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In the shadow of Josephinism: Austria and the Catholic Church in the Restoration, 1815-1848

Scott M. Berg

Louisiana State University and Agricultural and Mechanical College, scottm.berg@sbcglobal.net

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IN THE SHADOW OF JOSEPHINISM: AUSTRIA AND THE CATHOLIC CHURCH IN
THE RESTORATION, 1815-1848

A Thesis

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
Master of Arts

In

The Department of History

by
Scott M. Berg
B.A., University of North Texas, 2007
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When I entered graduate school two years ago, the idea of writing a master's thesis haunted me. Little did I know, however, that despite the frustration, stress, and setbacks that accompanied this project, I would thoroughly enjoy writing this thesis. Although I did the research, translations, and writing, others played indirect, though no less important, parts in this project.

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Abstract

In the 1780s, Emperor Joseph II implemented reforms of the Catholic Church in Austria. By the time of his death in 1790, Joseph had cut off the Austrian Church from Rome, dissolved one-third of the monasteries in the Habsburg Empire, made marriage a state matter, granted toleration to Protestants, controlled clerical education, and restricted many religious activities. After the French Revolution and Napoleonic Wars (1789-1815), Europe retreated toward conservatism, and reform in Austria ended. Yet most of the religious changes in the 1780s, aptly labeled Josephinism, remained in the Austrian Church.

This thesis will examine the persistence of Josephinism in the Austrian Church. Austria continued to restrict communication between the Church and the papacy, used books banned by Rome in its clerical educational system, tolerated Protestants, retained control of marriage laws, and regulated overall religious activity. Josephinism was a compromise between anticlerical liberalism and the Catholic reaction that characterized several other European nations after 1815. Austria censored egregiously anticlerical literature and tolerated religious minorities in a manner that did not offend ordinary Catholics. Bureaucrats cultivated the support of the growing liberal middle classes, who supported a reduction in the Church's temporal power, by attempting to restrain zealotry. This religious settlement helped ensure political and religious stability in the Restoration (1815-1848).

Through the lens of Church policy, one can see Austria's response to the challenges of modernization. Austrian officials remained committed to the ideals of Josephinism, and religious policy in the Habsburg Empire was surprisingly progressive and peaceful until the Revolutions of 1848. For the Restoration era, Josephinism worked well as a balance between Catholic reaction and the secularism of the modern world. But in the 1850s, Emperor Francis

Joseph dismantled the Josephinist Church and concluded a concordat with Rome that favored the papacy. When international events forced the emperor to share power in the 1860s, the concordat and other conservative Church policies of the 1850s became an easy target for anticlerical liberals. This religious turmoil in the 1850s and 1860s confirms that the moderate Church policy pursued before 1848 had, indeed, been the proper course of action for Austria.

Introduction

In 1840, the leading Austrian diplomat and statesman, Prince Clemens von Metternich wrote to his ambassador in Rome about a “ghost, which passed through the land, wanting to overthrow everything but only managing to form a movement that built nothing.”¹ This nefarious spirit haunting Austria was Josephinism, named after the reform-minded emperor, Joseph II (r. 1780-1790). Joseph had died in 1790, yet his alterations to the Austrian religious settlement persisted, and this quote illustrates a little-known aspect of the Habsburg monarchy in the *Vormärz* (1815-1848). Although Metternich downplayed, in this letter, the lasting effect of Josephinism to a papacy strongly opposed to the everlasting reforms of Joseph, the Austrian Church held on, in the Restoration, to the legacy of the preceding era, enlightened absolutism.

Scholars typically view the re-establishment of the old order, after the upheaval of the French Revolution and Napoleonic Wars, at the Congress of Vienna in 1815 as a victory for conservatism---and it was. The diplomats who put back together most of the old world in 1815 met in Vienna, which symbolized the defeat of revolution and Enlightenment and the reemergence of legitimate rulers, the conservative monarchs. Metternich led this restored Europe, opposing revolution and liberalism on the continent, yet behind this conservative veil existed a reformed Church, subordinated to a government immersed in Josephinism.

¹Metternich to Count Lützow, February 18, 1840, In Ferdinand Maass ed, *Der Josephinismus Vol V: Lockerung und Aufhebung 1820-1850* (Vienna: Verlag Herold, 1961), 565; “Telle est la vérité sur ce que l'on entend par le joséphinisme en matière de religion, et si on le réduit à son essence, le joséphinisme n'est qu'un fantome, qui a passé sur une terre où il a voulu renverser, mais où il n'est parvenue qu'à créer beaucoup de mouvement sans rien construire;” a similar story appears, as part of a history of the term “Josephinism,” in Derek Beales, *Enlightenment and Reform in Eighteenth-Century Europe* (London: I.B. Tauris, 2005), 288-291.

Despite Austria's victory in the Napoleonic Wars, the Habsburg Empire faced a myriad of long-term problems after 1815. The Austrian Empire contained Germans, and significant numbers of Hungarians, Czechs, Italians, Slovaks, Romanians, Poles, Croats, and other nationalities. French revolutionary armies had been raised in the name of the nation, Napoleon had swept away much of the old order, and French occupation provoked nationalist responses across Europe. After 1815, the Industrial Revolution spread slowly to the European continent and would lead to improved communication and mass literacy, which were vital elements for nationalism, the dominant force in Europe by the second half of the nineteenth century.² In addition, as absolute monarchs, the Habsburgs were allied naturally with conservatives, many of whom wanted a religious revival after the violent anti-clericalism³ of the French Revolution and Napoleonic Wars. Religious zealotry appeared, however, out of place in the nineteenth century as migration to the cities broke believers' traditional ties with the Church for immigrants, and middle-class liberals⁴ increasingly pushed for the gradual reduction of the Church's temporal power. The multi-national Habsburg Empire faced, thus, a challenge of modernization. Austria's Church policy illustrates how the Habsburgs dealt

² Benedict Anderson. *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso Editions), 1983. Nationalism plays a subordinate role in this thesis because it is not a dominant until the second half of the nineteenth century. Anderson argues that the growth of print played a key role in nationalism as a group of people could read the same newspapers in the same languages and view themselves as part of an imagined community.

³ Anticlericalism is opposition to the political influence of the Church. It took many forms in the nineteenth century. Some anticlerical advocates pushed for religion to take on a primarily spiritual role instead of a political one, while others questioned the core beliefs of Christianity.

⁴ The best definition for early nineteenth-century liberalism is best embodied in the initial, moderate stage of the French Revolution (1789-1792). In general, liberals desired equality under the law, economic freedom with little interference by the government, limited monarchs, and freedom of religion with the Church reduced to spiritual and charitable functions.

with this task and how difficult it was to run Austria in the nineteenth century. Austria remained committed to Josephinism as a solution to reconciling religion with the modern world. The Habsburg monarchy was, therefore, not as outdated, creaky, and conservative as it appeared on the outside, but rather, contained progressive elements planted in the 1780s. Through the lens of Church policy, one can see the conflict in the modern world between traditional religious customs and the secularism of the nineteenth century. How did the Austrian government deal, for example, with complaints from conservative Catholic clergymen when a Protestant industrialist married into a primarily Catholic society? While Josephinist Church policy did not please everyone, it worked well enough to ensure religious peace throughout the Restoration.

This thesis will explain the prevalence of Josephinism in the Church and the forms that it took in the Restoration. Chapter one analyzes the mindsets of Metternich, Emperor Francis I (r. 1792-1835), the bureaucracy and how the backgrounds of these figures favored maintaining the Josephinist Church. It also describes the roles and actions of a loose movement of Catholic advocates who attempted to roll back the reforms of Joseph II. The conflicts between these sides manifested themselves in many areas of public life but the focus is on the educational system. Chapter two examines the relationship between Austria and the papacy, which remained sour after the 1780s. The persistence of Josephinism in the Austrian Church ensured that Austrian-Papal relations never recovered before 1848, while the expansion of the Habsburg monarchy in northern Italy complicated and strained ties between the two powers. Chapter three discusses the contentious marriage laws that had existed in the monarchy since the 1780s. One of the biggest concerns of the pope and Catholic advocates in Austria was the ease with which one could obtain a mixed marriage and the participation of

the clergy in this endeavor. From the early 1830s until the 1840s, this issue dominated Austrian Church politics as the clergy started refusing mixed marriages. Chapter four explains the situation of monasteries and orders in *Vormärz* Austria. Governmental restrictions on monastic houses and orders endured throughout the Restoration, and Austria limited the re-entry of the Jesuits into Austria in 1820 and subjected the order to intense state oversight. The final chapter analyzes the revolutions of 1848 and how they led to the downfall of the Josephinist Church. After this upheaval bishops pushed the new Emperor Francis Joseph for the abolition of state regulations on the episcopacy. Catholic advocates had educated Francis Joseph, and in a series of measures in the 1850s he destroyed the Josephinist Church. Despite the conservatism of the Austrian Empire, Josephinism was an area in which the Habsburgs could claim a mark of modernity. The Josephinist Church was a compromise between liberal anticlericalism and Catholic reaction that characterized many countries, such as Spain, after 1815. It appeased the growing bourgeoisie but was inoffensive to most devout Catholics, helping to ensure stability in the *Vormärz*.

Josephinism under Maria Theresa and Joseph II

In the wake of the Reformation, the Catholic Church regarded Austria as a champion of Catholicism and an ally against heresy. The Habsburgs played a prominent role in the Counter-Reformation, converted most of Austria back to Catholicism, exiled the Protestant Bohemian nobility, and battled the Protestants fiercely in the Thirty Years War (1618-1648). Austria had also defended Central Europe against Turkish invasions, fighting numerous wars against the Ottoman Empire from 1526 until, by the end of the seventeenth century, Islamic forces were no longer a threat to Catholic Europe

In the middle of the eighteenth century, Austria shifted, however, and adopted enlightened absolutism in response to new threats. Absolutist monarchs in France and Prussia attacked Austria in 1740, with the result that Prussia, with fewer resources than Austria, wrested Silesia away from the Austrians. In 1749, Maria Theresa, empress of Austria from 1740-1780, initiated reforms in the bureaucracy, tax collection, education, and the military in order to compete with her rivals.

While Maria Theresa was a devout Catholic, the papacy and clergy opposed her initiatives, such as taxation of the wealthy monasteries and the Church, leading her to frame her reforms in the context of the Enlightenment sweeping Europe at the time.⁵ The Age of Enlightenment spanned the bulk of the eighteenth century and attempted to apply the achievements of the Scientific Revolution of the previous century to human society. In general Enlightenment writers emphasized reason and urged skepticism with respect to the claims of traditional religious authorities, while enlightened Catholics strove for improved education, increased bible study, and reduced ancient privileges of the Church. Maria Theresa claimed that the state possessed supreme jurisdiction over secular and ecclesiastical affairs, with the exception of Christian doctrine, and banned the clergy from criticizing the government's ecclesiastical measures.⁶ After 1767 papal bulls were no longer valid in Austria, and enlightened, though still Catholic ideas, gained influence. Her foreign minister, Count Wenzel Anton von Kaunitz, held anti-clerical views. The Archbishop of Vienna from 1757-1803, Count Christoph Anton Migazzi, allowed reformist Catholic views to flourish at his seminary and sympathized with Jansenists, who believed that salvation came through faith

⁵ Ernst Wangermann, *The Austrian Achievement 1700-1800* (London: Thames and Hudson, 1973), 80.

⁶ Derek Beales, *Joseph II: Against the World 1780-1790*, Vol. 2 of *Joseph II* (Cambridge: Cambridge University Press, 2009), 85-86.

and advocated for a simpler church.⁷ Ludovico Muratori's critique of baroque art and arguments for guided reading among the laity influenced educational reformers in Maria Theresa's government, who pushed for increased literacy among the subjects of the Habsburg Empire.⁸ After the abolition of the Jesuits in 1773 Maria Theresa confiscated the order's property to establish compulsory education.⁹

Despite these setbacks for the Church, the Counter-Reformation remained active in Austria until Maria Theresa's successor, Joseph II, became sole ruler in 1780. The Counter-Reformation in Austria had aimed, for almost 200 years, to stamp out Protestantism, put severe pressure on Protestants to convert to Catholicism, and drive non-Catholics underground. Joseph abolished, for example, the private fund Maria Theresa used to pay converts from Protestantism to Catholicism and allowed Protestant books to slip through the censors as long as they did not attack Catholicism.¹⁰ In 1780, he rescinded the *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 as a penalty for apostasy.¹¹ On December 31, 1780, he ended Catholic missions into Protestant lands. Joseph's concessions were meant to alleviate conditions for religious minorities and to make the latter useful to the state. The monarch's concessions toward non-Catholics culminated in the Edict of Toleration of October 1781. This decree granted rights to other Christians, such as Calvinists, Lutherans, and Greek Orthodox, and allowed them to build churches in communities with at least 100 adherents. Joseph dissolved many

⁷ James Van Horn Melton, *Absolutism and the Eighteenth-Century Origins of Compulsory Schooling in Prussia and Austria* (Cambridge: Cambridge University Press, 2003), 82.

⁸ Melton, 76.

⁹ Melton, 210.

¹⁰ Beales, *Joseph II*, 51.

¹¹ Beales, *Joseph II*, 168.

monasteries, which he believed to be involved in unproductive activities. Joseph abolished 700 monasteries during his reign, or about one-third that had previously existed.¹² In January, 1782, he suppressed contemplative monasteries in Austria and Bohemia. He confiscated monastic property and put their resources into a *Religionsfond*, which he used to pay and to educate clergy to minister to his subjects. He ended monastic education in 1783 for clergy and ordered all novices to obtain their education in general seminaries, established in university towns. The number of monks dropped during Joseph's reign. The total clerical population numbered approximately 47,000 in 1781, but by 1790, the Austrian government employed only 38,475 clergymen, though the number of secular priests¹³ increased.¹⁴ Most of this drop resulted from the closure of monasteries.¹⁵

Enlightenment ideas of religious toleration flourished in Austria in the 1780s. Enlightened Catholics welcomed Joseph's reforms, and Jansenists, whom the papacy had condemned in 1713, desired greater independence of bishops from Rome, and therefore, supported his anti-papal actions. The Austrian government, under Joseph's orders, ignored papal bulls condemning Jansenism. In the 1780s, the government removed passages in textbooks offensive to tolerated minorities.¹⁶ Playwrights, such as Paul Weidmann, argued that religious persecution was evil and praised Joseph.

¹² Beales, *Joseph II*, 292.

¹³ Secular clergymen did not belong to religious orders, whereas regular clergy took monastic vows.

¹⁴ P.G.M. Dickson, "Joseph's Reshaping of the Austrian Church," *The Historical Journal* 36 (1993): 101.

¹⁵ Dickson, 100.

¹⁶ 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): 43.

Even non-tolerated religions fared better in the 1780s. While Islam was not one of the tolerated religions, witnesses from the 1780s noted Turks in Vienna doing business comfortably. The Moroccan ambassador reported in 1783 that the city's residents were at ease with Islam.¹⁷ In Vienna, Turkish ballets grew more popular as memories of the Ottoman threat subsided. Joseph's various edicts removed some of the dress and tax laws aimed at Jews and allowed limited construction of new synagogues.

Not surprisingly, the actions of Joseph upset Catholic leaders. The Austrian monarch believed that the Church, like any other institution, should be subordinate to the state. His establishment of an Ecclesiastical Court Commission to administer the Church, enactment of marriage into a civil contract, ban on clerical communication with Rome, and requirements for the clergy to obtain their education in government-run seminaries, which stressed loyalty to the state, displeased the papacy. Joseph set detailed regulations for mass such as the content of the sermons, determined how long candles could burn, and even dictated the music used. In the new Church, masses emphasized congregational singing in the vernacular and adopted a more pragmatic Catholicism that focused more tangible benefits, such as caring for the poor, and less on mysticism.¹⁸ The papal nuncio, Cardinal Giuseppe Garampi, warned the pontiff as early as July 1780, that the Church was in danger, while the Archbishop of Vienna, Migazzi, sent dire messages to Pope Pius VI, predicting the fall of the Church in Austria.¹⁹ Events in Austria had become serious. A pope had not set foot on German soil since the

¹⁷ Paula Sutter Fichtner, *Terror and Toleration: The Habsburg Empire Confronts Islam, 1526-1850* (London: Reaktion Books, 2008), 92-93.

¹⁸ Reinhard Pauly, "The Reforms of Church Music under Joseph II," *The Musical Quarterly* 43 (1957): 375

¹⁹ Beales, *Joseph II*, 169.

Council of Constance in 1415. Pius VI reached Vienna on March 22, 1782 and stayed for a month.

Yet, the Church's ability to resist Joseph was limited. The pontiff planned a welcome mass in St. Stephen's Cathedral in Vienna, and Joseph warned him that public criticism of his policies during mass would result in a response from the Imperial box. In private talks with Pius, Joseph agreed to minor concessions, and the pope agreed not to protest the monarch's actions to the Catholic courts in Europe, but on April 22, Pius left, disappointed, from Vienna.

Throughout the rest of Joseph's reign, state control over the Church expanded. In 1783, he claimed the right of investiture in Italy and replaced the deceased Archbishop of Milan. When the pope refused to recognize the new archbishop, Joseph's foreign minister, Kaunitz, proposed convening a council of Lombard bishops that could overrule the pope's decisions. Such a move threatened to revive the notion of conciliarism, the notion of spiritual authority embodied in a council for Church politics. The pope capitulated, and in the Concordat of 1784, Pius agreed to mute his protests against Joseph's religious policy. By the end of the 1780s, few links existed between Rome and the Austrian Church.

Historiography of Josephinism

Historians have coined the term "Josephinism" to classify the paternalistic, enlightened reforms that developed under Joseph II. Derek Beales has provided the following definition of Josephinism:

a movement for change...affecting many aspects of [the life of the monarchy], but especially associated with claims made and measures taken by the state to control and reform the Roman Catholic Church within its borders, involving not only obviously ecclesiastical matters...but also wider issues such as the reform of education in all its aspects, the liberalization of censorship and the reorganization of poor relief.²⁰

²⁰ Beales, *Joseph II*, 68.

One could also add to this definition the standardization of policies throughout the monarchy, especially in the realm of language and treatment of peasants. The historiography on Josephinism has produced discussions of such subjects as fake letters attributed to Joseph, the influence of Maria Theresa, the role of the Enlightenment, and the success and radicalism of the reforms.

The English-language historiography has no book in publication about Josephinism, but several biographies of Joseph exist. *The Revolutionary Emperor: Joseph II of Austria* by Saul Padover is the groundbreaking work. First published in 1934 and then re-issued in 1967, it was one of the first comprehensive biographies of Joseph. Padover's main thesis is that Joseph carried out a drastic, revolutionary policy that was anti-ecclesiastical, anti-feudal, and anti-provincial. By contrast Paul Bernard does not, in his 1967 work *Joseph II*, view Joseph as a radical reformer. He argues that Joseph wanted only to reform how the system worked, not change its foundations.²¹ P.G.M Dickson, in "Joseph II's Reshaping of the Austrian Church," attempts to correct many assumptions that exist in much of the historiography on Joseph's reforms.²² He asserts that the alterations to the Church were not as radical in execution as decree and notes that Joseph used the *Religionsfond* to expand the parish clergy.²³ In *The Austrian Achievement 1700-1800*, Ernst Wangermann posits that economics motivated Joseph's actions. He claims that Joseph concerned himself primarily with encouraging commerce and industry, forcing religious conformity and prejudice to yield to economic considerations. Derek Beales' recent work *Joseph II. Vol II: Against the World, 1780-1790*, published in 2009, disputes the notion that Josephinism was part of a wider,

²¹ Paul Bernard, *Joseph II* (New York: Twayne, 1968), 40.

²² Dickson, 89.

²³ Dickson, 104.

already-accepted, trend in Austria. He contends that ordinary Catholics were unprepared for the burst of reform that occurred in the 1780s.²⁴ He points to the persistence of the Counter-Reformation at the end of Maria Theresa's reign and notes, furthermore, that Joseph's reforms were more remarkable in that they occurred in the absence of war, famine, or bankruptcy. In addition, he claims that Joseph was the only enlightened ruler who had to deal with a powerful Church in his realm.

Fortunately, German scholars have devoted more attention to Josephinism after 1790 than their Anglophone counterparts. Fritz Valjavec, in *Der Josephinismus: Zur Geistigen Entwicklung Österreichs im 18 und 19 Jahrhundert* (1944) offers a brief and rather superficial study, which traces the intellectual development of Josephinism from Maria Theresa to 1867. He remarks that Josephinism began under the influence of the Enlightenment during Maria Theresa and assumed its political form under Joseph. He writes that Francis maintained state control of the Church and employed a Josephinist bureaucracy, but Josephinism began to dissolve and split as liberalism grew more influential. Eduard Hosp's *Die Kirche Österreichs im Vormärz 1815-1850* (1971) summarizes the major figures of the Austrian Church, with small biographies of every bishop during the Restoration. Hosp analyzes Church literature, Catholic advocates, and Josephinist laws. As a Redemptorist, Hosp praises each small victory over Josephinism. He adopts the same approach in *Bischof Gregorius Thomas Ziegler: Ein Vorkämpfer gegen den Josephinismus*, which is a biography of this advocate for greater freedom for the Church in Austria. This work also provides useful background material on the Church during the Restoration and insightful anecdotes that illustrate Josephinist policy. The most important contribution to Josephinism in *Vormärz* Austria is the work of Ferdinand

²⁴ Beales, *Joseph II*, 99.

Maass, who published, from 1951-1961, a five-volume set, titled *Der Josephinismus: Quellen zu seiner Geschichte in Österreich 1760-1850 (Amtliche Dokumente aus dem Haus-Hof-und Staatsarchiv und dem Allgemeinen Verwaltungsarchiv in Wien)* on Josephinism from 1760-1850. This work contains thousands of letters written by various ministers, emperors, clergymen, diplomats and anyone with a role in policymaking. Maass considers Josephinism an oppressive movement intended to increase the power of the state and, therefore, portrays state officials as domineering over the Church.

A series of forgeries have discredited much of the earlier historiography, which viewed Joseph as a radical. Beales asserts in “The False Joseph II” that letters making Joseph appear revolutionary were fabrications. He writes that a follower of the Enlightenment forged documents of Joseph in 1790, collecting them in a volume called *Neu Gesammelte Briefe von Joseph dem II. Kaiser der Deutschen*. He notes that the Catholic writer Sebastian Brunner exposed the letters as false in the 1860s. These sources attribute erroneous quotes to Joseph such as “philosophy is the legislator of my Empire.”²⁵ Beales notes that Padover relied on some of these documents and urges English readers to exorcise themselves of the notion that Joseph was a radical.

There is disagreement among historians about the influence of the Enlightenment on Josephinism. Victor Mamatey argues in *The Rise of the Habsburg Empire 1526-1815* that Josephinism obtained its ideas from the Austrian “philosophes,” such as Paul Joseph Rieger, Karl Anton Martini, and Joseph Sonnenfels.²⁶ Charles O’Brien contends in his 1969 article “Ideas of Religious Toleration at the Time of Joseph II: A Study of the Enlightenment

²⁵ Derek Beales, “The False Joseph II,” *The Historical Journal* 18 (1975): 470.

²⁶ Victor Mamatey, *The Rise of the Habsburg Empire 1526-1815* (Huntington, NY: Robert E. Krieger Publishing, 1978), 128.

Among Catholics in Austria,” that Jansenists adopted a liberal attitude during the Enlightenment. He notes that they held key positions in the Church and police forces, allowing for Church reforms to proceed smoothly.²⁷

Wangermann and Bernhard contend that the Enlightenment played a subordinate role to economics, while Lonnie Johnson in *Central Europe: Enemies, Neighbors, Friends* and Robert Kann in *A History of the Habsburg Empire 1526-1918* argue that absolutism motivated Joseph more than Enlightened thought. Johnson writes that Joseph appears Enlightened but adhered to absolutist principles with the motto “everything for the people, nothing by the people.”²⁸ Kann contends that the core of Josephinism is absolutist in that only one man can rule and govern.²⁹ Beales views Joseph as Enlightened but calls him a “despot,” asserting that “enlightened despotism” is a better term than “enlightened absolutism.”³⁰ He argues that Joseph was a despot because he possessed the power to legislate without consent,

²⁷ O’Brien, 52.

²⁸ Lonnie Johnson, *Central Europe: Enemies, Neighbors, Friends* (Oxford: Oxford University Press, 2002), 121.

²⁹ Robert Kann, *A History of the Habsburg Empire 1526-1918* (Berkeley: University of California Press, 1974), 184.

³⁰ For more information on enlightened despotism, see Leonard Krieger, *An Essay on the Theory of Enlightened Despotism* (Chicago: University of Chicago Press, 1975), 17-45. Krieger describes the idea of enlightened despotism for eighteenth-century thinkers. Enlightened despotism was the preferred term used by historians until the middle of the twentieth century to describe the top-down reforms in central Europe in the 1700s. Krieger describes despotism as arbitrary government without limits (p. 23). An enlightened absolutist ruler has no legal checks on its power, such as a parliament, but has to observe certain rules. Joseph comes, admittedly, the closest of the Habsburg rulers in this study to the definition of a despot, but his intention was not commensurate to the real power he exercised. When he overstepped his authority in Belgium and Hungary at the end of the 1780s, rebellions materialized and overturned many of the emperor’s reforms. The term “enlightened absolutism” will be used throughout this thesis because even in areas in which the Habsburg exercised absolute authority, such as the German and Bohemian regions, rulers could not act arbitrarily. Emperor Francis would not, for example, arrest Austrian Jacobins in 1794 until there was proof of treason. In addition, none of the Habsburg emperors in this thesis exercised power arbitrarily or cruelly as one would expect from a despot.

eighteenth-century contemporaries used this term, and historians traditionally used this word. Beales writes that there is no personal cognate with absolutism, whereas despot is the noun for despotism. He does acknowledge, however, that Joseph used his despotic power for the public good.³¹

The reforms of Maria Theresa, combined with the empress's attachment to the Counter-Reformation, have been the subject of disagreements among historians, some of whom view Joseph's reign as a sharp break from his mother, while others consider Josephinism an extension of her reforms. Padover presents Joseph as a radical who clashed with Maria Theresa and contends that the Habsburgs would have met the same fate as the Bourbons in France if not for Joseph's reforms. O'Brien writes that Joseph ended the Theresian "inquisition."³² O'Brien does credit her, however, with centralizing the state, making it possible for Joseph's reforms to occur. Wangermann notes that many of the measures curtailing Church power went into effect during Maria Theresa's reign and intensified under Joseph. Lonnie Johnson asserts that Charles VI, Maria Theresa's father, was the last Counter-Reformation ruler in Austria. Franz Szabo notes in *Kaunitz and Enlightened Absolutism 1753-1780*, that Josephinism began under Maria Theresa. He argues that Kaunitz pushed gradual change, while Joseph, as co-regent, was more compulsive and advocated a swifter pace for reform. Szabo contends that the excommunication of Maria Theresa's prospective son-in-law, Duke Ferdinand of Parma, in 1768 "crystallized" Josephinism in

³¹ Derek Beales, "Was Joseph II an Enlightened Despot?" in *The Austrian Enlightenment and its Aftermath*, ed. Ritchie Robertson and Edward Timms (Edinburgh: Edinburgh University Press, 1991), 8.

³² O'Brien, 22.

Austria.³³ Before this point, the Habsburg government, including Kaunitz, had cooperated with the papacy in reforming ecclesiastical affairs. After 1768, attitudes among Austria officials hardened against the pope, as the government feared the pontiff would revive the medieval practice of excommunicating monarchs. Paul Bernard writes in *The Origins of Josephinism* that the loss of Silesia forced Maria Theresa to look critically at the antiquated apparatus of government, leading to far-reaching changes in other areas, such as the Church, though he acknowledges that the empress limited intellectual freedom.³⁴ Kann treats the reigns of Maria Theresa, Joseph, and his successor Leopold II as one reform era. There was, according to Kann, little distinction between Joseph and his mother, and he argues that Maria Theresa initiated much of what is considered Josephinist reform.³⁵

Before Joseph died in 1790, he suggested that his epitaph read “Here lies Joseph II, who failed in all he undertook.” Joseph was perhaps too pessimistic, but there is some debate about what level of success his reforms achieved. There is no dispute about the failure of his foreign policy, but the success of his domestic reforms is a source of argument.

Most general books, such as Johnson’s work, consider Josephinism a short-lived era in which Joseph withdrew most of his reforms before his death.³⁶ Bernard considers Joseph’s reign a failure, due to the sheer amount of work required to reform the Church, bureaucracy,

³³ Franz Szabo, *Kaunitz and Enlightened Absolutism 1753-1780* (Cambridge: Cambridge University Press, 1994), 223-224.

³⁴ Paul Bernard, *The Origins of Josephinism: Two Studies* (Colorado Springs: The Colorado College Studies, 1964), 16. Bernard also raises the question if an early form of Josephinism existed with Joseph I (r. 1705-1711), who granted toleration to Silesian Protestants in 1707 and clashed with the pope during the War of Spanish Succession but concludes that more research is needed.

³⁵ Kann, 183.

³⁶ Johnson, 121.

and rural society. He faults Joseph for lack of tact and unsuccessful foreign policy ventures for the supposed failure of Josephinism. He claims that Leopold II abandoned Josephinism.³⁷

Historians such as Padover consider, not surprisingly, the reforms of Joseph successful and point to increased commerce, population, and factories to argue that Joseph propelled Austria into the modern age. Beales contends that Joseph's reforms survived him and asserts that the Austrian ruler must be included among the enlightened monarchs.³⁸ Wangermann writes that Joseph shook off the stagnation of the Counter-Reformation but argues that Austria began to go the way of France in 1789.³⁹ Revolution was, according to him, the ultimate outcome of enlightened absolutism.

With the exception of Beales, the English-language historiography does not discuss Josephinism after 1790. Beales devotes a small chapter to Joseph's legacy, but there are no books specifically about Josephinism or the Austrian church after 1790 in English, while even general German works about Austria, such as *Geschichte Österreichs: Von den Anfängen bis zur Gegenwart* by Erich Zöllner address the issue. Zöllner writes, for example, that Josephinism did not end with the death of Joseph⁴⁰. Kann acknowledges that the Church reforms survived but devotes no more than a few lines to this topic.⁴¹ Alan Reinerman's two-volume work *Austria and the Papacy in the Age of Metternich*, published in 1979 and 1989 analyzes, primarily, Austrian relations with the papacy and attempts to reform the latter from

³⁷ Bernard 142.

³⁸ Beales, *Joseph II*, 654,

³⁹ Ernst Wangermann, *From Joseph II to the Jacobin Trials* (Oxford: Oxford University Press, 1959), 33.

⁴⁰ Erich Zöllner, *Geschichte Österreichs: Von den Anfängen bis zur Gegenwart* (Vienna: Verlag für Geschichte und Politik, 1984), 327; "er [Josephinism] hat...mit dem Tode des Kaisers nicht sein Ende gefunden."

⁴¹ Kann, *A History of the Habsburg Empire*, 240, 192, 239; Kann mentions, in passing, in several places in his survey of the Habsburg Empire that church-state relations remained mostly unchanged after Joseph.

1815-1838.⁴² Reinerman acknowledges the persistence of Josephinism in the Austrian Church in the Restoration but focuses on Austrian-Papal relations. Adam Bunnell's 1990 work *Before Infallibility: Liberal Catholicism in Biedermeier Vienna* describes the intellectual Catholic world, through the thinkers Anton Günther and Johann Emmanuel Veith, in Austria in the first half of the nineteenth century and illuminates certain aspects of Josephinist church policy after 1815. In *Priest and Parish in Vienna, 1780-1880*, William D. Bowman provides a social history of Catholicism. His work gives information on demographics of the parishes, such as the classes of people entering the priesthood, patronage in the dioceses, the education of clergy, and how individual priests and laymen interacted. He argues, with respect to Josephinism, that the lower clergy accepted the reforms of Joseph until the 1860s because it gave priests important roles to play as shepherds over their parishioners.

While English historiography largely ignores Josephinism after 1790, this thesis will show that Joseph's religious reforms did, indeed, survive. Leopold II overturned many of Joseph's alterations, especially in the realm of feudalism, but he continued, mostly, Joseph's religious policy against the Church. While ruler of Tuscany, Leopold had a similar religious agenda as Joseph. Leopold's successor Francis II, who would after 1804 reign as Francis I, retained the Josephinist state-church until his death in 1835.⁴³ The Church remained under state domination until the disturbances of 1848 loosened government controls, culminating in the Concordat of 1855. Francis grew up admiring Joseph and received an Enlightenment

⁴² Alan Reinerman, *Austria and the Papacy in the Age of Metternich: Between Conflict and Cooperation* (Washington D.C.: The Catholic University Press, 1979); *Revolution and Reaction, 1830-1838*, 1989).

⁴³ In 1804, Francis realized the Holy Roman Empire was collapsing in the face of French power and used his authority as emperor to create the Austrian Empire, which consisted only of Habsburg possessions, allowing him to retain the title of emperor when the Holy Roman Empire collapsed. As a result, he was Francis I of Austria. He abdicated in 1806, and the Holy Roman Empire officially dissolved.

education. The French Revolution and subsequent Napoleonic wars frightened Francis, however, and impelled him to be cautious with a focus on preventing revolution. Francis' fear of change, combined with the legacy of Joseph, convinced him to preserve the state-church but halted progressive reforms, leading to a more passive Josephinism.

As a result, the Restoration, the period after Napoleon from 1815-1848, which historians view, typically, as a conservative era, actually contained many contradictions. In the supposedly most conservative state, Austria, enlightened impulses proved to have leftover energy from the Enlightenment. Francis, the bureaucracy, and, at times, the foreign minister, Prince Clemens von Metternich, demonstrated an aversion to restoring Catholic elements, such as monasteries, papal power, and the Jesuits, even in light of a resurgent Catholicism. Josephinism projected a long shadow into the nineteenth century and remained, albeit in a passive, less ideological form, the dominant force in Austria, ensuring that the state never reconciled with the Church before 1848. While Metternich and the powers of Europe attempted to uphold a conservative political order, internally, Austria persisted in maintaining Josephinism against one of the most conservative institutions in Europe.

Chapter One: Francis I, the Austrian Bureaucracy, and the Catholic Activists

The French revolution and subsequent Napoleonic wars shook the Catholic Church to its core. In France, the government had confiscated Church property, while the Civil Constitution of the Clergy in 1790 forced the clergy to take oaths of loyalty to the new nation and made priests salaried employees of the state. During the revolutionary years, much of the clergy sided with counter-revolutionaries against a state that turned churches into temples of reason and hunted down priests and other enemies of the revolution. Napoleon spread the revolution to Europe, bringing with him the Napoleonic code, which rationalized the law and granted religious toleration. In addition, French armies imprisoned popes, looted churches, abolished monasteries, ecclesiastical districts and jurisdictions, and secularized courts.

The harm done to the Church throughout Europe from 1789-1815 strengthened, ironically, the forces of ultramontanism, the belief that the papacy has supreme authority in the Church. The papacy was the only ecclesiastical dominion restored in 1815, making it the sole political entity in the Catholic world. Secular powers had done great harm to the Church, leaving the state distrusted by many Catholics. The Concordat with France in 1801 raised, furthermore, the prestige of the pontiff and gave him the power to dismiss and appoint bishops nominated by the French government, eliminating the old checks and balances that had existed in the French Church before the revolution.⁴⁴ In addition, Protestant Prussia took over the Rhineland and Westphalia in 1815, which had Catholic majorities, and subjected them to second-class citizenship. Many Catholics looked, therefore, to the Church for deliverance. The Prussian bureaucracy interfered frequently with the Church. The state

⁴⁴ Darrell Jodock ed. *Catholicism Contending with Modernity: Roman Catholic Modernism and Anti-Modernism in Historical Context* (Cambridge: Cambridge University Press, 2000), 60.

claimed the right to appoint many priests, banned the Jesuits, and forced communication from bishops to Rome to go through Berlin.⁴⁵

From 1815 the papacy asserted its new authority and concluded concordats with many states. In France, the Concordat of 1801 remained in effect, which allowed Catholicism back into the schools. In the Restoration, the French government barred teachers from the classroom for anti-religious behavior.⁴⁶ Classes began and ended with prayer, teachers held confession, and priests sat on school committees.⁴⁷ Bavaria concluded a Concordat with Rome in 1817, which allowed bishops to oversee the teaching of morality and faith in public schools and obliged the government and bishops to prevent the circulation of anti-religious materials.⁴⁸ In Spain Ferdinand VII revoked the liberal constitution granted during the Napoleonic Wars and restored the Jesuits and the Spanish Inquisition. The Congress of Vienna restored, furthermore, the Papal States in central Italy.

The papacy refused to reconcile the Church to the modern world for much of the nineteenth century and, like the Austrian state, feared the forces of revolution. Yet, Church and state failed to cooperate on their common goals. In many ways, the Catholic Church in Austria had no more freedom than in Prussia. Bishops in Austria could communicate with the pope only through the State Chancellery, which was the foreign office, or the embassy in Rome. These conditions ensured that Rome was not in correspondence with the Austrian clergy. Austria banned, in fact, its clergy from studying at the Germanikum in Rome, while

⁴⁵ Jonathan Sperber, *Popular Catholicism in Nineteenth-Century Germany* (New Jersey: Princeton University Press, 1984), 11.

⁴⁶ Isser Woloch, *The New Regime: Transformation of the French Civil Order, 1789-1820s* (New York: Norton, 1995), 220.

⁴⁷ Wolloch, *The New Regime*, 224.

⁴⁸ Owen Chadwick, *The Popes and European Revolution* (Oxford: Clarendon Press, 1981), 540.

Prussia allowed it. While the sovereign Catholic states of Europe attempted to restore the Church during the Restoration as a barrier to revolution, Austria retained its Josephinist church established in the age of enlightened absolutism.

The inability of various Catholic advocates, and even Metternich, to eliminate Josephinism was due to its deep roots in the bureaucracy. Austrian officials remained most committed to the ideals of Josephinism. Francis supported the Josephinist state-church but wavered slightly at times in his later years. Metternich opposed Josephinism because he preferred provincial autonomy and decentralization in the monarchy, knowing that there was little in the Empire that could unify its various parts.⁴⁹ Yet, he did not, due to his Enlightened education, advocate the dismantling of the state-church until after the Congress of Vienna. Conservative bishops and Catholic Romantics attempted to restore to the Church a measure of the independence it had enjoyed before Joseph II. But Josephinism remained such a powerful force in Austria that its opponents could not overturn it, and even the emperor, when he began to have doubts about the state-church, proved unable to abolish the Josephinist paradigm that governed the Austrian Church.

Although Metternich was a conservative who would work eventually to restore Catholic liberties in Austria, in 1815 he was not an ally of the Church. Metternich had grown up in the Enlightenment and his education reflected it. He was not a religious zealot, and Metternich's critics could, and did, accuse him of hedonism for his multiple romantic affairs.⁵⁰ After the Napoleonic Wars ended in 1815, Metternich's goal was to prevent revolution, making him an ally of conservatives across Europe. The foreign minister had doubts, however, about restoring Church freedoms in Austria. He was a realistic conservative

⁴⁹ Andrew Milne, *Metternich* (New Jersey: Rowman and Littlefield, 1975), 110.

⁵⁰ Alan Palmer. *Metternich* (New York: Harper & Row, 1972), 131.

and knew that force alone could not serve as a permanent solution to revolution. He thought that good government would remove the incentive for calls for change, meaning that much of the religious settlement before 1780, such as the of the Counter-Reformation, should remain in the past. He opposed the reestablishment of the Jesuit order in Austria in 1815 and worried that liberals would use the argument that the clergy were counterrevolutionaries.⁵¹ He, along with Francis, felt uncomfortable about the Holy Alliance established in 1815 at the behest of the Czar of Russia, Alexander I. The goal of the Holy Alliance was to prevent revolution and to instill Christian principles into European political life.⁵² Metternich found the Holy Alliance “too clothed in religious garb, not practical, and subject to religious misconstrusion [sic].”⁵³ Alexander changed several sentences and deleted entire passages to make the Alliance more moderate. Francis did not approve of it, even in modified form, but ended up signing it.⁵⁴

Metternich changed his attitude toward the Church and became more favorable to dismantling the Josephinist church in Austria after the Congress of Vienna. The foreign minister sought an alliance of throne and altar, with monarchs providing the armies and police forces to crush revolutions, while the Church would destroy the moral position of the revolutionaries. Despite his Enlightenment education, he also disliked Josephinism. He thought that Joseph’s centralizing was mismanaged and had led to the revolts at the end of the 1780s in the Netherlands and Hungary.⁵⁵ Metternich thought that the Austrian Empire had

⁵¹ Prince Richard Metternich ed, *Memoirs of Prince Metternich, 1815-1829*, trans. Alexander Napier (London: Richard Bentley & Son, 1881), 148.

⁵² Metternich, *The Autobiography*, 261.

⁵³ Metternich, *The Autobiography*, 260.

⁵⁴ Metternich: *The Autobiography*, 261.

⁵⁵ Prince Clemens von Metternich, *Metternich: The Autobiography, 1773-1815*, (Welwyn Garden City: Ravenhall Books, 2004), 9.

little that could unite it, and centralization would accentuate these faults as shown by the revolts in the 1780s. He worked to mitigate Josephinism in the new Austrian territory of Lombardy-Venetia⁵⁶ and lobbied Francis from 1816-1819 to allow bishops in northern Italy to take the trip to Rome for consecration. Yet, as late as 1817, he bragged to the Russian ambassador Count Karl Robert Nesselrode that no Catholic land showed as much independence from Rome as Austria, writing “Kein Katholisches Land hat sich Rom gegenüber solche Unabhängigkeit bewahrt wie Österreich.”⁵⁷ Erika Weinzierl-Fischer argues that Metternich’s shock at the 1830 revolutions and his marriage to the religious Melanie Zichy-Ferrais in 1831 forced the chancellor to attack Josephinism.⁵⁸ Alan Reinerman disagrees with this assessment, contending that the events of 1830 and Metternich’s marriage only confirmed the chancellor’s long-held views.⁵⁹ Reinerman posits that Metternich set out to dismantle Josephinism after 1809 in order to forge an alliance with the papacy, uniting throne and altar. Although Reinerman’s argument is more accurate, both ideas do not quite work. Metternich held anti-clerical views at the Congress of Vienna in 1815 but had abandoned them long before 1830. By 1816 he was working with the papacy to prevent the spread of Josephinism to northern Italy, and he became an advocate for keeping the Jesuits in the monarchy by the early 1820s.⁶⁰ An attitude shift occurred between 1815 and 1820, and at this point, Metternich could be expected to side with activists attempting to eliminate state controls on Catholicism. He became more religious as he grew older, and toward the end of

⁵⁶ The Austrians had held Lombardy since 1713 and picked up Venetia in 1815.

⁵⁷ Erika Weinzierl-Fischer, *Die Österreichischen Konkordate von 1855 und 1933* (Vienna: Verlag für Geschichte und Politik, 1960), 17.

⁵⁸ Weinzierl-Fischer, *Die Österreichischen Konkordate*, 17.

⁵⁹ Reinerman, *Revolution and Reaction*, 270.

⁶⁰ Discussion of the readmission of the Jesuit order can be found in this thesis on page 93.

his life, he began attending mass frequently.⁶¹ Despite this attitude shift toward the Church, Metternich was unable to roll back Josephinism. Metternich was an able diplomat, entrusted by the emperor to carry out foreign policy and to conduct the Concert of Europe⁶², but held less power than it may appear. The emperor held the final decision-making power in all matters, though he usually gave Metternich *carte blanche* in foreign policy. On domestic issues, Metternich had less influence. Josephinist advisors surrounded Francis, preventing any substantial change in Church policy before the emperor's death in 1835. After 1835, Josephinist bureaucrats dominated Austrian politics and blocked Metternich's initiatives in the empire.

The root of Francis' attitude toward the Church during the Restoration can be found in his upbringing. Francis admired his uncle, Joseph II, calling him his second father.⁶³ Francis studied in Vienna as a teenager under a program of study developed by Joseph. Francis' father, Leopold of Tuscany, was a follower of the Enlightenment, and Francis' education reflected it. Leopold was a suspicious ruler, who distrusted advisors and developed one of the most advanced police states in Europe.⁶⁴ Leopold thought his own education contained too much religion and sympathized with the young Francis, who grew bored of religious exercises.⁶⁵ Francis inherited his father's general suspicion, and his worries grew in the tumultuous year of 1792. On March 1, 1792, Leopold, now Holy Roman Emperor and

⁶¹ Chadwick, *The Popes and European Revolution*, 537.

⁶² The Concert of Europe was the balance of power after 1815 that included Austria, the United Kingdom, France, Prussia, and Russia. They coordinated responses to crises that inevitably erupted in Europe. Events such as the Greek war of Independence in the 1820s and the Crimean War (1854-1856) weakened the cohesion of the Concert.

⁶³ Walter Consuelo Langsam, *Francis the Good: The Education of an Emperor 1768-1792* (New York: The Macmillan Company, 1949), 55.

⁶⁴ Langsam, *Francis the Good*, 98.

⁶⁵ Langsam, 38.

Archduke of Austria, died, leaving the throne to Francis, who was only twenty-four. The next month, the increasingly radical French National Assembly forced the king of France to declare war on Austria, plunging the Habsburg monarchy into a series of wars over the next twenty-three years.

The disorder, regicide, and destruction of the old order in the French revolution and Napoleonic Wars made Francis, naturally, even more suspicious and paranoid. He did not shed his Josephinist beliefs, but whereas Joseph could ally with the forces of the Enlightenment, Francis, operating in a post-Napoleonic world, knew that Enlightenment politics were too dangerous. Francis' fear of change meant that Josephinism remained but lost its zeal and became more conservative.⁶⁶ 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.⁶⁷ In 1801, Francis connected the censors and police forces, and they banned 25,000 books.⁶⁸ The Censor Edict of 1810 subjected all religious and theological literature to secular censors.⁶⁹

Censorship applied, therefore, to Catholic writings approved by the Church throughout the Restoration. In 1842 the papal nuncio complained to Metternich, for example, that a book by the religious confraternity, the Sacred Heart of Mary received a label of "*damnatur*" from

⁶⁶ Conservative meaning that the pace of change slowed greatly. While the re-imposition of strict censorship would not mean, simply, conservative Josephinism but rather the elimination of this Josephinist principle, it should be stressed that this thesis is dealing with Josephinism in the Church. Leopold and Francis reversed Joseph's policies on press freedom and peasants.

⁶⁷ Paul P. Bernard, *From the Enlightenment to the Police State* (Champaign: University of Illinois Press, 1991), 183-188.

⁶⁸ David F. Good, *The Economic Rise of the Habsburg Empire, 1750-1914* (Berkeley: University of California Press, 1984), 38.

⁶⁹ Eduard Hosp, *Kirche Österreichs im Vormärz 1815-1850* (Vienna: Verlag Herold, 1971), 209.

the censor board. Baron Alfons von De Pont advised Metternich to inform the nuncio that this decision did not mean the book or brotherhood was bad, but that the book is “merely” not allowed in Austria because Joseph had abolished the confraternity in 1783.⁷⁰

The Austrian bureaucracy and the clergy served the emperor and were, thus, for the most part, Josephinists who enjoyed their responsibilities as state employees. These bureaucrats defended all real and perceived threats to the monarch’s right to run the Church and advised Francis on such matters. Francis’ spiritual advisor, Martin von Lorenz, was, for example, a convinced Josephinist, having attended Joseph’s general seminary in the 1780s. Church advocates, such as conservative bishops and Catholic Romantics, rarely succeeded, therefore, whenever they attempted to get approval for their projects through the bureaucracy. The setup of the government allowed, however, for the primacy of personal relationships in which advocates could avoid Austrian officials and communicate directly to Francis. Anyone could write to the emperor, and Francis made time to listen to his subjects’ complaints. As in most societies, personal relationships in Austria enabled exceptions to rigid rules and formulas. Francis appointed, for example, Sigismund Anton Graf von Hohenwart as Archbishop of Vienna in 1803. Hohenwart had been an ex-Jesuit and held pro-clerical views. Hohenwart adhered to some enlightened views, but more importantly, he had been Francis’ tutor in Tuscany.⁷¹

Francis uttered, supposedly, “I will have my subjects learn all those things that are useful in common life...I do not want teachers who fill the heads of my students with that

⁷⁰ De Pont to Metternich, February 19, 1843, In Maass, 5: 702.

⁷¹ Langsam, 29.

nonsense which turns the brains of so many youths in our days.”⁷² Whether Francis actually uttered these words is questionable, but it does reflect the emperor’s attitude and the general condition of education in Austria. Francis had the authority to intervene in educational matters. The emperor ordered in 1804 that schools limit religious teaching in favor of subjects such as reading, writing, and arithmetic. Religious education should, however, present the religion of Jesus and instill Christian morality into children.⁷³ In 1821, Francis set standards for communion and confession for students at the gymnasium; they supposedly took communion six times a year.⁷⁴ In that same year, he opened up a Theological Institute for Protestants to prevent Austrian Protestants from fleeing to Germany.⁷⁵ In 1816, the Augustineum opened in Vienna for priests seeking advanced degrees in theology. It was meant to provide an alternative to studying at the Germanikum in Rome. This German college dated back to the sixteenth century and educated clergy in papal ideas during the Reformation, thus ensuring the loyalty of these clergymen to the pontiff. Joseph banned the clergy from studying there in 1781 because he considered it a danger to the state.⁷⁶ Bishops selected priests to study at the Augustineum, which developed into an elite school, and students here lived near the imperial residence.⁷⁷

While Francis was suspicious of any attempts to restore Church freedoms or dismantle Josephinism, this attitude did not translate into anticlericalism. He tolerated, like Joseph, Protestants and Enlightened Catholics but as a pious Catholic, Francis took action to curb

⁷² Charles Sealsfield, *Austria as it is: Or Sketches of Continental Courts by an Eye-Witness* (London: Hurst, Chance, and Company, 1828), 75.

⁷³ Hosp, *Die Kirche Österreichs*, 212.

⁷⁴ Sealsfield, *Austria as it is*, 78.

⁷⁵ Sealsfield, 228.

⁷⁶ Hartig to Ferdinand, April 4, 1842, In Maass 5: 673.

⁷⁷ William D. Bowman, *Priest and Parish in Vienna 1780-1880* (Boston: Humanities Press, 1999), 104.

irreligious behavior. When complaints emerged in 1823 that the emperor's 1803 decree regulating operating hours for grocery stores on Sundays and holidays was being ignored, Francis asked the police to be stricter with these rules.⁷⁸ Francis ordered his bishops to turn in the book *Bibliothek der Humanitätswissenschaften zur Selbstbildung für Jünglinge von Reiferem Alter*, which had passed easily through the censors despite its attacks on traditional Christian beliefs. It questioned the dates of Moses' life and argued that certain biblical books were simply poems.⁷⁹ In addition, like Joseph, Francis used the *Religionsfond* for intended religious purposes such as paying clerical salaries and funding religious buildings. These favors for the Church did not signify a decline in Josephinism. Francis viewed himself, simply, as head of the Church and never made significant changes to the religious settlement established under Joseph. The state continued to control the ecclesiastical structure and tolerated Protestants and Enlightened Catholics.

As Francis lay dying near the end of February 1835, he left his successor, Ferdinand, a testament regarding the situation of the Church in Austria. He wrote:

I expect from you, whose childhood love for me I know well, the fulfillment of my wishes work that the work I began to modify and to amend 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 free operations 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.⁸⁰

⁷⁸ Hosp, *Die Kirche Österreichs*, 202.

⁷⁹ Hosp, *Die Kirche Österreichs*, 209.

⁸⁰ Francis' Final Testament to Crown Prince Ferdinand, In Maass, February, 28, 1835, 441. "so gewärtige Ich von deiner mir wohlbekanntem kindlichen Liebe die Erfüllung Meines Wunsches daß das von Mir angefangene Werk der Berichtigung und Modifizierung [sic] jener Gesetze, Grundsätze und Behandlung der kirchlichen Angelegenheiten, welche seit dem Jahre 1780 in Meinen Staaten eingeführt worden sind und die freye Wirksamkeit oder andere Rechte der Kirche mehr oder minder verletzen und mit der Lehre...und insbesondere mit der Satzung des heiligen Kirchenrates von Trient nicht im Einklange stehen, von Dir ehemöglich auf eine den Hl. Vater befriedigende Art zu Ende geführt werden möge." Gerd Holler, *Sophie Die Heimliche Kaiserin: Mutter Franz Joseph I* (Vienna: Amalthea Verlag), 279 writes that many contemporaries accused Metternich of forging this document, but scholars have

In his final testament, Francis denounced, thus, the Josephinist church structure that he had perpetuated. He knew that his half measures, which he implement to appease conservative Catholic advocates and will be described later in this chapter, did not eliminate or loosen the religious settlement established under Joseph. He had been too cautious to dismantle Josephinism and hoped that its collapse would come after his death. It would take more than an order from a dead emperor, however, to topple Josephinism. His successor Ferdinand had epilepsy and was incapable of governing effectively, leaving bureaucrats to run the state and, therefore, the Church.

Bureaucrats hindered the implementation of Francis' Church order. The final testament went on to urge Francis' son to take advice from Archduke Lewis, the younger brother of Francis, and Metternich. The minister of the interior and finance in the state council, Count Franz Anton von Kolowrat-Liebsteinsky was not included in the will, but as an influential official, he threatened to resign if excluded from State Conference being created to rule in name of the emperor.⁸¹ Metternich conceded, and the State Conference established in 1836 contained, as permanent members, Archduke Lewis, the ineffective brother of Francis, Archduke Francis Charles, the apathetic brother of Ferdinand, Kolowrat and Metternich. Kolowrat came from Bohemia⁸², a region in which Josephinism was popular, was a

determined that Francis did, in fact, dictate this last will to the court chaplain, Bishop Wagner, in.

⁸¹ Alan Sked, *Metternich and Austria: An Evaluation* (New York: Palgrave Macmillan, 2008), 117.

⁸² R.J.W. Evans, *Austria, Hungary, and the Habsburgs: Essays on Central Europe, c. 1683-1867* (Oxford: Oxford University Press, 2006), 75-98 argues that Bohemia provided personnel for much of the intellectual and administrative leadership in the monarchy. Many prominent bureaucratic families such as the Kaunitz, Kolowrat, and Schwarzenberg came from Bohemia. In addition, the saviors of the Habsburg Empire in 1848, Field Marshalls Radetzky and Windischgrätz were Bohemian. In addition to the enhanced role provided by

Josephinist, and opposed Metternich's policies on decentralization and foreign policy. Kolowrat was a capable bureaucrat, accomplishing the rare feat in 1829 of balancing the budget.⁸³ He knew that Austria could not afford the standing army required to be the fireman of Europe, extinguishing revolutionary fires whenever they erupted. Kolowrat blocked Metternich on the State Conference, while the lazy archdukes did nothing.⁸⁴ Paralysis characterized, therefore, the Austrian government from 1835 to 1848 as it lacked an effective leader, ensuring that Josephinism would linger as an effective force in the Empire.

Bureaucrats ran education in Austria and could thus control religious teaching. Maria Theresa had established the *Studienhofkommission* in 1774 to manage confiscated Jesuit property and used it for the educational system in Austria.⁸⁵ The *Studienhofkommission* determined the textbooks used in schools and universities, regulated the faculty it employed, and carried out the orders of the emperor. The decree of 1804 ordering the introduction of religious education at institutions of philosophy used, for example, the six-volume work *Handbuch der Religionswissenschaft* by Jacob Frint.⁸⁶ In the 1780s, priests had studied at state-run seminaries. Leopold returned them to the bishops and orders, but aspiring clergymen still encountered Josephinism in the educational system. Priests lived in church-run seminaries but studied theology at universities, if in Vienna, or other institutions, where they learned from Josephinist professors.⁸⁷ In Linz, Gregorius Thomas Ziegler, professor of Church history at a priest seminary, complained that books in the curriculum, mainly the

Josephinism for bureaucrats, Bohemia had a long-standing antipathy toward the Church and Protestant disobedience dating back to the burning of the Jan Huss in 1415 at the Council of Constance and the forced conversion of Bohemia by the Habsburgs after 1620.

⁸³ Sked, 116.

⁸⁴ Milne, 123.

⁸⁵ Melton, *Absolutism and the Eighteenth-century Origins of Compulsory Schooling*, 210.

⁸⁶ Hosp, *Die Kirche Österreichs*, 215.

⁸⁷ Bowman, *Priest and Parish in Vienna 1780-1880*, 103-104.

Lehrbuch der Kirchengeschichte by Matthias Dannenmayr were on the Index.⁸⁸ In addition, episcopal institutes used the Febronianist *Handbuch des Kirchenrechtes* by Anton Rechberger.⁸⁹ This textbook had taught Febronianism, the belief in a national church that restricted the power of the papacy in favor of bishops.⁹⁰

The textbooks of Dannenmayr and Rechberger mandated for use by the state differed substantially from canon law. Rechberger's text taught, for example, that Christ gave spiritual power not merely to Peter and his successors, the popes, but rather all the apostles and their descendants. Canon law read, on the contrary, that Christ passed down spiritual authority only to Peter, who had power over all churches and believers. Episcopal power came directly from God, according to Rechberger, and the pope could not rival this authority in the dioceses. The highest spiritual authority was, furthermore, embodied in a general council of bishops, and its decisions bound the pope, who was powerless to block their wishes. Rechberger's work instructed students that the Church's power was purely spiritual with no claims to secular leadership. The pope had, therefore, no authority over monarchs or their subjects. Canon law taught that the pope was entitled to spiritual and worldly power with secular rulers subject to the papacy. In addition, the Church claimed that lay people could move civil disputes to ecclesiastical courts when they deemed the secular ones untrustworthy. Rechberger claimed that ecclesiastical officials and property were subject to taxation, and in cases of emergency the government could commandeer the Church for the

⁸⁸ Eduard Hosp, *Bischof Gregorius Thomas Ziegler: Ein Vorkämpfer gegen den Josephinismus* (Linz: Oberösterreichischer Landesverlag, 1956), 23.

⁸⁹ Hosp, *Ziegler*, 154.

⁹⁰ Weinzierl-Fischer, 20.

general good, whereas canon law believed spiritual personnel answered only to God and were, thus, free from paying taxes.⁹¹

Dannenmayr's work was similar to Rechberger's. Dannenmayr had won first place in a contest sponsored by Joseph to find a suitable treatment of Church history. He was the professor of Church history at the University of Vienna from 1786-1803, and his work *Leitfaden in der Kirchengeschichte* had been a state-mandated textbook. In *Leitfaden*, Dannenmayr argued that Josephinist reforms had restored the proper balance between Church and state.⁹² *Leitfaden* depicted the essential practices of Catholicism, such as the sacraments, originating in the early Christian community, giving the Church in Rome little room to interpret or to alter Christian doctrine. By extension, this portrayal meant that the superstitions and many rituals developed later in the Church were not essential.⁹³ *Leitfaden* painted the papacy in a negative light and took the side of monarchs when describing in history, disputes between the pope and kings, such as Henry IV and Pope Gregory VII.⁹⁴ In 1820, Rome placed the books of Dannenmayr and Rechberger on the Index, leading to opposition among the Italian bishops about using it in seminaries.⁹⁵

These books, along with Austrian control over religious education in seminaries, met resistance in northern Italy. The Austrians were not about to give up their rights to control the education of their subjects but knew that Rome would not approve any book Austrians put into the curriculum. After complaints in Italy about Austrian curriculum in seminaries in Italy, Francis ordered the *Studienhofkommission* in 1821 to investigate theological texts and to

⁹¹ Lazansky to Francis, October 6, 1820, In Maass, 5: 186-190.

⁹² Bowman, 116.

⁹³ Bowman, 117.

⁹⁴ Lazansky to Francis, October 6, 1820, In Maass, 5: 192.

⁹⁵ Lazansky to Francis, October 6, 1820, In Maass, 5: 194.

suggest replacements.⁹⁶ The commission could not decide on a suitable replacement, and in 1833, the Patriarch of Venice, Giacomo Monico, complained again about the books at seminaries.⁹⁷ Francis agreed with this request and banned these books from episcopal seminaries.⁹⁸ In addition, secret negotiations with the papacy took place that same year, and Austria agreed to eliminate Rechberger's work from the episcopal institutes. Monico raised objections again in 1840 when the governor of Venetia began requiring exams for teachers at the episcopal seminars for priests. The commission worried that an exemption for this seminar would lead to a wave of privileges for all theological institutions in Lombardy-Venetia.⁹⁹ They believed that the state had a right to know if religious teachers were qualified. The commission agreed, however, to grant an exemption in this case. The state did not pay Italian teachers at the seminars as in other areas of the empire, and instructors in Lombardy-Venetia rarely made more than one-third of their German counterparts.¹⁰⁰ The commission decided, reluctantly, that another barrier would increase the shortage of qualified teachers.¹⁰¹ Ferdinand agreed and issued orders not to force the test on theology professors at the seminaries.¹⁰²

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

⁹⁶ Lazanksy to Francis, October 6, 1820, In Maass, 5: 196.

⁹⁷ Hosp, *Kirche Österreichs*, 243.

⁹⁸ Hosp, *Kirche Österreichs*, 244; also see Reinerman, *Revolution and Reaction*, 284.

⁹⁹ Jüstel to Ferdinand, January 7, 1841, In Maass, 5: 632.

¹⁰⁰ Jüstel to Ferdinand, January 7, 1841, In Maass, 5: 635.

¹⁰¹ Hartig to Ferdinand, January 12, 1841, In Maass 5, 636.

¹⁰² Jüstel to Ferdinand, January 7, 1841, In Maass, 5: 635.

clung, still, to the same positions as the old Josephinist textbooks.¹⁰³ Even after 1834, professors at the University of Vienna used Dannenmayr's works as a source for teaching Church history.¹⁰⁴

The emperor and the *Studienhofkommission* could also make personnel decisions to ensure that their faculty taught according to the predetermined curriculum. The government entrusted, for example, the teaching of Church law at the University of Vienna to the Josephinist Thomas Dolliner.¹⁰⁵ Controversy erupted when the professor Bernhard Bolzano refused to use the standard textbook written by Jacob Frint. Francis had appointed Bolzano professor of religion in 1806. As a professor, he had emphasized rationalism and enlightened ideas. In December 1817 the authorities in Prague accused Bolzano of not using the state-mandated textbook. Bolzano claimed to have discovered a better method of education. Initially, the government and *Studienhofkommission* took the side of Bolzano, viewing him as a keen defender of the Josephinist state and defender of the Church.¹⁰⁶ Frint possessed, however, more influence on the commission than Bolzano.¹⁰⁷ In 1819, the *Studienhofkommision* decided, as a result, to relieve Bolzano of his teaching position and to provide him with a pension.¹⁰⁸

Catholic advocates and Romantics attempted to eliminate or to weaken the Josephinist church structure and instill the population with Christian principles. Romantics reacted against the secular Enlightenment that had preceded the French revolution and wanted to unite

¹⁰³ Bowman, 118.

¹⁰⁴ Bowman, 116.

¹⁰⁵ Hosp, *Ziegler*, 27.

¹⁰⁶ Hosp, *Ziegler*, 39.

¹⁰⁷ David F. Lindenfeld, *The Transformation of Positivism: Alexius Meinong and European Thought 1880-1920* (Berkeley: University of California Press, 1981), 39.

¹⁰⁸ Hosp, *Ziegler*, 43.

humanity with Catholicism. This movement was an import from Germany and contained few Austrian leaders and thinkers. Francis did not, therefore, have romantically-inclined advisors, and the Austrian government remained estranged from these ideas. The early Romantic Saxon Georg Philipp Friedrich von Hardenberg (1772-1801), known better by his pen name of Novalis, argued, for example, that humanity had moved from an original golden age with nature, became separated with the rise of science and the Enlightenment, but would move to reunification in the upcoming third stage.¹⁰⁹ He wrote in *Die Christheit oder Europa* that the Catholic Church had led an integrated society and preached love for things holy before the Reformation. Mankind was not ready, however, and division and strife arrived with Protestantism. He argued that only religion could turn Europe back to peace and unity.¹¹⁰ It was with this mindset that Catholic Romantics tried to overturn Josephinism in Austria.

Some Catholic Romantics believed that history fluctuated from Christian unity in the Middle Ages, followed by division and strife with the Reformation, culminating in the secularism of the Enlightenment and French revolution, then returning with reunification of Christianity in the final stage. Romantics and Conservative Catholics had, thus, nostalgia for the Middle Ages when the Church was not subordinate to the state. The Rhinelander Johan Joseph von Görres had, like many Romantics, sided with the French revolution in the initial stages but turned against it. After 1799 Görres showed interest in the Catholic art of the Middle Ages and wrote that the Church should not be subordinate to the state.¹¹¹ Although Romantics and Catholic conservatives opposed liberalism and revolution, they did not look to

¹⁰⁹ Nicholas V. Riasonovsky, *The Emergence of Romanticism* (Oxford: Oxford University Press, 1995), 51.

¹¹⁰ Riasonovsky, *The Emergence of Romanticism*, 91.

¹¹¹ E.L. Woodward, *Three Studies in European Conservatism: Metternich: Guizot: The Catholic Church in the Nineteenth Century* (Hamden Connecticut: Archon Books, 1963), 245.

Vienna for leadership but to the Church, ensuring that the state would clash with Catholic advocates.

The Austrian Maria Clemens Hofbauer formed the core of the Catholic activist movement and had a confrontational relationship with the Austrian government. Hofbauer had joined the Redemptorist order in 1784 while visiting Italy. Alfonso Liguori founded the Redemptorist order in 1732 with a mission to preach simple sermons in the villages.¹¹² In the wake of the abolition of monasteries and orders in Austria in the 1780s, Hofbauer knew he could not bring the Redemptorists to Austria. He settled, therefore, in Poland. The upheaval that overtook Poland such as the partitioning of the country in the 1770s and 1790s and the Napoleonic Wars created a tense atmosphere, and in 1808, the authorities imprisoned Hofbauer. Due to the efforts of Archbishop Hohenwart, the government released Hofbauer from prison, and the Redemptorist made his way to Vienna. Hohenwart helped him sneak into Vienna, where the police took Hofbauer into custody. Hohenwart convinced the Viennese police, who accused Hofbauer of stealing Church vessels and vestments, to release the Redemptorist. Vienna was, however, only a stopover for Hofbauer, who found Austria too inhospitable for his order. He attempted to go to Canada, but war with France in 1809 made this dream impossible.¹¹³

In Vienna, the government banned Hofbauer from preaching in churches, and it was illegal to deliver sermons outside of church. Hofbauer defied this ban and gave fiery public speeches. He opposed Josephinism and revolution, arguing that the gospel must be preached. He said that pure truth could be found in Catholicism with the pontiff at the zenith of

¹¹² Chadwick, *Popes and European Revolution*, 162.

¹¹³ Adam Bunnell, *Before Infallibility: Liberal Catholicism in Biedermeier Vienna* (Madison, NJ: Fairleigh Dickinson University Press, 1990), 45.

authority because the pope pointed to the next world. Hofbauer wanted, ultimately, for the Church to be free and for the clergy not to be government employees. Baron Penkler introduced Hofbauer to Caroline Pickler, who lent her house to Catholic converts in the Viennese intellectual community.¹¹⁴ Due to this contact, Hofbauer became connected with other like-minded individuals and formed the core of a Catholic activist movement.

The police harassed Hofbauer, making him popular in Vienna. In 1810, the police accused Hofbauer, correctly, of belonging to an illegal order and alleged that he was in communication with organization leaders in Italy.¹¹⁵ The police told Hofbauer to renounce his order or leave Austria. Hofbauer was sick that winter of 1810 and 1811 and had no hope of finding a home in another country. He told the police, therefore, that he gave up his connections with the order. On November 12, 1818, police searched his living quarters and gave him an ultimatum to leave Austria or to quit the Redemptorists. Francis signed the paperwork for Hofbauer's exile under the impression that it was voluntary. When the empress' confessor, Vincenz Darnant, informed Francis of what happened, the emperor, having just returned from his visit with the pope, legalized Hofbauer's order, with the caveat that its rules conform to Habsburg laws.¹¹⁶ Hofbauer died, however, a few months after the legalization of the Redemptorist order, in 1820.

The restoration of the Redemptorist order was a small victory for Catholic advocates against the Austrian bureaucracy. While the Archbishop of Vienna, Count Leopold Maximilian von Firmian reported this order as having good discipline, it remained small and

¹¹⁴ Bunnell, *Before Infallibility*, 48-49.

¹¹⁵ Hosp, *Die Kirche Österreichs*, 243.

¹¹⁶ Bunnell, 50

confined to Vienna.¹¹⁷ One can see the zeal of Austrian bureaucrats in enforcing Josephinist legislation with the Hofbauer case. If not for the intervention of the empress' confessor, Darnant, Austria officials would have, most likely, forced Hofbauer out of the country.

Friedrich Schlegel was the most famous Romantic in Austria and had a cooperative relationship with Austrian officials. He admired medieval Germany with the Church possessing a leading role in society.¹¹⁸ He was in Vienna periodically from 1806 until his death in 1829. As with most Romantics, he came from Protestant northern Germany, but in 1808, he went into a Catholic Church in Cologne, and he and his wife converted to Catholicism.¹¹⁹

Schlegel befriended officials in the Austrian government and received their protection. He met Metternich's advisor Friedrich von Gentz in Berlin, and it was probably Gentz's invitation that led Schlegel to come to Vienna. Schlegel acquainted himself with the Archbishop of Vienna, Hohenwart, and traveled with Archduke Charles in the 1809 war with France. It is here that he received permission to give talks, in contrast to his brother August William Schlegel, whom Francis denied the right to lecture.¹²⁰ After the Congress of Vienna, Metternich sent Friedrich Schlegel to Frankfurt as a diplomatic advisor for Austria at the Federal Diet from 1815-1818 in the nascent German Confederation, and in 1819 he went to Rome with Francis.¹²¹

¹¹⁷ Rupert Winkler, *Der Zustand der Klöster in der Wiener Erzdiözese um 1828 (Nach den Visitationsberichten des Wiener Erzbischofs Leopold Maximilian Graf von Firmian)* (Vienna, 1972), 14.

¹¹⁸ Paula Sutter Fichtner, "History, Religion, and Politics in the Austrian Vormärz," *History and Theory: Studies in the Philosophy of History* 10 (1971): 37.

¹¹⁹ Hosp, *Die Kirche Österreichs*, 255.

¹²⁰ Hosp, *Die Kirche Österreichs*, 258.

¹²¹ Fichtner, "History, Religion, and Politics in the Austrian Vormärz," 37.

Yet these personal links had limits for Schlegel. He was able to write and give lectures without harassment, but he operated on a more intellectual level and did not push hard for reforms in the Austrian church. Metternich founded the *Jahrbucher der Literatur* in 1817 to satisfy Austrian intellectuals who wanted a scholarly periodical. Metternich did not, however, appoint Schlegel as the editor because the latter would be too friendly to the Church.¹²² He nominated Matthäus von Collin and Joseph Pilat, editor of the *Österreichische Beobachter*, which appeared three times a week and had Schlegel as a columnist.¹²³

The case of Adam Müller shows, once again, how one could bypass the Austrian bureaucracy. Although Catholic advocates effected little change, small victories occurred, occasionally, when Francis intervened. The pious Archduke Maximilian invited Müller to leave Berlin and come to Vienna. Maximilian kept Müller at his house and supported the Berliner financially. Müller had converted to Catholicism in 1805 and admired Hofbauer. Müller preached harmony between godliness and humanity, which he argued existed in the Middle Ages but had dissolved in the secular world. He became acquainted with other reformists, such as Caroline Pickler and Schlegel's wife, Dorothea Schlegel.¹²⁴

Müller thought the success of Catholic advocacy lay in winning over the youth. He wanted to found an institute for noble children in 1812. It would teach modern languages, humanities, and provide courses on state knowledge and diplomacy, keeping in mind that many young nobles would later serve in the bureaucracy. He proposed teaching religious training and advisors to watch over the moral and religious development of the youth. He

¹²² Fitchner, "History, Religion, and Politics in the Austrian Vormärz," 43.

¹²³ Hosp, *Die Kirche Österreichs*, 259.

¹²⁴ Hosp, *Die Kirche Österreichs*, 269.

planned to name it the Maximilianeum, after the Archduke, who would provide the funds to open the school.¹²⁵

The archduke was the brother-in-law of Francis and hoped to receive the emperor's approval for the institute in October 1812. The bureaucracy thwarted his plans. Baron Hager, head of the police and the censor board, demanded to know details about the institute, such as the source of funds and its curriculum. Hager worried about Hofbauer being employed as a religious teacher. The police feared that Müller, a foreigner, would lead the institute and reported that his project was the work of the despised papal nuncio, Antonio Gabriele Severoli, and the Jesuits.¹²⁶ They accused Müller of being a follower of modern mysticism, which Austrian officials perceived to be popular in his homeland of northern Germany. The police director, Francis Siber, worried about Hofbauer's role in the school and feared that teachers would have no knowledge of proper education methods. He found it odd, also, that secular curricula would mention God, Jesus, and religion. He concluded that the youth could not be trusted to this proposed institute.¹²⁷ Francis referred Müller's request to the *Studienhofkommission*, which advised denying the project, and on May 4, 1813, Francis agreed with this recommendation.

Maximilian did not give up and continued to support the creation of the institute. The renowned Catholic pedagogue Friedrich August von Klinkowström agreed to teach at the school, and the Archduke went, personally, to Francis, who granted permission for the founding of a school at Wieden in 1818.¹²⁸ The establishment of this institute succeeded only

¹²⁵ Hosp, *Die Kirche Österreichs*, 292.

¹²⁶ Hosp, *Die Kirche Österreichs*, 293.

¹²⁷ Hosp, *Die Kirche Österreichs*, 294.

¹²⁸ Hosp, *Die Kirche Österreichs*, 295.

when Francis' brother-in-law advocated directly for the cause. In addition, Francis' new wife Caroline Augusta of Bavaria, whom he married in 1816, supported Müller's project.

One of the most successful Catholic advocates, Gregorius Thomas Ziegler, came from the ecclesiastical world. As a bishop, he was part of the Austrian bureaucracy and worked as an activist for the Church as an insider in the government. He had been a monk at Wiblingen and professor of Church history at a priest seminary in Linz. While teaching theology in Vienna, he met Sebastian Francis Job, the confessor of the empress, who introduced Ziegler to the Hofbauer group. Ziegler attacked Protestantism and the Enlightenment. As bishop of Tyniec-Tarnow, he urged his priests to begin praying the breviary and to preach in their parishes but remain obedient to the state.¹²⁹ As bishop of Linz he complained that state officials ignored imperial rules commanding Sunday worship among bureaucrats. He wrote that his priests remained committed to the state and had little enthusiasm for their religious duties. He lamented that the people in his diocese had little religiosity, Protestants and Catholics lived together, and had adopted ideas from the Enlightenment.¹³⁰

Officials did not actively attempt to stop Ziegler, but the bishop did have confrontations with the state. Ziegler found himself in trouble, for example, at the festival of Mariä, when a police informer reported that he had preached about childhood education. The police accused him of being an agent for Severoli.¹³¹ Ziegler denied these allegations, convincing Hohenwart to tell the emperor that the police informant had been mistaken.

In Gallneukirchen, he worked against the mystical movement of Martin Boos. Boos went against Catholic teachings on good works, justification by faith, and said that Mary was

¹²⁹ Hosp, *Ziegler*, 82.

¹³⁰ Hosp, *Ziegler*, 94, 108.

¹³¹ Hosp, *Ziegler*, 28.

not the mother of God. The government clamped down on this movement, but in 1823, hundreds of Boosianers began converting to Protestantism to obtain the protection afforded by the Edict of Toleration and took the six-week course required for Catholics to convert.¹³² In 1826, Francis banned further conversions, just as Joseph had done in the 1780s when too many people converted to Protestantism. Francis ordered the police to monitor the pastors and the converts. Ziegler argued that these Protestants did not deserve protection because they had used Protestantism as a cloak for what was, in fact, a sect. Francis' spiritual advisor, Lorenz, wanted to permit the conversions after the Boosianers had completed the conversion course. Michael Wagner, the court chaplain, viewed them as ringleaders of an illegal sect, and Archbishop Firmian thought that the bishops should decide on individual cases whether the Boosianers were converting to a tolerated non-Catholic sect.

Although the case of the Boosiansers demonstrates that, as under Joseph, toleration was limited¹³³ and did not apply to sects,¹³⁴ recognized and established Protestants received protection, to the dismay of activists such as Ziegler. In 1842 the government approved a Protestant request for a prayer house in Linz. Opponents of this decision argued that there were not one hundred Protestants, as required under law, to build a religious center. Ferdinand ordered the grant suspended, but construction had already started and it

¹³² Hosp, *Ziegler*, 99-101.

¹³³ Even under Joseph, toleration of Protestants was limited. It did not apply to the entire monarchy and only applied to communities of recognized Protestants, such as Lutherans. Protestants could not erect churches off main roads or ring bells.

¹³⁴ One can see Austria's refusal to tolerate sects in the plight of the over 400 individuals whom the government expelled from Tirol in 1838. For more information see the *Annual Register or a View of the History and Politics of the Year 1838* (London: Printed for J.G.&F Rivington), 469, which blames the event more on Prussian interference; see also Hosp, *Kirche Österreichs*, 47-49.

continued.¹³⁵ Catholic advocates argued that it would lead to religious indifference but the bureaucracy disagreed. Alois Joseph Jüstel, the spiritual advisor to the emperor after Lorenz's death in 1828, entered the dispute. Jüstel was a moderate Josephinist. He defended the rights of the state over the Church but supported loosening Josephinist rules because the Church in the nineteenth century was much weaker and was, thus, no longer a threat to the government. Jüstel thought the Protestant center in Linz should be allowed and worried that other states would view Austria as intolerant, though he acknowledged that the state must stop Protestants from asking their co-religionists in Germany for assistance.¹³⁶

Romanticism faded by the 1820s. Schlegel died in 1829, and the death of Hofbauer in 1821 split the Catholic reform movement into several camps. The theologian Anton Gunter led the first group, which viewed pantheism as the main enemy. The second camp contained Metternich's secretary Karl Ernst Jarcke and the future Archbishop of Vienna, Joseph Othmar Ritter von Rauscher. They were ultramontanist, wanted a concordat with Rome, focused on Church politics and would triumph after 1848.¹³⁷ Ziegler remained active throughout the Restoration, pushing for reform after the death of Francis. Efforts, from the papacy and Metternich, at destroying Josephinism after 1835 failed because bureaucrats, such as Kolowrat, sat in the State Conference and blocked these attempts. Gridlock ensued and Josephinism persisted throughout the *Vormärz*. The loose group of Catholic advocates, such as Hofbauer, Catholic Romantics, and conservative bishops, shook the Josephinist state church but did not break it. They effected a few changes, but overall, the Church was in the same condition in 1848 as Joseph had left it in 1790.

¹³⁵ Hosp, *Ziegler*, 106.

¹³⁶ Hosp, *Ziegler*, 107.

¹³⁷ Bunnell, *Before Infallibility*, 51; Weinzierl-Fischer, 17.

Chapter Two: Austria and the Papacy

The influence of Josephinism in Austria reflected itself in the attitude of the government to the papacy. Joseph had cut all links to Rome in the 1780s, and this situation lasted throughout the French Revolution and the *Vormärz*. The Congress of Vienna met after the defeat of Napoleon in 1814-1815 to settle the problems brought on by the French Revolution and to develop a conservative, lasting peace. The leaders knew they could not turn back the clock to 1789. The Holy Roman Empire was not revived, and the ecclesiastical districts that Francis used to compensate secular princes from 1797-1803, affected by French annexation of the left bank of the Rhine, did not return.¹³⁸ The Papal States did return, however, to central Italy, and Austria expanded its territory in northern Italy, embroiling the two states in geopolitical conflicts.

Metternich displayed an anti-papal attitude in Vienna. At the Congress, General Vicar Ignaz Wessenberg von Constance proposed a German national Church independent of Rome. Metternich supported this idea, along with Martin von Lorenz, Francis' spiritual advisor, who wanted the Josephinist state-church to replace the ecclesiastical structure of the Holy Roman Empire.¹³⁹ The Congress refused to adopt this idea because it would appear as if it wanted to impose religious principles on Germany in the form of ecclesiastical structure.¹⁴⁰ Metternich opposed, also, allowing the papal secretary of state, Cardinal Ercole Consalvi into the Congress. Consalvi argued that a union of throne and altar would scare off revolutionary enemies, but Metternich thought that the French imprisonment of Pius VI and VII, along with

¹³⁸ Kann, *The Habsburg Empire*, 216-218.

¹³⁹ Weinzierl-Fischer, *Die Österreichische Konkordate*, 13.

¹⁴⁰ Weinzierl-Fischer, 13.

occupation of the Papal States, showed that the papacy offered no protection against revolution.¹⁴¹

Metternich's attitude began to shift after the Congress of Vienna. He realized, gradually, that the conservative order needed the moral authority found in the papacy to rival revolutionary ideas.¹⁴² The moderates Pope Pius VII and Consalvi supported Metternich in this endeavor. Pius had supported science and invited eminent naturalists to the Vatican.¹⁴³ The pontiff removed duties on oil, permitted free trade in grain, and attempted to provide good government with currency reforms.¹⁴⁴ Consalvi opposed the reactionary *Zelanti*, or zealots, in the papal government. The *Zelanti* were a powerful sect in Rome that opposed innovation and reform. In 1814, near the end of Pius' imprisonment, the *Zelanti* nullified, for example, the Napoleonic Code, abolished street lighting, restored feudal rights, and reestablished the Inquisition. Consalvi and Metternich wanted to initiate much-needed reform in the Papal States to mitigate the appeal of revolutionary organizations and to use Austrian police to supplement papal efforts at controlling sects.¹⁴⁵

Consalvi and Metternich failed, however, in their efforts to reform the papacy due to geopolitical conflicts. In 1820, revolution erupted in Naples. Austria possessed the ability to crush the revolt, but Metternich wanted the papacy to denounce it and destroy its moral position. Consalvi had doubts, however, about using spiritual power for political ends.¹⁴⁶ In addition, Metternich believed the only way to keep peace and order in Italy was through

¹⁴¹ Eduard Hosp, *Kirche Österreichs*, 18.

¹⁴² Alan Reinerman, *Between Conflict and Cooperation*, 22.

¹⁴³ Nicholas Patrick Wiseman, *Recollections of the Last Four Popes and of Rome in their Times* (Boston: P. Donahoe, 1859), 70-71.

¹⁴⁴ Wiseman, *Recollections of the Last Four Popes*, 152-153.

¹⁴⁵ Reinerman, *Between Conflict and Cooperation*, 37.

¹⁴⁶ Reinerman, *Between Conflict and Cooperation*, 81.

moderate reform. Austrian attempts for reform at conferences at Laibach in 1821 and Verona in 1822 infringed on papal sovereignty, and Consalvi resisted them. At these conferences, Austria strove to supervise the Italian peninsula through a Central Investigating Commission and tried to bring the Italian postal system under Austrian control.¹⁴⁷ Resistance by the papacy and other European powers defeated these aims.

In addition to political conflicts, religious disputes hindered Papal-Austrian cooperation. Austrian possession of Lombardy-Venetia, Dalmatia, and Ragusa opened up these areas to Josephinism. The emperor insisted on the right to appoint the bishops for northern Italy and refused to compromise on this issue. The papacy resisted but yielded by 1817.¹⁴⁸ In 1816, Francis made a tepid attempt at resolving these issues with a concordat. He gave the Josephinist State and Conference minister of finance, Count Joseph Wallis, the task of concluding an agreement with Rome.¹⁴⁹ Francis ordered Wallis not to violate the rights of princes.¹⁵⁰ Wallis wrote back recommending the narrowing down of negotiations to Italian affairs, and Francis agreed. The emperor approved, furthermore, Wallis' suggestion of a commission of men to negotiate with the papacy. This list included Josephinists drawn from Francis' advisors and professors at the University of Vienna, who supported the Josephinist state-church.¹⁵¹ Under these conditions, it is not surprising that negotiations for a concordat failed by mid-1817.¹⁵²

¹⁴⁷ Reinerman, *Between Conflict and Cooperation*, 109.

¹⁴⁸ Chadwick, *The Popes and European Revolution*, 540.

¹⁴⁹ Hosp, *Kirche Österreichs*, 195.

¹⁵⁰ Francis to Graf Wallis, In Ferdinand Maass ed, *Der Josephinismus: SpätJosephinismus*, Vol. 4 of *Der Josephinismus* (Vienna: Verlag Harold, 1957), 551.

¹⁵¹ Graf Wallis to Francis, October 28, 1816 In Maass, 4: 552.

¹⁵² Hosp, *Kirche Österreichs*, 195.

Papal-Austrian relations deteriorated as Josephinist religious regulations over northern Italy increased. In 1816 Francis forbade bishops in northern Italy from going to Rome to be consecrated. He wanted to restore the edict passed by the Italian kingdom on June 7, 1806 banning the trip to Rome, arguing that the prelates had overturned it without approval of secular rulers.¹⁵³ The papacy demanded that new bishops needed to undergo the trip to Rome for confirmation.¹⁵⁴ Metternich lobbied Francis, unsuccessfully, for years to allow newly appointed bishops to travel to Rome. In 1819 Metternich convinced Francis to permit bishops in Lombardy-Venetia to visit the pope, arguing that even Joseph II had allowed Italian bishops the right to obtain canonical confirmation in Rome.¹⁵⁵

In the years following the Congress of Vienna, Pius had lobbied Francis to visit Rome. The emperor delayed this trip until 1819 when he agreed to travel to Rome, as part of a tour of northern Italy, under the condition that there would be no discussion about church political affairs.¹⁵⁶ When Francis departed Rome, Pius handed him a memorandum with complaints about the Austrian church. The five main points were: 1. Education in Austrian universities. 2. The course of study for theologians. 3. The Marriage patent. 4. The ceremonial introduction for bishops. 5. Separation of orders from their generals.¹⁵⁷ These five issues characterized the bulk of the Josephinist Church and would remain unchanged, much to the irritation of Rome, until after 1848.

Although Francis allowed cracks to develop in the state-church system after his trip to Rome, relations between Austria and the papacy remained contentious. He legalized the

¹⁵³ Francis to Metternich, February 27, 1816, In Maass, 4:505.

¹⁵⁴ Metternich to Francis, July 11, 1819, In Maass, 4: 629

¹⁵⁵ Metternich to Francis, July 11, 1819, In Maass, 4: 629

¹⁵⁶ Hosp, *Kirche Österreichs*, 196.

¹⁵⁷ Count Franz Kolowrat-Liebsteinsky, February 29, 1818, In Maass, 5: 272.

Redemptorist order in Vienna and allowed the limited entry of the Jesuits in 1820. Other issues continued, however, to drive apart the monarch and pontiff, such as Austrian interference in the papal conclave in 1823, reactionary measures by several popes, and the lack of response to the memorandum of Pius VII.

The death of Pius VII in 1823 presented challenges to Austrian officials, who feared the election of a reactionary pope. Metternich wanted an enlightened, conciliatory, and moderate pope.¹⁵⁸ In order to achieve this goal, he authorized Cardinal Giuseppe Andrea Albani, an ally of Austria, to use the direct exclusive in the conclave. Each Catholic country possessed a veto, known as the direct exclusive, for papal elections. Austria had interfered, unsuccessfully, with the conclave of 1800 held in Austrian-controlled Venetia and would meddle, ineffectually, in future ones.¹⁵⁹ Despite Metternich's knowledge that use of the exclusive could backfire, he invested Albani with this power to use at the cardinal's discretion, writing that Austria would not micromanage the process.¹⁶⁰

Albani used the direct exclusive against Antonio Severoli, who was a member of the *Zelanti* and an outspoken Austrophobe. Severoli had denounced Josephinism and the Austrian church.¹⁶¹ During his time as papal nuncio in Vienna (1801-1816), he irritated Austrian officials. Francis had expressed anger at Severoli for intervening in Austrian religious affairs, writing that only the emperor can lead the bishops.¹⁶² In 1803 Lorenz wrote to Francis that Severoli overstepped his authority by telling bishop Olechowsky of Cracow to defy a transfer order for one of the clergymen in his diocese. In addition, Severoli had

¹⁵⁸ Prince Richard Metternich ed, *Memoirs of Prince Metternich*, 64.

¹⁵⁹ Chadwick, *The Popes and European Revolution*, 483.

¹⁶⁰ Metternich, *Memoirs of Prince Metternich, 1815-1829*, 64-65.

¹⁶¹ Alan Reinerman, "Austria and the Papal Election of 1823," *Central European History* 3 (1970): 237.

¹⁶² Francis to Archbishop Colloredo, October 20, 1803 In Mass, 4: 317.

advised the bishop of Trento to declare the Marriage Patent of 1783 invalid.¹⁶³ As the former nuncio approached the necessary two-thirds mark required for election, Albani announced the veto of Severoli's candidacy for pope.¹⁶⁴ The *Zelanti* rallied, however, around the reactionary Austrophobe Della Genga, who took the name Leo XII.

Leo XII pursued some reactionary policies that horrified Austria, such as fusing civil and canon law, which Consalvi had separated. In addition, he dismissed Consalvi. These policies engendered terrorism, such as assassination of local officials and supporters of the Papal government, by revolutionaries upset at Leo's administration, leading, for example, to fear that the Jubilee, a Christian celebration organized by Rome every fifty years, in 1825, would be subject to plots by various sects.¹⁶⁵

Fear about the Jubilee existed, also, among Austrian officials. In Rome observers noted that Austria was against the Jubilee due to the influence of Josephinist ideas.¹⁶⁶ Francis approved, however, the papal bull about the Jubilee, even though the government placed restrictions on pilgrimages. Austria had banned overnight pilgrimages in 1772 and in 1784 required that parish priests accompany pilgrims on their journey.¹⁶⁷ Metternich had the event pushed back to 1826 in Austria to give the police more time to deal with pilgrims.¹⁶⁸ The police chief of Venice wanted a ban on pilgrims, but other police officials thought it would be sufficient to enforce existing passport rules. They agreed that only top police officials could grant passes. Politically dangerous people would not receive passports, and the pilgrims going to Rome would be under surveillance and bound to a strict path. The Jubilee turned out

¹⁶³ Lorenz to Francis, October 24, 1803, In Maass, 4: 318.

¹⁶⁴ Reinerman, "Austria and the Papal Election of 1823," 249.

¹⁶⁵ Reinerman, *Between Conflict and Cooperation*, 127-28; Wiseman, 296.

¹⁶⁶ Wiseman, 287.

¹⁶⁷ Chadwick, *The Popes and European Revolution*, 44.

¹⁶⁸ Hosp, *Kirche Österreichs*, 204.

to be a small event and attracted only one hundred Austrian subjects, compared to 25,000 in 1775.¹⁶⁹

Throughout the rest of the decade, relations remained cold between Austria and the papacy. Leo complained about the deprived Austrian clergy and the lack of action on Pius' memorandum.¹⁷⁰ Francis responded only with vague assurances of his support for the Church.¹⁷¹ A thaw occurred in 1829 with the election of a new pope, Francesco Castiglione, who took the name Pius VIII (r. 1829-1830). Metternich learned from the experience of the 1823 conclave and abstained from interfering.¹⁷² A veto was not needed because Pius VIII adhered to moderate religious policies and attempted to appease Austria in minor ways, such as agreeing to notify Vienna before placing Austrian books on the Index.¹⁷³ Pius VIII recognized, also, the liberal government of king Louis-Philippe after the 1830 revolution in France.¹⁷⁴

A variety of changes around 1830 induced Francis to seek a change in Austrian-papal relations. Complaints persisted, especially from Italian bishops, who argued that Josephinism went against their conscience.¹⁷⁵ Leo badgered Francis about the memorandum, and in 1829 Kolowrat urged Francis to put together a panel of bishops and legal scholars to look into it.¹⁷⁶ Francis agreed but ended up turning to his court chaplain, Bishop Michael Wagner, who

¹⁶⁹ Hosp, *Kirche Österreichs*, 204.

¹⁷⁰ Hosp, *Kirche Österreichs*, 197.

¹⁷¹ Letter from Francis I to Pope Leo XII, In Friedrich Engel-Janosi, *Die Politische Korrespondenz der Päpste mit den Österreichischen Kaisern, 1804-1918* (Vienna: Verlag Herold, 1964), 183.

¹⁷² Metternich, *Memoirs of Prince Metternich 1815-1829*, 572.

¹⁷³ Reinerman, *From Cooperation to Conflict*, 162.

¹⁷⁴ Wiseman, 432.

¹⁷⁵ Hosp, *Kirche Österreichs*, 197.

¹⁷⁶ Kolowrat to Metternich, February 29, 1828, In Maass, 5: 272.

issued a harsh condemnation of the Austrian church.¹⁷⁷ Pope Gregory XVI (r. 1831-1846) also pressed Francis to take action on the memorandum.¹⁷⁸

The emperor decided to start talks with Rome on altering Austrian church laws but sent the Josephinist Archbishop of Vienna, Vincenz Eduard Milde, to negotiate, secretly, with the papal nuncio, Pietro Ostini.¹⁷⁹ Milde could not come to an agreement with Rome, contending that Rome was politicizing religious questions, writing “ich finde mit tiefem Schmerz, daß man in Rom politisierte und sich nicht bestimmt aussprach...Gott, so geht es, wenn man in der Religion politisiert.”¹⁸⁰ Metternich intervened, advising the emperor that Milde did not have a good view of the Church and was being unreasonable in his demands on Rome. Siding with the papal nuncio, Metternich noted an agreement with the papacy was more likely than it appeared.¹⁸¹ Negotiations failed, however, due to lack of agreement on reconciling canon and state marriage laws, the Josephinist views of the archbishop, and slow communication between Rome and the nuncio.¹⁸² The death of Francis in 1835 ended hope of an agreement with the papacy.

Austria as Protector of the Papacy

During the Restoration, the papacy depended on the Austrian government for military protection and publication of Church proclamations within the monarchy. The government was the only avenue through which any change or assistance for the Church could proceed. In 1825, an observer noted, for example, that before Joseph’s reign, priests had much more

¹⁷⁷ Alan Reinerman, *Revolution and Reaction 1830-1838*, Vol. 2 of *Austria and Papacy in the Age of Metternich* (Washington D.C.: Catholic University Press of America, 1989), 271.

¹⁷⁸ Hosp, *Kirche Österreichs*, 197.

¹⁷⁹ Reinerman, *Revolution and Reaction*, 274.

¹⁸⁰ Hosp, Ziegler, 115.

¹⁸¹ Metternich to Francis, October 31, 1834, In Maass, 5: 416.

¹⁸² Reinerman, *Revolution and Reaction*, 287-289.

influence. He wrote that areas such as Bohemia contained many monks and priests before Joseph, but that in 1825, it was devoid of clergymen.¹⁸³ He argued that the power of the Austrian clergy was the weakest in Europe.¹⁸⁴ The papacy needed, clearly, to cooperate with the Austrian government in order to accomplish anything in the Habsburg monarchy. In addition, the pope needed Austrian protection from Italian revolutionaries and nationalists, forcing him to defer to Austria. Josephinism proved, however, limited to affairs directly related to the monarchy. Francis was willing to support and to protect the Church in distant realms and worked, as head of the Church in Austria, to curb anti-religious activity in his internal lands.

The papacy had no qualms about turning to Austria for help, despite the pontiff's objections to Josephinism. After the debacle of the French Revolution and the Napoleonic Wars, the pope looked again to Austria as the protector of the Church. During and after the pope's imprisonment, Pius VII requested, for example, Austrian assistance in reestablishing the Papal States.¹⁸⁵ After the resurrection of papal temporal power, its treasury lay empty, and the pontiff relied on Austrian forces to remove the nationalist, Joachim Murat, from the Legations on the eastern edge of the Papal States.¹⁸⁶

Francis usually granted papal requests as long as they did not affect his control of the Church. The Austrian government retrieved, for example, artwork stolen from the Church by French soldiers.¹⁸⁷ In 1818 Francis responded to papal pleas on behalf of Catholics in Syria and informed the British, French, and Austrian diplomats in Constantinople of his concern for

¹⁸³ Sealsfield, *Austria as it is*, 54.

¹⁸⁴ Sealsfield, 102.

¹⁸⁵ Pope Pius VII to Francis I, July 24, 1813, In Engel-Janosi, 107.

¹⁸⁶ E.E.Y. Hales, *Revolution and Papacy, 1769-1846* (Doubleday, 1960), 230.

¹⁸⁷ Pius VII to Francis, October 26, 1815, In Engel-Janosi, 127

the plight of Syrian Catholics.¹⁸⁸ The emperor responded, also, favorably to similar requests by the papacy to intervene in Constantinople for Armenian Catholics.¹⁸⁹ Francis would refuse Leo XII's requests to cede control of the Church in Dalmatia, but instead, promised to protect the churches in northern Italy and the "Austrian coast."¹⁹⁰ In 1827 Leo requested help in case of conflict with Spain, as he had begun filling vacant bishop seats in revolutionary South America, which the Spanish government did not yet recognize.¹⁹¹ Francis agreed to mediate in any conflict between Spain and the Holy See.¹⁹²

In February 1831 revolutionaries attacked the Papal States, and Pope Gregory XVI sent letters to Francis begging for protection.¹⁹³ Austrian forces arrived, restored peace, left but returned the following year. They remained until 1838. During this period, Metternich sent advisors to the papacy recommending moderate reforms that would mitigate the appeal of revolutionary sects calling for an end to Papal government.¹⁹⁴ These attempts failed due to papal concerns about secularization, and the influence of reactionaries in Rome prevented reform of the Papal States.

These favors to the papacy did not indicate an abatement of Josephinism in the monarchy because these courtesies did not threaten the Josephinist Church. Austrian officials were happy, for example, to assist Prussia in making concessions to Rome in 1841, though the

¹⁸⁸ Francis to Pope Pius VII, October 11, 1818, In Engel-Janosi, 139.

¹⁸⁹ Francis to Pope Leo XII, April 10, 1828, In Engel-Janosi, 184.

¹⁹⁰ Francis to Pope Leo XII, August 31, 1828, In Engel-Janosi, 189.

¹⁹¹ Pope Leo XII to Francis, July 5, 1827, In Engel-Janosi, 175.

¹⁹² Francis to Pope Leo XII, July 29, 1827, In Engel-Janosi, 176.

¹⁹³ Letters from Pope Gregory XVI, February 17, 1831 and April 10, 1831, In Engel-Janosi, 199-201.

¹⁹⁴ For information about Austrian attempts to reform the papacy, consult Alan Reinerman, *Revolution and Reaction 1830-1838*, Vol. 2 of *Austria and Papacy in the Age of Metternich* (Washington D.C.: Catholic University Press of America, 1989).

Habsburg monarchy was unwilling to make the same concessions.¹⁹⁵ Austrian assistance occurred, furthermore, in foreign lands, where it had no interest in who controlled the local episcopacy. Help went, in many cases, to Catholics facing persecution in other countries, and only hardened anticlerics would not have supported efforts to alleviate this pain, as long as it did not affect Austrian affairs.

Austrian-Papal Relations 1835-1848

The death of Francis in 1835 led to a political situation in which paralysis prevailed in the Austrian government, ending all hope of an agreement with the papacy. Austria began to lose influence at the papal court under Gregory, while his successor Pius IX (r. 1846-1878) initiated reforms that sparked riots against Austrian rule in northern Italy. Austria made various attempts, culminating in the early 1840s, to come to an agreement with Gregory on mixed marriages, loosen controls on communication between the pope and the bishops, and allow Austrians to study at the Germanicum in Rome. With the exception of a compromise on mixed marriages, these efforts failed.

The controversy over mixed marriages induced Austria to begin negotiations with the papacy. After Prussia arrested the Archbishop of Cologne in November 1837 over a dispute on mixed marriages, Austria, after some debate, attempted in February 1840 to reconcile the differences between canon and Austrian laws. During these initial discussions about mixed marriages with the pope, more complaints emerged from the Holy See, leading to discussions and debate about a variety of Austrian policies that were scarring Papal-Austrian relations.

Austria ordered its ambassador Count Rudolf Lützow to negotiate with Pope Gregory XVI, whom the Austrian diplomat found irritated. Gregory complained that Austria sent a

¹⁹⁵ Aubert, *Handbuch der Kirchengeschichte*, 399

state official to discuss religious questions. Gregory resented the barrier that still existed between the pontiff and the bishops, writing that he knew more about Polish and Russian affairs, despite Tsar Nicholas' attempts to conceal them, than the Austrian Church.¹⁹⁶ He complained that no senior Austrian clergy had been present at a canonization ceremony the previous year, though Rome had invited them. Gregory expressed frustration, furthermore, about the lack of action on Francis' final testament to cleanse the Austrian Church of Josephinism.¹⁹⁷ The pope believed, quite correctly, that Austria had not freed itself from Josephinist influence.¹⁹⁸

Not surprisingly, Metternich grew annoyed with Gregory. Metternich wrote that the Roman court was mistaken, and he contended that Josephinism was an Austrian anomaly in Papal-Austrian relations but no different from what other countries experienced in the eighteenth century. He wondered why the papacy could hold so much resentment toward Austria when nations such as France were the home of the Cult of the Supreme Being and had overthrown legitimate authority three times.¹⁹⁹ He blamed the hostility on miscommunication, arguing that the common bond between "les races d'origine romaine" allowed for better communication among Italian and French clergymen, while a gap existed between Germans and the Roman Curia. Metternich did, however, concede that German sovereigns, who had in the past concurrently held positions in the Church, had gone in the wrong direction, allowing Joseph to mislead them.²⁰⁰

¹⁹⁶ Lützow to Metternich, March 14, 1840, In Maass, 5: 568.

¹⁹⁷ Lützow to Metternich, March 14, 1840, In Maass, 5: 569.

¹⁹⁸ Lützow to Metternich, March 14, 1840, In Maass, 5: 570.

¹⁹⁹ Metternich to Lützow, March 25, 1840, In Maass, 5: 573; Metternich must be referring to Louis XVI in 1792, Louis XVIII in 1815, and Charles X in 1830.

²⁰⁰ Metternich to Lützow, February 18, 1840, In Maass, 5: 565.

Wider developments in Europe affecting the papacy left, furthermore, Austria isolated during these negotiations. On January 1, 1841 Prussia agreed to grant its bishops freedom of communication with the pope whenever the hierarchical rules of the Church required papal action. Bavaria allowed, on March 25, 1841, among its clergy and people, the freedom to contact Rome on all matters related to spirituality and the Church.²⁰¹ In Poland, the Russians had crushed the revolutions of 1830, in which the Polish clergy had participated. Tsar Nicolas responded by attacking the Church. He arrested clergymen, confiscated Church property, and applied pressure on Uniates to convert to Orthodoxy.²⁰² Austria and Russia had common interests in preventing revolution in Poland, and Metternich pushed, unsuccessfully, for a soft papal policy toward Russia. Metternich and the Tsar pressed, without success, for Gregory to suppress a Polish colony near Constantinople that operated as a center for anti-Russian activities. Metternich also learned, only through intercepts, that Rome was allowing Polish exiles to form orders in Rome.²⁰³ In addition, Metternich proved unable to prevent Gregory from issuing allocutions in 1839 and 1842, which condemned the persecution of the Church in Poland, appealed to the Tsar to halt attacks on Catholicism, and attached ninety documents demonstrating Russian culpability in the assaults.²⁰⁴ Finally, Lützow reported that Rome was growing ever more weary about the deterioration of Austrian orders and their suppression of communication with the General in Rome. The ban on Austrian students from studying at the

²⁰¹ Jüstel to Ferdinand, March 16, 1842, In Maass 5: 658.

²⁰² Alan Reinerman, "Metternich, Pope Gregory XVI, and Revolutionary Poland, 1831-1842," *The Catholic Historical Review* 86 (2000): 615.

²⁰³ Reinerman, "Metternich, Pope Gregory XVI, and Revolutionary Poland," 616.

²⁰⁴ Reinerman, "Metternich, Pope Gregory XVI, and Revolutionary Poland," 618.

Germanikum also frustrated the pope.²⁰⁵ Austrian officials worried about their declining influence in Rome and made suggestions to mitigate this trend.

One idea was for Emperor Ferdinand to create Crown Cardinals. The last cardinal from Austria or Hungary, Archduke Rudolf of Olmütz, the brother of Francis, had died in 1831. Austria had lost, therefore, much influence at papal conclaves to other countries such as France. It was also disturbing for the Habsburg monarchy, with its 25 million Catholics, not to have any representation in the College of Cardinals.²⁰⁶ Rome elevated the elected Archbishop of Salzburg, Prince Friedrich von Schwarzenberg to the Cardinalate in 1842.²⁰⁷ Schwarzenberg made the trip to Rome, pleasing Gregory, and this event served as a rare bright spot in Austrian-Papal relations.²⁰⁸

The Austrian government attempted to appoint Crown Cardinals but disagreed on whom to select. Jüstel viewed the creation of more cardinals as a means to regain influence, noting that France was notorious in creating crown cardinals to demonstrate French clout at conclaves. Jüstel advised appointing the Prince-Primate of Hungary, who possessed extraordinary religious and secular privileges, Joseph von Kopaczy, and the Archbishop of Olmütz, Baron von Sommerau. The emperor agreed but added Milde to the list of appointees.

²⁰⁹ The section chief of finance in the State and Conference Ministry, Count Francis von

²⁰⁵ Jüstel to Ferdinand, March 16, 1842, In Maass 5: 657.

²⁰⁶ Lützow to Metternich, January 30, 1841, In Maass 5: 637.

²⁰⁷ Jüstel to Ferdinand, March 16, 1842, In Maass 5: 656; the Archbishopric of Salzburg was the only one in which the Austrian emperor did not have nomination rights. It had long held special privileges from the pope and was only incorporated into the monarchy in 1815. After a contentious battle, Francis agreed in 1818 to preserve the status quo and allow the metropolitan chapter elect the archbishop, but the emperor received the right to select the chapter, in Reinerman, *Between Conflict and Cooperation*, 66-70.

²⁰⁸ Hosp, *Die Kirche Österreichs*, 54.

²⁰⁹ Jüstel to Ferdinand, March 16, 1842, In Maass 5: 661.

Hartig opposed the nomination of Kopaczy as did Kolowrat.²¹⁰ Hartig found Kopaczy unwise, while Kolowrat accused the Prince-Primate of stirring up trouble in Hungary.²¹¹ Of the three appointees, Milde was the only one not to become a cardinal.²¹²

Austrian officials also debated allowing students of the monarchy to study at the German college in Rome as a way of gaining favor with the papacy. Metternich began work in 1837 on eliminating this ban. He argued that permitting Austrians to attend the German college would allow the clergy of the monarchy to participate in Church affairs in Rome. Austria had been shut out in these matters, while French, German Catholics, Piedmontese, and even Prussian Protestants could study in Rome. This step would, he asserted, strengthen the bond between throne and altar and rebuild trust between Vienna and Rome.²¹³ Jüstel supported Metternich's efforts.²¹⁴ Jüstel wrote that Catholics in the monarchy were members of the Church and did not, therefore, view the pope as a foreigner.²¹⁵

Hartig and Kolowrat opposed, successfully, the reopening of the Germanikum to students of the monarchy. Kolowrat believed that the ban had brought sixty years of peace. He viewed Rome more as a negotiating partner and noted that they were not making any substantial concessions. He worried, furthermore, that the Roman demands would require Austria to change its laws and would outrage subjects of the empire.²¹⁶ Hartig wrote and probably exaggerated that the only archbishop to support matriculation of Austrian students at the German college was the dying Andrzej Ankwicz of Prague, while every other archbishop

²¹⁰ Hartig to Ferdinand, March 21, 1842, In Maass 5: 665.

²¹¹ Kolowrat to Ferdinand, March 24, 1842, In Maass 5: 667.

²¹² Hosp, *Die Kirche Österreichs*, 139.

²¹³ Metternich to Ferdinand, Beginning of April, 1842, In Maass 5: 672.

²¹⁴ Jüstel to Ferdinand, March 16, 1842, In Maass 5: 660.

²¹⁵ Jüstel to Ferdinand, November 4, 1842, In Maass 5: 688.

²¹⁶ Kolowrat to Ferdinand, April 12, 1842, In Maass 5: 674-75.

supposedly opposed it.²¹⁷ This matter remained unanswered when Ferdinand ceded it to a new government on April 18, 1848.²¹⁸

Since the reign of Joseph, laws and decrees restricted the clergy's contact with the papacy, but in practice barred all communication with Rome. After Bavaria and Prussia loosened restrictions, however, on clerical contact with the pope in their respective countries, Austria felt pressure and pushed for a similar agreement with Gregory. Austria needed to regain influence at Rome, and more liberal rules on communication would appease the pontiff. Other bureaucrats opposed these changes, however, and they ultimately prevailed throughout the *Vormärz*.

In 1842, Ferdinand ordered Jüstel to issue a report on the law regulating communication of the clergy with Rome.²¹⁹ This study, along with the ones produced by the archbishops of the empire, revealed that a messy patchwork of decrees governed contact with the papacy, leaving room for interpretation. Decrees in 1746, 1767, 1781, 1791, and 1798 ordered that papal bulls, briefs, and rescripts concerning dogma, ecclesiastical matters, and Church discipline needed approval of the secular ruler (*placetum regium*). Orders in 1782 required governmental approval for the clergy to apply to Rome for indulgences, prayers, and papal titles.²²⁰ Only spiritual matters related to belief and matters of the conscience (*forum internum*) received an exemption.²²¹ A 1746 decree required permission before a clergyman could request a fasting dispensation from the pontiff, while the 1783 marriage patent applied

²¹⁷ Hartig to Ferdinand, April 4, 1842, In Maass 5: 672.

²¹⁸ Hosp, *Die Kirche Österreichs*, 247.

²¹⁹ Jüstel to Ferdinand, March 16, 1842, In Maass, 5: 664.

²²⁰ Jüstel to Ferdinand, November 4, 1842, In Maass, 5: 684.

²²¹ Milde to Inzaghi, February 6, 1843, In Maass 5: 698.

the same policy toward marriage dispensations.²²² Austrian law banned communication through the papal nuncio in Vienna, and an 1811 law required anyone needing advice from Rome to go to the bishop, who would turn to the Court Chancellery, which would send the correspondence to Rome.²²³ The state could, therefore, control and monitor communiqués sent to the pope. An order from 1786 notified bishops that contact with foreign ordinariates, the offices of the bishops, was illegal, and a decree in 1816 announced that the imperial ambassador in Rome needed approval of the secular ruler before asking for papal indulgences or dispensations.²²⁴ Austrian law certainly limited clerical communication with Rome but did not explicitly ban it. The general practice and assumption was, however, that regulations banned contact with the pope.

Jüstel maintained that the government and clergy had simply misunderstood the decrees.²²⁵ He acknowledged the state regulations that limited communication but argued that it did not apply to all contact with Rome. In his view, Austria had rightly limited papal power in the monarchy because the Church had, historically, mixed religious and secular affairs and abused their powers, such as excommunication, against monarchs. He stated that the power relationships had changed, and the pope was no longer a threat to secular rulers. The case of Bavaria and Prussia demonstrated, in Jüstel's opinion, that other states shared this belief.²²⁶ Jüstel offered three suggestions. The government could issue a decree to the bishops clarifying the conditions under which bishops could contact Rome, enlighten the papacy on Austrian rules regarding communication with the clergy in the monarchy, or request from

²²² Jüstel to Ferdinand, November 4, 1842, In Maass 5: 684.

²²³ Jüstel to Ferdinand, November 4, 1842, In Maass 5: 685.

²²⁴ Milde to Inzaghi, February 6, 1843, In Maass, 5: 698.

²²⁵ Jüstel to Ferdinand, November 4, 1842, In Maass 5: 685.

²²⁶ Jüstel to Ferdinand, November 4, 1842, In Maass 5: 688.

high-ranking clergymen reports on whether the complaints about restricting contact with Rome were legitimate and how they could be altered.²²⁷

The emperor chose the third option and requested similar opinions from the archbishops of Salzburg, Milan, Vienna, Gorizia, and the Patriarch of Venice.²²⁸ They gave their opinions on Austrian law and each archbishop argued for at least limited direct communication with the pope. Austrian officials also asked these Church officials if complaints about the inhibitions on clerical communication were valid and what solutions would remedy these problems.

The Archbishop of Gorizia, Francis Xavier Luschin, argued that legal measures did, indeed, prevent contact with the papacy.²²⁹ He wrote that bishops needed direction from Rome for dispensations on a variety of matters, and papal rules from Benedict XIV (r. 1740-1758) required bishops to send in reports on the conditions of their dioceses. Even Rechberger's Josephinist book on Church regulations allowed, he noted, bishops to transmit details to the pope regarding the state of affairs in the dioceses.²³⁰ Luschin viewed the restrictions on contact with the pontiff as harmful to the conscience and desired that the bishops have permission to seek advice from Rome on important matters.²³¹

Prince Friedrich von Schwarzenberg, the elected Archbishop of Salzburg, viewed communication with the papacy as necessary because the pontiff was the head of the Church. He argued that governmental decrees had the effect, in practice, of banning clerical contact with Rome, and he believed these measures went against what the bishops' career and

²²⁷ Jüstel to Ferdinand, November 4, 1842, In Maass 5: 688-91.

²²⁸ Jüstel to Ferdinand, November 4, 1842, In Maass 5: 691-92.

²²⁹ Luschin to Inzaghi, February 1, 1843, In Maass, 5: 694.

²³⁰ Luschin to Inzaghi, February 1, 1843, In Maass, 5: 695.

²³¹ Luschin to Inzaghi, February 1, 1843, In Maass, 5: 696.

conscience demanded.²³² He wanted the state to allow bishops to turn to the pope whenever the bishops felt it necessary, noting that even Protestant states have changed their laws to permit these actions.²³³

Archbishop Milde held a different opinion than the other high clergymen. Milde wrote that he had never experienced obstacles when trying to contact the papacy, and he noted that no general law existed banning this form of communication.²³⁴ He praised, in fact, Austrian laws, claiming they were conducive to order and standardized rules for the dioceses.²³⁵ He viewed the Josephinist regulations as reasonable, noting that Emperors Ferdinand III in 1641, Leopold I in 1681, and Maria Theresa in 1746 and 1767 had issued rules limiting contact with Rome. These regulations were, he argued, a small price to pay in exchange for the protection the state offered to the Austrian Church. In addition, he contended that these rules existed, in some form, in other countries with the exception of the Church in North America, which paid for its freedom at a steep price of losing the guardianship of the state.²³⁶ Despite his support for Austrian laws, Milde thought the government could remedy the misunderstandings on clerical communication with Rome by allowing bishops to turn to the papacy in spiritual matters affecting the conscience but advised that on issues such as dispensations, papal titles, and privileges, bishops should obtain the approval of the state.²³⁷

The archbishops and Patriarch in northern Italy faced different circumstances and had more freedom than other bishops in the Habsburg Empire. The bishops here could turn to

²³² Schwarzenberg to Inzaghi, March 31, 1843, In Maass 5: 704.

²³³ Schwarzenberg to Inzaghi, March 31, 1843, In Maass, 5: 706.

²³⁴ Milde to Inzaghi, February 6, 1843, In Maass 5: 697.

²³⁵ Milde to Inzaghi, February 6, 1843, In Maass 5: 698.

²³⁶ Milde to Inzaghi, February 6, 1843, In Maass 5: 699.

²³⁷ Milde to Inzaghi, February 6, 1843, In Maass 5: 700.

Rome for marriage dispensations when one discovered legal hindrances to the wedding after it occurred, for permission to possess private chapels in their homes, and for indulgence powers and special privileges from the pope. They also had to turn to the pontiff whenever couples seeking marriage had hindrances such as engagements to relatives and differences in religion.²³⁸ Archbishop Gaisruck of Milan did not know how to respond because, as a clergyman of an Italian province, he faced different conditions than the rest of the monarchy. The Patriarch of Venice noted, only, that free communication between the bishops and Rome was necessary, comparing it to the necessity of a ruler to be in contact with his subjects.²³⁹

In September, 1843, after some delay, the government decided not to implement these suggestions. The head chancellor of the Court Chancellery, Count Charles Borromäus von Inzaghi, received these reports from the archbishops and rejected them, as did other members of the Chancellery. The court chancellor Baron von Pillersdorff remarked that the pope was still the ruler of a foreign state and could, as history had shown, become implicated in secular conflicts. Inzaghi praised state control and approval over Church communications, noting that it was nothing new. He wrote that it had great advantages such as protecting bishops from contentious battles over Church dogma, discipline, and ritual. It allowed, he argued, the clergy to hide behind the state when these disputes arose.²⁴⁰ Inzaghi and the Court Chancellery concluded that there was no reason to loosen the existing rules, and the government never implemented any of the suggested changes.²⁴¹

By the time of Gregory's death in 1846, Austrian-Papal relations had made little progress. The only bright spot had been Archbishop Schwarzenberg's visit in the winter of

²³⁸ Gaisruck to Inzaghi, February 10, 1843, In Maass, 5: 701.

²³⁹ Inzaghi to Ferdinand, September 20, 1843, In Maass, 5: 716.

²⁴⁰ Inzaghi to Ferdinand, September 20, 1843, In Maass, 5: 721.

²⁴¹ Inzaghi to Ferdinand, September 20, 1843, In Maass, 5: 722.

1841-42. Although Austrian influence had declined during Gregory's reign, it was preferable to the serious situation that developed under his successor Pius IX, who unleashed a series of reforms that induced riots against Austria in Italy and led to war between Austria and Italian nationalists in 1848.

Controversy surrounded the conclave of 1846, which elected the reform-minded Pius IX. The College of Cardinals met and conducted the election before the foreign cardinals could arrive. Countries, such as Spain, France, and Austria, had used their veto power in the previous conclaves of 1830-31, 1829, and 1823. The College gathered quickly, therefore, to prevent interference in this election.²⁴² Rumors have long claimed, even to this day, that Metternich ordered the Cardinal-Archbishop Gaisruck of Milan to veto this reformist pope. Modern scholars speculate, however, that this accusation is unfounded.²⁴³

After his election, Pius embarked on a series of reforms that destabilized central Italy. He released hundreds of political prisoners and permitted exiles to return home. He appointed a commission of Italian jurors to recommend reform, planned railroad lines, and wanted to charter telegraph companies. Pius liberalized censorship and created a box for ordinary subjects to voice complaints.²⁴⁴ He sold half of the sixty horses in the papal stables, cut spending on the police, and opened the ghetto.²⁴⁵

²⁴² Frank J. Coppa *Pope Pius IX: Crusader in a Secular Age* (New York: Twayne Publishers, 1979), 40.

²⁴³ Coppa, 14; Metternich was apprehensive about the election of Pius, saying he was raised in a liberal family, was a good priest, but not tuned into the affairs of government. Coppa, 42; Coppa views the rumor that Gaisruck held the order to veto as possibly fabricated to increase the popularity of Pius IX among Italians. E.E.Y. Hales, *Pio Nono: A Study of European Politics and Religion in the Nineteenth Century* (London: Eyre and Spottiswoode, 1954), 20 also writes that there is no evidence that Gaisruck held a veto for the 1846 conclave.

²⁴⁴ Coppa, 47-48.

²⁴⁵ Francis Beauschense Thornton, *Cross upon Cross: The Life of Pius IX* (Benziger Brothers, 1955), 81.

Events quickly spiraled out of control in Italy as the population demonstrated, rejoicing at the reforms and pleading with Pius to lead an Italian national movement. Giuseppe Mazzini, the founder of Young Italy, a political party that strove for national unification, urged Pius to lead a crusade against Austria in northern Italy. In addition, rumors circulated claiming that reactionary cardinals had hatched a plot to imprison Pius, and the riots grew violent.²⁴⁶

Austria viewed these developments with concern, and on July 17, 1847, Austria reinforced its garrison in Ferrara as allowed under article 103 of the Congress of Vienna.²⁴⁷ The Austrian Field Marshall in northern Italy, Count Johann Joseph Wenzel Anton Franz Karl, Radetzky von Radetz, had to dispatch additional troops to Modena, Parma, and to expand the occupation beyond the citadel garrison.²⁴⁸ 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.²⁴⁹

Ultimately, Pius decided his title as pope superseded any role as head of an Italian national movement. He refused to make war on Austria and grew upset at the expulsion of the Jesuits in Piedmont and Naples by nationalists. As the head of the Catholic Church, Pius could not attack (much less defeat) a Catholic power such as Austria, especially when the Habsburgs held legal possession of a territory. The pope also evaded calls by nationalists to bless calls for Italian independence when Piedmontese forces under Charles Albert invaded

²⁴⁶ Coppa, 62.

²⁴⁷ Coppa 62.

²⁴⁸ Coppa, 63; Gunther Rothenberg, *The Army of Francis Joseph* (West Lafayette, Indiana: Purdue University Press, 1998), 20.

²⁴⁹ Hales, 67.

Lombardy in 1848.²⁵⁰ The papal army traveled north simply to observe and to protect the borders of the Papal States.²⁵¹ Pius' unwillingness to attack Austria compelled revolutionaries to force him into exile, and he did not return until after the upheaval of 1848. When he came back to Rome in 1850, he was a convinced reactionary. Luckily for Pius, Austria had a new emperor in 1850 who was determined to overthrow the Josephinist Church.

The lingering Josephinism from the 1780s manifested itself in Austrian-Papal relations during the Restoration. Of the five main complaints Pius VII handed to Francis in 1819, Austria had reconciled none of them by 1848. Austrian officials retained the stance adopted by Joseph, in spite of the trend of other states establishing closer ties with the papacy. Events such as the veto in the conclave of 1823 and the failure of Rome and Austria to come to an agreement on marriage in the early 1830s strained relations between the two powers. The practice of cutting off the pontiff from the Austrian Church existed throughout the *Vormärz*. During this time only one bishop visited Rome (Schwarzenberg in 1841), and few reports made it from Austria to the papacy. Milde sent reports, after showing them to Metternich, in 1840 and 1846 to the pope, as did the bishop of Brixen (1847) and the bishop of St. Pölten (1834).²⁵² Finally, Austrian control in northern Italy made it more difficult to eliminate the hostility between Austria and the papacy and ensured that geopolitical obstacles stood in the way of cooperation. The pope was, furthermore, reluctant to cede control of religious affairs in Habsburg Italy. Squabbling over these territories marked the bookends of Austrian-Papal conflict in the Restoration. Francis and Pius VII feuded immediately after 1815 over religious

²⁵⁰ Coppa, 79.

²⁵¹ Woodward, *Three Studies in European Conservatism*, 287.

²⁵² Hosp, *Die Kirche Österreichs*, 200.

policy in Lombardy-Venetia, and in 1847-1848 Austria slid into war with the Italian states over political issues sparked, initially, by papal reforms.

Chapter Three: Austrian Marriage Laws

In the realm of marriage, Austria remained under the spell of the Josephinist laws from the 1780s. Joseph's marriage patent of 1783 defined matrimony as a civil contract and applied state jurisdiction to all marriages. In addition, dispensations became a state matter. The patent did not deny that marriage was a sacrament, and weddings still took place in the Church with vows exchanged before a priest.²⁵³ Austrian laws on marriage impediments and dispensations differed from canon law throughout the Restoration. Austria had a unique blend of civil and religious marriage. The state had jurisdiction over marriage, and as state employees, priests had to carry out weddings that violated Church ordinances, leading to a conflict between the state and conservative Catholics.

The expansion of Austrian power into Italy after 1815 incited controversy on the issue of dispensation. Joseph had refrained from introducing his marriage laws into Lombardy, and the surge of Concordats that occurred after the election of Pope Pius VII in 1800 left northern Italy with contradictory marriage laws when Austria took over in 1815. The Concordat of 1803 between Rome and the Italian Republic banned priests from administering the sacrament of marriage whenever the union violated canon law.²⁵⁴ In addition, six bishops were still alive in Lombardy who had received the right from Pope Pius VI in 1782 and 1783 to grant dispensations, along with other Austrian bishops.²⁵⁵ Opinions differed on how to handle the granting of dispensations in northern Italy. The Austrian government did not find it desirable to be loose with dispensations.²⁵⁶ Francis' spiritual advisor, Lorenz, thought that secular

²⁵³ Beales, *Joseph II*, 321-323.

²⁵⁴ Stahl to Francis I, December 27, 1815, In Maass, 4: 499.

²⁵⁵ Stahl to Francis I, December 27, 1815, In Maass, 4: 498.

²⁵⁶ Stahl to Francis I, December 27, 1815, In Maass, 4: 499.

princes, alone, had the power to determine which marriages were valid.²⁵⁷ Austrian officials in northern Italy, particularly Count Lazansky, wanted to forbid the Lombard bishops from asking for papal dispensations in the third and fourth degrees of relation.²⁵⁸ The interior minister, Count Saurau, did not even trust the bishops with dispensations. The Central Organization Hofkommission, the panel tasked with incorporating northern Italy into the Habsburg monarchy, differed, however, arguing that the Church would never accept state marriage laws and that the closer the bishop seat was to the pope, the more power the pontiff held.²⁵⁹ The State Chancellery thought the Lombard bishops should have the power to give dispensations and refer to Rome, through proper channels set up by the Austrian government, for papal permission.²⁶⁰ Ultimately, Metternich persuaded Francis not to forbid Lombard bishops from asking for papal authorization before granting dispensations for marriage.²⁶¹

The issue of mixed marriages between Catholics and Protestants erupted throughout the German areas of the monarchy in the early 1830s when priests refused to perform weddings in which the Protestant did not give an oath to raise the children Catholic. In one 1834 case the parish provisor Michael Ullly refused to carry out a marriage for the Protestant Johann Reiche and the Catholic Eva Pugl in Graz because Reiche had not sworn to bring up his offspring Catholic. Local officials asked the Ordinariat to direct Ullly to perform the wedding, noting that article six of the Edict of Toleration in 1781 banned requiring an oath to raise children Catholic for marriages and, thus, refusing this promise was not a legal

²⁵⁷ Lorenz to Francis, October 24, 1803, In Maass, 4: 318.

²⁵⁸ Central Organization Hofkommission to State Chancery, November 13, 1815; State Chancery to Central Organization Hofkommission, December 15, 1815, Stahl to Francis, December 27, 1815, In Maass, 4: 491-499.

²⁵⁹ Stahl to Francis I, December 27, 1815, In Maass, 4: 499.

²⁶⁰ State Chancery to Central Organization Hofkommission, December 15, 1815, In Maass, 4: 496.

²⁶¹ Reinerman, *Between Conflict and Cooperation*, 57.

hindrance to marriage. The Ordinariat replied that mixed marriages were dangerous for the Catholic soul and wanted article six banned. The local authorities complained to the governor that the Prince-Bishop of Seckau, Roman Sebastian Zängerle, who had jurisdiction over Graz, had no power to suspend the existing law on his own power. The governor informed the Court Chancellery, which told the bishop not to stop the wedding. The clergy appealed, however, to Francis, arguing that state regulations violated Church ordinances.²⁶²

Francis' spiritual advisor Jüstel advised the emperor on this case. Jüstel wrote that a similar case had occurred in Gallneukirchen in 1832 between the Catholic Ann Müller and the Protestant Ernst Senft, and it had been approved. He wrote, however, that Zängerle opposed the marriage because Reiche had made an earlier promise to raise his children Catholic. Jüstel contended that mixed marriages were injurious to children, but article six of the Toleration Patent banned the oath to bring up descendants Catholic as a requirement for marriage. He argued that if the father were Protestant, his sons should be raised as Protestants, according to the Edict. He disliked, however, the random refusal of weddings and regretted the zealotry of the priests.²⁶³ After waiting a few years, the couple went to Saxony in 1835, where they found a priest to marry them. The bride and groom returned to Austria in 1835 and the Austrian government recognized the marriage.²⁶⁴

Opposition grew to article six in the early 1830s, though Lutheran consistories sought to keep Catholic clerical opposition to mixed marriages muted.²⁶⁵ The court chaplain, bishop Wagner and Archbishop Milde suggested ways to abolish article six, and the Catholic clergy in Graz supported this effort. In 1832 the papacy released a circular about marriage in

²⁶² Jüstel to Francis, October 10, 1834, In Maass, 5: 413.

²⁶³ Jüstel to Francis, December 13, 1834, In Maass 5: 430.

²⁶⁴ Jüstel to Francis, January 27, 1835, In Maass 5: 591.

²⁶⁵ Jüstel to Francis, December 13, 1834, In Maass, 5: 431.

Bavaria. It disapproved of mixed marriages and banned priests from performing a wedding in which the Protestant side did not swear to raise their children Catholic.²⁶⁶ Jüstel argued that article six banned allowing Protestants to raise their sons Catholic. He desired that the government allow Protestants to take the oath to bring up their children as Catholics, noting that most Protestants in mixed marriages were willing to take the oath voluntarily, and they typically educated their children as Catholics.²⁶⁷

The marriage issue played a major role in the failure of secret negotiations in 1833 between Rome and Austria. It had been the main topic offending the papacy in the 1817 talks.²⁶⁸ Francis' spiritual advisor, Lorenz, told the emperor that the pope's opposition to the marriage patent was due to reactionaries, such as Severoli, who wanted to dishonor monarchs.²⁶⁹ Marriage remained the focus of the failed 1833 negotiations between Milde and Ostini, the papal nuncio. Austrian marriage law contained fifty impediments, thirty-four of them not recognized by the Church.²⁷⁰ Austrian hindrances included, for example, marriage by soldiers, prisoners, and minors without parental permission, which canon law recognized. Ostini would only accept the Austrian impediments if they applied to civil marriage, but Milde argued that civil marriage should not be distinct from religious marriage. In France, the Concordat of 1801 allowed separate spheres for religious and civil marriages, each with their own hindrances. As a result, many couples failed to choose religious marriages, and the archbishop rejected Ostini's suggestion for this reason. The solution was, according to Milde,

²⁶⁶ Jüstel to Francis, January 27, 1835, In Maass 5: 435.

²⁶⁷ Jüstel to Francis, January 27, 1835, In Maass 5: 438.

²⁶⁸ Jüstel to Metternich, July 15, 1817, In Maass, 4: 604.

²⁶⁹ Lorenz to Francis, July 3, 1823, In Maass, 5: 213-214.

²⁷⁰ Reinerman, *Revolution and Reaction*, 277.

for canon law to adapt to modern conditions.²⁷¹ The two sides could not get past the marriage issue, and talks between Rome and Austria collapsed.

The death of Francis in 1835 left the marriage issues unresolved. Church and state remained at odds, and this subject grew in importance, climaxing in 1837 with the arrest of the Archbishop of Cologne by the Prussian government for refusing mixed marriages. This event, known as the *Kölner Ereignis* or *Kölner Wirren*, galvanized Austria and served as an impetus for continuing negotiations to reconcile canon and Austrian marriage laws.

In 1815, Prussia acquired the primarily Catholic Rhineland, giving this Protestant state a more religiously mixed population and embroiling the government in conflict with the Church. A Prussian law dating to 1803 ordered parents to raise their sons in the religion of the father, and the daughter would follow her mother's faith.²⁷² In 1825 the Prussian government transmitted this order to its provinces in western Germany, where canon law still had power. Many clergy refused, therefore, to perform mixed marriages because canonical rules required the non-Catholic party to promise to raise their offspring Catholic. On March 25, 1830, pope Pius VIII issued a brief allowing priests to grant passive assistance for mixed marriages, in which the non-Catholic refused to give the oath requiring a Catholic upbringing for the children of the marriages.²⁷³ Passive assistance allowed the priest to conduct the wedding as a witness, giving the appearance of a Church wedding, but the priest would not bless the marriage as a sacrament.

²⁷¹ Reinerman, *Revolution and Reaction*, 281.

²⁷² Roger Aubert et al., *Die Kirche in der Gegenwart: Die Kirche zwischen Revolution und Restauration*, Vol. 6 of *Handbuch der Kirchengeschichte* (Freiburg: Verlag Herder, 1971), 395.

²⁷³ Aubert et al., *Handbuch der Kirchengeschichte*, 396.

The Prussian government rejected this offer, but the moderate Archbishop of Cologne, Ferdinand August von Spiegel, forged a compromise that ensured domestic peace. Spiegel had cooperated in the past with the government, cracking down, for example, on overnight pilgrimages.²⁷⁴ In 1834, Spiegel concluded a secret agreement with the Prussian foreign minister, Christian Charles Josias Bunsen that encouraged priests to bless mixed marriages.²⁷⁵

Peace between the Church and Prussia proved dependent, however, on someone such as Spiegel who could compromise between the Church and the state. After Spiegel's death in 1835, the Church clashed with the Prussian government. Prussia allowed Clemens August Droste zu Vischering, an aging man the ministry assumed could be controlled, to become Archbishop of Cologne. Droste did not follow Spiegel's policy of moderation and insisted on applying Pius VIII's brief of 1830.²⁷⁶ The government turned down appeals to apply this brief and eventually arrested Droste in November, 1837, throwing him into prison and removing him from his diocese.

This event, known as the *Kölner Ereignis*, incited a surge of Catholic anger in the Rhineland and Austria. It forced the Austrian government to reevaluate its mixed marriage situation. Catholics flooded the Austrian ministry with petitions, and officials, realizing that the monarchy contained similar conflicts in its marriage laws vis-à-vis canon law, looked for solutions to reconcile secular and Church laws.

As debate began on how to alter Austrian marriage laws, it became clear to officials that the situation in the monarchy contained many legal contradictions and obligations that would make reform difficult. The German portions of the Habsburg Empire were members of

²⁷⁴ Sperber, 21.

²⁷⁵ Raymond Corrigan, *The Church and the Nineteenth Century* (Milwaukee: The Bruce Publishing Company, 1938), 139.

²⁷⁶ Aubert et al., 397.

the German Confederation and subject to article XVI of the Federal Act, created in 1815. The Federal Act banned political and civil discrimination due to confessional differences in Christianity.²⁷⁷ 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.²⁷⁸ Efforts to alter the marriage laws also ran up against the Austrian Civil Code, codified in 1811 as the result of a decades-long process of compiling disparate Austrian legal customs. This civil code declared marriage as a state matter and ignored canon law.

To add to this legal confusion, Hungarian laws were separate from the rest of the monarchy. Hungary's history of autonomy with the monarchy required the Austrian government to handle marriage laws delicately in this part of the Empire. The Habsburg claim to Hungary dated back to 1526 through marriage to Louis II, King of Hungary and Bohemia. Due to Turkish power in the region, the Habsburgs only controlled the western strip of Hungary. Austrian victories in the Turkish Wars (1683-1699) resulted in the capture of the rest of Hungary, but the brutal occupation by Habsburg forces, especially in applying the Counter-Reformation, incited a wave of rebellions in Hungary.²⁷⁹ In 1711, the Habsburgs concluded the Peace of Szatmar with Hungarian nobles. The Hungarian nobility, led by Alexander Karolyi, agreed to recognize the Habsburgs as Kings of Hungary in exchange for retaining the traditional diets. In Hungary, the nobility did not pay taxes, but the Habsburgs extracted money from this territory through a tariff on imported products.²⁸⁰ Joseph II's push

²⁷⁷ Jüstel's report on mixed marriage, May 8, 1839, In Maass, 5: 534.

²⁷⁸ Jüstel to Ferdinand I, July 13, 1840, In Maass, 5: 586.

²⁷⁹ Kann, 72-73.

²⁸⁰ A.J.P. Taylor, *The Habsburg Monarchy, 1809-1918* (Chicago: University of Chicago Press, 1976), 17.

toward centralization and use of German throughout the Empire engendered a Hungarian rebellion by the time of the emperor's death in 1790, forcing Leopold II (r. 1790-1792) to promise to call the diet in Hungary every three years. Francis ignored this promise, however, and dissolved it in 1811 when it refused the emperor's request to depreciate the Hungarian currency down to the level in Vienna.²⁸¹ Metternich convinced Francis to reconvene the diet in 1825, and it met throughout the remainder of the *Vormärz*. Finally, Magyar nationalism loomed as a growing problem beginning in the 1830s.

Hungary's unique role in the Habsburg monarchy affected the Hungarian episcopacy. When the Hungarian diet reasserted its authority in 1790-91, it passed marriage laws that Vienna could not overturn without the consent of the diet.²⁸² In Hungary, mixed marriages required Protestant fathers to raise their sons, but not daughters, in the father's faith.²⁸³ Hungarian laws also did not require mixed couples to take the oath to raise their children Catholic, but weddings had to occur before a priest.²⁸⁴ In addition, Hungarian and Austrian bishops held different roles in their respective countries. In Austria, the Habsburgs had established centralized authority in the German and Bohemian lands, and the nobility held little independent power. The nobility gradually stopped, furthermore, sending their sons to serve as bishops in the Church. The Archbishop of Vienna, Milde, was, for example, the son of a master artisan and the first commoner to serve in this position. The Viennese archbishops would be sons of peasants or artisans for the rest of the nineteenth century.²⁸⁵ In contrast, Hungarian bishops were members of the nobility, shared in state power, and had a degree of

²⁸¹ Taylor, *The Habsburg Monarchy*, 44.

²⁸² Metternich to Lützow, February 18, 1840, In Maass, 5: 560.

²⁸³ Metternich to the State Conference, end of July 1838, In Maass, 5: 503.

²⁸⁴ Kolowrat to Ferdinand, January 9, 1839, In Maass, 5: 515.

²⁸⁵ Bowman, 97.

independence from Vienna.²⁸⁶ These differences ensured that changes to the marriage laws would be complicated, and the major power brokers in Hungary would need to agree to any adjustment.

In addition to the huge challenges in altering secular law in the monarchy, Austrian officials had to take into account canon law and the conscience of the Catholic clergy. While mixed marriages had been a minor issue before the late 1820s, undercurrents of discontent had risen with episcopal complaints as early as 1801, though these attempts failed. In 1801, the clergy of Oberkärnter offered, for example, to perform mixed marriages only if the parents raised all the children Catholic, no danger existed to the Catholic party, the Catholic side promised to lead the non-Catholic to the Church, and circumstances required a marriage.²⁸⁷ While these attempts and others similar to it failed, in 1811, the Court Chancellery issued a directive stating that a bishop, in matters of his conscience, could turn to the papacy by appealing to the regional governor, who would send the appeal to the central government, which then sent it on to the pontiff.²⁸⁸

In February, 1839 the bishop of Brunn took advantage of this directive, and other bishops followed. The Brünner case stemmed from the refusal of a mixed marriage in St.Magdalena parish. There was no legal hindrance to the marriage in the Austrian civil law, but the priest refused the wedding because the couple would not put down in writing that they would raise children from the marriage Catholic.²⁸⁹ The bridal party exercised its right under

²⁸⁶ Maass, 5: 121.

²⁸⁷ Jüstel to Ferdinand, July 13, 1840, In Maass, 5: 600.

²⁸⁸ Jüstel to Ferdinand, July 13, 1840, In Maass, 5: 589.

²⁸⁹ Jüstel to Ferdinand, July 13, 1840, In Maass, 5: 586.

Austrian law to complain to the secular authorities, and the local government ordered the bishop to instruct the priest to perform such weddings.²⁹⁰

In 1840, Austrian officials decided the best course of action was to collect petitions from the bishops while negotiations were in progress in Rome about mixed marriages. The Archbishop of Olmütz and bishops of Seckau, Brunn, Linz, and St. Pölten sent in petitions. These bishops argued that the Austrian legal system was not reasonable and forced Catholic clergymen to act against their conscience.²⁹¹ They also agreed that, generally, one needed a dispensation for a mixed marriage, but the bishops fished around for other conditions that could ease their mind on allowing such marriages. Bishop Zängerle of Seckau did not think a mixed marriage could occur, even with the oath to raise the children Catholic, while the bishop of St. Pölten wanted to ask the pope for permission to bless such weddings.²⁹² The Viennese archbishop, Milde, was the only one to speak out against passive assistance, arguing that one viewed the priest as the minister of the sacraments.²⁹³ Milde, who was usually docile and loyal to the state, probably did not want the clergy involved in political issues.

The Latin Archbishop of Lemberg, in Galicia, added a petition, but the government ignored it for various reasons. Mixed marriages did not ignite controversy in Galicia, which contained few Protestants. The Latin Archbishop sought advice for mixed marriages between Catholics and Uniates. He wanted the papacy to issue regulations on this issue or grant the Latin Archbishop a five-year dispensation on the matter.²⁹⁴ The Austrian ministry did not want to deal with this petition, however, because mixed marriages were not causing trouble in

²⁹⁰ Jüstel to Ferdinand, July 13, 1840, In Maass, 5: 587.

²⁹¹ Jüstel to Ferdinand, July 13, 1840, In Maass, 5: 618.

²⁹² Jüstel to Ferdinand, July 13, 1840, In Maass, 5: 622.

²⁹³ Jüstel to Ferdinand, July 30, 1840, In Maass, 5: 631.

²⁹⁴ Jüstel to Ferdinand, July 30, 1840, In Maass, 5: 630.

Galicia, and it would complicate negotiations with the pope, who had poor relations with Russia due to Tsar Nicolas' suppression of the Church after the 1830 revolutions in Poland.²⁹⁵

Metternich had wanted an alliance of throne and altar for years and spearheaded the effort to reform Austrian marriage laws beginning in 1838. He feared, quite naturally as a diplomat, that Prussia's goal was to place itself as the leader of Protestantism in Germany, allowing it to continue pursuing commercial domination in the Confederation.²⁹⁶ As the premier Catholic power, according to Metternich, Austria could not act like Prussia when the clergy opposed secular laws. Metternich suggested, instead, a committee to sort through canon and civil laws. The Kaiser approved and ordered this committee to produce reports on how to avoid future conflicts with the Church.²⁹⁷ Metternich proposed placing Joseph Pletz, a governmental advisor and court abbot, and the ultramontanist, Joseph Othmar von Rauscher, on his committee. The intervention of Kolowrat forced, however, the appointment of State and Conference advisor Baron Johann von Pilgram and Jüstel to the committee.²⁹⁸ Pilgram was a Josephinist, while Jüstel held moderate Josephinist ideas.

Metternich argued in his committee report that any attempt to reconcile canon and civil law would inevitably require papal approval.²⁹⁹ He thought it unreasonable to expect the pope to grant more authority to Austrian bishops such as dispensations for mixed marriages that violated Church laws³⁰⁰. He did not want bishops forced to carry out secular rules against their conscience, and a papal blessing of Austrian laws would ease this burden on the clergy.

²⁹⁵ Jüstel to Ferdinand, July 30, 1840, In Maass, 5: 630.

²⁹⁶ Metternich to Ferdinand, May 18, 1838, In Maass, 5: 497.

²⁹⁷ Metternich to Ferdinand, May 18, 1838, In Maass, 5: 498.

²⁹⁸ Weinzierl-Fischer, 22.

²⁹⁹ Metternich's report on altering article six of the Toleration Patent located in collection of reports of Kolowrat to Metternich, September 6, 1839 In Maass, 5: 529.

³⁰⁰ Metternich to the State Conference, end of July, 1838, In Maass, 5: 500.

The positions Metternich took on mixed marriage varied. He opposed allowing Protestant clergymen to perform weddings of mixed couples as a solution.³⁰¹ That course would be injurious to Catholics, deprive priests of wedding fees, and most importantly, it would undercut efforts to forge an alliance between throne and Church. In addition, mixed weddings of Catholics before Protestant ministers violated the rules of the Council of Trent, dating back to the middle of the sixteenth century, meaning that each marriage would require the solicitation of a dispensation.³⁰² Finally, he feared that marriage before a Protestant pastor would provide opportunities for persecution of Catholics. Metternich also wanted the state to recognize the validity of oaths couples took, voluntarily, to raise their children Catholic.

Yet, Metternich realized that secular law must provide a legal pathway for mixed marriages refused recognition by the Church.³⁰³ He leaned toward allowing passive assistance for mixed weddings. He thought the pope would concede this right to Austrian bishops. The papacy had granted this right to the Catholic clergy in Bavaria in 1834.³⁰⁴ What was acceptable to the pontiff in Bavaria could not be forbidden in Austria. Finally, passive assistance would, Metternich thought, eliminate complaints and ease the conscience of Catholic clergymen because the priest would not bless the wedding.³⁰⁵

Jüstel wanted to uphold article six of the Edict of Toleration and opted for passive assistance as the panacea for resolving the mixed marriage debate.³⁰⁶ Like Metternich, Jüstel opposed pure civil marriage because the Church would not recognize it, and this option would

³⁰¹ Metternich to the State Conference, end of July, 1838, In Maass, 5: 501.

³⁰² Kolowrat to Metternich, September 6, 1839, In Maass, 5: 528.

³⁰³ Kolowrat to Metternich, September 6, 1839, In Maass, 5: 526.

³⁰⁴ Jüstel to Ferdinand, July 27, 1835, In Maass, 5: 442-445.

³⁰⁵ Kolowrat to Metternich, September 6, 1839, In Maass, 5: 530.

³⁰⁶ Kolowrat to Metternich, September 6, 1839, In Maass, 5: 549.

lead, supposedly, to religious indifference.³⁰⁷ In addition, he opposed placing mixed marriages before Protestant ministers.³⁰⁸ Passive assistance would, he noted, decrease the amount of complaints from mixed couples demanding a priestly blessing, which Jüstel concluded the Austrian civil code did not provide. Yet, the priest would still preside over the wedding as called for in the civil law.³⁰⁹ Passive assistance would also fit Jüstel's goal of not banning mixed marriages in which the oath to raise children Catholic is not given and would keep martial laws in the hands of the state.³¹⁰

Pilgram agreed, for the most part, with Baron von Sommaruga of the legal commission, which involved itself in the reform of marriage laws. Pilgram opposed modification of the Austrian legal code, which he believed created harmony between the government and its subjects.³¹¹ Sommaruga wanted to retain article six of the Toleration Patent. He opposed passive assistance, opting for mixed weddings before a Protestant minister as the better solution.³¹² Ultimately, Sommaruga held that the Kaiser should make these types of decisions. The pope was nothing more than an advisor on the mixed marriage issue because it, according to Sommaruga, did not concern dogma.³¹³

Pilgram compromised, however, and demonstrated support for the lawful recognition of the voluntary oath to bring up children Catholic. He also requested the Legal Commission to generate a report on how the clergy could absolve themselves from mixed marriages that

³⁰⁷ Kolowrat to Metternich, September 6, 1839, In Maass, 5: 537.

³⁰⁸ Jüstel to Ferdinand, May 4, 1840, In Maass, 5: 576.

³⁰⁹ Jüstel to Ferdinand, August 30, 1838, In Maass, 5: 506.

³¹⁰ Jüstel to Metternich, September 1, 1839, In Maass, 5: 521.

³¹¹ Metternich to the State Conference, end of July, 1838, In Maass, 5: 503.

³¹² Kolowrat to Metternich, September 6, 1839, In Maass, 5: 550.

³¹³ Kolowrat to Metternich, September 6, 1839, In Maass, 5: 550.

placed a burden on one's conscience.³¹⁴ Pilgram was realistic and worried that Austria was in a similar situation as Prussia. He knew it only took one clergyman to become the next Archbishop of Cologne, which would place the government in a position from which it could not compromise.³¹⁵

Kolowrat adhered, as a career bureaucrat, to strong Josephinist ideas, and his views ensured that nothing too upsetting to the state-church system would pass through the State Conference. He was critical of the commission, arguing that Pilgram's opinions were not respected and faulted Metternich for not realizing the intricacies required to change laws in use for fifty years.³¹⁶ As an opponent of loosening state controls on the Church, he presented a variety of reasons for preserving Austrian marriage laws.

One argument Kolowrat made was that changing the marital laws would hurt family life. He contended that forcing mixed couples to take oaths on how to raise their children would result in unrest and tear apart families. Unless the government was willing to assert total control over families affairs, take away children and assume the costs of raising them, there was no realistic way to enforce promises to raise children Catholic.³¹⁷ It made no sense, according to Kolowrat, to require this oath when no one could execute it reasonably. This requirement would only create resentment, and he contended that non-Catholic fathers would voluntarily raise their children Catholic anyway. Kolowrat calculated that three-fourths of children from mixed parents had Catholic upbringings, while only one-fourth had doubtful Catholic educations.³¹⁸ Finally, ordering the non-Catholic father on how to raise his children

³¹⁴ Maass, 5: 110.

³¹⁵ Pilgram to Metternich, January 6, 1839, In Maass, 5: 508.

³¹⁶ Kolowrat to Ferdinand, January 9, 1839, In Maass, 5: 509.

³¹⁷ Kolowrat to Ferdinand, January 9, 1839, In Maass, 5: 512

³¹⁸ Kolowrat to Ferdinand, January 9, 1839, In Maass, 5: 514.

would infringe on the father's role as head of the family and antagonize him.³¹⁹ Kolowrat's solution to the mixed marriage issue was for the weddings to take place before a non-Catholic minister whenever a priest refused.³²⁰

Kolowrat also asserted that Josephinist marriage regulations did not violate Church law. He noted that the clergy had been doing mixed marriages, without the oaths required by canon law, for over fifty years, and it had not harmed the bishops' consciences.³²¹ He attributed the recent surge in clerical complaints on mixed marriages to a few bishops.³²² He adopted the pseudo-protestant view of Church doctrine, arguing that much of canon law is a recent invention and went against the practice of Christianity in its nascent years. The idea that one needed a dispensation for mixed marriages from the papacy came, Kolowrat contended, from Pope Benedict XIV in two statements in 1741 and 1748.³²³ He even quoted the Bible to refute canon law, using 1st Corinthians chapter VII, verse 14, which stated that Paul performed mixed marriages between believers and non-believers with the hope that the Christian would lead the non-Christian into the faith.³²⁴ Religious differences were, therefore, not an impediment to marriage.

The commission would, Kolowrat argued, fail in its attempt to change the marital laws. He feared that changing the rules would engender fear among Protestants, not only in the German regions, where these proposed changes would apply, but in Hungary, Transylvania, and the military border. Protestants would have good reason to dread, even in

³¹⁹ Kolowrat to Ferdinand, January 9, 1839, In Maass, 5: 515.

³²⁰ Kolowrat to Metternich, September 6, 1839, In Maass, 5: 524.

³²¹ Kolowrat to Ferdinand, January 9, 1839, In Maass, 5: 510.

³²² Kolowrat to Ferdinand, January 9, 1839, In Maass, 5: 516.

³²³ Kolowrat to Ferdinand, January 9, 1839, In Maass, 5: 510.

³²⁴ Kolowrat to Ferdinand, January 9, 1839, In Maass, 5: 511.

non-German areas, the sudden abandonment of a system that the monarchy had observed for half a century.³²⁵ He urged the emperor not to accept the advice of the commission.

The commission released its report in August 1839. They agreed, with the exception of Pilgram, to exclude Hungary from the proposals. The commission also could not decide which territories to include in the suggestions, especially with regard to northern Italy.³²⁶ The members voted for the retention of article six and opposed forcing the clergy to bless weddings that violated the conscience. The commission recommended altering the Austrian Civil Code to allow, in cases when the bridegroom was Catholic and the priest had refused the wedding, the couple to declare their consent before a non-Catholic minister. Most importantly, the commission foresaw that negotiation with the pope might be necessary and deferred this responsibility to Metternich for when this situation arose.³²⁷

The state could not force the clergy to do passive assistance while preserving freedom of conscience. The suggestions coming from the government violated the Council of Trent. Even Kolowrat and the State Conference finally agreed that only papal approval of Austrian rules could lift the moral burden on the clergy. In February 1840 Austria began, secretly, attempting to reach an agreement with the pope on mixed marriages.³²⁸

Despite disagreements between the Austrian ambassador, Lützow and Gregory, Austrian and papal officials partially reconciled their contradictory laws. In the papal directive of May 22, 1841, the pope granted approval for priests to do passive assistance in the German lands of the monarchy for marriages in which the couple did not give an oath to

³²⁵ Kolowrat to Ferdinand, January 9, 1839, In Maass, 5: 515.

³²⁶ Kolowrat to Metternich, September 6, 1839, In Maass, 5: 552.

³²⁷ Kolowrat to Metternich, September 6, 1839, In Maass, 5: 553.

³²⁸ Metternich to Ferdinand, February 12, 1840, In Maass, 5: 555.

raise their children Catholic.³²⁹ Austria simply approved the papal order in August 1841 and transmitted it to the bishops.³³⁰

Negotiators in Rome handled Hungary, Lombardy-Venetia, Dalmatia, and Galicia separately from the rest of the monarchy. Papal recognition of mixed marriages without the oath to raise offspring Catholic did not extend to Galicia or the Italian provinces.³³¹ Mixed marriages between Catholics and Uniates were not a contentious issue in Galicia, and with the papacy always unwilling to grant concessions to Josephinist policies in northern Italy, Austrian diplomats decided to focus on the German lands.³³² For Hungary, the Austrian ministry sent, over the objection of Metternich, the Archbishop of Csanad, Joseph von Lonovics, to focus on the bishops' petitions and handle the Hungarian issue.³³³ The archbishop wanted to obtain more concessions from the pope than Austria and attempted to convince the pontiff to recognize mixed marriages performed before Protestant pastors. Gregory eventually agreed to grant a semi-secret dispensation for the Trentian marriage laws in Hungary, and in 1844, the Hungarian Diet recognized mixed marriages executed before non-Catholic clergymen.³³⁴

Prussia also put an end to the *Kölner Ereignis* in 1841. This scandal had embarrassed Prussia, and the new Prussian king, Frederick William IV, wanted to establish religious peace. With the help of Austria and Bavaria, Prussia came to an agreement with Gregory in the summer of 1841. Frederick William granted wide-ranging concessions. Prussia renounced the right to censor papal documents, promised not to intervene in mixed marriages, allowed free

³²⁹ Weinzierl-Fischer, 23.

³³⁰ Hosp, *Ziegler*, 120.

³³¹ Weinzierl-Fischer, 23.

³³² Lützow to Metternich, March 14, 1840, In Maass, 5: 569.

³³³ Jüstel to Ferdinand, July 18, 1840, In Maass, 5: 626.

³³⁴ Maass, 5: 122-23.

correspondence between the bishops and Rome, guaranteed the Church freedom to select bishops, and created a cultural ministry aimed at managing and assisting Catholic affairs.³³⁵

Despite the papacy's concession of passive assistance, the legal status of mixed marriages remained mired in confusion past 1848. The Court Chancellery went back and forth on whether the oath to raise children Catholic was legally binding.³³⁶ Metternich tried to create another committee to reconcile canon and Austrian laws in the mid-1840s, but it never met.³³⁷

The Josephinist marriage laws and their influence on the Austrian Civil Code cast a long shadow into *Vormärz* Austria. Marriage laws since the 1780s were deeply entrenched and entangled in Austrian society, ensuring that an easy retreat from Josephinism was impossible in this realm. The mixed marriage controversies illustrate the struggle of modernization and secularization against traditional religious practices. The monarchy wanted to prevent the anticlericalism and religious indifference that characterized the modern world. The government refuted, therefore, civil marriage as a solution. Yet, the Austrian Empire wanted its subjects satisfied and the abilities of non-Catholics utilized, in order to reduce the likelihood of disorder and revolution. Part of this goal included protecting religious minorities and their right to marry whomever they pleased. To reconcile these goals, Austrian opted for a middle path that would preserve the semblance of religiosity while preserving the rights of non-Catholics.

³³⁵ Aubert et al., 399.

³³⁶ Hosp, *Die Kirche Österreichs*, 133.

³³⁷ Weinzierl-Fischer, 24.

Chapter Four: Orders and Monasteries

Abolished monasteries remained, mostly, closed during the Restoration, and Austria's monastic policy in the Restoration reflected the general trend of passive Josephinism that prevailed throughout the empire. Governmental controls on the monasteries from the 1780s stayed in place, but attacks on them ceased. Attempts by the monarchy to reform the monasteries were half-hearted, and Francis employed the tactic, common in his reign, of placing distrusted Catholic elements at distant corners of the empire. Monasteries decayed, discipline deteriorated, and the orders remained under the authority of the Austrian government. As a Catholic advocacy movement grew, calls to remedy the plight of the orders increased. These attempts were, as in most attempts to alter the position of the Church in Austria, unsuccessful until the upheaval of 1848.

Austria followed the general trend of most other European powers in monastic policy. In the eighteenth century, European sovereigns, under the influence of the Enlightenment, increasingly viewed the orders as useless. Although Joseph's repression of monasteries was the most systematic and far-reaching of Catholic countries before 1789, this suppression matched the trend of rulers in France, Spain, and the Italian states before the French Revolution.³³⁸ The radicalism of the French Revolution and Napoleonic Wars meant the

³³⁸, Aubert et al., *Handbuch der Kirchen Geschichte*, 7-8; In these countries, rulers secularized or closed monasteries. In the Republic of Venice, for example, from 1748-1797, 127 monasteries closed. Similar actions were taken in Spain, Tuscany, Parma, Lombardy, and Spain. In France, the archbishop of Toulouse Étienne Charles de Loménie de Brienne organized the Commission des Réguliers, which suggested in 1768 a series of reforms to put the monasteries under the control of the episcopacy, reduce the number of monastic houses and make them more useful

closure of most monasteries in France, Spain, Germany, and other French-occupied areas.³³⁹
In the Restoration, many monasteries returned but recovered slowly.³⁴⁰

While Francis did not close any more monasteries, he remained reluctant to allow the formation of new ones. This attitude arose in the unique case regarding a Benedictine monastery at Wiblingen near Ulm. In May, 1800, during the War of the Second Coalition, French troops invaded southern Germany, forcing Wiblingen to quarter the army, pay war contributions, and feed the soldiers. The Peace of Amiens in 1802 awarded Ulm to Bavaria and subjected the monastery to secular authority. In November and December, 1805, during the War of the Third Coalition, Bavarian and Badenese forces fought near Wiblingen, resulting in a battle in which ten people died and twenty-five were wounded.³⁴¹ The war came to an end with the Treaty of Pressburg later that December. The monastery went to the Bavarians, who auctioned off its contents and abolished it.³⁴²

This situation sparked the Franciscan policy of placing distrusted Catholic elements at the far corners of the Empire. The abbot of Wiblingen obtained permission from Francis to settle in Cracow, Poland but under certain conditions. Francis ordered the Benedictines, a contemplative order, to work at the schools there, where they served, therefore, a utilitarian purpose. He commanded them to get along with the authorities in Poland, and the monastery

³³⁹ Aubert et al., *Handbuch der Kirchengeschichte*, 248; in 1790, the government ordered the closure of all monasteries in 1790. Abolition followed in Belgium in 1796, in Germany from 1803-1807, in Italy from 1807-1811 and Spain in 1809 closed one-third of its monasteries.

³⁴⁰ Chadwick, *The Popes and European Revolution*, 591-92; Austria retained control over its domestic policy and avoided abolition of its monasteries during the Napoleonic Wars. While monasteries returned in other countries, few monks returned because they had found secular work during the revolution, in; orders also encountered hostility from liberals, and in areas where rulers restored them fully, such as Spain, liberal revolutions threatened their existence.

³⁴¹ Hosp, *Ziegler*, 17.

³⁴² Hosp, *Ziegler*, 16.

that housed them was, according to complaints, in poor shape.³⁴³ In addition, many of the monks did not get along with the Poles in the area. French and Saxon troops occupied Cracow in 1809, forcing the Benedictines, once again, to flee. They attempted to go to Austria and take up an old, abandoned monastery, but the authorities denied this request. Some monks did receive, however, appointments to teach courses at government-run seminaries.³⁴⁴

The Austrian government retained ultimate control over the monasteries with many orders relying on the *Religionsfond* to pay stipends for monks. Francis was aware of the decline of discipline in the orders, and in 1802 mandated clothing regulations. In 1805 he appointed Count Urgate, president of the State Chancellery, to check up on the discipline of the orders. In September 1822, Francis ordered that tests for incoming novices in the convents must be enforced.³⁴⁵ He directed the bishops to visit the monasteries in their dioceses every three years, ignoring papal rules on independence of the monasteries from the episcopacy.

In Austria, monasteries remained unable to communicate with their general in Rome or with foreign convents. Francis asked the archbishops and State Chancellery about the possibility of re-establishing limited communication with foreign orders, but the archbishops rejected it. The bishops enjoyed, most likely, their jurisdiction over the monasteries, leading all but one bishop to oppose granting freedom of communication to the monastic orders.

³⁴³ Hosp, *Ziegler*, 19.

³⁴⁴ Hosp, *Ziegler*, 22.

³⁴⁵ Hosp, *Kirche Österreichs*, 216.

Count Firmian, Archbishop of Vienna noted, for example, that communication had been severed for forty years and declared that the monks would not recognize their General.³⁴⁶

The quality of the regular clergy suffered due to the government's insistence that they assist the secular clergy with parish duties despite the reopening of two monastic schools to train monks in 1796 and 1802. The government required novices to study at universities but did not give them a place to live. As a result, they interacted constantly with the secular world, and many lost their religious drive.³⁴⁷ The abbots were under the authority of the bishops, who were appointed by the monarch.³⁴⁸ Monks in the abolished orders were given a pension or assigned to work as a parish priests. Order life deteriorated in the monasteries that escaped abolition in the 1780s because the government required monks to do parish work in areas with a shortage of clergy. In the monastic schools, professors of theology had to be certified by the state and use state-mandated textbooks, and in Vienna students of such schools had to take their exams at the University of Vienna.³⁴⁹ These learning institutions received permission to reopen due, mostly likely, to financial considerations. Austria had difficulties paying lay teachers throughout the Restoration, and, as a result, religious orders staffed many secondary schools until the 1860s.³⁵⁰

Most reports sent to Francis and Ferdinand reported poor discipline in the orders and deteriorating buildings. Ziegler, bishop of Tarnow, reported that of the eleven monasteries in his diocese, most were in terrible shape.³⁵¹ In 1818, the government attempted to place a training center for priests in a monastery in this diocese, but the buildings were too

³⁴⁶ Hosp, *Kirche Österreichs*, 218.

³⁴⁷ Hosp, *Ziegler*, 138.

³⁴⁸ Sealsfield, *Austria as it is*, 102-103.

³⁴⁹ Bowman, 104.

³⁵⁰ Bowman, 108.

³⁵¹ Hosp, *Ziegler*, 73.

dilapidated.³⁵² Ziegler complained, when bishop of Linz, that monks prayed only part of the breviary, rarely engaged in choir prayer, neglected spiritual readings, possessed little religiosity, and ignored rules of strict moral conduct.³⁵³

In 1825 the minister of the interior, Count Francis von Saurau, recorded a survey on the monasteries in the empire in which he revealed the disarray of the orders.³⁵⁴ Firmian confirmed Saurau's description with a detailed report on the monasteries around Vienna in 1828. Firmian's evaluation condemned the thirty-three monasteries for their poor physical condition, tepid religiosity, and shoddy discipline. Only a few orders and three women convents escaped criticism in his report. He denounced, for example, a Benedictine monastery for freeing its professors from religious exercises and ordered that they, when possible, take part in community prayer.³⁵⁵ He criticized the Piarists for leaving their monastery in secular clothing and staying out past eight in the evening.³⁵⁶ In many monasteries, the priests were busy doing parish duties. He noticed, also, that monks were weighed down with too much work. Some monks worked at parish schools, assisted with the training of novices, and carried out the day-to-day administrative operations of the convent. Firmian attributed this poor situation to the reforms of the 1780s. In addition, he contended that the free elections of monastic leaders forced the heads to yield to the wishes of the majority. He recommended stricter tests for admission to monasteries, more religious exercises, and a ban on leaving the convent in secular clothing.³⁵⁷

³⁵² Hosp, *Ziegler*, 83.

³⁵³ Hosp, *Ziegler*, 137.

³⁵⁴ Count Saurau to Francis, March 10, 1825, In Maass, 5: 214-247.

³⁵⁵ Rupert Winkler, *Der Zustand der Klöster in der Wiener Erzdiözese um 1828*, 4.

³⁵⁶ Winkler, 8.

³⁵⁷ Winkler, 10.

Catholic advocates lobbied to eliminate governmental controls prohibiting communication of Austrian monasteries with their generals. The papacy had complained about this aspect of Austrian church policy during Francis' visit to Rome in 1819.³⁵⁸ During the secret Concordat negotiations in 1833, the papacy pushed for freedom of monasteries from the episcopacy.³⁵⁹ The conservative Ziegler promoted the cause of the orders as bishop of Linz and opposed the government using monasteries as parish churches.³⁶⁰ In 1831 the priest Johann Primitz offered to pay for the founding of a *Salesianerinnen* monastery in Linz to serve as a school for girls. Local officials opposed the re-opening of a monastery, arguing that it might cause trouble. They asserted that the money would be better spent on an existing education center. Francis approved the monastery in 1832 but ordered that it be subject to the law, pay taxes, and not claim public funds.³⁶¹ This monastery attracted many pupils, and ten years later the matron asked for permission to admit nuns under the state-established age of twenty-four, but Ferdinand denied this request.

The campaign for monastic reform intensified in 1842 when the papal nuncio in Vienna, Lodovico Altieri, traveled to Rome and obtained the support of seven generals for the elimination of the ban on communication with Austrian orders.³⁶² Altieri lobbied Metternich, also, for the re-establishment of communication between Rome and the monasteries. In his letter to Metternich, Altieri wrote that the monasteries were in great danger without contact

³⁵⁸ Jüstel to Ferdinand I, March 14, 1842, In Maass, 648.

³⁵⁹ Reinerman, *Revolution and Reaction*, 279.

³⁶⁰ Hosp, *Ziegler*, 137.

³⁶¹ Hosp, *Ziegler*, 139.

³⁶² Hosp, *Kirche Österreichs*, 218.

with the generals because it prevented subordination. He hoped that the privileges granted to the Jesuits would be extended to the orders.³⁶³

Ferdinand's spiritual advisor, Jüstel, advised the emperor not to dismiss these attempts directly. Jüstel wrote that it was no longer in the state's interest to prohibit communication between the orders and Rome.³⁶⁴ He noted that the monastic reforms of the eighteenth century were done when the monasteries were rich. He argued that the monasteries were now poor with few members due to their suppression in Austria and secularization in France, Spain, and western Germany, which was now ruled by a Protestant power. In addition, the papacy was no longer a formidable power with the capacity to cause trouble in Austria. He repeated Altieri's call that the lack of communication hindered good discipline. Bishops had, Jüstel argued, little time to care for the monasteries under their jurisdiction and did not know the constitutions of the orders.

The provincial of the Bohemian Marian Capuchins lobbied Ferdinand in 1843 for free communication with Rome.³⁶⁵ He argued that only contact with the general, who was a rich source of guidance, could remedy the poor discipline of the orders. The general had, also, direct communication with the pope who, alone, could solve dogmatic and moral problems related to the Catholic faith. He contended that the end result of free communication would be increased religiosity among the Capuchins, who would spread it to the general population.

Despite minor successes, such as the founding of the *Salesianerinnen* monastery in Linz, the government maintained authority over monastic life. New monasteries needed approval from secular authority and the government rarely granted permission to found new

³⁶³ Lodovico Altieri to Metternich, February 24, 1842, In Maass, 5: 646-647.

³⁶⁴ Jüstel to Ferdinand, March 14, 1842, In Maass, 5: 650.

³⁶⁵ Uhl to Ferdinand, date unknown but thought to be 1843, In Maass, 5: 723.

orders. When rumors surfaced about the founding of new monasteries, the government demanded answers from the bishops.³⁶⁶ With the exception of the Jesuits and Carthusian order, the ban on communication with Rome remained in effect throughout the Restoration.³⁶⁷ While Francis appeared more sympathetic to the orders, resistance from the episcopacy and bureaucracy prevented any substantial change in monastic policy.

The Jesuits

In the spirit of the Enlightenment and under pressure from western European governments, Pope Clement XIV banned the Jesuit order in 1773.³⁶⁸ The Society of Jesus survived, ironically, in areas such as Russian-controlled Poland, which did not acknowledge papal bulls. During the upheaval and secularism of the French revolution, Prior Joseph de Clorivière founded a secret Jesuit organization in 1800. Similar groups sprouted in France and helped convince Pope Pius VII to reestablish the order when he returned to Rome in 1814.³⁶⁹ Despite this papal approval, the Jesuit order faced challenges. In Spain, revolutions forced the Jesuits into exile from 1820-1823. The French perceived them as linked to the forces of reaction, and in Italy the nascent but liberal *Risorgimento* distrusted orders such as

³⁶⁶ Hosp, *Ziegler*, 140.

³⁶⁷ Hosp, *Kirche Österreichs*, 200; While all Carthusian houses remained closed in the German and Czech areas of the Empire, in northern Italy. Chadwick, *Pope and European Revolution*, 598; Austria permitted the revival of orders, which performed useful functions, such as caring for orphans or running hospitals. A Carthusian house was allowed to set up in Padua.

³⁶⁸ Chadwick, *The Popes and European Revolution*, 346-390. The Jesuits had acquired a reputation of hoarding wealth by the middle of the eighteenth century. They protected Native Americans in remote parts of South America and resisted, along with Indians, the encroachment of European settlers in 1752, leading to war. This event angered the Portuguese and Spanish governments. In France, the Jesuits were involved in an embezzlement scheme in 1762, and in 1767, the Spanish government suspected the order of being behind violent demonstrations. A general feeling also pervaded Catholic Europe, that Protestants had superior educational systems, engendering more hostility against the Jesuits.

³⁶⁹ Aubert, *Handbuch der Kirchengeschichte*, 249.

the Jesuits.³⁷⁰ The Austrian Empire was no exception to this trend. Although Francis legalized the society in 1820, the government restricted its activities too much to argue that the entry of the Jesuits indicated an abatement of Josephinism in the monarchy.

After the pope restored the Jesuits in 1814, fear erupted in Vienna that the society was operating, secretly, in the capital. The Austrian government had refused to lift the ban on the order. Metternich remarked in 1815 that Austria did not recognize the papal bull, did not want the Jesuits in the Empire, and they were not welcome, saying “Österreich berührt die päpstliche Bulle nicht, und es wird sich vor den Folgen zu schützen wissen; Österreich will keine Jesuiten und bedarf ihrer nicht.”³⁷¹ There was, furthermore, no discussion in the Austrian government about allowing the Jesuits back into the monarchy.

The police feared, however, that the firebrand priest, Clemens Maria Hofbauer, would found a secret Jesuit order in Vienna. Secret agents reported, for example, that he had been seen carrying a Jesuit brochure. As 1815 continued, the police began to believe that, while Hofbauer was a fanatic, he did not want to establish a Jesuit order in Austria.³⁷² The uproar died down by the end of the year as reports flowed in writing that no other country had as little support for the Jesuits as Austria, and it became clear that the Society of Jesus was not in Vienna.³⁷³

A shortage of clergy forced, however, Francis to yield to the Jesuits.³⁷⁴ The Austrian clergy received, at this time, training in seminaries, which stressed political loyalty and anti-

³⁷⁰ Aubert, 251.

³⁷¹ Hosp, *Kirche Österreichs*, 219.

³⁷² Hosp, *Kirche Österreichs*, 220.

³⁷³ Hosp, *Kirche Österreichs*, 221.

³⁷⁴ Austria suffered from a shortage of priests. 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

papal sentiment.³⁷⁵ The clergy possessed, as a result, low morale, and little prestige. In 1820 Russia expelled the Jesuits, who pleaded with Austrian border officials for refuge. Francis allowed fifty Jesuits to settle in Tarnopol, located in Galicia, at the Polish edge of the Empire, but he ordered them to work as teachers.³⁷⁶ He decreed that they should also help with pastoral care and granted funds for the Jesuits to teach at existing schools in Galicia.³⁷⁷ The admission of the Jesuits aimed to combat the shortage of priests that had appeared, especially in Galicia. Francis needed highly qualified teachers, and recognized the educational qualities held by the Jesuits. He tolerated, thus, a small Jesuit presence at the edge of the Empire and even allowed them to circumvent Austrian laws forbidding contact with foreign leaders a few years later.³⁷⁸ The government claimed, however, the right to read letters sent to other countries and banned the Jesuits from sending money outside the Empire.³⁷⁹

Despite Francis' limited toleration of the Jesuits, his civil servants harassed the order. The Latin Archbishop, Count Ankwic, wanted to use the Jesuits as parish priests and have them work under his jurisdiction, where there was a shortage of clergy.³⁸⁰ The Jesuits appealed to Francis for help against the bureaucracy and assignments of Ankwic in 1821, but revolutions in Spain and Italy occupied the emperor. Francis issued a decree that the Latin

declined, in P.G.M. Dickson, "Joseph's Reshaping of the Austrian Church," *The Historical Journal* 36 (1993): 100, 113.

³⁷⁵ Alan Reinerman, "The Return of the Jesuits to the Austrian Empire and the Decline of Josephinism, 1820-1822," *The Catholic Historical Review* 42 (1966): 377; Reinerman argues that the return of the Jesuits into Austria marked the decline of Josephinism, though in later works, he acknowledges that the re-entry was limited and subject to restrictions.

³⁷⁶ Francis to Count Saurau, August 12, 1820 In Maass, 5: 182.

³⁷⁷ Francis to Count Saurau, August 20, 1820 In Maass, 5: 183.

³⁷⁸ Prince Richard Metternich ed, *Memoirs of Prince Metternich*, 241.

³⁷⁹ Reinerman, "The Return of the Jesuits," 381.

³⁸⁰ Hosp, *Ziegler*, 86.

Archbishop utilize the Jesuits as teachers but was unwilling to enforce it from far-away Vienna.³⁸¹

The Jesuits attempted, unsuccessfully, to obtain a novitiate in the capital. The Archbishop of Vienna, Count Firmian, thought a Jesuit presence in the city would be harmful to the order due to the theaters and immorality of the city. He wanted the Jesuits to prove themselves in Galicia and wait until they demonstrated their teaching abilities and patriotism.³⁸² Francis decreed on April 15, 1822 that the Jesuits did not need a novitiate in Vienna.³⁸³ In addition, he sent away Father Alois Landes, the Jesuit advocate in Vienna, to Galicia.

Throughout the 1820s Austrian authorities debated how much freedom to give the Jesuits. In 1823 Stanislaus Swietochowsky, a provincial for the Jesuits, lobbied for greater freedom for the order. He wanted the general in Rome to have unhindered communication with the local Jesuit leaders, arguing that the order did not have a copy of the March, 1781 decree banning communication with foreign leaders.³⁸⁴ He stressed that even in Russia, the hierarchy had not been disrupted. Francis replied that the authorities would continue to regulate correspondence in Austria but wrote that the Jesuit statute entitled the general to communication with the order. He allowed the Jesuits freedom to dismiss members according to their rules without a backlash from bureaucrats. He granted, also, permission for the order to build a new study house but ordered them to follow the local laws.³⁸⁵

³⁸¹ Reinerman, "The Return of the Jesuits," 386.

³⁸² Hosp, *Ziegler*, 87.

³⁸³ Reinerman, "The Return of the Jesuits," 388.

³⁸⁴ Count Saurau to Francis, February 6, 1823 In Maass, 5: 206.

³⁸⁵ Francis to Count Saurau, February 6, 1823 In Maass, 5: 213.

By the 1820s Metternich had changed his mind about the Jesuits and lobbied for their continued existence in the Empire. On October 18, 1825 he wrote to Francis, arguing that, due to the forty-year ban on the Jesuits, the same abuses would not develop as rapidly or to the same extent. He contended that closing down the Jesuit college in Galicia would excite general wonder and represent the triumph of hell on earth.³⁸⁶ He acknowledged that the Jesuits would contradict the state-church system but asserted that the members of the order were bound to obey their statutes or else they would not be Jesuits.³⁸⁷ He concluded that the Jesuit college in Galicia would serve as a test for the usefulness the order and noted that the government could always take away their privileges.³⁸⁸ He followed up his request in 1827, writing that his advice would allow the Jesuits to correspond to the will of the emperor, and the college in Galicia would serve as a study for analyzing the advantages and disadvantages of the order.

Francis began to waver on the Jesuits in the late 1820s. He had granted the Jesuits limited communication with their General in 1825. In 1827 he allowed them to form a novitiate in Styria and expand into Linz and Innsbrück.³⁸⁹ On November 18, 1827 Francis decreed that the Jesuits could have undisturbed communication with the general as long as the order followed Church guidelines and discipline.³⁹⁰ When performing priestly duties, such as preaching, serving as confessor, and doing general pastoral work, the Jesuits, Francis ordered, were subordinated to the bishops. He allowed them to use their own teaching materials but required that they go through the approval process with the relevant authorities. He

³⁸⁶ Metternich, *Memoirs of Prince Metternich*, 244.

³⁸⁷ Metternich, *Memoirs of Prince Metternich*, 246.

³⁸⁸ Metternich, *Memoirs of Prince Metternich*, 247.

³⁸⁹ Hosp, *Kirche Österreichs*, 221.

³⁹⁰ Francis to Count Saurau, November 18, 1827, In Maass, 5: 271.

commanded, also, that the Jesuits must carry out exams for pupils according to the existing rules of the state. Finally, he decreed that the provincial needed to get the emperor's approval on individuals associated with the Jesuits traveling to and from foreign lands.³⁹¹

In the final years of Francis' reign, restrictions on the Jesuits slightly loosened. In 1832 the provincial Jacob Pierling pushed to get state influences on the order eliminated. He wanted the Jesuits to obey, solely, their own statutes. Francis did not deny this request but deferred the decision to the Josephinist Archbishop of Vienna, Milde, who took no action on this petition.³⁹² In 1831 a private donor offered to finance a Jesuit house and college in Verona, located in Austrian-controlled northern Italy.³⁹³ The general of the Jesuits did not want to accept the gift if the Verona center would have to deal with interference by the Austrian bureaucracy as in other parts of the monarchy.³⁹⁴ Francis commissioned a report on the Jesuits, which came back arguing that the Jesuits were a positive force in the Empire with Metternich and Jüstel siding with the Society.³⁹⁵ The Jesuit general sent Father Peter Beckx to Vienna to negotiate a settlement for the Jesuits in Verona. Austria sent the director of the Oriental Academy, Joseph Othmar von Rauscher, who would play a large role in overthrowing Josephinism in the 1850s, to come to an agreement with Beckx in a manner that did not disrupt the legal situation in Lombardy-Venetia.³⁹⁶ Beckx demanded that order heads have free communication with their members and not feel compelled to present their students' credentials to the local government. He requested that school chiefs in the order not have

³⁹¹ Francis to Count Saurau, November 18, 1827, In Maass, 5: 271.

³⁹² Hosp, *Ziegler*, 89.

³⁹³ 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

³⁹⁴ Jüstel to Ferdinand, January 20, 1836, in Maass, 5: 450.

³⁹⁵ Jüstel to Ferdinand, January 20, 1836, in Maass, 5: 449, 454-477.

³⁹⁶ Jüstel to Ferdinand, January 20, 1836, in Maass, 5: 450.

obligations to produce reports on the schools and curriculum, possess full discretion on the selection of textbooks, have freedom to hire and to fire the prefects and professors at schools, and fewer restrictions on showing the educational credentials of its members to the local government. Beckx also asked for full control over the consecration of Jesuit priests, exemption from the local school corrections laws, the open use of the holy sacraments, and other requests.³⁹⁷

The State Conference approved the Verona college in 1836, after Francis died, but with restrictions on the rights of the Jesuits. The Jesuits could now settle in northern Italy but with limitations. Governmental approval on all communication with foreign Jesuits remained intact with passports required for order members to travel. Order heads had to provide the regional government information on its students, such as when they entered the program of study, their educational credentials, and place of origin. The order chief had the right, 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 to the ban on corporal punishment.³⁹⁸

This settlement remained in place until the upheavals of 1848, and though the Jesuits received certain privileges, their return did not mark the decline of Josephinism in the Austrian Empire. Francis recognized, simply, the educational value offered by the Jesuits and utilized it in the poorest, most distant parts of his Empire. He did not, furthermore, seek out

³⁹⁷ Jüstel to Ferdinand, January 20, 1836, in Maass, 5: 451-52.

³⁹⁸ Jüstel to Ferdinand, January 20, 1836, in Maass, 5: 476-480.

the Jesuits, but rather, dealt with them after they entered Galicia. The Austrian government knew they could always revoke the Jesuit privileges if the order displeased the authorities. Francis also did not attempt seriously to stop the harassment of the Jesuits by his bureaucrats. The monarch's position as the ultimate authority over the Jesuits was never threatened, and the minor concessions to the Jesuits did not, thus, signify a shift in Josephinist policy.

The Leopoldine Society

The paternalistic attitude held by Austria in religious affairs manifested itself in the Leopoldine Society, founded in 1829 to aid Catholic missions in the predominately Protestant United States. The Austrian government held a resolute aversion to founding new orders. Yet, the establishment of the Society proceeded smoothly because it did not introduce new internal elements to an Austrian government suspicious of change, in contrast to the Jesuits, whom the state allowed, only reluctantly, and subjected to restrictions. Austrian support for American missions would, thus, not endanger governmental control of the Church, nor would it stir up trouble in the monarchy.

The bishop of Cincinnati introduced the idea of an organization to assist Catholics in the United States and sent Father Rese to obtain aid from European powers. Father Rese went to Vienna, where the archbishop, Count Firmian, agreed to the project and arranged a meeting of Rese with Francis.³⁹⁹ The emperor approved this idea in May, 1829 and named it the Leopoldine Society after one of his deceased daughters, Maria Leopoldina.

The bulk of the Leopoldine Society's work occurred between 1830 and 1860, before Catholicism was well established in the United States. During this time, Austrians donated

³⁹⁹ Benjamin J. Blied, *Austrian Aid to American Catholics 1830-1860* (Milwaukee: St. Francis Seminary, 1944), 20.

hundreds of thousands of dollars.⁴⁰⁰ The Society focused, initially, on converting Native Americans but soon turned its attention to German immigrants.⁴⁰¹ Catholic German immigrants needed attention because they were accustomed to churches in Europe that had been built centuries ago and received state aid. In addition, Germans were scattered throughout the country, in contrast to Irish immigrants, who congregated in cities and spoke English.⁴⁰²

The Society focused on the overall goal of assisting the Catholic Church in the United States and provided funds for churches and schools, supplied priests, and helped build seminaries.⁴⁰³ While they assisted Catholics across the United States, their biggest projects were in New Orleans and Wisconsin. After the American Civil War, donations declined as the Church became more organized and established in the United States, but the society lasted until World War I.

In similar fashion to other areas of church policy, governmental controls on the monasteries and orders inside the monarchy did not loosen until after 1848. The hurdles and restrictions attached to the Jesuits, in contrast to the smooth and quick approval for the Leopoldine Society, show that the orders were not equal. The Jesuits were associated with the Counter-Reformation, loyalty to Rome, subversion, and encountered difficulty in Austria, while the Leopoldine society operated on another continent. Austria was, however, willing to aid the establishment of missions outside the monarchy, and the operations of the Leopoldine Society encountered no bureaucratic resistance because it did not pose a threat to the Josephinist Church.

⁴⁰⁰ Blied, *Austrian Aid to American Catholics*, 25.

⁴⁰¹ Blied, 52.

⁴⁰² Blied, 60.

⁴⁰³ Blied, 92.

Chapter Five: 1848 and the Collapse of the Josephinist Church

Austria caught the virus of revolution that swept most of Europe in 1848, and it nearly killed the Habsburg Empire. Protests induced Metternich to resign in March, 1848, and after several unsuccessful governments, reforms, and uprisings, Ferdinand stepped down as emperor on December 2nd of that year. His successor Francis Joseph dismantled the Josephinist Church with decrees in April, 1850 and concluded a concordat with Rome in 1855 that was favorable to the papacy. Due to freedom of the press, assembly and a weakened government in Vienna during the tumultuous year of 1848, a wide range of ideas and forces regarding Austrian Catholicism emerged with ultramontanism winning the struggle.

On March 13, 1848 a student protest won sympathy from reform-minded aristocrats, who resented Metternich's continual influence, such as Archduke John, the younger brother of Francis, and Archduchess Sophie, the mother of Francis Joseph, and Metternich fled to London.⁴⁰⁴ Ferdinand made concessions to the revolutionaries, such as amnesty for prisoners, allowed the citizenry to arm, granted press freedom, appointed supposed liberal officials to positions in government, and signed the March laws (also called April Laws), which gave autonomy to Hungary.⁴⁰⁵ The Habsburg armies, however, disobeyed orders from Vienna and saved the empire. Field Marshall Radetzky refused to cede northern Italy and defeated Italian nationalists in May and July, ensuring that these areas remained in the Habsburg Empire. Field Marshall Prince Alfred von Windischgrätz mastered the insurrections in Prague in June, while in Hungary, Count Josip Jelačić ignored the decree from Vienna dismissing him as commander of Habsburg forces in Croatia in favor of the Budapest war ministry, leading to

⁴⁰⁴ Kann, 250.

⁴⁰⁵ A.J.P. Taylor, 63; Holler, *Sophie Die Heimliche Kaiserin*, 154.

the outbreak of war in southern Hungary.⁴⁰⁶ In November, after the October uprising in Vienna, during which troops mutinied en route to Hungary, and radicals took over Vienna, Austrian Prime Minister Felix zu Schwarzenberg realized that the monarchy needed a competent emperor untainted by the events of 1848. Francis Joseph replaced Ferdinand, and Habsburg policy assumed coherence. The government kept open the Constitutional Assembly to appease moderate reformers, while Habsburg armies defeated radicals and nationalist revolts. On March 4, 1849, Schwarzenberg's government dissolved this Assembly and decreed a constitution on March 7, which the emperor never enacted.⁴⁰⁷ Francis Joseph abolished this "oktroiert"⁴⁰⁸ constitution in 1851, and throughout the rest of the decade, centralism and rule from above characterized the Austrian Empire.

Freedom of the press and assembly, combined with an enervated central government, opened up ideas about the future of the Austrian Church in 1848-49. In this unrestrictive environment, anticlerical literature drove the Church closer to the Habsburgs, as they both feared revolution. The bishops took advantage, however, of the winds of change and pushed for a restoration of Church freedoms. Yet, just as the revolutionaries disagreed on their goals, Catholics lacked a unified vision of the future of the Austrian Church in the monarchy.

One group consisted of Josephinists, and they had the closest links to the established order. They tended to be older, distrusted the middle classes, and disliked democracy and press freedom.⁴⁰⁹ Their most prominent member was Archbishop Milde, and they wanted to maintain the religious status quo. On March 17, 1848, Milde banned priests in his diocese

⁴⁰⁶ Rothenberg, 28.

⁴⁰⁷ Kann, 310.

⁴⁰⁸ Granted from above

⁴⁰⁹ Bunnell, 122.

from participating in political activities.⁴¹⁰ He disapproved of the bishops' conferences that took place in November, 1848 and May, 1849, which petitioned the government for a restoration of Church freedoms, and he forbade the clergy in his dioceses from meeting.⁴¹¹ After Francis Joseph issued orders in April, 1850, which damaged the Josephinist Church, the archbishop wrote a letter to the *Wiener Zeitung*, assuring the population that the Austrian Church would not plot with Rome and downplayed the significance of the decrees.⁴¹² Officials in the various Austrian governments in 1848 also opposed ultramontanist trends. In the summer of 1848, the education minister Baron von Sommaruga wrote that Church influence should be restricted.⁴¹³ The finance minister, Baron Philipp von Krauss opposed dismantling governmental restrictions on the Church, and debates in the ministry about the future of the Church display resistance among various ministers to granting freedoms to the Austrian episcopacy.⁴¹⁴

Ultramontanists formed another category of Catholics in the post-1848 order, and they grouped around Joseph Othmar von Rauscher, who had served as director of the Oriental Academy in Vienna, professor of Church history, and bishop of Seckau. This group also disliked revolution, tended to be younger, and supported the monarchy but demanded freedom for the Church, a concordat with the pope, and state protection. Rauscher and Cardinal Schwarzenberg stood with the government in 1848 and argued that a reinvigorated Church could use its moral and religious influence to support and to strengthen the state.⁴¹⁵ Rauscher played a major role in the bishops' conference from April to June 1848 and the concordat

⁴¹⁰ Weinzierl-Fischer, 27.

⁴¹¹ Bunnell, 125.

⁴¹² Bunnell, 141.

⁴¹³ Weinzierl-Fischer, 43.

⁴¹⁴ Weinzierl-Fischer, 50.

⁴¹⁵ Weinzierl-Fischer, 29.

negotiations with Rome. The efforts of the ultramontanists succeeded in getting religious freedom inserted into the constitutions of April 25, 1848 and March 7, 1849, though with undefined privileges for the Catholic Church.⁴¹⁶ Bishop Ziegler petitioned the minister of the interior in 1848 to grant freedom for the episcopacy based on the constitution. He pushed for issues that became standard demands for ultramontanists. He pushed for freedom of communication between bishops and the people in their dioceses, abolition of required secular approval for papal documents, free domain for bishops in Church affairs, the elimination of subordination of the Ordinariate to the government, clerical representation in the recently-founded Reichstag, and bishop control over Church property.⁴¹⁷ Other Catholic advocates included writers, such as Sebastian Brunner, who published the *Kirchen Zeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, which called for the destruction of the Josephinist Church.⁴¹⁸

Other Catholic organizations did not fit into the Josephinist-ultramontanist dichotomy. Radicals were anticlerical, yet had in common with ultramontanists their support for freedom of the Church from the state.⁴¹⁹ The most radical element was known as German Catholicism. It appealed to the nascent working classes and advocated democracy in the Church, election of bishops, abolition of celibacy for priests, vernacular masses, and the closure of monasteries. They attracted many converts and had to move their services to the main hall of the *Musikverein*.⁴²⁰ One of the founders, Francis Schuselka, a publicist from Bohemia,

⁴¹⁶ Weinzierl-Fischer, 28.

⁴¹⁷ Hosp, *Ziegler*, 167,

⁴¹⁸ Bunnell, 124.

⁴¹⁹ Weinzierl-Fischer, 32.

⁴²⁰ 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), 155.

claimed the legacy of Joseph.⁴²¹ This organization was, however, too radical for most Josephinists. The last group is difficult to label. It was made up of intellectuals, such as Anton Günther who were open to moderate revolution and wanted the Church free from state control. They desired more democracy in the Church and caused Milde much irritation.⁴²² They influenced the Catholic Union, led by laymen, who protested the closing of cloisters and the confiscation of Church property. They adhered, however, to theological positions unacceptable to the Church in questions such as the relationship of man to nature.⁴²³

The bishops' conference was a victory for the ultramontanists, and the *Kirchen Zeitung* considered the meeting as a symbol of the Church freedom in a new era.⁴²⁴ The Austrian bishops took advantage of the newly granted freedom of assembly and met from April 30 to June 20, 1849 in Vienna to coordinate their efforts. Six archbishops and twenty-two bishops held sixty meetings and sent a petition containing 207 paragraphs to the minister of the interior.⁴²⁵ The bishops wanted priests banned from performing mixed marriages and desired that the oath to raise children Catholic be required. They requested annual oversight from Church officials on the *Religionsfond* to ensure that the state spent the money supporting Catholicism. The bishops requested that property from the Jesuit order, which the state had outlawed again in May 1848, should only fund Catholic schools, and religious education should have oversight exclusively from the episcopacy. They wanted all obstacles to communicate with Rome removed and asked for the abolition of worship regulations imposed

⁴²¹ R.J.W. Evans, "Josephinism, 'Austrianness,' and the Revolution of 1848," 151.

⁴²² Weinzierl-Fischer, 27.

⁴²³ Bunnell, 122-24; Bunnell breaks down Catholic movements in 1848 into these four groups: Josephinist, ultramontane, German Catholicism, and Güntherian. He focuses, mostly, on the Güntherian group.

⁴²⁴ Weinzierl-Fischer, 38.

⁴²⁵ Weinzierl-Fischer, 37, 46.

by the state. They agreed that the emperor should appoint bishops, but he must receive advice from bishops before making a decision.⁴²⁶ The conference ended with the nomination of a panel to follow up on these petitions with state officials. Cardinal Schwarzenberg led this committee, and it had five members, including Milde and Rauscher.⁴²⁷

The ultramontanists won, ultimately, this battle because they had the support of influential ministers and Francis Joseph. Several factors had worked in favor of restoration of Church freedoms. The government wanted a reinvigorated Church as one of its pillars in a centralized state.⁴²⁸ Baron Alexander von Bach, a former radical in the *Vormärz*, became the minister of the interior in 1849. He led the drive toward centralization and sought the support of the Church, perhaps as an act of opportunism.⁴²⁹ He addressed the bishops' conference in May 1849 and expressed appreciation for the Church, recognized its power, and voiced agreement for a concordat.⁴³⁰ Most importantly, Archduchess Sophie had provided Francis Joseph with a religious upbringing, picking out tutors for him, such as Rauscher. When the time arrived to make crucial decisions about the Church, the ultramontanists found an ally in the emperor.

Sophie played, therefore, an indispensable role in the restoration of Church liberties. It was not inevitable that, after 1848, the Josephinist regulations on the Church would collapse. The episcopacy held a non-threatening stance during the upheaval, and after 1849 the revolutionary dangers had passed. Josephinism was, furthermore, for reasons that will be

⁴²⁶ The demands can be found in Weinzierl-Fischer, 41-45

⁴²⁷ Weinzierl-Fischer, 46.

⁴²⁸ Other pillars of the Austrian state, in addition to centralism, would be economic freedom within the monarchy after the government abolished the tariff around Hungary in 1850 (Taylor, 86), and the army. The budget for the army before 1848 averaged around 50 million florins; after 1848 it never dropped below 110 million florins, in Rothenberg, 41.

⁴²⁹ Weinzierl-Fischer, 39.

⁴³⁰ Weinzierl-Fischer, 40.

explained later, popular in the monarchy. Perhaps one could make the argument that the young emperor sought Church approval to cement his reign. Yet, just as Francis Joseph abolished the 1849 constitution in 1851, he could have turned against the bishops and retained the governmental restrictions on the Church.

Sophie was the ambitious daughter of Maximilian I of Bavaria. She was well read and determined to marry into the House of Habsburg.⁴³¹ 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, 1830.⁴³² Sophie was one of the few competent members of the Habsburgs and ran family affairs after Francis died in 1835, thwarting, for example, the marriage of Maria Theresa, the daughter of Archduke Charles to Prince Phillip of Orleans.⁴³³ Most importantly, Sophie controlled the education of young Francis Joseph. She forced religious education on the future emperor, personally intervening and monitoring the teachers.⁴³⁴ In 1844, Rauscher began teaching Francis Joseph philosophy and was the most influential tutor on the young “Franzl,” much to Sophie’s satisfaction.⁴³⁵

During the upheaval of 1848, Sophie continued to play a large role and insisted on continuing Francis Joseph’s religious education. In May, 1848 the royal family resided under the watchful eye of a national guard at the Hofburg in a situation eerily similar to Louis XVI at the Tuileries,⁴³⁶ and Sophie, Ferdinand and his wife, Francis Charles and three of their sons (Francis Joseph was in Italy at the time) fled to Innsbruck. Francis Joseph joined his family,

⁴³¹ Holler, *Sophie*, 20.

⁴³² Holler, 30.

⁴³³ Holler, 91.

⁴³⁴ Holler, 116.

⁴³⁵ Holler, 113.

⁴³⁶ King Louis XVI and his family had stayed at the Tuileries Place under house arrest before radicals stormed it in August, 1792.

where Sophie had her confessor teach her son.⁴³⁷ When the royal family left Vienna again for Olmütz in October, the archduchess made the archdukes take daily religious lessons and called for Rauscher.⁴³⁸

Sophie also played a political role that led to Francis Joseph becoming emperor. At Olmütz, she engaged in long discussions with Felix zu Schwarzenberg, and they agreed that Francis Joseph should replace Ferdinand.⁴³⁹ Sophie worked to convince the stubborn and unintelligent Francis Charles to renounce his legitimate claim to the throne.⁴⁴⁰ The archduchess continued to exert a great deal of influence on her son until his marriage in 1854 and supported the restoration of Church freedoms such as the Concordat of 1855.⁴⁴¹

Yet it took almost a year for any decision on the future of the Church to occur. Krauss worried that the bishops' proposals would weaken the state at the expense of the bishops. Other ministers, such as Count Francis Gyulay (War), Ferdinand Joseph von Thinnfeld (Agriculture and Mining) and Carl Louis von Bruck (Commerce) expressed similar concerns and deadlock ensued.⁴⁴² The minister for religion and education, Leo von Thun, supported loosening governmental regulations on the Church but worried that a concordat with Rome would violate the constitution.⁴⁴³ Finally, on April 18 and 23 1850, with the advice of Rauscher and Thun, Francis Joseph presented a series of decrees that dismantled most of the Josephinist regulations on the Church.

⁴³⁷ Holler, 179.

⁴³⁸ Holler, 189.

⁴³⁹ Holler, 184.

⁴⁴⁰ Holler, 192.

⁴⁴¹ Holler, 281.

⁴⁴² Weinzierl-Fischer, 53-55.

⁴⁴³ Weinzierl-Fischer, 57.

Francis Joseph's decrees destroyed most of the Josephinist Church, which had existed in Austria since the 1780s. His orders of April 18 and 23 1850 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; bishops no longer had to follow governmental regulations on worship.⁴⁴⁴ Although the decree did not address all of the bishops' complaints, such as marriage and monastic orders, this edict marks a break with the Josephinist Church. It was enough of a blow to the state Church that Ferdinand Maass ends his study of Josephinism in 1850, and Eduard Hosp, in his study of the Church in the *Vormärz*, also ends in this year.

The concordat with Rome in 1855 destroyed most of the remaining legacies of Josephinism in the Austrian Church. Francis Joseph gave Rauscher the authority to negotiate a Concordat in 1852. In January 1853 Rauscher began negotiations with the papal nuncio in Vienna, Viale Prela. The talks dragged out until 1855 due to Roman demands and concerns about the new Austrian government. 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.⁴⁴⁵ 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

⁴⁴⁴ Imperial Ordinance of April 18 and 23, 1850, In Maass, 5: 741-743.

⁴⁴⁵ Weinzierl-Fischer, 70.

religious indifference of the Austrian bureaucracy. Rauscher, now the Archbishop of Vienna grew unpopular in Rome, where rumors circulated accusing him, falsely, of representing a Josephinist government.⁴⁴⁶ Francis Joseph intervened and gave Rauscher orders to yield on some Roman demands. On August 18, 1855, Rauscher and Prela signed a concordat, which contained thirty-six articles and one secret paragraph, and imperial patents on November 5th and 13th of that year made the new agreement valid in the entire monarchy.⁴⁴⁷

The concordat expanded on the decrees of 1850 and addressed issues affecting marriage and monastic orders. 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 the 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 *Religionsfond* the property of the Church but allowed the state to continue managing it. Most importantly, article X of the agreement granted the Church jurisdiction over marriage, as prescribed in the rules of the Council of Trent.⁴⁴⁸

The changes to the Church in the 1850s mark the end of Josephinism in the Austrian Church. The turmoil of 1848 brought down the *Vormärz* government, and it recovered with Francis Joseph, who adhered to ultramontanist ideas. The ministers also wanted to re-

⁴⁴⁶ Weinzierl-Fischer, 71-72.

⁴⁴⁷ Weinzierl-Fischer, 78-79.

⁴⁴⁸ The results of the Concordat are described in Weinzierl-Fischer, 80-81; a copy of the Concordat of 1855 in German is located in Weinzierl-Fischer, 250-258.

establish central authority by appeasing and courting the Church. There would be no revival of the Josephinist Church, and any modern alterations to the religious settlement after the 1850s would come from liberals.

Conclusion

After the dismantling of the Josephinist Church, the liberal response made it obvious that Josephinism had been an ideal religious compromise. Josephinism had granted and maintained limited religious toleration, restrained religious extremism, kept the Church out of the hands of an incompetent papacy, and geared the clergy to more pragmatic work. Yet, it also protected Catholicism. It censored anticlerical work, encouraged morality among its subjects, and shielded the Church from political events that would have associated it with the forces of reaction. Although Austria performed well enough in the Napoleonic Wars to retain control over domestic affairs, Church reforms in the 1780s also had obviated the need for radical changes on the Napoleonic model. After 1815, this unique situation in Austria, combined with the lasting presence of Josephinism, ensured that Austria never reached, nor needed, an unpopular concordat with Rome. The Church in Austria assumed, instead, a passive role behind the shield that the Habsburgs provided.

It is worth mentioning that Austria was a peaceful, stable state in the *Vormärz*. From 1815-1848, liberal revolutions knocked monarchs off the throne in France, Spain, and Portugal. The religious policies of these kings did not bear the mark of the nineteenth century. King Ferdinand VII of Spain had invited the Jesuits into his country and reestablished the Spanish Inquisition before losing his throne, briefly, in 1820. Only a foreign army, backed by the conservative powers of Europe, restored Ferdinand. This revolution spread to Portugal the same year, where a similar religious situation existed. Charles X of France (r. 1824-1830) had strengthened the Church and even passed a law that provided the death penalty for blasphemy of the Host before a revolution forced him to abdicate in 1830.⁴⁴⁹

⁴⁴⁹ Woodward, 250.

While Austria had censorship and spied on its subjects, this fact does not explain stability in the Austrian Empire, as other states, such as liberal Britain and France had similar laws. Britain had her own Six Acts, which suppressed radical journals, seditious meetings, and other perceived threats to security, while the July Monarchy in France under the bourgeois king, Louis-Philippe, passed laws in 1834 restraining the press and political associations.⁴⁵⁰ In addition, the size of the military and police forces of London and Paris dwarfed the ones in Vienna, and the emperor of Austria walked, regularly, through the streets of Vienna without protection⁴⁵¹

Josephinism in the Church helped ensure this peace in Austria. As a leftover from the Enlightenment, it allowed the Habsburgs to possess a mark of modernity that mitigated the agitations of the growing liberal middle classes. The religious settlement in *Vormärz* Austria was a middle path that appeased the bourgeoisie, Protestants, and many clergymen, yet devout Catholics of the monarchy could rest easy knowing that the state kept the Church out of political conflicts, protected it from anticlerical literature, and tolerated Protestants in a manner inoffensive to Catholics.

When revolution did break out in 1848 in the monarchy, Austrians supported, in fact, Josephinism. Peasants revolting in the countryside demanded an end to the *robot*⁴⁵² and paying tithes to priests in landed parishes.⁴⁵³ Protesters in Vienna in March 1848 invoked

⁴⁵⁰ Sked, 105.

⁴⁵¹ Sked argues that Austria was no more of a police state than Britain or France. He writes that by 1848, Queen Victoria had 233,000 soldiers and police at her disposal in London, France had 117,000 men in Paris to protect Louis-Philippe, while Vienna had only 29,000. p. 126.

⁴⁵² The *robot* was a labor system that forced peasants to work on a landlord's estate for a fixed number of days per week. Joseph had worked to reduce this abuse in order to modernize Austrian agriculture. All *robot* reform ended in 1790.

⁴⁵³ Bowman, 142.

Joseph's name and marched past his statue in *Josefsplatz*.⁴⁵⁴ Publications and debates used the image of Joseph and an honor guard guarded the revered emperor's statue.⁴⁵⁵ Nationalists in 1848 appropriated, furthermore, Joseph's legacy to their cause, draping Joseph's statue with a black-red-gold banner for a visit in Vienna by deputies from the Frankfurt Parliament.⁴⁵⁶ When Francis Joseph became emperor, the royal family assumed he would take the title as Francis II. Prime minister Schwarzenberg thought this name would associate the new ruler with Metternich and successfully lobbied for the emperor to incorporate the second name of Joseph.⁴⁵⁷ While the Josephinist Church collapsed in the 1850s, Josephinism revived in other areas after 1848. Officials running Austria after 1848 pursued centralization and reform from above on the model of Joseph. The *robot* ended, the government enacted free trade inside the entire monarchy for the first time, and neo-absolutism characterized the Austrian Empire.

The popularity of Josephinism, combined with the series of foreign policy blunders in the 1850s only made the Concordat an easy target for its liberal critics. As the public learned the details of the concordat, criticism of it mounted. The playwright and Josephinist Franz Grillparzer wrote that the concordat destroyed the work of Joseph and compared it to the Spanish Inquisition. The old Austrian statesman Baron Johann Phillip von Wessenberg opined that it was not the stamp of the nineteenth century but of the fifteenth.⁴⁵⁸

Francis Joseph had to grant concessions to liberals in the 1860s, who reversed the Concordat by 1868. Austria and Russia had been allies since 1813 and despite disagreements

⁴⁵⁴ R.J.W. Evans, "Josephinism, 'Austrianness,' and the Revolution of 1848," 145.

⁴⁵⁵ R.J.W. Evans, "Josephinism, 'Austrianness,' and the Revolution of 1848," 152.

⁴⁵⁶ R.J.W. Evans, "Josephinism, 'Austrianness,' and the Revolution of 1848," 154.

⁴⁵⁷ Holler, 194.

⁴⁵⁸ Weinzierl-Fischer, 92.

over Greece in the 1820s, the alliance remained strong. Russia even invaded Hungary in 1849 to assist Austria in crushing revolution there. Austria paid back Russia in the Crimean War (1853-1856) by not only remaining neutral but signing defensive agreements with Prussia against Russian annexation of Danube principalities and threatening to enter on the side of the allies.⁴⁵⁹ This ingratitude destroyed the alliance, and without Russian protection, Austrian territories became easy targets for Prussia and nationalists in Italy. By 1866, Austria had lost her territories in northern Italy and gave up the centuries-long struggle for influence in Germany.

While it would be a mistake to blame the concordat for these Austrian blunders, these disasters forced the emperor to concede power to liberals, who used the opportunity to undermine the concordat. Francis Joseph signed, reluctantly, the May Laws of 1868, which put marriage back into secular courts, established state-controlled compulsory education with clerical influence reduced to religious instruction, while the May laws in 1874 recognized civil marriage whenever the Church refused the wedding. In addition, these May Laws ended governmental support for sacraments and feast days.⁴⁶⁰ Josephinism had kept the Church in a passive role, allowing it not to become intertwined with politics. In addition, by appeasing liberals in Church policy during the Restoration, Austria had prevented an anticlerical reaction similar to the one that occurred in the 1860s and 70s.

Finally, the concordat tied the Austrian Church to a papacy that was becoming increasingly irrelevant, while Josephinism had prevented papal influence in Austrian religious affairs. Pius IX caused an uproar and embarrassment for Church officials with the Syllabus of

⁴⁵⁹ Kann, 264.

⁴⁶⁰ For more information on the May Laws enacted from 1868-1874, see Kann, 357, Bunnell, 144, and Bowman, 179.

Errors in 1864, which many commentators characterized as a condemnation of the modern world.⁴⁶¹ After the First Vatican Council in 1870 declared the pope infallible when he spoke *ex cathedra*⁴⁶², Francis Joseph decided to abrogate the Concordat.

Any discussion of Josephinism must, therefore, take into account the Restoration. Prominent historians, such as Robert Kann, have argued that is legitimate to consider Josephinism a reform period stretching back to Maria Theresa. If this viewpoint is credible, it is certainly valid to move the endpoint of Josephinism to 1848 or the 1850s. While many Josephinist changes, such as phasing out of the *robot* ended in 1790, religious reforms, which played a large role in Josephinism, lasted throughout the *Vormärz*. Josephinism did, indeed, begin with the empress, climaxed in the 1780s with Joseph, and stagnated but persisted during the Restoration.

Austria was the land of Metternich and the epitome of Restoration conservatism, yet there was a clear split among conservatives. The Church and state had a common interest in preventing revolution, but they never reconciled. The Habsburg monarchy shut out Catholic advocates and restricted the Church's freedom of action. Austrian leaders had grown up in the age of enlightened absolutism and left it up to the next generation to abolish the Josephinist Church. The Austrian state had, instead, the primary goal of keeping order, which required avoiding extremes. A restoration of Church freedoms and privileges would have associated Austria with the forces of reaction and stirred up opposition in the empire. Francis and many Austrian bureaucrats also thought in terms of the traditional dispute between secular rulers and the pope and feared the papacy could still create trouble in the monarchy.

⁴⁶¹ Thornton, 188.

⁴⁶² From the Chair (of Peter).

Instead, Austria stuck to a path created in an age of Enlightened Absolutism and maintained it throughout the *Vormärz*. Francis admired Joseph, though distrusted change after the French Revolution, the bureaucracy cherished their position over the Church, and even some of the clergy enjoyed their roles as state employees in a reformed episcopacy. This system displeased Rome, cut off the Austrian Church from the pontiff and orders from their General, ensuring a contentious relationship among Catholic advocates and the papacy against the Austrian government. One of these disputes, the one over marriage laws, illustrates well Austria's approach to the modern secular world. The government disliked anticlericalism and impiety, which civil marriage represented. Yet, Austrian officials viewed religious discrimination as an outdated relic of the past and labored to provide a compromise allowing for mixed marriages under the auspices of the Church. This moderate course avoided the extremes of radicalism and reaction, appeased the bourgeoisie and devout Catholics alike, and helped ensure internal peace and stability in the Restoration.

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Vita

Scott Berg was born in January 1985 in Dallas, Texas. He attended the University of North Texas and studied abroad in London and Berlin in 2005 and 2006 respectively. He graduated *magna cum laude* with a degree of Bachelor of Arts in history and minors in political science and German in 2007. After a break for a year in the “real world” he matriculated at Louisiana State University in Baton Rouge in Fall, 2008. He intends to continue in the doctoral program.