Revolution, and Napoleon. While the Habsburg system of religious toleration is anachronistic today, it has been more successful in defusing confessionism than other systems, past and present. One should not scoff at Habsburg attempts to solve the issue of confessionism for these problems have deep roots, contain complex nuance, and do not appear to be on the verge of resolution anytime soon.

⁸ Lukas Wallner, *Die Staatliche Anerkennung von Religionsgemeinschaften: die historische und aktuelle Umsetzung der religiösen Vereinigungsfreiheit in Österreich unter Berücksichtigung des deutschen Religionsrechts* (Frankfurt am Main: Lang, 2007), 242.

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