



universität  
wien

# MASTERARBEIT / MASTER'S THESIS

Titel der Masterarbeit / Title of the Master's Thesis

„Beyond Late Josephinism: Josephinian Influences and  
the Commemoration of Emperor Joseph II in the Austrian  
Kulturkampf (1861-1874)“

verfasst von / submitted by

Christos Aliprantis

angestrebter akademischer Grad / in partial fulfilment of the requirements for the degree of

Master of Arts (MA)

Wien, 2015 / Vienna 2015

Studienkennzahl lt. Studienblatt /  
degree programme code as it appears on  
the student record sheet:

A 066 803

Studienrichtung lt. Studienblatt /  
degree programme as it appears on  
the student record sheet:

Masterstudium Geschichte UG2002

Betreut von / Supervisor:

ao. Univ.-Prof. Dr. Lothar Höbelt

For my parents and brother

# TABLE OF CONTENTS

---

## ACKNOWLEDGMENTS (4)

## PROLOGUE:

**I.** The Academic Interest on Josephinism: Strengthened and Lacunas of the Existing Literature (6)

**II.** Conceptual Issues, Aims, Temporal and Spatial Limits of the Current Study (10)

## CHAPTER 1: Josephinism and the Afterlife of Joseph II in the early Kulturkampf Era (1861-1863)

**I.** The Afterlife of Joseph II and Josephinism in 1848: Liberal, Conservative and Clerical Interpretations. (15)

**II.** The Downfall of Ecclesiastical Josephinism in Neoabsolutism: the Concordat and the Suppressed pro-Josephinian Reaction against it. (19)

**III.** 1861: The Dawn of a New Era and the Intensified Public Criticism against the Concordat. (23)

**IV.** From the 1781 Patent of Tolerance to the 1861 Protestant Patent: The Perception of the Josephinian Policy of Confessional Tolerance. (24)

**V.** History Wars and Josephinism: Political Pamphlets, Popular Apologists and Academic Historiography on Joseph II (1862-1863). (27)

## CHAPTER 2: Josephinism and the Afterlife of Joseph II during the Struggle for the Confessional Legislation of May 1868

**I.** Nationalist, Liberal and Clerical Attitudes of Joseph II in 1866. (36)

**II.** Joseph II and Josephinism in the Collective Imagination of 1867-1868 (A): The Liberal Version. (39)

**III.** Joseph II and Josephinism in the Collective Imagination of 1867-1868 (B): The Clerical-Conservative Version. (41)

**IV.** Historical Memory in the Parliament (A): References to Joseph II and Josephinism in the Debates for the May Laws in the House of Deputies (1867). (48)

**V.** Historical Memory in the Parliament (B): References to Joseph II and Josephinism in the Debates for the May Laws in the House of Lords (1868). (55)

### **CHAPTER 3: Josephinism and the Afterlife of Joseph II during the Struggle for the Imperial Elementary School Law of 1869**

**I.** Contemporary Perceptions of Educational Backwardness in Austria and the Need for Educational Reform (1866-1869). **(68)**

**II.** The Josephinian Architects of the Imperial Elementary School Law: The Politician and Historian Adolph Beer. **(70)**

**III.** Josephinian Influences in the Parliamentary Debates on the Imperial Elementary School Law. **(75)**

**IV.** The Perception and Consequences of the Imperial Elementary School Law and its Relation with Josephinism. **(80)**

### **CHAPTER 4: Josephinism, the Afterlife of Joseph II and the Confessional Legislation of 1874**

**I.** The Abolition of the Concordat in 1870. **(82)**

**II.** Josephinism and the Confessional Laws of 1874: pro-Josephinian motivations, signs of liberal anti-Josephinism and clerical, anti-Josephinian objections. **(83)**

**III.** Josephinism and the Afterlife of Joseph II in the 1874 Debates of the House of Deputies. **(90)**

**IV.** Josephinism and the Afterlife of Joseph II in the 1874 Debates of the House of Lords. **(96)**

### **EPILOGUE:**

**I.** Conclusions: Nature and Characteristics of the Liberal and the Conservative Versions of Joseph II in the 1860s and 1870s. **(99)**

**II.** The Development of Josephinism in the post-Kulturkampf Era (1874-1918): A Brief Overview. **(102)**

**III.** Suggestions for Further Research on mid-19<sup>th</sup> century Josephinism: Local and European Dimensions. **(104)**

### **BIBLIOGRAPHY:**

**I.** Primary Sources: A) Archival Sources, B) Printed Sources. **(106)**

**II.** Secondary Literature. **(111)**

**ABSTRACT: English/German (122)**

## ACKNOWLEDGEMENTS

---

This page is perhaps the nicest of all consisting a long thesis like this one. My research on the forms and manifestations of Josephinism and the commemoration of Joseph II in mid-19<sup>th</sup> century Austria needed indeed several months of meticulous scholarly work in Vienna, Athens and Budapest in order to be completed. For that result a great number of people are directly or indirectly responsible. First and foremost, my parents and brother, to whom this the-sis is dedicated, have supported by morally for all that period and tolerated my peculiarity to work on a topic almost completely foreign to the Greek-speaking audience. I hope that I managed to transfer them at least a tiny piece of my enthusiasm for the afterlife of Joseph II. Secondly, no respectable academic product can be born without the assistance and the guidance of experienced advisors, who granted me valuable ideas and made me feel how is like being a part of a larger academic community. Firstly, my supervisor at the University of Vienna, Lothar Höbelt needs to be mentioned for the hours he devoted in reading and correcting my draft chapters. Also the names of Peter Becker and Thomas Winkelbauer should by no means be missing from this list as they were always eager to discuss my ideas and the progress of my work without being obliged to do so. Thirdly, a huge thanks is owed to several other historians of Central Europe in Austria and elsewhere, who were willing to engage in fruitful discussions with me, despite their heavy curriculum: Nancy Wingfield, Pieter Judson, Jonathan Kwan, Lawrence Cole, Lorenz Mikoletzky, Robert Evans, Abigail Green, Christopher Clark, John Boyer, Alison Frank-Johnson, Deborah Coen, Larry Wolff, Laszlo Kontler, Scott Berg and Madalina Veres. My industrious editor Chris Turner-Neal had consistently corrected the linguistic and stylish errors of the initial text. Without his contribution the result would be for sure imperfect. A great deal of gratitude goes also to the audiences of the conferences I presented the early parts of my work, in Vienna, Sarajevo, Olomouc and Torun, who through their questions helped my clarify my own arguments and ideas. Equal praise it necessary for the crews of the Vienna University Library, the Austrian National Library, the General Administrative Archive in Vienna and the CEU Library in Budapest that supplied me with all the material, sources and literature it was essential for my research. Without these resources, the conduct of the current research would be surely impossible. Last but certainly not least, one should never forget the material circumstances, within which the research is taking place. On that field the extremely generous funds and scholarships of the State Scholarships Foundation of Greece, the “Alexander S. Onassis” Public Benefit Foundation and the Foundation for Education and European Culture enabled me to live, study and advance academically and personally in Vienna without the stress of every-day survival. There can be no doubt that without their support I would not have managed to study for two years at the Master’s program of Austrian history at the University of Vienna and subsequently this thesis might have never existed. To all the above mentioned persons and institutions, I express once more my most sincere gratitude along with the hope that the final result will eventually satisfy them.

Christos N. Aliprantis

Budapest, November 2015

# PROLOGUE

## I.

“[Concerning the reign of Joseph II] for the entire subsequent period up to our time, the evolution of Austria was captured in his [i.e. Joseph II’s] traces and constituted an inexhaustible ferment in the lives of the Austrian people and forced all the parties to look back at it [i.e. the era of Joseph II], to resume it [and] to carry on in one or the other direction, because the interests of freedom and of absolutism found in the Josephinian view their representation.”<sup>1</sup>

In the above words, the leading art historian Anton Springer<sup>2</sup> described in 1863 the tremendous impact of the historical memory of the Austrian enlightened despot Joseph II (1741-1790, r.1765/80-1790)<sup>3</sup> in the formation of the political and intellectual landscape of the mid-19<sup>th</sup> century Habsburg Empire. During his ten-year sole rulership, Joseph II, inspired by the principles and motives of Enlightened Absolutism<sup>4</sup> and aspiring to maximize the productivity of and “rationalize” his patrimonial lands, attempted daring and far-reaching reforms within the Monarchy<sup>5</sup>. These ambitious plans particularly concerned the centralization of the administration throughout the Monarchy (including Hungary)<sup>6</sup>, the creation of an efficient imperial bureaucracy<sup>7</sup>, the enactment of religious tolerance for the non-Catholic Habsburg subjects<sup>8</sup> and the subordination of the Catholic Church to State control<sup>9</sup>. Additionally, he took bold steps towards the abo-

---

<sup>1</sup> Quoted in Anton Springer, *Geschichte Österreichs seit dem Jahre 1809*, 2 Vols. (Leipzig, 1863), Vol. 1, 23. See also Franz Leander Fillafer, “Rivalisierende Aufklärungen: Die Kontinuität und Historisierung des josephinischen Reformabsolutismus in der Habsburgermonarchie” in: Wolfgang Hardtwig (ed.), *Die Aufklärung und ihre Weltwirkung* (Göttingen, 2010), 123-169, 149 for a commentary on Springer’s view.

<sup>2</sup> On Springer, see “Springer, Anton”, in: *Neue Deutsche Biographie*, Vol.24 (Berlin, 2010), 757-759 and particularly on his political beliefs, see Johann Weichinger, „Anton Springer als Historiker und seine politische Haltung“, Ph.D. Thesis, University of Vienna, 1955.

<sup>3</sup> There are many erudite biographies of Joseph II. See exhaustingly Paul von Mitrofanov, *Joseph II.: Seine politische und kulturelle Tätigkeit*, 2 Vols. (Vienna, 1910); Derek E. Beales, *Joseph II, Vol.1: In the Shadow of Maria Theresa, 1741-1780* (Cambridge, 1987); idem, *Joseph II: Vol.2: Against the World, 1780-1790* (Cambridge, 2009); François Fejtö, *Joseph II.: Un Habsbourg révolutionnaire; Portrait d’un despot éclairé. Ed. corr. et complétée* (Paris, 2004 [1953]); briefly Lorenz Mikoletzky, *Kaiser Joseph II.: Herrscher zwischen den Zeiten*, 2<sup>nd</sup> edition (Göttingen, 1990); T.C.W. Blanning, *Joseph II* (London, 1994).

<sup>4</sup> On the exact relation between the ideals behind Joseph’s reforms and Enlightened Absolutism, see Helmut Reinalter, „Aufgeklärter Absolutismus und Josephinismus“, in: Helmut Reinalter (ed.), *Der Josephinismus: Bedeutung, Einflüsse und Wirkungen* (Frankfurt a.M., 1993), 11-21.

<sup>5</sup> On the impact of the Josephinian reforms in the particular territories of the Habsburgs, see: on the hereditary crownlands, Karl Vocelka, *Glanz und Untergang der höfischen Welt. Repräsentation, Reform und Reaktion im habsburgischen Vielvölkerstaat, 1699-1815* (Vienna, 2001); on Hungary, Éva Balázs, *Hungary and the Habsburgs, 1765-1800: An Experiment in Enlightened Absolutism* (Budapest, 1997); on Belgium, W. W. Davies, *Joseph II: An imperial reformer in the Austrian Netherlands* (The Hague, 1974).

<sup>6</sup> See Friedrich Walter, *Die Österreichische Zentralverwaltung, Part 2: Von der Vereinigung der österreichischen und böhmischen Hofkanzlei bis zur Einrichtung der Ministerialverfassung (1749-1848): Vol.1, Halfvol.2: 1780-1848. Part 1. Die Zeit Josephs II. und Leopold II. (1780-1792)* (Vienna, 1950).

<sup>7</sup> See Waultraud Heindl, *Gehorsame Rebellen: Bürokratie und Beamte in Österreich, 1780 bis 1848* (Vienna, 1991); Irmgard Plattner, „Die josephinische Bürokratie und ihr Fortwirken im 19. Jahrhundert“, in: Ch. Ehalt, J. Mondot (eds.), *Was blieb vom Josephinismus? Zum 65. Geburtstag von Helmut Reinalter* (Innsbruck, 2010), 57-74.

<sup>8</sup> See Charles O’Brien, “The Ideas of Religious Toleration at the time of Joseph II. A Study of the Enlightenment among Catholics in Austria”, *American Philosophical Society*, Vol.59 (1969), 5-80.

<sup>9</sup> See Elisabeth Kovacs, „Burgundisches und theresianisch-josephinisches Staatskirchensystem“, in: Helmut Reinalter (ed.), *Der Josephinismus: Bedeutung, Einflüsse und Wirkungen* (Frankfurt a.M., 1993), 39ff; Rudolf Pranzl, “Das Verhältnis von Staat und Kirche/Religion im theresianisch-josephinischen Zeitalter”, in: Helmut Reinalter (ed.), *Josephinismus als Aufgeklärter Absolutismus* (Vienna, 2008), 17-52.

lition of serfdom<sup>10</sup> and the formation of a centralized and secular educational system in Austria<sup>11</sup>, to name only the most distinguished fields of his activity.

Despite the fact that the emperor was forced by heavy opposition, especially in Hungary and in Belgium, to withdraw several of his reforms, his reformatory legacy, often summarized in the term “Josephinism,” proved much more lasting than his physical existence and survived for many decades after his death<sup>12</sup>. Gradually, the life and deeds of Joseph II acquired posthumously legendary dimensions in the Austrian collective imagination and were variously and flexibly used as a source of political and social legitimization: “[...] when Austrians were uncertain of how to justify their present expectations in terms of their present behavior, they simply summoned the mythical Joseph II, who became all things to all men” comments John Boyer concerning the impact of Josephinian memory<sup>13</sup>. Traces of this lasting influence and memory could be traced in various forms in the political and cultural landscape of the Habsburg Monarchy until

---

<sup>10</sup> See Aurelius Polzer, *Kaiser Josef II.: eine Denkschrift zur Feier der Aufhebung der Leibeigenschaft* (Horn, 1881); *Zum Gedächtnis an die Aufhebung der Leibeigenschaft durch Kaiser Joseph II. : Festgabe zur Einweihung des Kaiser Josef-Monumentes in Niemes am 18. September 1881* (Böhm. Leipa, 1881).

<sup>11</sup> See Barbara Gant, “‘National-Erziehung’: Überwachung als Prinzip. Österreichische Bildungspolitik im Zeichen von Absolutismus und Aufklärung”, in: Helmut Reinalter (ed.), *Josephinismus als Aufgeklärter Absolutismus* (Vienna, 2008), 97-124.

<sup>12</sup> There is a rich literature on Josephinism, both older and more recent. See suggestively, Fritz Valjavec, *Der Josephinismus: Zur geistigen Entwicklung Österreichs im 18. und 19. Jahrhundert* (München, 1945); Eduard Winter, *Der Josephinismus: Geschichte des österreichischen Reformkatholizismus* (Berlin, 1962); Ferdinand Maaß, *Der Josephinismus: Quellen zu seiner Geschichte in Österreich 1760-1850; amtliche Dokumente aus dem Wiener Haus-, Hof- und Staatsarchiv und dem allgemeinen Verwaltungsarchiv in Wien*, 5 Vols. (Vienna, 1951-1961); Johanna Schmid, „Der Wandel des Bildes Josephs II. in der österreichischen Historiographie: von den Zeitgenossen bis zum Ende der Monarchie“, Ph.D. Thesis University of Vienna, 1972; Helmut Reinalter, “Der Josephinismus aus der Sicht der neueren anglo-amerikanischen Historiographie”, *Römische Historische Mitteilungen*, Vol. 17 (1975), 213-226; Elisabeth Kovács (ed.), *Katholische Aufklärung und Josephinismus* (Vienna, 1979); Karl Vocelka, „Der Josephinismus: Neue Forschungen und Problemstellungen“, *Jahrbuch der Gesellschaft für die Geschichte des Protestantismus in Österreich*, Vol. 95 (1979), 53-68; Karl Gutkas (ed.), *Österreich zur Zeit Josephs II.* (Vienna, 1980); Harm Klueting (ed.), *Der Josephinismus: ausgewählte Quellen zur Geschichte der thesesianisch-josephinischen Reformen* (Darmstadt, 1995); Ritchie Robertson, „Joseph II in Cultural Memory“, in: Christian Emden, David Midgley (eds.), *Cultural Memory and Historical Consciousness in the German-Speaking World since 1500* (Frankfurt a.M. et al., 2003), 209-228; Derek Beales, “Joseph II and Josephism”, in: *Enlightenment and Reform in 18th century Europe* (New York, 2005), 287-308; Werner Telesko, *Geschichtsraum Österreich: Die Habsburger und ihre Geschichte in der bildenden Kunst des 19. Jahrhunderts* (Vienna, 2006), 105-141; Nancy Wingfield, “Joseph II in the Austrian Imagination to 1914”, in: Daniel Unowsky, Lawrence Cole (eds.), *The Limits of Loyalty: Imperial Symbolism, Popular Allegiances and State Patriotism in the Late Habsburg Monarchy* (New York, 2007), 62-85; Wolfgang Schmale (ed.), *Josephinismus-eine Bilanz: Échecs et réussites du Joséphisme* (Bochum, 2008); Matthias Rettenwander, „Nachwirkungen des Josephinismus“, in: Helmut Reinalter (ed.), *Josephinismus als Aufgeklärter Absolutismus* (Vienna, 2008), 317-425; Franz Leander Fillafer, “Das Josephinische Trauma und die Sprache der österreichischen Aufklärung” in: Johannes Feichtinger et al. (eds.), *Schauplatz Kultur Zentraleuropa. Transdisziplinäre Annäherungen* (Vienna, 2006), 249-258; idem, “Eine Gespenstergeschichte für Erwachsene. Überlegungen zu einer Geschichte des josephinischen Erbes in der Habsburgermonarchie”, in: Ch. Ehalt, J. Mondot (eds.), *Was blieb vom Josephinismus? Zum 65. Geburtstag von Helmut Reinalter* (Innsbruck, 2010), 27-56; Franz Fillafer, Thomas Wallnig (eds.), *Josephinismus zwischen den Regimen. Eduard Winter, Fritz Valjavec und die zentraleuropäischen Historiographien im 20. Jahrhundert* (Vienna, 2015). The digital bibliographical database *Österreichische Historische Bibliographie* lists 417 results under the term “Josephinismus” (see <http://wwwg.uni-klu.ac.at/oehb/oehbquery/> last accessed: 21.11.2015).

<sup>13</sup> Quoted in John W. Boyer, *Political Radicalism in Late Imperial Vienna: The Origins of the Christian Social Movement, 1848-1897* (Chicago, 1981), 5.

1918 and even beyond that landmark<sup>14</sup>. Nevertheless, historical research has not given equal attention to all the phases of Josephinism from the late 18<sup>th</sup> until the early 20<sup>th</sup> century. Until nowadays, the overwhelming majority of scholarly production on the topic has concentrated on the legacy of Joseph II and the aftermath of his reign in the years immediately after Joseph's death and during the first half of the 19<sup>th</sup> century until the revolution of 1848<sup>15</sup>. A deeply rooted historiographic conviction coming from the first half of the 20<sup>th</sup> century has persistently claimed that Josephinism and the commemoration of Joseph II waned after blossoming during the uprising of 1848<sup>16</sup>. Subsequent scholars of the phenomenon have piously followed this omnipotent argument, and as a result the signs and evidence of Josephinian memory in the last seventy years of the empire remain a largely underdeveloped field. This can be described as a most unfortunate development, since even after 1848 the Josephinian tradition and the memory of Joseph remained very much alive. As Waltraud Heindl put it: "Josephinian ideas, although of a somewhat different nature, would also survive the changes of the second half of the 19th century."<sup>17</sup> Although some substantial steps to redress this fundamental imbalance between the two halves of the 19<sup>th</sup> century in matters of scholarly attention have been taken, mostly regarding the presence of Joseph's image in the Bohemian lands and his imaginary association with German nationalism in the fin-de-siècle<sup>18</sup>, the years between 1848 and 1880 have been abandoned and left completely unattended by the historical community. This perhaps-accidental historiographical taboo was proven resilient enough to withstand the rise of memorial studies as a distinct subfield in historiography, mainly from the 1980s onwards in Britain, France, Germany and smaller countries like Greece<sup>19</sup>. Despite the fact that several volumes have been devoted to the

<sup>14</sup> On Joseph's memory in the last decades of the empire, see Nancy Wingfield, Cynthia Paces, „The Sacred and the Profane: Religion and Nationalism in the Bohemian Lands, 1880-1920“, in: Pieter Judson, Marsha Rozenblit (eds.), *Constructing Nationalities in East-Central Europe* (New York, 2005), 107-125; on signs of his still-alive memory after 1918, at least in the cultural sphere, see Eduard Beutner, „Historische Perspektiven: Kaiser Joseph II. in der österreichischen Literatur der Zwischenkriegszeit“, in: Walter Weiss, Eduard Beutner (eds.), *Polnisch-Österreichisches Germanisten-Symposium 1983 in Salzburg* (Stuttgart, 1985), 171-181; idem, „Der Kaiser ein Revolutionär? Zum Fortwirken des josephinischen Mythos in der österreichischen Literatur nach 1945“, in: Eduard Beutner (ed.), *Dialog der Epochen. Studien zur Literatur des 19. und 20. Jahrhunderts. Walter Weiss zum 60. Geburtstag* (Vienna, 1987), 111-123.

<sup>15</sup> See the analyses of Valjavec and Winter on Josephinism from the Theresian era until 1848 and Wolfgang Häusler, „Das Nachleben Josephs II. und des Josephinismus bis zur Revolution von 1848“, in: Karl Gutkas (ed.), *Österreich zur Zeit Josephs II.* (Vienna, 1980), 282-288 for a summary of this development.

<sup>16</sup> See above all Valjavec, *Der Josephinismus*, 141-168; Winter, *Der Josephinismus*, 335-348.

<sup>17</sup> Quoted in Waltraud Heindl, *Josephinische Mandarine: Bürokratie und Beamte in Österreich, 1848-1914* (Vienna, 2013), 36. See Springer's remark at the beginning of the prologue that verifies her claim.

<sup>18</sup> See above all the works of Nancy Wingfield on the subject, „Joseph II“, 70-80; idem, „Conflicting Constructions of Memory: Attacks on Statues of Joseph II in the Bohemian Lands after the Great War“, *Austrian History Yearbook*, Vol.28 (1997), 147-171.

<sup>19</sup> See some leading works in that field: about Britain: John Burrow, *A Liberal Descent: Victorian Historians and the English Past* (London, 1981); Eric Hobsbawm Terence Ranger (eds.), *The Invention of Tradition* (New York, 1983); Winter Jay, *Sites of Memory, Sites of Mourning: the Great War in European Cultural History* (Cambridge, 1995); Janelle Greenberg, *The Radical Face of the Ancient Constitution: St. Edward's 'Laws' in Early Modern Political Thought* (Cambridge, 2001). About France: Stanley Mellon, *The Political Uses of History. A Study of Historians in the French Restoration* (Stanford, 1958); Pierre Nora (ed.), *Realms of Memory: the construction of the French past*, 3 Vols, trans. by A. Goldhammer (New York, 1986-92). About Germany: Etienne François, Hagen Schulze (eds.), *Deutsche Erinnerungsorte*, 3 Vols. (München, 2001); H.-J. Bömelburg, *Friedrich II. zwischen Deutschland und Polen: Ereignis- und Erinnerungsgeschichte* (Stuttgart, 2011). About Greece: Ch. Koulouri, Ch. Loukos, *The faces of Capodistria: the first governor of Greece and the Neohellenic ideology, 1831-1996* (Athens, 1996).



German-Austrian “places of memory” (*Erinnerungsorte*) from the 18<sup>th</sup> to the 20<sup>th</sup> century as well<sup>20</sup>, Joseph II is strangely lacking from such lists (though his mother is included<sup>21</sup>), despite the undoubted meaning and impact of his memory in Austria and in Danubian Europe in general.

This grave historiographical lacuna has been supported for a long time by the fact that the Concordat, which was signed in 1855 between the pope and the Austrian Empire, largely diminished the structure of the State-dominated Church in Austria (*Staatskirchentum*) as it had existed since the times of Joseph II. This has been perceived as a satisfactory justification of Josephinism’s disappearance after 1848/55. This historiographical silence on the matter comes as no surprise since the age of confessional strife and resistance against the Concordat from 1855 (and on an increased scale after 1861) until the last relevant legislative regulation in 1874, called the *Kulturkampf* age in Austria<sup>22</sup>, has long been among historians’ lowest priorities<sup>23</sup>. Revealing of the recent historiographical tendencies is the title of a book by Peter Pfleger, *Gab es einen Kulturkampf in Österreich?*<sup>24</sup>, through which he expressed his uncertainty concerning the very existence of the cultural clash in mid-19<sup>th</sup> century Austria. The scarcity of references to the Austrian Kulturkampf can be explained partly through the lack of historical interest about the mid-19<sup>th</sup> century Habsburg Empire and partly through the overshadowing of the Austrian version of the confessional clash by its equivalent in the German Empire (1871-1887). It must be emphasized nevertheless that the Austrian and German Kulturkämpfs were two separate and distinct phenomena; the former took place purely due to

---

<sup>20</sup> See Ernst Hanisch, „Wien. Heldenplatz“, in: Etienne François, Hagen Schulze (eds.), *Deutsche Erinnerungsorte*, Vol.1 (München, 2001), 105-121 and above all Emil Brix, Ernst Bruckmüller, Hannes Stekl (eds.), *Memoria Austriae*, 3 Vols. (Vienna, 2004-2005).

<sup>21</sup> See Werner Suppanz, „Maria Theresa“, in: Emil Brix, Ernst Bruckmüller, Hannes Stekl (eds.), *Memoria Austriae*, Vol.1 (Vienna, 2004), 26-47.

<sup>22</sup> The term *Kulturkampf* is discussed in G. Franz, *Kulturkampf: Gestern und Heute* (München, 1971), 9-27. Due to the lack of an adequate English translation, the original German term will be used in this thesis.

<sup>23</sup> On the Austrian Kulturkampf, see Max von Hussarek, *Die Krise und die Lösung des Konkordats vom 18. August 1855. Ein Beitrag zur Geschichte des österreichischen Staatskirchenrechts* (Vienna, 1932); Georg Franz, *Kulturkampf: Staat und Katholische Kirche in Mitteleuropa von der Säkularisation bis zum Abschluss des preußischen Kulturkampfes* (München, 1954), 82-154; Erika Weinzierl, *Die Österreichischen Konkordate von 1855 und 1933* (Vienna, 1960); idem, „Die kirchenpolitische Lage in der Donaumonarchie um 1867“, in: Peter Berger (ed.), *Der Österreichisch-ungarische Ausgleich von 1867: Vorgeschichte und Wirkungen* (Vienna, 1967), 141-156; Alan W. France, „Kulturkampf in Austria: The Vaterland Circle and the Struggle over the Confessional Legislation of May 1868“, Ph.D. Thesis, Rice University, 1975; Karl Vocelka, *Verfassung oder Konkordat? Der publizistische und politische Kampf der österreichischen Liberalen um die Religionsgesetze des Jahres 1868* (Vienna, 1978); Peter Horwath, *Der Kampf gegen die religiöse Tradition. Die Kulturkampfliteratur Österreichs, 1780-1918* (Bern, 1978); Peter Leisching, „Die römisch-katholische Kirche in Cisleithanien“, in: Adam Wandruszka, Peter Urbanitsch (eds.), *Die Habsburgermonarchie 1848-1918, Vol. IV: Die Konfessionen* (Vienna, 1985), 1-247, 25ff; Martin Kugler, „Parlament und Presse im österreichischen Kulturkampf: Die Genese der Maigesetze 1868 und die Rolle der öffentlichen Meinung“, Dipl. Thesis, University of Graz, 1987; Michaela Sohn-Kronthaler, „Der Kampf um das österreichische Konkordat von 1855“, in: Tibor Güns Balla (ed.), *Internationales Kulturhistorisches Symposium 2001: die Rolle der Kirchen im Modernisierungsprozess der Gesellschaft im 18. und 19. Jahrhundert im pannonischen Raum* (Mogersdorf, 2001), 78-86; Lawrence Cole, „The Counter-reformation’s Last Stand: Austria“, in: Christopher Clark, Wolfram Kaiser (eds.), *Culture Wars: Secular-Catholic Conflict in Nineteenth-century Europe* (Cambridge, 2003), 285-312; idem, „Der Kulturkampf in der österreichischen Reichshälfte der Habsburgermonarchie“, in: Gustav Pfeifer, Josef Nössing (eds.), *Kulturkampf in Tirol und in den Nachbarländern* (Bozen, 2013), 105-123.

<sup>24</sup> See Peter Pfleger, *Gab es einen Kulturkampf in Österreich?* (München, 1997).

internal Austrian reasons and largely before the emergence of the liberal-Catholic conflict in Bismarckian Germany<sup>25</sup>.

## II.

It was not only the scarcity of scholarly works concerning the Kulturkampf age in Austria, but also the fact that the memory of Joseph II in this special political-cultural milieu obtained only a marginal, if not a non-existent, place in them, that sentenced the memory of this enlightened despot to oblivion. Thus, the fertile and multi-faced commemoration of Joseph II and his legacy, particularly in ecclesiastical affairs, that took place as a direct reaction to this highly unpopular in the two decades that followed its signing, has been completely ignored until now. The present study argues that after 1848 and especially in the 1850s, 1860s and early 1870s Josephinism by no means met its end, but instead experienced a new flourish because of the special political-confessional circumstances. This thesis will move beyond the phase that Eduard Winter called *Late Josephinism* (“*Spätjosephinismus*”) in the 1830s and 1840s<sup>26</sup> and will undertake to fill this historiographical gap of mid-19<sup>th</sup> century Josephinism described above by examining the different forms and meanings that Josephinism and the memory of Joseph II himself took during the Kulturkampf era in the Habsburg Monarchy. More precisely, the focus will lie in both direct and indirect forms of commemoration: “direct” will mean the straightforward evocation of the very person of the emperor Joseph II in a positive or in a negative way by his advocates and his opponents respectively, usually as a source of legitimization of their own political aims. The concept of indirect commemoration will refer to the Josephinian influences in matters of more abstract ideological and governmental principles, whose origins date to the reign and activity of Joseph II<sup>27</sup>. Such Josephinian influences can be traced within the era under consideration in the fields of: i) predominance of the State and of the secular authorities (and not those of the Church) in juridical, legislative and educational affairs within the Austrian borders, ii) state/secular dominance over the Catholic Church, iii) ideas of religious tolerance towards non-Catholic Austrian citizens, most notably Protestants, iv) a state-controlled, secularized and centralized educational system, especially at the primary and secondary levels. The principles of administrative centralization, not only of secular supremacy over the Church but also of confessional tolerance and of an Enlightened educational system that would produce citizens faithful primarily to the State and not to the Church, were goals consciously set by Joseph II. They were revived after 1855 by liberal politi-

---

<sup>25</sup> There have been some interesting comparative attempts in the study of these cultural struggles on a wider European level: see Ellen Lovell Evans, *The Cross and the Ballot: Catholic Political Parties in Germany, Switzerland, Austria, Belgium and The Netherlands, 1785-1985* (Boston, 1999) and more briefly Stathis N. Kalyvas, *The Rise of Christian Democracy in Europe* (Ithaca: NY, 1996), 167-221.

<sup>26</sup> See Winter, *Der Josephinismus*, 286ff.

<sup>27</sup> The notion of such theoretical principles of governance linked to Joseph II directly touches the problem of the definition of Josephinism, which is not a part of the problematic of this thesis. On that topic, see Elisabeth Kovacs, “Was ist Josephinismus?”, in: Karl Gutkas (ed.), *Österreich zur Zeit Josephs II.* (Vienna, 1980), 24-30. On the matter of components of Josephinism, Beales, *Joseph II, Vol.2*, 648 notes: “In some of his secret early writings he declared his intention to enact a whole series of innovative, Enlightened, even revolutionary, schemes: drastic reform of the law and the administration; the subversion of the old provincial constitutions, especially those of Hungary and Belgium; the humbling of nobility; the destruction of the independence of the Catholic Church and the suppression of many of its monasteries; religious toleration for Protestants and perhaps Jews; a simplified Catholic liturgy; a utilitarian educational system available to all; press freedom; and the imposition of German as the Monarchy’s official language.” See more generally Beales, *Joseph II, Vol.2*, 639-91 for the aftermath of Joseph’s policies after 1790.

cians and statesmen when it became apparent that these doctrines were severely harmed by various paragraphs of the Concordat. On the other end of the political spectrum, the advocates of the post-1855 regulation of State-Church relations - prelates and laymen - were always willing to paint Joseph II and the detrimental repercussions of his reign for the Catholic Church and for the Monarchy in general in the darkest colors in order to justify the rightfulness of the post-Josephinian state-ecclesiastical Order, which was epitomized in the Concordat.

In matters of the limits in space and time of the research undertaken here, the primary regional focus will fall on “Austria”, i.e. the German-speaking territories of the Monarchy (“hereditary lands”)<sup>28</sup>; in a limited number of cases, the relevant literary production of the Bohemian lands will be discussed given the very strong political and cultural ties between those Habsburg sub-entities<sup>29</sup>. Most significantly, the analysis will acquire a predominately metropolitan character, concentrating mainly (but not exclusively) on the political developments and literary production of Vienna, which was the heart of the empire’s public life. The other Cisleithanian lands, meaning Galicia/Bucovina and the Italian-inhabited provinces, as well as the lands of the Crown of St Stephen and the South Slav territories, will be left unexamined. The reasons for that choice lie in the differing social and linguistic conditions, the different course of the *Kulturkampf* in the respective provinces and, mainly, the fundamentally disparate perception of Joseph II and his memory in each of those lands. Concerning the chronological barriers of the intended research, the principal focus will lie in the 1860s and early 1870s. This means that the scope of the research is defined by the episodes of the Austrian *Kulturkampf* per se: although some preliminary references will necessarily be made on the role of Josephinism in 1848 and in the late Neoabsolutist era, the real starting point would be 1861, when the end of absolutism and the emergence of constitutionalism and of freedom of the press and expression allowed intensified criticism of the Concordat, as well as increased publishing activity of works related directly or indirectly to Joseph II. The next stages will concern the highly polarized climate of the late 1860s and particularly the afterlife of Joseph II and Josephinism during the public and parliamentary struggles around the Concordat between 1867 and 1869. The last chapter of this thesis concerning post-1848 Josephinism will examine the last act of the Austrian *Kulturkampf*, i.e. the confessional legislation of 1874 and the final, post-Concordat regulation of State-Church relation that lasted until the dissolution of the Monarchy.

The choice of timeframe of this thesis is closely linked to the exact context of each of the following chapters and subsequently to the nature and usefulness of the sources and evidence recruited in order for the existence and the characteristics of Josephinism

---

<sup>28</sup> The meaning of “Austria” acquired various meanings throughout the centuries, from the entire dominions of the Habsburgs throughout Europe to the small duchies of Upper and Lower Austria in the modern Austrian Republic. On the notion of Austria in the age of Francis Joseph, see more generally Erich Zöllner, *Der Österreichsbegriff. Formen und Wandlungen in der Geschichte* (Vienna, 1988) and specifically on the second half of the 19<sup>th</sup> century, see Friedrich von Heer, *Der Kampf um die österreichische Identität* (Vienna, 1981), 263-320; Ernst Bruckmüller, “Österreichbegriff und Österreichbewußtsein in der franko-josephinischen Epoche”, in: Richard Platschka et al. (eds.), *Was heißt Österreich? Inhalt und Umfang des Österreichbegriffs von 10. Jahrhundert bis heute* (Vienna, 1996), 255-288.

<sup>29</sup> On the complex relation between Austria and the Bohemian lands (meaning Bohemia, Moravia and Silesia) in the political and cultural sphere in the age under consideration, see David S. Luft, “Austrian intellectual history and Bohemia”, *Austrian History Yearbook*, Vol.38 (2007), 108-121.

in the 1860s and 1870s to be persuasively established. In general, parliamentary protocols of both Houses of the Austrian parliament, brochures/books on political and confessional issues, scholarly and popular historical treatises about Joseph II, commemorative editions, memoirs of the main protagonists of the era and private papers of leading statesmen of that day, supported by the relevant secondary literature when necessary, will be used as the essential means to achieve the goal of this thesis. In matters of the exact distribution and use of those sources, the thesis is divided in four major chapters, each dealing with a separate episode of the Austrian Kulturkampf and the ways that the Josephinian memory became manifested in this milieu.

The first chapter discusses the early years of the Kulturkampf until 1863. It contains a brief initial subchapter concentrating on the liberal, conservative and clerical interpretations of Josephinism in the revolution of 1848<sup>30</sup> in an attempt to trace the genealogy of the pro- and anti-Josephinian arguments that appeared in the 1860s and emphasize the origins of the basic assertions and vocabulary used in the Kulturkampf era. A second subchapter will follow the logical sequence of events, discussing the situation in the 1850s and specifically the signing of the Concordat and its most important paragraphs and most controversial points as perceived by contemporaries (above all, the matrimonial and educational issues). The most representative contemporary observations in regards to the Concordat will be presented, with particular attention to those that associated the Concordat specifically with Joseph II and his ecclesiastical policy. At this point, it is important to mention that such references, which were usually hostile to the pact with Rome, came mostly from private sources, i.e. diaries, memoirs, letters, confidential reports, etc., since the official press limitations of the authoritarian regime did not enable freer expression. This would change after 1861, when Austrian history in general and the Kulturkampf in particular entered a new phase. The first year of constitutionalism also saw the first cracks in the Concordat establishment, because in 1861 the Protestant Patent - the topic of the third subchapter - was proclaimed, giving substantial confessional liberties to the Protestants of the Monarchy and thus canceling many of the former Concordat restrictions. The 1861 Patent reminded many observers of the 1781 Josephinian Patent of Tolerance; they saw the latter as the glorious beginning, the necessary precondition for confessional equality, without which the success of 1861 would have been impossible. The Josephinian past therefore became topical. This popularity of Joseph-related themes was further promoted by a novel wave of historical and political publications, all directly or indirectly related to Joseph II, which emerged in 1862/63 and constitute the topic of the fourth subchapter. Their attitude (positive, negative or mixed) towards the late emperor and the characteristics that they attributed to his reign are very revealing of the status of Josephinian commemoration in these years.

The second and third main chapters look at the topic lying at the heart of the Kulturkampf. The second chapter discusses the presence of Josephinism in the midst of the public and parliamentary struggle for the so called May Laws of 1868, which managed to legally erase the most crucial paragraphs of the Concordat and whose passage is generally considered as the most meaningful episode of the Kulturkampf. Beginning directly after the Austro-Prussian War of 1866, liberal and clerical views on the late mo-

---

<sup>30</sup> The focus of this subchapter will lie mainly on sources that were not widely used or were neglected by earlier literature on the topic of Josephinism in 1848.

narch in that fateful year are examined, while special attention is attached to work of the prolific archivist Alfred von Arneth and his attitude towards Joseph II. In the second and third subchapters, in a similar fashion, the opinions of liberal and clerical-conservative essayists writing on the Concordat, praising or condemning Joseph II and his ecclesiastical policy, are portrayed. The polarization that prevailed in these years makes actuality easy to discriminate between liberal and conservative authors, since in almost all the cases the former treated Joseph II in a positive manner and the latter in a negative one. After the broader part of the public sphere has been covered, the fourth subchapter will deal with the preliminary debate around the May laws in the Austrian House of Deputies in 1867 and the various references (friendly and hostile) that several parliamentarians made during their speeches to Joseph II, his policies and their continuing influence many decades later. Through the subsequent and comparative analysis of these references (in many cases they are quoted in detail) in combination with the parallel and wider public dialogue on similar topics discussed previously, the full image of Joseph II and Josephinism as imagined in the late 1860s will be unveiled. A crucial component of this process is the examination of the equivalent debate on the drafts in the House of Lords in spring 1868, where an impressive amount of direct references to Joseph were put forward (fifth subchapter). Finally, on the occasion of the law being approved by the sovereign, the chapter will end in a brief discussion of whether and to what extent Francis Joseph himself can be described as a Josephinian.

The third chapter concerns the imperial elementary school law of 1869 and the corresponding memory of Joseph II as a modernizer of the educational system in Austria, while in the previous chapter the discussion on his person revolved around state sovereignty and state predominance over the Church. In the initial subchapter, general contemporary views on the educational situation in the Monarchy and the need for the reform of the instructional system are discussed. The next subchapter focuses on the architects - professional educators and bureaucrats - of the elementary school law, above all on the politician and historian Adolph Beer. This mastermind of educational reform also had long-standing academic interests in Joseph II and his reign, shown by his legion of relevant scholarly publications in the late 1860s and early 1870s. His (positive) attitude toward Joseph II is presented in detail through his published works, and thus the Josephinian influences in the 1869 law will be clearer if it is persuasively argued that its creators were dominated by Josephinian ideals. In the final two subchapters, the scope will narrow again to focus on the parliamentary level, as in the previous chapter, and especially on the Josephinian influences and the commemoration of Joseph II during the educational debate in both parliamentary Houses. As a conclusion, a short word on the perception and the far-reaching repercussions of the law on primary education will follow.

The final chapter embraces the mid-1870s. After a brief opening subchapter concerning the legal annulment of the Concordat in 1870, the rest of the chapter is preoccupied with the confessional legislation of 1874 that regulated the last vague points in state-ecclesiastical relations after the end of the Concordat. The Josephinian tendencies behind the laws that characterized the intentions of the minister of education Carl von Stremayr - a persuaded Josephinian - and the spirit of Josephinism that was clear in the laws are carefully underlined. To an equal extent, the first signs of liberal criticism to-

wards Josephinism is examined. This criticism came from a younger generation of liberal politicians - especially from Karl von Lamayer and his *Motivenbericht* on the drafts of the 1794 laws - who found unacceptable the autocratic aspect of the Josephinian system. To this novel critique must be added the lasting conservative attitude that condemned Josephinism as a permanent undertaking to place a secular yoke upon the Church. Subsequently, in the third subchapter, the debate in the House of Deputies on the new drafts is put at the epicenter, as it constituted a particularly fertile ground for expression of nostalgic sentiments regarding the age of Enlightened Absolutism and Joseph II. Lastly, similar references taken from the House of Lords are noted, and the chapter closes with a more general comment about the end of the Austrian Kulturkampf in 1874 and the status of Josephinism at that point.

Finally, in the epilogue, the evidence gathered previously will be briefly summarized in order for a cohesive portrait of the imagined figure of Joseph II and the characteristics of Josephinism in the given age to be put forward as a kind of conclusion. A complete and multi-faced image of Josephinism and its characteristics can be established after the undoubted survival of Josephinism in the Kulturkampf era is successfully asserted. The fundamental reason for such an undertaking is not only the writing of an unwritten chapter in the course of Josephinism and the mapping of an uncharted area of Austrian intellectual history. Of equal significance, this work will shed light on the deeper nature of the confessional strife of the mid-19<sup>th</sup> century Habsburg Empire via the examination of how this historical era perceived and instrumentalized its past, based on the principle that “one of the ways in which a society reveals itself and its assumptions and beliefs about its own character and destiny, is by its attitudes to and uses of its past”<sup>31</sup>.

---

<sup>31</sup> Quoted in Burrow, *A liberal descent: Victorian historians and the English past*, 1-2.

# CHAPTER

## 1

### Josephinism and the Afterlife of Joseph II in the Early Kulturkampf Era (1861-1863)

#### I.

The memory of the enlightened monarch Joseph II entered a new phase in 1848, when the revolution and particularly the Viennese uprising rejuvenated his historical image<sup>1</sup>. The late emperor became a useful ideological symbol, from which each group of the political spectrum - liberals, conservatives, clericals - drew the elements they wanted in order to legitimize their own aspirations<sup>2</sup>. The political vocabulary and public rhetoric used around the persona of Joseph II in 1848 presents substantial similarities with the evolution of his memory in the 1860s. In order for the latter to be more deeply comprehended, the genealogy of Josephinism in the pre-constitutional period and especially in 1848 needs to be briefly addressed. The very fact that the Viennese Revolution of 1848 broke out on the 13<sup>th</sup> March, i.e. Joseph II's anniversary of birth, when the Lower Austrian Estates were summoned to Herrengasse in order to discuss their opposition towards the Metternichian regime, is far from mere coincidence<sup>3</sup>. The commemoration of Joseph II, already idealized by members of the liberal Vormärz bourgeoisie like Anastasius Grün, Franz Grillparzer and Eduard von Bauernfeld and as a patron saint of liberalism against the oppressive pre-1848 regime and its irrational censorship<sup>4</sup>, became again topical in March 1848<sup>5</sup>. The instrumentalisation of Joseph was a clever political move, since it enabled its supporters to advance their agenda, while declaring at the same time their loyalty to the dynasty<sup>6</sup>. The dead emperor's equestrian statue in Josefsplatz became a particular rallying point of the Josephinian renaissance. Freedom of the press was the main demand of the crowd that gathered there, due to Joseph's

---

<sup>1</sup> See Heinrich Reschauer, *Das Jahr 1848. Geschichte der Wiener Revolution*, Vol.1 (Vienna, 1872), 382f; Friedrich Engel-Janosi, "Kaiser Joseph II. in der Wiener Bewegung des Jahres 1848", *Mitteilungen des Vereines für Geschichte der Stadt Wien*, Vol.11 (1931), 53-72; R.J.W. Evans, „Josephinism, \"Austrian-ness\" and the Revolution of 1848\", in: Eduard Timms, Ritchie Robertson (eds.), *The Austrian Enlightenment and its Aftermath* (Edinburgh, 1991), 145-160; Eduard Beutner, „Joseph II. Die Geschichte seiner Mythisierung und Entmythisierung in der Literatur (1741-1848). Die Grundlagen und Bausteine der josephinischen Legende“, Habilitation Dissertation, University of Salzburg, 1992, 347-362.

<sup>2</sup> On the use of Josephinism as a source of legitimization in 1848, see Franz Leander Fillafer, "Eine Gespenstergeschichte für Erwachsene. Überlegungen zu einer Geschichte des josephinischen Erbes in der Habsburgermonarchie", in: Ch. Ehalt, J. Mondot (eds.), *Was blieb vom Josephinismus? Zum 65. Geburtstag von Helmut Reinalter* (Innsbruck, 2010), 27-56, 46-47.

<sup>3</sup> See Joseph Alexander von Helfert, *Geschichte der österreichischen Revolution im Zusammenhang mit der mitteleuropäischen Bewegung 1848/49, Vol.1: Bis zur Flucht der kaiserlichen Familie aus Wien* (Vienna, 1907), 24; Engel-Janosi, "Kaiser Joseph II.", 66.

<sup>4</sup> On the methods concerning the censorial mechanism of the Vormärz regime, see Julius Marx, *Die österreichische Zensur im Vormärz* (Vienna, 1959); Donald E. Emerson, *Metternich and the Political Police: Security and Subversion in the Habsburg Monarchy (1815-1830)* (The Hague, 1968), esp.136-175.

<sup>5</sup> On the idealization of Joseph II's Biedermeier image, see Anastasius Grün, *Spaziergänge eines Wiener Poeten* (Hamburg, 1832), Franz Grillparzer, *Des Kaisers Bildsäule* (Vienna, 1837); Eduard von Bauernfeld, *Pia Desideria eines österreichischen Schriftstellers* (Leipzig, 1843).

<sup>6</sup> See Gernot Stimmer, „Der politische Liberalismus in Österreich zwischen Revolutionstradition und \"Pflicht am Staat\"-Maxime\", in: Sigurd Paul Scheichl, Emil Brix (eds.), *\"Dürfen's denn das?\" Die fort-dauernde Frage zum Jahr 1848* (Vienna, 1999), 97-113.

association with the enlargement of the public sphere in the 1780s<sup>7</sup>. When censorship was officially abolished in the early days of the revolution<sup>8</sup>, Joseph's commemoration reached its apex. On the 15<sup>th</sup> of March, Johann Peter Lyser published the first uncensored poem, *Ein Frühlingstag vor dem Denkmale des Kaisers Joseph des Zweiten*, in which the emperor who had relaxed censorship was praised:

"Leave to be heard even louder [...] // the great praise! Emperor Joseph! High! // On his monument levels of flowers are scattered // his brimming spirit is pleased that day // his spirit, which his contemporaries did not understand // Show Joseph only your Vienna in the shining light! // What you strove for, was victoriously renewed! // Your people had dared it and did not regret it: // a free people did win his free land."<sup>9</sup>

This example was far from unique. During these days, Joseph von Lazarini addressed the poem *Kaiser Joseph* to the emperor's memory, in which he called Joseph: "Great Emperor, // Savior of Light, // Apostle of truth and King! // We have reached the island of freedom, // have heard its marvelous song"<sup>10</sup>. In late March, Franz Gräffer<sup>11</sup> published a collection of sources on Joseph under the title *Josephinische Curiosa* that quickly became widely popular. The editor argued that these documents were "a mirror of Joseph's beautiful and pure soul, of his noble human-friend heart, of his magnificent, self-sacrificing spirit [...]"<sup>12</sup>. The freedom of the press and the much-awaited constitution were, according to the revolutionary literary production, actions that proved that Emperor Ferdinand I was a worthy successor of Joseph II<sup>13</sup>.

In the summer months, Josephinian commemoration was associated among the members of Academic Legion with German nationalism and a renewed demand for a Großdeutsch-land. On July 7<sup>th</sup>, a celebration was organized in front of the statue in the Josefsplatz in order for the "true German Emperor Joseph" to be honored. The main speaker began his talk with the following verses: "the people rises to the image of its lord // because it [i.e. the people] despite his death turns its hopes to him // he remains alive to the bottom of his heart". Johann Nepomuk Vogl, an officer of the legion, continued, connecting the emperor's legacy to the German cause<sup>14</sup>: "In your hands should

<sup>7</sup> See Evans, "Josephism", 145, 152-153, Wingfield, "Joseph II", 67. On the political meaning of his Josefsplatz statue, see Wolfgang Häusler, "'Der Kaisers Bildsäule': Entstehung und politischer Sinngehalt des Wiener Josephsdenkmals", in: Karl Gutkas (ed.), *Österreich zur Zeit Josephs II.* (Vienna, 1980), 288-290. On the flowering of political literature in 1848 after the abolition of censorship, see Hubert Lengauer, „Ausübung der Freiheit. Literatur, Revolution und Zivilgesellschaft“, in: Sigurd Paul Scheichl, Emil Brix (eds.), *„Dürfen's denn das?“ Die fortdauernde Frage zum Jahr 1848* (Vienna, 1999), 47-56.

<sup>8</sup> See Robert A. Kann, *A History of the Habsburg Empire, 1526-1918* (Berkeley, 1974), 300.

<sup>9</sup> Quoted in Johann Peter Lyser, *Ein Frühlingstag vor dem Denkmale des Kaisers Joseph des Zweiten. Dem Wolfe, das Er liebte und schätzte, am 15 März 1848* (Vienna, 1848).

<sup>10</sup> Quoted in Joseph von Lazarini, *Zwölf Märzlieder, der Wiener Hochschule gewidmet* (Vienna, 1848), 12. See also Robertson, "Joseph II in Cultural Memory", 221 and Beutner, „Joseph II“, 351-352 where he notes the predominantly monarchical and anti-republican character of Lazarini's Josephinian poetry.

<sup>11</sup> On Gräffer, see Constantin von Wurzbach, „Gräffer, Franz“, in: *Biographisches Lexikon des Kaisertums Oesterreich*, Vol.5 (Vienna, 1859), 296ff; „Gräffer, August“, in: *Allgemeine Deutsche Biographie*, Vol.9 (Leipzig, 1879), 574; „Gräffer, Franz“, in: *Neue Deutsche Biographie*, Vol.6 (Berlin, 1964), 714.

<sup>12</sup> Quoted in Franz Gräffer, *Josephinische Curiosa; oder ganz besondere, theils nicht mehr, theils noch nicht bekannte Persönlichkeiten, Geheimnisse, Details, Actenstücke und Denkwürdigkeiten der Lebens- und Zeitperiode Kaiser Josephs II.*, (Vienna, 1848), 143.

<sup>13</sup> See Paul Loeve, *Mitternächtliches Gespräch des Kaisers Josef mit Kaiser Ferdinand in der Hofburg* (Vienna, 1848). See also Engel-Janosi, "Kaiser Joseph II.", 67.

<sup>14</sup> Quoted in R.A., „Kaiser Joseph und die deutsche Fahne“, in: *Wiener Sonntagsblätter*, No.41 (Vienna, 1848), 514. See also Engel-Janosi, "Kaiser Joseph II.", 69 and Beutner, „Joseph II.“, 356-358. On the association of Josephinism with German nationalism in 1848, see Evans, „Josephism“, 152-154.



the banner shimmer // the symbol of the people's truth and right [...] // in your hands should the banner of Germany shimmer // you noble [ruler], to whom the Crown suits".

The illustrious ruler's evocation was not enough to prevent the emergence of the counterrevolution and the capitulation of Vienna<sup>15</sup>. There was surely a sense of irony in the way that Joseph's memory was used to destabilize the established order, since he, who despised revolutions from below, would very likely have condemned such actions. That fact, along with the overuse of the Josephinian legend, was quickly understood in conservative circles. This becomes evident from the writings of the once-almighty chancellor Metternich, who noted about Joseph II in relation to the recent revolution in his private papers: "[...] according to his [i.e. Joseph's] words, he was not in his deeds and wholly conscious [friendly to] the essence of modern liberalism."<sup>16</sup> Metternich expressed his disapproval of revolutionary Josephinism along with the old-Josephinian ideal of Joseph II as a "friend of Order"<sup>17</sup>. This specific kind of conservative perception found an even clearer expression in the work of Metternich's close associate, Count Franz von Hartig<sup>18</sup>, who left his footprint on the historiography of the revolution via his book *Genesis der Revolution in Österreich* (1848). There he did not hesitate to clearly condemn the liberal perception of Joseph by the revolutionaries:

"After the days of March in Vienna, the mad joy of the mob at their success in having obtained for the people the right to carry arms, the freedom of the press and the restraining of the absolute monarch within the limits of a constitution, induced them to proceed to the equestrian statue of Joseph, in order to place a crown on that emperor's head. Must not every cool and well-informed spectator have asked himself at the moment, what would have been the answer of that highly-honored monarch to his joyous worshippers if his spirit could then but have animated his statue? Would not the ponderous weight of his brazen arm have crushed them in indignation at their achievements?"<sup>19</sup>

It becomes thus clear that Hartig favored an absolutist version of Joseph II, who would not have tolerated such rebellious initiatives from his subjects, whom the author in a despicable tone characterized as: "[...] demagogues, who were the leaders of popular disturbances"<sup>20</sup> These revolutionaries of 1848 had a partly false impression of the extent of Joseph's reforms, for which Hartig viewed them with irony and disapproval.

Franz Fillafer has pointed out the integration of Josephinian elements in the 1848 political rhetoric of both progressives and conservatives in Austria<sup>21</sup>. Thereupon, clear references to Josephinism - albeit often of an explicitly critical nature - appeared in clerical circles<sup>22</sup>, which after the revolution broke out sought to free the Church from the

---

<sup>15</sup> See Heinrich Friedjung, *Österreich von 1848 bis 1860*, 2 Vols. (Stuttgart-Berlin, 1908-1912), Vol.1, 88.

<sup>16</sup> Quoted in Richard von Metternich, Alfons von Klinkowström (eds.), *Aus Metternich's nachgelassenen Papieren*, 8 Vols. (Vienna, 1880-1884), Vol.8, 479. This remark was written on June 26<sup>th</sup>, 1849.

<sup>17</sup> See Beutner, „Joseph II“, 303-304.

<sup>18</sup> On Hartig, see Wurzbach, *Biographisches Lexikon des Kaiserthums Österreich*, Vol.7 (Vienna, 1861), 399f; Carl von Czoernig, *Biographische Skizze des Grafen Franz von Hartig* (Vienna, 1865); „Hartig Franz Graf“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.2 (Vienna, 1959), 193.

<sup>19</sup> Quoted in Walter Kelly, *History of the House of Austria from the accession of Francis I to the revolution of 1848 in continuation of the history written by Archdeacon Coxe to which is added Genesis; or details of the late Austrian revolution. By an officer of state. Trans. from the German* (London, 1853), 3-4.

<sup>20</sup> Quoted in Kelly (Hartig), *Genesis; or the details of the late Austrian revolution*, 145.

<sup>21</sup> See Fillafer, „Eine Gespenstergeschichte für Erwachsene.“, 46-49.

<sup>22</sup> See Weinzierl, *Die Österreichischen Konkordate*, 27-34 and Winter, *Der Josephinismus*, 318f. On Joseph II's ecclesiastical reforms see briefly Beales, *Joseph II*, Vol.2, 271-332; P.G.M. Dickson, „Joseph II's Reshaping of the Austrian Church“, *The Historical Journal*, Vol.36, Iss.01 (March 1993), 89-114.

State control enforced by Joseph II. A compromise between the ecclesiastical circles and the Josephinian *Staatskirchentum* was hardly possible. As a clerical commentator put it: “The fact that this effort [of compromise between State and Church] failed and had to fail [is] because it aimed at the exclusive ecclesiastical sanction of Josephinism [...]”<sup>23</sup> The topicality of (anti-)Josephinism in the revolutionary years becomes evident in an essay by the German conservative lawyer and political publisher Karl Ernst Jarcke<sup>24</sup>, with the title *Österreich und die Kirche* (December 1848)<sup>25</sup>. According to the writer: “Austria has conducted for the past seventy years [i.e. from the reign of Joseph II onwards] in the fields of legislation and of administration a silent but continuous war against the Church”<sup>26</sup>. The bureaucracy, having experienced its burgeoning in the 1780s, is dominated by freemasons that keep the Church imprisoned and the people away from the true Christian faith: “Gradually and in a modern radical way, the covered illuminatism of the majority of the civil servants [...] wanted to render the Church an administrative department of the state police”<sup>27</sup>. Jarcke asked for the change of the existing legal framework and the granting of complete autonomy to the Church in matters of its associations and fraternities and the education of the clergy<sup>28</sup>. On the other hand, Jarcke, despite his violent anti-Josephinism, wholly embraced the value of the Edict of Tolerance and indeed argued in favor of its beneficial presence and of its expansion: “It should be stated that the non-Catholic religious groups [ought to] keep and preserve the rights and the liberties, which the current legislation orders. The edict of tolerance shall not be withdrawn, on the contrary! [...]”<sup>29</sup>. This indicates a considerable success of the Josephinian emancipatory ideas because, as becomes evident, even their most fervent opponents accepted at least some of them as basic foundations of the State. The Roman Catholic Church in the Empire was neither willing nor capable of marginalizing the whole Josephinian legacy, but only a part of it<sup>30</sup>. On the other hand, the gravity of these ‘concessions’ to Josephinism should not be exaggerated, nor should the will of the Church for autonomy after 1848 be underestimated. A synod of bishops convened in Würzburg late in 1848 called for the “freedom and the independence in order and in administration” of the Church, while it also asked for the reinstatement of the Church’s right to control the clergy’s education<sup>31</sup>. Its results opened the way for the anti-Josephinist edicts of 18<sup>th</sup> and 23<sup>rd</sup> April 1850 and for the Concordat of 1855 that brought the (temporary) demise of Josephinism in ecclesiastical affairs<sup>32</sup>.

<sup>23</sup> Quoted in Maaß, *Der Josephinismus: Lockerung und Aufhebung, 1820-1850* (Vienna, 1961), 150.

<sup>24</sup> On Jarcke, see Wurzbach, „Karl Ernst Jarcke“, in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.10 (Vienna, 1863), 95-100; „Jarcke, Karl Ernst“, in: *Allgemeine Deutsche Biographie*, Vol.13 (Leipzig, 1881), 711-721; Alphons Lhotsky, *Österreichische Historiographie* (Vienna, 1962), 161-162; „Jarcke, Karl Ernst“, in: *Neue Deutsche Biographie*, Vol.10 (Berlin, 1974), 353-354.

<sup>25</sup> Memorandum of Karl Jarcke, December 30th, 1848, ‘*Österreich und die Kirche*’. Quoted in Friedrich Walter, *Die Österreichische Zentralverwaltung, III, 2: Akten. Die Geschichte der Ministerien Kolowrat, Ficquelmont, Pillersdorf, Wessenberg-Doblhoff und Schwarzenberg, 1848-1852* (Vienna, 1964), 41-47.

<sup>26</sup> Quoted in Walter, *Österreichische Zentralverwaltung*, 41.

<sup>27</sup> Quoted in Walter, *Österreichische Zentralverwaltung*, 42.

<sup>28</sup> See Walter, *Österreichische Zentralverwaltung*, 44.

<sup>29</sup> Quoted in Walter, *Österreichische Zentralverwaltung*, 43.

<sup>30</sup> See Maaß, *Der Josephinismus*, 165-171.

<sup>31</sup> ‘Denkschrift der in Würzburg versammelten Erzbischöfe und Bischöfe’, Würzburg, November 14th, 1848. Quoted in Walter, *Österreichische Zentralverwaltung*, 37-41. See Maaß, *Der Josephinismus*, 156f.

<sup>32</sup> See Weinzeirl, *Die Österreichischen Konkordate*, 32ff. The edicts are quoted in Maaß, *Der Josephinismus*, 741-743. On the origins of Josephinism’s marginalization in 1850, see Josef Lonovics, *Der Josephinismus und die kaiserlichen Verordnungen vom 18. April 1850 in Bezug auf die Kirche* (Vienna, 1851).

## II.

The flowering of Josephinian literature in 1848 and immediately afterwards was yet short-lived, since the neoabsolutist regime enforced severe limitations in the freedom of the press, thus reestablishing a fearsome censorial mechanism<sup>33</sup>. This public quietism in turn gives birth to questions regarding the survival of Josephinism via other channels. Certainly traces of a Josephinian-like administrative centralization and bureaucratic ethos can be seen in the era under discussion<sup>34</sup> as well as a certain feeling of pride in achieving what Joseph II had not managed to complete<sup>35</sup>; through that prism the 1850s can be credited with carrying out the late emperor's legacy.

Nevertheless, if the administrative aspect of Josephinism flourished, the ecclesiastical one faced a totally different destiny. It is undeniable that the Roman Catholic tradition had deep roots in Austria cultivated diligently since the era of Counter-reformation<sup>36</sup>. In the early 18<sup>th</sup> century Lady Mary Wortley Montague had criticized the exaggerations of Catholic piety in Vienna: "[...] I am not surprised that Nuns have so often inspired violent passions; [...] I never in my life had so little charity for the Roman Catholic (sic) religion, as since I see the misery it occasions; so many poor unhappy women!". At another point she commented harshly on the "the gross superstition of the common people"<sup>37</sup>. Josephinism constituted a break to that militant tradition but nevertheless it did not eradicate it. Catholicism remained closely associated with Austrian identity and the Neoabsolutist government consciously promoted the public image of the pious Habsburg dynasty<sup>38</sup> forging at the same time a stable alliance with the Catholic Church<sup>39</sup>. Therefore, the 1850s remained unbreakably tied to the decline of Joseph II's legacy in matters of a state-dominated Church due to the Concordat with Rome. The negotiations with the Holy See for the change of its legal status began shortly after the revolution, but they lasted for years because of the excessive demands of the clergy. Finally, in 1855, the discussions were concluded; their outcome constituted a truly mo-

---

<sup>33</sup> On the neoabsolutist censorship and its impact on the society, see Carl von Czoernig, *Die Neugestaltung Österreichs, 1848-1858* (Stuttgart-Augsburg, 1858), 100-104 and Jeffrey T. Leigh, „Public Opinion, Public Order and Press Policy in the Neoabsolutist State: Bohemia, 1849-1852”, *Austrian History Yearbook*, Vol.35 (2004), 81-99 respectively.

<sup>34</sup> On the renewed role of the bureaucracy and its ideals in state centralism, see Heindl, *Josephinische Mandarine*, 54-75. Concerning the Josephinian ethos of the neoabsolutist officialdom, compare the famous Pastoral Letter of Joseph II in 1783 to his civil servants with the equivalent documents of Stadion and Bach from 1849. Quoted in Klueting (ed.), *Der Josephinismus*, 334-340 and in Walter (ed.), *Österreichische Zentralverwaltung*, 34-36, 105-110 respectively. See also the similar text of Maximilian von O-bentraut, *Grundsätzlicher Leitfaden für angehende junge Beamte in practischen Umrissen, 3.Teil: Uiber die nothwendigen Eigenschaften eines Beamten* (Vienna, 1857) for the same influences.

<sup>35</sup> See Georg Franz, *Liberalismus: Die deutschliberale Bewegung in der habsburgischen Monarchie* (Munich, 1955), 85-87; Harm-Hinrich Brandt, *Der Österreichische Neoabsolutismus: Staatfinanzen und Politik, 1848-1860*, 2 Vols. (Göttingen, 1978), 502-504; R.J.W. Evans, "From Confederation to the Compromise: The Austrian Experiment, 1849-1867", in: *Austria, Hungary and the Habsburgs, Central Europe, c.1683-1867* (Oxford, 2006), 265-292, esp.278.

<sup>36</sup> See R.J.W. Evans, *The Making of the Habsburg Monarchy, 1550-1700: An Interpretation* (Oxford, 1979), 157-194; Anna Coreth, *Pietas Austriaca*, trans. W. Bowman, A. Leitgeb (West Lafayette, 2004).

<sup>37</sup> See Lady Mary Montagu to Lady X, Vienna, Oct., 1st 1716; idem to Lady..., Vienna, Jan., 1st 1717. Quoted in Maria Breunlich (ed.), *Lady Mary Montagu: Briefe aus Wien* (Vienna, 1985), 54-55, 69-70.

<sup>38</sup> See Daniel Unowsky, *The Pomp and Politics of Patriotism: Imperial Celebrations in Habsburg Austria, 1848-1916* (West Lafayette, 2005), 11-32.

<sup>39</sup> See the comments of Evans, "The Austrian Experiment, 1849-1867", 273-275. On Church as a factor of cohesion in the empire, see briefly, Oscar Jaszi, *The Dissolution of the Habsburg Monarchy* (Chicago, 1961 [1929]), 155-162; William Bowman, *Priest and Parish in Vienna, 1780-1880* (Boston, 2000), 1ff.

numental success of the clerical-conservative circles<sup>40</sup>. The Concordat was comprised of thirty-three articles in total<sup>41</sup>, but the most daring of them, which provoked much public controversy, were those concerning educational and matrimonial affairs. Article 5 stated that: “The whole education of the Catholic youth [...] will be measured by the teaching of the Catholic religion; the bishops [...] will lead the religious education of the youth in all public and non-public teaching institutions and will carefully guard that in no subject anything is taught, which is contrary to the Catholic faith and moral purity.”<sup>42</sup> Additionally, Article 10 granted to the Church similar jurisdiction in regards to marriage: “All the ecclesiastical legal cases and particularly those concerning the faith, the sacraments, the spiritual duties and the obligations and rights that are related to the ecclesiastical offices belong solemnly and alone to the ecclesiastical court [...] and they will [have the right] to judge also these [cases] about marital issues according to the regulations of the Church’s laws, meaning the regulations of [the congress of] Trent.”<sup>43</sup>

The pro-Catholic press quickly celebrated the breaking of the long-lasting Josephinian chains, which was praised as “a joyful, brilliant, eternal, noteworthy event, for which the hearts of all true Catholics waited for more than seventy years and was installed via the wisdom, the power of faith and eagerness for initiatives of our great ruler [Francis Joseph]”<sup>44</sup>. The papal nuncio in Vienna, Viale-Prela, stated in a letter, full of pride, that with one battle the entire Josephinian ecclesiastical regiment seemed to be marginalized and in its place the paradigm of a true Christian state was realized<sup>45</sup>. Therefore, it becomes immediately evident that the Concordat was directly interpreted as the exact opposite of the ecclesiastical policy of Joseph II. In this clerical and Josephinian-hostile environment advocates of a conservative interpretation of history against the legacy of the Enlightenment found a new audience. One of them was the economist Carl von Hock<sup>46</sup>, who despite his inclination towards financial liberalism, referred, in a historical treatise of his, to Joseph II using a particularly harsh vocabulary:

“It is noteworthy how infertile and disadvantageous was the governance of Joseph II for the evolution of Austria. [...] The external unity and uniformity of the empire [...] turned into internal breaks and splits [...] His innovations in the field of Church destroyed its independence, degraded it to a police department. [...] The reforms in the administration and in the juridical legislation ended in a spiritless mechanism.”<sup>47</sup>

<sup>40</sup> The Concordat per se will not be discussed analytically here. See Weinzierl, *Die Österreichischen Konkordate*, 36-83; Gottfried Mayer, *Österreich als “Katholische Großmacht”: Ein Traum zwischen Revolution und liberaler Ära* (Vienna, 1989); Peter Leisching, “Die Römisch-katholische Kirche”, 25-34.

<sup>41</sup> The Concordat is quoted in its entirety in Weinzierl, *Die Österreichischen Konkordate*, 250-258 and Vöclka, *Verfassung oder Konkordat?*, 181-195.

<sup>42</sup> Quoted in Weinzierl, *Österreichischen Konkordate*, 251; Vöclka, *Verfassung oder Konkordat?*, 183.

<sup>43</sup> Quoted in Weinzierl, *Österreichischen Konkordate*, 252; Vöclka, *Verfassung oder Konkordat?*, 185.

<sup>44</sup> Quoted in *Österreichischer Volksfreund*, December 1st, 1855, 2. On the treatment of the Concordat by the Austrian Press, see Brigitte Zeugswetter, “Die Katholische Kirche und die Wiener Presse, 1855-1870: Die Verteidigung der katholischen Prinzipien durch die Kirche und die Agitation ihrer Gegner”, Ph.D. Thesis, University of Vienna, 1971, 17-43. Also on the advocates of the Concordat, see Hussarek, *Die Krise und die Lösung des Konkordates*, 214-215; Weinzierl, *Österreichischen Konkordate*, 83-85.

<sup>45</sup> Viale-Prela to Geissel, August 24<sup>th</sup>, 1856. Quoted Mayer, *Österreich als Katholische Großmacht*, 208.

<sup>46</sup> On Hock, see Wurzbach, „Hock, Karl Ferdinand Freiherr von“, in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.9 (Vienna, 1863), 79-80; Friedjung, *Österreich von 1848 bis 1860*, Vol.1, 302; „Hock Carl Frh. von“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.2 (Vienna, 1959), 346; „Hock, Karl Freiherr von“, in: *Neue Deutsche Biographie*, Vol.9 (Berlin, 1972), 294-295.

<sup>47</sup> Quoted in Anonymous (Carl von Hock), „Österreich und seine Bestimmung“, in: *Deutsche Vierteljahrsschrift* (Vienna, 1860), 106-241, 142-143.

The clerical circles undoubtedly triumphed through the Concordat, but nevertheless they constituted nothing but a relatively small minority, since the pact with Rome quickly became highly unpopular among broad social groups, most notably the liberals and Josephinians. The latter saw the Concordat as a terrible anachronism and mourned the downfall of Josephinism and the loss of Austrian state sovereignty in favor of the Vatican, especially in the juridical and educational fields<sup>48</sup>. The liberal politician and minister of education in the late 1860s, Leopold von Hasner<sup>49</sup>, summarized the main anti-Concordat arguments in his memoirs: “[...] the abandonment of the legal institution of marriage as well as the newly-founded right of the Church on the legislation and the administration of the educational system seemed to me as a heavy redaction of the legal ground and the self-evident mission of the state.”<sup>50</sup> A rich anti-clerical literature, which was commonly published anonymously and/or abroad due to the limitations placed on the press mentioned above, was developed<sup>51</sup>. Because of the same restrictions, critique of the Concordat, however severe, was communicated mainly through private and confidential papers during the period when the neoabsolutist regime remained strong.

Among the sharpest critics of the Concordat was the powerful head of the Austrian police during Neoabsolutism, Johann Franz von Kempen<sup>52</sup>. He was a firm supporter of administrative centralism, but his Josephinian hue becomes more apparent when his hat-red of the Concordat is considered. Due to these feelings, Kempen noted carefully in his diary the general attitude towards the Concordat and particularly the negative opinions of it<sup>53</sup>. Polemic remarks began from the day of the Concordat’s sign, when Kempen recalled in his notes that imperial councilor Salvotti had mentioned that two of its paragraphs were too daring and should be restructured<sup>54</sup>. The same man added a few weeks later that the implementation of the Concordat has led to the tactlessness of the clergy<sup>55</sup>. The military attaché of Francis Joseph, Count Karl Ludwig von Grünne, a close friend of Kempen, commented in a private conversation with the minister that: “the Emperor, who in many opportunities kept his rights with sharp jealousy, through the Concordat left them paralyzed”<sup>56</sup>. Grünne brought the Concordat up as a common

<sup>48</sup> See Weinzierl, *Österreichischen Konkordate*, 86f; Mayer, *Österreich als Katholische Großmacht*, 209f

<sup>49</sup> On Hasner, see Wurzbach, „Hasner Ritter von Artha, Leopold (II.)“, in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.8 (Vienna, 1862), 32-33; „Hasner von Artha, Leopold“, in: *Allgemeine Deutsche Biographie*, Vol.50 (Leipzig 1905), 54-58; Gustav Bahr, “Leopold von Hasner“, Ph.D. Thesis, University of Vienna, 1947; „Hasner von Artha Leopold“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.2 (Vienna, 1959), 202-203; „Hasner Ritter von Artha, Leopold“, in: *Neue Deutsche Biographie*, Vol.8 (Berlin, 1969), 38.

<sup>50</sup> Quoted in L. von Hasner, *Denkwürdigkeiten: Autobiographisches und Aphorismen* (Stuttgart, 1892), 55

<sup>51</sup> For a detailed list of the anti-Concordat publications of the 1850s, see Friedrich Hochstetter, *Die Geschichte eines Konkordats. Das österreichische Konkordat von 1855* (Berlin, 1928), 17-18.

<sup>52</sup> On Kempen, see Wurzbach, „Kempen von Fichtenstamm, Johann Franz Freiherr“, in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.11 (Vienna, 1864), 163-166, *Wiener Zeitung*, 06.12.1863, 683, Anonymus, „Feuilleton“, in: *Neue Freie Presse, Morgenblatt*, 19.02.1908, 1-4, esp.1-2.

<sup>53</sup> See Joseph Karl Mayr (ed.), *Das Tagebuch des Polizeiministers Kempen von 1848-1859* (Vienna-Leipzig, 1931), 47-50 and for a commentary on his views, Eduard Winter, *Revolution, Neoabsolutismus und Liberalismus in der Donaumonarchie* (Vienna, 1969), 98-99. On the opinions expressed, see Erika Weinzierl, “Zeitgenössische Polizei- und Diplomatenberichten über das Konkordat von 1855”, *Mitteilungen des Österreichischen Staatsarchives*, Vol.9 (1956), 277-286; idem, *Österreichischen Konkordate*, 87-90.

<sup>54</sup> See Mayr (ed.), *Das Tagebuch des Polizeiministers Kempen*, 371: August 18th, 1855.

<sup>55</sup> See Mayr (ed.), *Das Tagebuch des Polizeiministers Kempen*, 373: September 27th, 1855.

<sup>56</sup> Quoted in Mayr (ed.), *Das Tagebuch des Polizeiministers Kempen*, 374: October 18th, 1855. Regarding Grünne’s concordat-hostile attitude, see also Weinzierl, “Polizei- und Diplomatenberichten“, 278-279.

topic of discussion, as on another occasion he stated that all social strata were unsatisfied with the “statutes of the Concordat”<sup>57</sup>. Similar charges continued, voiced repeatedly by Grünne and others, whilst, according to Kempen, the expanded authorities of the bishops caused them to interfere in military affairs and provoke malfunctions in the army<sup>58</sup>. Police reports referred to the minister argued that the Concordat would cause Austria to fall into a state of darkness and backwardness<sup>59</sup>. Other police officers dared to become more concrete in their reports, commenting<sup>60</sup>: “Indeed a great part of the lower Catholic clergy is unsatisfied with the Concordat [...]. Satisfied about the Concordat are only the higher Catholic prelates and the ‘Catholic fanatics’.” Nevertheless, Kempen, being a part of a wider governmental organization, was bound to keep his objections private and publicly agree with the official pro-clerical stance of the Habsburgs.

Yet, despite the suppression, references to Joseph II and Josephinism were no less apparent among contemporaries. The renowned playwright and Josephinian Franz Grillparzer characterized the Concordat as: “a bloody slap, which wounded us the old Josephinians.”<sup>61</sup> Using even more explicit language, the diplomat Johann Philipp von Wessenberg-Ampringen<sup>62</sup> wrote in a letter in October 1855: “What would Emperor Joseph say to that? With the Concordat [...] the administration of the ecclesiastical property and the absolute influence over the elementary schools was conceded to the bishops [...]”<sup>63</sup>. Beyond the borders of the Monarchy, the imperial ambassador in Frankfurt, Dumreicher (another Josephinian, it seems) described the predominant opinions on the matter in that part of the confederation: “The just-signed Concordat has provoked great sensation here and the principal opponents of Austria [...] say that the Emperor of Austria has been subordinated to the Pope and the wise arrangements of Emperor Joseph have been completely eliminated”<sup>64</sup>. Writing some decades later but in the same tone, the liberal statesman and minister of education in the 1870s, Carl von Stremayr<sup>65</sup>, noted in his memoirs that with the Concordat: “the work of our immortal Emperor Joseph II was exterminated with a single stroke of the pen and the brand of the darkest reaction was put on the brow of the Austrian Monarchy”<sup>66</sup>. The era of Joseph II was increasingly imagined by his advocates as a (lost) golden age and was presented as the opposite of the contemporary decay that was the product of the excessive privileges of the Church. In one most profound example of this tendency, Kempen, in addition to his Concordat-hostile remarks, directly praised the work of the late emperor himself. He

<sup>57</sup> Quoted in Mayr (ed.), *Das Tagebuch des Polizeiministers Kempen*, 375: October 26<sup>th</sup>, 1855.

<sup>58</sup> See Mayr (ed.), *Das Tagebuch des Polizeiministers Kempen*, 406: June 25<sup>th</sup>, 1856.

<sup>59</sup> See Oberste Polizeibehörde H 21/1856, Allgemeines Verwaltungsarchiv Wien (AVA).

<sup>60</sup> Quoted in Oberste Polizeibehörde, 1855 XI 19, Pr.II, ZI, 9293/1855, AVA.

<sup>61</sup> Quoted in August Sauer (ed.), *Schriften des literarischen Vereins in Wien. Grillparzers Gespräche und die Charakteristiken seiner Persönlichkeit durch die Zeitgenossen*, Vol.12 (Vienna, 1910), 107. Also for Grillparzer’s Josephinian attitude see Wynfrid Kriegleder, „Grillparzer und der Josephinismus“, *Jahrbuch des Wiener Goethe-Vereins*, Vol.96 (1992), 17-32.

<sup>62</sup> On Wessenberg, see „Wessenberg, Johann Freiherr von“, in: *Allgemeine Deutsche Biographie*, Vol.42 (Leipzig, 1897), 157-173.

<sup>63</sup> Quoted in F. A. Brockhaus (ed.), *Briefe von Johann Philipp Freiherrn von Wessenberg aus den Jahren 1848 bis 1858 an Isfordink-Kostnitz*, 2 Vols. (Leipzig, 1877), Vol.1, 326-327.

<sup>64</sup> Quoted in Politisches Archiv, 1855 XI 21, VII, Fasz.28, Nr.70, A.B, Haus- Hof- und Staatsarchiv Wien.

<sup>65</sup> On Stremayr, see Gertrud Elisabeth Zündel, „Karl von Stremayr“, Ph.D. Thesis, University of Vienna, 1944; Karl Köck, „Dr. Karl von Stremayr, in seinem Verhältnis zu Wissenschaft, Kunst und Industrie betrachtet“, Ph.D. Thesis, University of Vienna, 1950.

<sup>66</sup> Quoted in Carl von Stremayr, *Erinnerungen aus dem Leben* (Vienna, 1893), 35.

used the case of the Viennese General Hospital (established in 1784), characterizing it as: “the humanitarian and didactic institution of its great founder Emperor Joseph II”<sup>67</sup>. Distress over the Concordat and nostalgia for the Josephinian age were by themselves incapable of shaking the regime. Only financial crisis, external pressure and military defeat provoked that outcome in 1859. The fall of absolutism and the first steps towards constitutionalism, along with the relaxation of censorship in the early 1860s, granted large parts of the public sphere the ability to speak and openly criticize the Concordat.

### III.

After the crushing defeats at Magenta and at Solferino, Neoabsolutism collapsed and the Concordat no longer enjoyed the protection of an autocratic regime that suppressed criticism<sup>68</sup>. The unpopular treaty with Rome began to be openly criticized as the cause of the Austrian defeat and its falling behind the more advanced states of Germany and Italy<sup>69</sup>. A few years later, the liberal *Die Presse* commented: “The Concordat per se cannot be freely be blamed for Solferino, but it was nonetheless the essential reason of the unlucky outcome of the Italian campaign.”<sup>70</sup> A wave of pamphlets and other publications appeared<sup>71</sup> criticizing the detrimental influences of the Concordat on virtually every aspect of public life<sup>72</sup>. Therefore, we read in a contemporary brochure titled *Das ABC des Konkordates* that: “the Concordat driven to its logical consequences, functions thus not for the independence of the Catholic Church from the State, but [enforces] the authority of the Roman Church over Austria and [over] all its subjects without discrimination of religion.”<sup>73</sup> A response, or rather a sequel, to the above-mentioned pamphlet was published shortly afterwards. The author, Ludwig Donin, underlined the rapid changes in Austria in the past few years and the “particularly interesting so-called conversations and elections,” which had witnessed the emergence of the public sphere. He proceeded by arguing that Rome had acquired excessive influence through the Concordat and the balance between the secular and the spiritual authority had been severely damaged<sup>74</sup>. The serious concern of the author about the clerical predominance in edu-

<sup>67</sup> Quoted in Mayr (ed.), *Das Tagebuch des Polizeiministers Kempen*, 380: November 25<sup>th</sup>, 1855.

<sup>68</sup> On the relaxation of censorship after 1861, see Georg Lienbacher, *Die Preßfreiheit und die Regierungsvorlage eines neuen Preßgesetzes für Oesterreich* (Vienna, 1861).

<sup>69</sup> See Hussarek, *Die Krise des Konkordates*, 229. The liberals interpreted the Concordat not simply as a legal affair, but as an emblematic symbol of clerical autocracy. See France, “Kulturkampf in Austria”, 3.

<sup>70</sup> Quoted in *Die Presse*, July 21st, 1868. For a commentary of the liberal attitude, see also Zeugschwetter, “Die Katholische Kirche und die Wiener Presse”, 48-49.

<sup>71</sup> Apart from the cases examined below, see some other examples: Anonymous, *Das österreichische Concordat vom Standpunkte des Naturrechts beurtheilt von einem katholischen Theologen Oesterreichs* (Leipzig, 1861); Joseph Fessler, *Die Revision des Concordates* (Vienna, 1861); Carl Sturm, *Kurze Randglossen zu den anstößigen Artikeln des österreichischen Concordats vom 18. Aug. 1855* (Leipzig, 1861).

<sup>72</sup> On the enlargement of the public sphere in the early 1860s and particularly on the role of education and the sciences as a weapon in the liberal rhetoric against dogmatic clericalism, see Deborah Coen, *Vienna in the Age of Uncertainty: Science, Liberalism and Private Life* (Chicago, 2007), 78-79. See also Pieter M. Judson, *Exclusive Revolutionaries: Liberal Politics, Social Experience and National Identity in the Austrian Empire, 1848-1914* (Ann Arbor, 1996), 84-94, who examines the revival of public life concentrating on the cases of local *Vereine* as the essential cell of public mobilization at the micro-level.

<sup>73</sup> Quoted in Anonymous, *Das ABC des Konkordates für Solche, die klar sehen wollen* (Vienna, 1861), 9. Vogelka, *Verfassung oder Konkordat?*, 26-42 provides also other similar examples, while France, “Kulturkampf in Austria”, 1-35 discusses the wave of publications focusing mostly on the catholic perspective

<sup>74</sup> See Anonymous (Ludwig Donin), *Das "Z" vom A-B-C des Konkordates. Von einem Manne aus dem Volke* (Vienna, 1861), 4-5.

cation and its imminent negative results, along with his praise for the acquisition of the freedom of the press that enabled critique of social ills, were also common topics in Donin's analysis<sup>75</sup>. Interestingly enough, even priests positioned themselves against the Concordat, showing thus the accuracy of the relevant police report from the previous decade. In one typical case, F. Thomas Braun in his *Das österreichische Konkordat* noted that one could speak of the restoration of the Catholic regulations of the ecclesiastical laws only if by these privileges one meant the medieval ecclesiastical law. Subsequently, he clashed with one major pro-Concordat statement, i.e. the liberation of the Church, by saying that even before 1855 clergymen had the right to communicate freely with Rome if the matters concerned were purely spiritual<sup>76</sup>. Braun also did not leave untouched neither the sensitive issue of education nor the power that the Concordat granted to the clergy over it. He actively criticized the overextension of the Catholic authority even where non-Catholic youth were concerned and also the unnecessary (and maybe perilous) right of clerical interference in parts of the school curriculum unrelated to religion<sup>77</sup>. Finally, the author did not neglect the matter of marriage and the newly-acquired Church authority over it. He commented that, despite the fact that on certain points state authority indeed turned despotic before 1855, the Concordat rearranged things in even more imperfectly, which was worse than the previous legal framework<sup>78</sup>.

#### IV.

The public outcry against the Concordat could not be ignored from 1859 onwards, and even from this early stage the first step towards the progressive abolition of the 1855 treaty took place. In late July 1859, the first post-neoabsolutist ministry under Rechberg prepared a Patent "on the regulation of the circumstances of the Non-Catholics and the Jews", which concerned mainly Hungary and Croatia and granted to those groups legal equality with the Catholics<sup>79</sup>. This first wound to the confessional structure of Neoabsolutism was only a preface of what was going to follow in the heart of the Monarchy. On April 8<sup>th</sup>, 1861, the *Protestantenpatent* was issued by the Schmerling ministry, a document that guaranteed full legal equality of Catholics and Protestants of all confessions before the law in Austria<sup>80</sup>, that being largely a personal success of the new lea-

<sup>75</sup> See Donin, *Das "Z" vom A-B-C des Konkordates*, 10.

<sup>76</sup> See Thomas Braun, *Das österreichische Konkordat, beurteilt von ---* (Erlangen, 1861), 5.

<sup>77</sup> See Braun, *Das österreichische Konkordat*, 25-28.

<sup>78</sup> See Braun, *Das österreichische Konkordat*, 30.

<sup>79</sup> On the 1859 Hungarian Patent, see briefly Kochstetter, *Die Geschichte eines Konkordats*, 22-23 and in detail Friedrich Gottas, „Die Geschichte des Protestantismus in der Habsburgermonarchie“, in: *Die Habsburgermonarchie, Vol.5: Die Konfessionen* (Vienna, 1995), 489-595, 502-508; Stefan Malfer (ed.), *Die Protokolle des österreichischen Ministerrates 1848-1867. Part IV, Vol. 3: Das Ministerium Rechberg* (Vienna, 2009), 136ff; Eszter Cs. Herger, „Das Protestantenpatent: aus Wiener Sicht“, *Jogtortenei Tanulmányok*, Vol.55 (2010), 55-65, esp.59. On the confessional legal status of Hungary, see Gabriel Adriányi, *Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855* (Rome, 1963).

<sup>80</sup> On the establishment of the Protestant Patent, see Karl Völker, *Das Zustandekommen des österreichischen Protestantenpatents vom 8. April 1861* (Vienna, 1932) and more briefly Heinrich Rieser, *Der Geist des Josephinismus und sein Fortleben* (Vienna, 1963), 89; Gottas, „Die Geschichte des Protestantismus“, 554-556; Maximilian Liebmann, „Von der Dominanz der Katholischen Kirche zu freien Kirchen im freien Staat. Vom Wiener Kongress 1815 bis zur Gegenwart“, in: Rudolf Leeb et al. (eds.), *Geschichte des Christentums in Österreich* (Vienna, 2003), 363-456, 378-379.



ding minister, Anton von Schmerling<sup>81</sup>. Perhaps Georg Franz exaggerated when he stated that “the Protestant Patent [...] was the prelude of the liberal era, the first liberal act, via which Schmerling introduced the Habsburg Monarchy to the modern world”<sup>82</sup>, but there can be no doubt that the patent was a legal step of great significance towards full confessional equality of all Christian Habsburg subjects<sup>83</sup>. That was a crucial point since the obvious legal inequality between the Christian dogmas and the predominance of Catholicism was one of the most controversial and harshly-criticized effects of the Concordat<sup>84</sup>. This early victory of anticlericalism also carried a strong Josephinian implication, as the 1861 Patent became considered to be the culmination of a process of confessional emancipation that had begun with the 1781 Patent of Tolerance of Joseph II<sup>85</sup>.

The possibility of a strong connection between the Josephinian Patent of Toleration and the 1861 Protestant Patent becomes visible in the material commenting on the latter. In the early 20<sup>th</sup> century, the Protestant historian Georg Loesche characterized the two documents as the opposite poles of the same exhausting path towards confessional equality in the Monarchy<sup>86</sup>. It is also noteworthy that the introduction of Loesche’s commemorative book on the Protestant Patent was signed “on the death day of Joseph II, February 20<sup>th</sup>, 1911”<sup>87</sup>. According to Loesche, Joseph II wanted to terminate the scenes of intolerance from his empire, an expected attitude given the fact that he “was above all a son of the Enlightenment. Because of that, he attacked and overcame feudalism and ultramontanism; because of that, he tolerated Jansenism and Febronianism, non-Catholics and Jews.”<sup>88</sup> Through his policy he strove to eradicate confessional hatred in the realm, demarginalizing large parts of the population and eventually strengthening state authority<sup>89</sup>. Francis Joseph nonetheless followed the legacy of his predecessor only partly, particularly in the field of administrative centralism<sup>90</sup>. On the other hand, he broke with the Josephinian tradition and granted excessive power to the Church, under whose hegemony the Protestants felt severely persecuted. In the words of the Viennese evangelical consistory: “Since then [i.e. 1855] we are defenseless; no political authority

<sup>81</sup> See Lothar Höbelt (ed.), *Anton von Schmerling: Aus den Denkwürdigkeiten Anton Ritters von Schmerling* (Vienna, 1993). For the text of the Protestant Patent, see Reichsgesetzblatt (RGBL), Nr.41, 1861.

<sup>82</sup> Quoted in Franz, *Liberalismus*, 411. See also in the same, 422, 436; idem, *Kulturkampf*, 84-85.

<sup>83</sup> See J. von Schulte, *Lebenserinnerungen. Mein Wirken als Rechtslehrer, mein Anteil an der Politik in Kirche und Staat* (Gießen, 1908), 190. Also Winter, *Revolution, Neoabsolutismus und Liberalismus*, 161.

<sup>84</sup> On the situation of the Austrian Protestants under the Concordat, see Heinrich Friedrich Jacobson, *Ueber das österreichische Concordat vom 18. Aug. 1855 und die kirchlichen Zustände der Evangelischen in Oesterreich* (Leipzig, 1856) and briefly, Gottas, „Die Geschichte des Protestantismus“, 544-554. On the confessional inequality in Neoabsolutism as expressed on the local and every-day level, see the cases discussed by Max Voegler, “Illness and Death in the Era of Neoabsolutism: New Perspectives on Liberal-Catholic Conflict from 1850s Upper Austria”, *Austrian History Yearbook*, Vol. 38 (2007), 122-144.

<sup>85</sup> See Josef Karniel, *Die Toleranzpolitik Kaiser Josephs II* (Gerlingen, 1986); Peter Landau, “Zu den geistigen Grundlagen des Toleranz-Patents Kaiser Josephs II”, in: Peter Landau (ed.), *Grundlagen und Geschichte des evangelischen Kirchenrechts und des Staatskirchenrechts* (Tübingen, 2010), 348ff.

<sup>86</sup> See G. Loesche, *Von der Duldung zur Gleichberechtigung: archiv. Beiträge z. Geschichte d. Protestantismus in Österreich 1781-1861; z. 50jährigen Erinnerung an d. Protestantenpatent* (Vienna, 1911), VII.

<sup>87</sup> Quoted in Loesche, *Von der Duldung zur Gleichberechtigung*, IX.

<sup>88</sup> Quoted in Loesche, *Von der Duldung zur Gleichberechtigung*, XVI.

<sup>89</sup> See Loesche, *Von der Duldung zur Gleichberechtigung*, XVII.

<sup>90</sup> See Loesche, *Von der Duldung zur Gleichberechtigung*, XXXIIIff.

can stand for us, because it is not allowed to enforce orders.”<sup>91</sup> Defeat in Italy opened the way for confessional emancipation, and the degree of 1861 “was a victory of Reason, of Idealism, surely of the Evangelium, of the Reformation and of the Revolution”<sup>92</sup>. The Protestant Patent was issued under the premiership of Archduke Rainer, while consciously in favor of it were also Archduke Max, who would later become emperor of Mexico and who “brought strongly in mind Joseph II” because of his views on State-Church relations, as well as Anton von Schmerling<sup>93</sup>. The ministerial council that drafted and issued the Patent was of course concerned about the religious liberties of the Protestants, but -as becomes visible in the relevant consultations<sup>94</sup>- they were more troubled concerning the perception of and potential resistance to the Patent among the Catholic-orientated social groups and in the most conservative Habsburg provinces, above all Tirol, where indeed the document was received with distress<sup>95</sup>. Some years later, the former minister of education Leo von Thun commented in the House of Lords negatively on, in his view, the excessive educational privileges that the Patent granted to the Protestants<sup>96</sup>. In the mid-1870s the conservative politician Anton von Pergen-Thomasberg disapproved strongly the Patent. He argued that the privileges that it granted to the Protestants were “withheld, refused and taken from us Catholics, who are [...] the majority of the population and also make the majority of the tax-payers [...]”<sup>97</sup>. However, these implications can be seen as minor disturbances, since the Patent was generally well-received by most social groups and was accepted, albeit reluctantly, even by the Holy See<sup>98</sup>. The Austrian Protestants especially cheered the Patent as the eve of a new era in their religious life and celebrated Francis Joseph for his confessional policy<sup>99</sup>. The same spirit of accomplishment and euphoria that presented the 1861 Patent as the logical and long-awaited conclusion of the Josephinian religious policy was even more

<sup>91</sup> Quoted in Loesche, *Von der Duldung zur Gleichberechtigung*, XLII.

<sup>92</sup> Quoted in Loesche, *Von der Duldung zur Gleichberechtigung*, XLVII.

<sup>93</sup> See Loesche, *Von der Duldung zur Gleichberechtigung*, XXXVI-XXXVII.

<sup>94</sup> On the discussions around the Patent, see Georg Loesche, *Ein Gedenkblatt zur Hundertjahrfeier der evangelisch-theologischen Fakultät in Wien. 60 Jahre Protestantenpatent* (Vienna, 1920), 28f, esp. 28-33.

<sup>95</sup> The resistance to the Patent by the traditionally conservative Tirolese provincial diet was the fiercest in comparison to the other provinces, and the diet suspended the Patent for several years. See Franz-Joseph Buss, *Für die Glaubenseinheit Tirols. Ein offenes deutsches Wort an das Tiroler Volk. Von einem rheinischen Rechtsgelehrten* (Innsbruck, 1861); Karl Völker, “Das Protestantenpatent in Tirol”, *Jahrbuch der Gesellschaft für die Geschichte des Protestantismus in Österreich*, Vol. 53 (1932), 61ff; Lukas Ospelt, “Das Protestantenpatent von 1861 im Spiegel der öffentlichen Meinung Tirols und Voralbergs”, Diploma Thesis, University of Innsbruck, 1993. On Tirolean conservatism, see more extensively, Ch. 3.

<sup>96</sup> See Stenographische Protokolle über die Sitzungen des Herrenhauses des Reichsrates, IV. Session (Vienna, 1869), 658-659. On the conservative political views of Thun, see more extensively, Ch. 2.

<sup>97</sup> Quoted in “Rede des Hochgebornen Herrn Anton Graf Pergen”, in: *Die konfessionellen Gesetzentwürfe. Drei Reden darüber gehalten von Alois Liechtenstein, Anton Graf von Pergen und Alfred Fürst Liechtenstein* (Graz, 1874), 15. On the political views of Pergen-Thomasberg, see analytically Ch. 4.

<sup>98</sup> The Pope expressed his complaints to Francis-Joseph regarding the Patent as a violation of the Concordat (much of the Tirolean resistance was actually backed by Rome). The Austrian emperor responded that the Patent’s context dealt exclusively with internal Protestant issues and did not touch interconfessional relations, nor had it harmed the authority of the Catholic Church in the Monarchy. See Scott M. Berg, “Empire of Faith: Toleration, Confessionalism and the Politics of Religious Pluralism in the Habsburg Empire, 1792-1867”, Ph.D. Thesis, Louisiana State University, 2015, 440.

<sup>99</sup> See Loesche, *Von der Duldung zur Gleichberechtigung*, 645, 650.

clearly manifested in a similar brochure also published in 1911, in which the history of Protestantism in the Monarchy was portrayed in the most literary terms:

“It was a long, dark night, it was a hard and stormy winter. But now it is day, now it has become spring. The Edict of Tolerance of Emperor Joseph II was the first warm breath of this spring, [it] awakened life and hope. The Protestant Patent of our noble Emperor Francis Joseph I was the spring’s conscious start, which could chase away every lasting winter storm; it must bring us new life, maturity and blossom.”<sup>100</sup>

The same author emphasized that Francis Joseph had found inspiration for his Protestant Patent in the deeds of his great predecessor Joseph II<sup>101</sup>. The distinction between the Patent of Toleration and the Protestant Patent was carefully made: the first granted only tolerance (*Duldung*) but by no means religious equality, which was the great outcome of the 1861 act. Yet Joseph II was not criticized for that disparity, as it was understood that given the limitations of the era, no wider concessions were possible. In any case, his daring and generous degree functioned as the dawn of a new, open-minded era, for which the late monarch was praised: “Forever lives in the hearts of all of us the immortal gratitude for this saving act of the great idealist on the Habsburg throne”<sup>102</sup>. True religious equality was reached only with the initiative of Francis Joseph, who, for that reason, won characterizations as flattering as those attributed to his grand uncle<sup>103</sup>.

The same attitude was openly expressed even a whole century after the proclamation of the Protestant Patent, in 1961, when during the relevant commemorative festivities, the federal president Adolf Schärf referred to the unaltered will of Joseph II, even in the 1770s, to extinguish religious intolerance from his realm. The result of this ambition was the Patent of Tolerance of October 1781, which granted considerable space to the non-Catholics, and its spirit was finally completed with the full Protestant emancipation of 1861. The latter “followed the spirit of justice and of tolerance, which was predicted in the Edict of Tolerance of Joseph II [...]”<sup>104</sup> The same opinion concerning “the Protestant Patent as a tremendous progress of the Edict of Tolerance” was also expressed at the same day by a high prelate, the bishop Gerhard May, in his subsequent speech<sup>105</sup>.

## V.

Beyond such early legal acts against the Concordat, the newly-acquired freedom of the press in a milieu of increased anti-clericalism opened the way, as already stated, to a flood of publications directly or indirectly linked with Joseph II and his legacy. The majority of literature related to Joseph II contextualized him within the broader Kulturkampf milieu. The authors of this early liberal era might be journalists with the ambition of writing history around a popular topic. They could also be political commentators

---

<sup>100</sup> Quoted in *Heftshrift zur dauernden Erinnerung an die fünfzigjahrfeier der Erlassung des Protestantentpatents vom 8. April 1861 veranstaltet von den evangel. Gemeinden Augsburger u. Helvetischen Bekenntnisses in Wien am 8. u. 9. April 1911* (Vienna, 1911), 9-10.

<sup>101</sup> See *Heftshrift an die fünfzigjahrfeier der Erlassung des Protestantentpatents*, 8.

<sup>102</sup> Quoted in *Heftshrift an die fünfzigjahrfeier der Erlassung des Protestantentpatents*, 13.

<sup>103</sup> See *Heftshrift an die fünfzigjahrfeier der Erlassung des Protestantentpatents*, e.g. 5, 14, 40.

<sup>104</sup> Quoted in Adolf Schärf, “Bleibt wachsam!”, in: *Hundert Jahre Protestantentpatent, 1861-1961. Vorträge gehalten bei der Festfeier im Großen Musikvereinsaal* (Vienna, 1961), 3.

<sup>105</sup> See Gerhard May, „Das österr. Schicksal unserer Evangelischen Kirche“, in: *Hundert Jahre Protestantentpatent, 1861-1961. Vorträge gehalten bei der Festfeier im Großen Musikvereinsaal* (Vienna, 1961), 12.

(eponymous or not) willing to comment on their contemporary situation by drawing examples and legitimization from the tank of history. They could also be academic professors, who felt that the time had come to publish their research results on Joseph II.

The German writer and politician Eduard Schmidt-Weißenfels composed a popular apologia of Joseph II in 1862 titled *Kaiser Joseph II.: Ein Buch für's Volk*<sup>106</sup>, using the pseudonym Ernst Hellmuth<sup>107</sup>. This biography, while aspiring to be an impartial historical study, did not hesitate to depict the emperor as a pioneer of liberalism: “[...] his bourgeois simplicity made the Austrian people admire him. His compassion and gallantry became exemplary” notes the author<sup>108</sup>. The emperor’s devotion and idealism were praised (although some selfish motives in his pursuits were recognized as well<sup>109</sup>), as were his grandiose reformatory plans: “And now at first a prince, like Joseph II, with radical plans in mind, with an ideal in his heart [...] [he wished] to unite all his lands and peoples through the tape of one single, uniform constitution, series of laws and administration.”<sup>110</sup> For him governance meant the destruction of everything old and its substitution with new institutions and ideas<sup>111</sup>. In matters of his ideological influences<sup>112</sup> Hellmuth noted that Joseph “was indisputably a child of the French philosophy.” The German liberal ideal for a strong, centralized state becomes evident in Hellmuth’s words, despite his writing about Joseph II. His deep admiration for the monarch’s breathtaking administrative and judicial reforms, his never-ceasing activity and his absolute devotion to the state is obvious<sup>113</sup>. Equally influenced by contemporary developments in the Monarchy, the author points out the immensely significant abolition of censorship: “The first of this wave of reformatory laws, which targeted the destruction of medieval Austria, was the edict of censorship, which abolished the strict censorship of the old regime [...]”<sup>114</sup> Here the parallelism between the Josephinian era and the young constitutional epoch in the empire after the end of Neoabsolutism is clear. Ridding the empire of the old clerical spirit was also Joseph’s main objective in matters of his ecclesiastical reforms. That was the case particularly when it came to the abolition of monasteries, the creation of a state-controlled Church and the edict of tolerance, all of which were objects of admiration and imitation by the 1860s liberal movement<sup>115</sup>. In Hellmuth’s own words: “All the reforms of Joseph concentrated on the demolition of the spiritual overlordship, abuses and traditional prejudices. [...] [He wanted] to cast into ruins the medieval state structure, particularly the power of the Church.”<sup>116</sup> Joseph’s plans for the total submission of the Catholic Church to secular control were

---

<sup>106</sup> On this work see briefly, Schmid, “Der Wandel des Bildes Josephs II.”, 131-135.

<sup>107</sup> Ernst Hellmuth, *Kaiser Joseph II.: Ein Buch für's Volk* (Prague, 1862). On Hellmuth, see Eduard Schmidt-Weissenfels, *Scharnhorst. Eine Biographie von Eduard Schmidt-Weißenfels* (Leipzig, 1859); „Schmidt-Weißenfels, Eduard“, in: *Allgemeine Deutsche Biographie*, Vol.54 (Leipzig, 1908), 112-113.

<sup>108</sup> Quoted in Hellmuth, *Joseph II.*, 179.

<sup>109</sup> See Hellmuth, *Joseph II.*, 40ff.

<sup>110</sup> Quoted in Hellmuth, *Joseph II.*, 160.

<sup>111</sup> See Hellmuth, *Joseph II.*, 161.

<sup>112</sup> Quoted in Hellmuth, *Joseph II.*, 112.

<sup>113</sup> See Hellmuth, *Joseph II.*, 162-165.

<sup>114</sup> Quoted in Hellmuth, *Joseph II.*, 166.

<sup>115</sup> See Hellmuth, *Joseph II.*, 167-171.

<sup>116</sup> Quoted in Hellmuth, *Joseph II.*, 167, 176.

further crystallized and intensified after the papal visit of 1782<sup>117</sup>. Yet, Hellmuth's narration was not without criticism. He condemned the capriciousness of Joseph's government, which had led to a "fanaticism of justice" and the occasional excesses in the enforcement of his measures, while he emphasized the "great danger for millions of people in a despotic polity, in absolutism when the power is exercised solely by one ruler despite how good he may be."<sup>118</sup> His harshest critique was targeted nonetheless on Joseph's foreign policy, where he was driven by ambition to match the successes of his mother as well as those of Frederick of Prussia. Joseph wished to strengthen the Habsburg authority in the Holy Roman Empire and deliver the fatal blow to the Ottoman Empire<sup>119</sup>. He thus overestimated the abilities of the Monarchy and led it to the unfortunate war of 1787-91 against the Turks<sup>120</sup>. In spite of this negative treatment of that aspect of Josephinian governance, Hellmuth concluded that: "Joseph II's reign was beneficial for Austria and indeed without him the Monarchy would have difficultly overcoming the coming storm." Regarding his administrative reforms: "[the old state machine] was destroyed, but from the Josephinian seeds rose a seedling, from whose fruits the later generations could seriously gain." Hellmuth's final verdict for the Josephinian age is seen as positive: "Joseph was an instructive revolutionary and in that way he saved Austria, which he shielded from the [worst] repercussions of the French Revolution."<sup>121</sup>

The popular cult of Joseph II is further illustrated in another biography published simultaneously with the previous book by the journalist Hermann Meynert<sup>122</sup> named *Kaiser Joseph II.: Ein Bei-trag zur Würdigung des Geistes seiner Regierung* (Vienna, 1862)<sup>123</sup>. The perfect synchronization of all those corresponding publications was by no means accidental. As Meynert's biographer notes: "currently, where through the magnanimous decisions of his Majesty the Emperor Francis Joseph a new, promising future was opened for the fatherland, had Joseph II, who had previously considered and solved so many questions, the right to join the [public] dialogue [for the future of Austria]"<sup>124</sup>. Joseph's contribution to the prosperity of the Monarchy was paramount, and this, according to Meynert, was recognized unanimously by the people, who saw in him "a pioneer, who brought humanity closer to its goals"<sup>125</sup>, as the author phrased it in an earlier work of his. Concerning Meynert's biography of the late monarch, although some new archival material was used, this did not lead the author to any novel conclu-

<sup>117</sup> See Hellmuth, *Joseph II.*, 215.

<sup>118</sup> Quoted in Hellmuth, *Joseph II.*, 290.

<sup>119</sup> See Hellmuth, *Joseph II.*, 116, 127, 268, 301f.

<sup>120</sup> See Hellmuth, *Joseph II.*, 309ff.

<sup>121</sup> Quoted in Hellmuth, *Joseph II.*, 338.

<sup>122</sup> On Meynert, see Wurzbach, „Meynert, Hermann Günther“, in: *Biographisches Lexikon des Kaisertums Oesterreich*, Vol.18 (Vienna, 1868), 187-193; Johann Fellner, „Hermann Meynert, ein volkstümlicher österr. Geschichtsschreiber des 19. Jhs“, Ph.D. Thesis, University of Vienna, 1947; „Meynert Hermann Günther“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.6, (Vienna, 1975), 255.

<sup>123</sup> See F.A.J. Szabo, "Changing Perspectives on the 'Revolutionary Emperor': Joseph II. Biographies since 1790", *Journal of Modern History*, Vol.83, No.1 (2011), 111-138, esp.124. Schmid, "Der Wandel des Bildes Josephs II.", 118 argues on the other hand that Meynert was not dominated by liberal ideas but his intellectual affiliations remained strongly connected to the Vormärz and to Neoabsolutism.

<sup>124</sup> Quoted in Fellner, „Hermann Meynert“, 154.

<sup>125</sup> Quoted in Hermann Meynert, *Geschichte Österreichs, seiner Völker und Länder und der Entwicklung seines Staatenvereins von den ältesten bis auf die neuesten Zeiten*, 6 Vols. (Pest, 1846), Vol.6, 193.

sions, and the rhetoric he uses is substantially similar to that of Hellmuth<sup>126</sup>. Meynert, as he underlined in the preface, intended through the access he had obtained in the archives of the interior ministry to unveil the true motives and goals of the emperor's policies<sup>127</sup>. More precisely, he aspired to depict Joseph as the great liberator and progressive reformer of his realm, whose daring and positive initiatives had lasting consequences for the country<sup>128</sup>. The reason for the success of the Josephinian reforms can be traced to the fact that the emperor "knew how to marry the spirit of progress with the peculiarities of Austria"<sup>129</sup>. The main part of the biography focuses on the domestic reforms of Joseph II. In the field of his ecclesiastical policy, his initiatives indeed met with resistance and were considered controversial<sup>130</sup>, but nevertheless he "acted with care [and] only step by step approached his targets."<sup>131</sup> Regarding Joseph's abolishing certain monasteries, Meynert's argument appears very interesting, since he claims that Joseph came gradually to this decision<sup>132</sup>, but after this point he endeavored with great fervor toward the weakening and breakdown of the ecclesiastical property<sup>133</sup>. On the other hand, referring to the 1782 papal trip to Vienna, Meynert underlined the "deep respect"<sup>134</sup> that characterized the Habsburg sovereign's behavior towards his honored guest. In other governmental affairs, Meynert praised Joseph as the initiator of many humanitarian actions, of which he distinguished above all his policy towards the abolition of serfdom<sup>135</sup>. The author believed that the Josephinian Robot Patent "secured a future and expected freedom, and the present circumstances made substantially easier his great work of liberation."<sup>136</sup> Meynert's book was well-received by his audience. In a review published in the *Historische Zeitschrift* next year, the reviewer especially pointed out the suitable momentum of the publication as it appeared: "in the midst of the trend of those effects, which the Josephinian government had practiced in the Austrian lands", bringing forward the undoubted topicality of the work. The burden that Meynert had assumed, that is, the rejuvenation of Joseph's image was as the reviewer suggests a difficult task because: "practically it is not easy to find an alternative, which has been instrumentalized more by the present parties than the history of the emperor Joseph II." Thus, an accurate biography of the noble monarch that might offer a balanced overview of his motives and policy would be, the reviewer concluded, of the highest value<sup>137</sup>.

Other authors did not hesitate to connect the memory of the late emperor directly to contemporary political dilemmas. One such example is the journalist Johann F. Faber and his interesting undertaking<sup>138</sup> comparing Joseph II to the ruling monarch Francis

<sup>126</sup> See Meynert, *Kaiser Joseph II.*, 18-75. See also Schmid, "Der Wandel des Bildes Josephs II.," 124ff.

<sup>127</sup> See Meynert, *Kaiser Joseph II.*, preface, III.

<sup>128</sup> See Meynert, *Kaiser Joseph II.*, preface, IV.

<sup>129</sup> Quoted in Meynert, *Kaiser Joseph II.*, preface, V.

<sup>130</sup> See Meynert, *Kaiser Joseph II.*, 30.

<sup>131</sup> See Meynert, *Kaiser Joseph II.*, 36.

<sup>132</sup> See Meynert, *Kaiser Joseph II.*, 64.

<sup>133</sup> See Meynert, *Kaiser Joseph II.*, 69.

<sup>134</sup> Quoted in Meynert, *Kaiser Joseph II.*, 72.

<sup>135</sup> See Meynert, *Kaiser Joseph II.*, 119.

<sup>136</sup> Quoted in Meynert, *Kaiser Joseph II.*, 123.

<sup>137</sup> See Rezension, *Historische Zeitschrift*, Vol.9 (1863), 466, where the above mentioned quotations.

<sup>138</sup> See Johann F. Faber, *Joseph II. und Franz Joseph I.: Eine Historische Parallele* (Stuttgart, 1863).

Joseph, in order both to praise the former and to flatter the latter. The first and foremost similarity between the two men was their firm work ethics and their unique devotion to the common good and to the prosperity of their subjects<sup>139</sup>. In spite of Joseph II's heavy commitment to his goals the essential difference in the *Zeitgeist* of the two eras is noted when the author points out that: "[Joseph II] resisted stubbornly to the thought to ask these peoples themselves what they considered as satisfactory for their prosperity", a situation totally different from the established parliamentarianism of the 1860s, according to Faber<sup>140</sup>. Old (pre-Josephinian) Austria was characterized by: "[...] the hostility against the modern spirit, by absolutism and by ultraconservatism [...] by Metternichian stagnation and by the Jesuitism of Ferdinand II [...]"<sup>141</sup>. This was everything Joseph stood against in his effort to build a "new Austria". These plans were expressed in a variety of laws and by the emperor's iron will to centralize and homogenize the state - an undertaking that can find its parallel only in the age of Neoabsolutism<sup>142</sup>. The re-forms of Joseph II, despite the temporary setbacks they created in his times, were proven to be most beneficial for the Monarchy: "Is this new Austria the best apologist for Joseph II? Does it confess the undefinable evidence of the success, of the spirit and of the power, that his seed has secretly survived and as it was suppressed, the stronger it became?"<sup>143</sup> Finally, the author attempted the unimaginable: to find common points between the ecclesiastical policy of Joseph II and the Concordat, on the basis that both tried to construct a spiritual and dogmatic harmony within the boundaries of the state (independently of their results). Thus Faber strove to satisfy both the advocates of Josephinism and the followers of clericalism<sup>144</sup>.

Another document that generated particular interest is an anonymous brochure from 1863<sup>145</sup>. Its major concern is the Concordat, and in spite of the fact that, according to its author, it takes an indisputably Catholic perspective, that does not prevent it from being overwhelmingly in favor of Joseph II, stating that: "[he] was emperor, Catholic and humane at the same level, in the noblest meaning of the word"<sup>146</sup>. The author remarks that the advocates of the Concordat believe that the recent revolution has taken place due to Joseph's policy, whilst the supporters of the latter hold the opinion that if his reforms had been concluded successfully, there would have been no need for revolution and that they were simply carrying out what he did not manage to do<sup>147</sup>. He notes that the clericalists wrote in their own brochures that: "In Austria no one wants to know or to hear anything more about Emperor Joseph", and yet nonetheless, they bring forward proof of their accusations against the charismatic monarch. On the contrary,

---

<sup>139</sup> See Faber, *Joseph II. und Franz Joseph I.*, 7.

<sup>140</sup> Quoted in Faber, *Joseph II. und Franz Joseph I.*, 12.

<sup>141</sup> Quoted in Faber, *Joseph II. und Franz Joseph I.*, 17.

<sup>142</sup> See Faber, *Joseph II. und Franz Joseph I.*, 49-52.

<sup>143</sup> Quoted in Faber, *Joseph II. und Franz Joseph I.*, 22.

<sup>144</sup> See Faber, *Joseph II. und Franz Joseph I.*, 22-24, 33-35. Also 41-42 for a comparison between the 1861 protestant patent and the josephinian agenda of religious tolerance.

<sup>145</sup> Anonymous, *Das österreichische Konkordat vor dem Richterstuhle im Reichsrathe von katholischen Standpunkte beleuchtet* (Vienna, 1863).

<sup>146</sup> Quoted in Anonymous, *Das österreichische Konkordat*, 51.

<sup>147</sup> See Anonymous, *Das österreichische Konkordat*, 49, 52.

the memory of Joseph II enjoyed great popularity: “[...] If the great majority [of the population] had to decide, then [it would decide] that the Concordat has gone bankrupt and not Emperor Joseph. Because in all public gatherings, theaters, festivities and cheerful activities, where in the present prologues and epilogues of the people the name ‘Joseph’ is heard or his image is shown, is always the name of Emperor Joseph that is cheered with great warmth! When a reference to the Concordat is seen, then a silent attitude and great disapproval can be always observed from the side of the people.”<sup>148</sup> The writer adds that several leading politicians were fighting against the Concordat: “And do these deputies not want to achieve under the constitutional system the same goal that Emperor Joseph tried to reach, that is the peoples’ happiness in the Austrian Monarchy?”<sup>149</sup> Winter attributes this pamphlet to J. Klemm and classifies its ideas as liberal Catholic. At the same time, he underlines the sensation that this publication provoked -a sign of its theme’s topicality- which was also accompanied by a supportive review by Franz Schuselka that appeared shortly afterwards in the periodical *Reform*<sup>150</sup>.

The posthumous image of Joseph II became an object of discussion not only by the liberal but also by the conservative camp. There the name of the late monarch was described in the darkest terms in order for the rightfulness of the Concordat and the abolition of the previous Josephinian system of State-Church relations to be justified. In the 1860s the Catholic arguments were expressed in a passionate and sentimental way, which exceeded by far the equivalent clerical rhetoric of 1848. Among the writers of this camp, the Tyrolean Benedictine monk, historian, director of the Austrian Institute of Historical Research and firm anti-Josephinian Albert Jäger<sup>151</sup> holds a predominant position. In a short book of his named *Das Concordat und seine Gegner* (Innsbruck, 1862) he tried to historicize the State-Church conflict in Austria. According to him, in 18<sup>th</sup> century Europe there appeared “new theories and doctrines”, which in the Habsburg lands were expressed mainly during the reigns of Maria-Theresa and Joseph II. They strove to strengthen state authority and eventual “state absolutism”, which once created had no parallel “in the destruction and the hindrances it put to the rights, the power and the autonomy of the Church”<sup>152</sup>. The reforms that began under Maria-Theresa culminated during the reign of her son, who intended “the total replacement of the Church by the State [...] and the submission of the Church in Austria became the ultimate goal [of Joseph II]”<sup>153</sup>. As the main components of the Josephinian legislation Jäger saw the degree for the abolition of monasteries, the transformation of marriage

<sup>148</sup> Quoted in Anonymous, *Das österreichische Konkordat*, 53.

<sup>149</sup> Quoted in Anonymous, *Das österreichische Konkordat*, 54.

<sup>150</sup> See Winter, *Revolution, Neoabsolutismus und Liberalismus*, 162-163.

<sup>151</sup> Jäger was one of the most prominent figures of the Catholic political camp. See also his *Die gute alte Zeit* (Vienna, 1852). On him, see Wurzbach, „Jäger, Albert“, in: *Biographisches Lexikon des Kaisertums Oesterreich*, Vol.10 (Vienna, 1863), 33-35; „Jäger, Albert“, in: *Allgemeine Deutsche Biographie*, Vol.50 (Leipzig, 1905), 623-625; Lhotsky, *Österreichische Historiographie*, 164-165; „Jäger P. Albert“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.3 (Vienna, 1965), 53-54; „Jäger, Albert“, in: *Neue Deutsche Biographie*, Vol.10 (Berlin, 1974), 273; Nikolaus Grass, „Albert Jäger. Zu seinem 100. Geburtstag“, *Tiroler Heimat*, Vol.56 (1992), 161-164; idem, „Albert Jäger, 1801-1891“, in: Louis Carlen, Hans C. Faußner (eds.), *Wissenschaftsgeschichte in Lebensläufen* (Hildesheim, 2001), 347-358.

<sup>152</sup> Quoted in Albert Jäger, *Das Concordat und seine Gegner* (Innsbruck, 1862), 10.

<sup>153</sup> Quoted in Jäger, *Das Concordat*, 14.



into a secular affair and the establishment of the general seminaries in order for the priests to be turned into state civil servants<sup>154</sup>. For the author, “this status of the Church in Austria was forced and unnatural” and in order for the natural ecclesiastical autonomy to be reinstalled the Concordat was a necessity<sup>155</sup>.

In addition to these popular works, the memory of Joseph II attracted the attention of eminent figures of the Austrian scholarly community. One of them was a pupil of Jäger's, leading German-Moravian historian and father of modern scientific genealogy Ottokar Lorenz<sup>156</sup>, who concerning his methodology “tried always to draw from the sources, to enlarge his insight from the first hand and to see in extended archival and critical source studies the foundation of every historical undertaking.”<sup>157</sup> These remarks of his biographer Oswald Redlich are of crucial importance in the way Lorenz treated his subject, Joseph II. In 1862 he published a study called *Joseph II. und die belgische Revolution: Nach den Papieren des General-Gouverneurs Grafen Murray, 1787*. There he used the private papers of the governor of the Austrian Netherlands covering a period of ca. three months in 1787, in order to point out the impact of the Josephinian reforms in Belgium. Lorenz's negative attitude towards the policy of Joseph II became apparent from the very first pages, when he stated that goal of his book was: “to render a verdict on the false political system of Joseph, which was not suitable to bring reforms to life, about a system, which in the other states was considered equally unfit to provide improvements [...] with success in state life.”<sup>158</sup> The author compared the Josephinian governance in Belgium with the harsh rule of Phillip II of Spain in the late 16<sup>th</sup> century and located a striking number of parallelisms and similarities between the two regimes because both monarchs ruled the province in a cruel, autocratic and unpopular way<sup>159</sup>. Of course, Lorenz also recognized some fundamental differences between the two, since Phillip guarded above all the interests of the Catholic Church, whilst Joseph moved against the Catholic hierarchy<sup>160</sup>. Nevertheless, this does not change the fact that both policies provoked negatively public feeling in their respective eras; these rulers did not take local peculiarities into account and mainly used armed power to enforce their plans. These elements are common to the two cases and essentially led<sup>161</sup>: “Joseph to imitate so truly his unconscious Spanish paradigm [since] he did not hesitate in this

<sup>154</sup> See Jäger, *Das Concordat*, 17-19, 21-22 and 24 respectively.

<sup>155</sup> See Jäger, *Das Concordat*, 27.

<sup>156</sup> On Lorenz, see Wurzbach, „Lorenz, Ottocar“, in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.16 (Vienna, 1867), 41-42; August Fournier, „Ottokar Lorenz: Nekrolog“, *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, Vol.26 (1905), 190-195; Max Thamm, *Königliches Gymnasium zu Brieg. Der Historiker Dr. Ottokar Lorenz als Genealoge* (Brieg, 1916); Margarete Steiner, „Die Wiener Zeit des Ottokar Lorenz“, Ph.D. Thesis, University of Vienna, 1955; Lhotsky, *Österreichische Historiographie*, 168, 194; „Lorenz, Ottocar“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.5 (1972), 318-319; Schmid, „Der Wandel des Bildes Josephs II.“, 136-143; „Lorenz Ottokar“, in: *Neue Deutsche Biographie*, Vol.15 (Berlin, 1987), 170-172. Lorenz owed his reputation as father of scientific genealogy to his work *Lehrbuch d. gesamten wissenschaftlichen Genealogie* (Vienna, 1898).

<sup>157</sup> See Oswald Redlich, „Nekrolog O. Lorenz“, *Almanach der Akademie der Wissenschaften* (1904), 399f.

<sup>158</sup> Quoted in Ottokar Lorenz, *Joseph II. und die belgische Revolution: Nach den Papieren des General-Gouverneurs Grafen Murray, 1787* (Vienna, 1862), 5.

<sup>159</sup> See Lorenz, *Joseph II. und die belgische Revolution*, 2-3.

<sup>160</sup> See Lorenz, *Joseph II. und die belgische Revolution*, 4.

<sup>161</sup> Quoted in Lorenz, *Joseph II. und die belgische Revolution*, 17.

decisive moment to bring the acceptance of his system through military force.” Joseph was so utterly persuaded on the correctness and the validity of his reforms that he completely disregarded public opinion and oversaw “the historically proven experience that reforms from above and the laws of paternalistic absolutism [...] never enjoy a willing recognition or a lasting resoluteness by the people.”<sup>162</sup> Thus, regardless of his intentions, Joseph’s contempt for the traditional limitations of princely authority in the Austrian Netherlands -which he regarded as obsolete- and his “capriciousness to enforce predetermined doctrines”<sup>163</sup> provoked a furor among the local population<sup>164</sup>. The failure of the reforms therefore becomes expected, given the lack of indigenous support. Lorenz characteristically mentioned the case of the religious general seminaries in Leuven, where: “in no point was the political inability of the Josephinian government more clearly manifested” and that was “because they [i.e. the seminaries] had no single constitutionally valid organ, which could grant them its support.”<sup>165</sup> To Lorenz seemed obvious that the Josephinian undertaking to create a new state machinery in Belgium and abolish the old institutions met with failure<sup>166</sup>. The historian’s conclusion and overall argument was that new laws cannot last without “having been approved by the people themselves”<sup>167</sup>, and hence came the bitter end of Joseph’s overambitious vision.

Lorenz’s brief book was not successful. His political views were in harmony with his contemporary political climate, which was in favor of civil liberties against absolutist regimes that enjoyed no popular support. He thus can be classified as liberal in spite of his attitude toward Josephinian policy. Indeed, he had more in common ideologically with Hellmuth than with a cleric like Jäger, whereas it is surely telling that Lorenz openly declared that he did not wish to be identified with “a certain party [...] that disparages Emperor Joseph in every way.”<sup>168</sup> Nonetheless, these short statements passed into oblivion, and only the bare denunciation of Joseph’s Belgian policy seems to have really touched the audience. The pro-Josephinian trend was powerful in the 1860s, as most of the previous authors have shown, and consequently firmly polemical responses against Lorenz’s “blasphemy” emerged quickly. Among them, the study of another eminent historian Alexander Gigl<sup>169</sup>, expectedly titled *Kaiser Joseph II. und Herr Ottokar Lorenz* (Vienna, 1863), deserves to be examined. This manuscript had, according to its writer, to be seen as: “the expression of the deepest indignation about an, in a way, outrageous assassination attempt on Emperor Joseph II.”<sup>170</sup> He wanted to protest against what he perceived as falsification of history and emphasize the main errors in Lorenz’s book. Gigl found it unbelievable that his colleague had used a source that dealt with only a couple of months in order to extract a general conclusion for Joseph’s entire

---

<sup>162</sup> Quoted in Lorenz, *Joseph II. und die belgische Revolution*, 5.

<sup>163</sup> Quoted in Lorenz, *Joseph II. und die belgische Revolution*, 13.

<sup>164</sup> See Lorenz, *Joseph II. und die belgische Revolution*, 8-9.

<sup>165</sup> Quoted in Lorenz, *Joseph II. und die belgische Revolution*, 7-8.

<sup>166</sup> See Lorenz, *Joseph II. und die belgische Revolution*, 10f.

<sup>167</sup> Quoted in Lorenz, *Joseph II. und die belgische Revolution*, 5.

<sup>168</sup> Quoted in Lorenz, *Joseph II. und die belgische Revolution*, Preface.

<sup>169</sup> On Gigl, see Edeltraut Morkus, “Alexander Gigl (1821-1878): ein Wiener Historiker, Archivar und Bibliothekar“, Ph.D. Thesis, University of Vienna, 1968.

<sup>170</sup> Quoted in Alexander Gigl, *Kaiser Joseph II. und Herr Ottokar Lorenz* (Vienna, 1863), Preface.

reign, which: “from the historical view, conscientiousness and restraint was greatly different [from Lorenz’s narration].”<sup>171</sup> In a highly sentimental tone, Gigl began to deconstruct and delegitimize all the basic assertions of Lorenz as historically invalid or simply illogical<sup>172</sup>. To mention one example, Lorenz unfairly condemned Joseph for wanting to establish a military despotism in Belgium. As Gigl suggested, his troops engaged and arrested civilians only when the latter actively interfered with the work of the Austrian military<sup>173</sup>. Gigl proceeded to emphasize the untrustworthiness and inconsistency between Lorenz’s arguments, since in a part of his book he noted Joseph’s hostility toward constitutional institutions, while on another occasion he remarked that the emperor could coexist with them<sup>174</sup>. Lorenz’s maltreatment of his material and hypocrisy continued, Gigl wrote, as the former declared that he wished to describe Joseph’s deeds, whilst in fact he only exercised negative and biased critique<sup>175</sup>. Finally, Gigl finished his philippic by pointing out that: “the aura [created by Lorenz] that is woven around the memory of the great emperor must be immediately and totally destroyed!”<sup>176</sup> This was an imperative not only because Lorenz’s book was methodologically so imperfect and generalized so arbitrarily, but more for “the protection of a monarch, who wandered on the earth only for a short time so that [... he wasn’t able] to manifest his greatness and against him still each one of his malicious enemies stand as utterly petty and ridiculous; [...] his name is not merely a station in world history - he is a principle!”<sup>177</sup>

The degree of historical accuracy of the arguments of either Lorenz or Gigl is of relatively minimal importance for the evolution of the Josephinian memory per se in the 1860s. Of greater interest is the sheer volume of the works devoted directly or indirectly, fully or partially to the late monarch and the vivid language that was used in them. The spectacular amount of relevant studies that emerged in a period of only two years (1862/63), along with the fact that Lorenz’s brief study brought such a harsh answer<sup>178</sup>, proves in the most straightforward and indisputable manner how important the meaning of the emperor’s personality still was and how strong the commemoration of Joseph II remained in the Austrian collective imagination of the early Kulturkampf era. And yet, the vibrating Josephinian memory of the early 1860s was nothing but a prelude for the “commemorative cataclysm” of Joseph II that was to follow in the subsequent years. After the unfortunate war of 1866, the liberals systematized their public efforts to bring the 1855 establishment to an end and reinforced these efforts with serious parliamentary initiatives to gradually abolish the Concordat legislatively between 1867 and 1869. As in this early stage, the anticlerical struggle remained still largely and strongly connected with the afterlife of Joseph II, and as the conflict over confessional issues in Austria deepened, the historical memory of the late emperor experienced a new renaissance.

---

<sup>171</sup> Quoted in Gigl, *Kaiser Joseph II. und Herr Ottokar Lorenz*, 5.

<sup>172</sup> See Gigl, *Kaiser Joseph II. und Herr Ottokar Lorenz*, 8f.

<sup>173</sup> See Gigl, *Kaiser Joseph II. und Herr Ottokar Lorenz*, 15.

<sup>174</sup> See Gigl, *Kaiser Joseph II. und Herr Ottokar Lorenz*, 16-17.

<sup>175</sup> See Gigl, *Kaiser Joseph II. und Herr Ottokar Lorenz*, 19.

<sup>176</sup> Quoted in Gigl, *Kaiser Joseph II. und Herr Ottokar Lorenz*, 30.

<sup>177</sup> Quoted in Gigl, *Kaiser Joseph II. und Herr Ottokar Lorenz*, 30-31.

<sup>178</sup> On the meaning of the “Lorenz-Gigl episode” for the Josephinian memory, see the remarks of Schmid, „Der Wandel des Bildes Josephs II.“, 144-145.

## CHAPTER

### 2

#### Josephinism and the Afterlife of Joseph II during the Struggle for the Confessional Legislation of May 1868

##### I.

The humiliating defeat of Habsburg arms at Königgrätz in the summer of 1866, apart from its groundbreaking international results, also had grave domestic repercussions. The already tense state of State-Church relations and the pressing demands of the liberals for the abolition of the Concordat, which, according to liberal rhetoric<sup>1</sup>, was responsible for the defeat<sup>2</sup>, were further intensified and could not be ignored by the sovereign anymore. The latter became obliged in the post-war years to withdraw the clerical-absolutist system on which he had relied until then<sup>3</sup>. In the words of Heinrich Friedjung: “[...] the emperor, after the war of 1866, broke with the tradition of Old Austria, dissolved the Concordat with the Pope, and guaranteed room in [...] Austria for the action of free ideas in the business of the state.”<sup>4</sup> Increasingly, the liberal Press tended to see in the Concordat the source of every misfortune of the recent years and turned its legal annulment into the highest priority<sup>5</sup>. The circumstances favored their anticlerical cause. After 1866 they were indeed in a better bargaining position as the emperor needed their votes in the parliament, where they held the majority, to ratify the new constitution he had promised the Hungarians.

The fertile and multi-faced historical imagination of Joseph II and his legacy, which as we have seen had experienced a blossoming in the early 1860s, was also affected by this critical course of events. Joseph’s supposed association with German nationalism (reflected in the name “Joseph the German”), already evident since the Vormärz, was recruited as a propagandistic weapon during the brief war against the French-orientated manners that characterized the court of Frederick II of Prussia. Through this historical parallelism, the Habsburgs advertised themselves as the true and original defenders of the Teutonic culture and thus the rightful leaders of the German Confederation instead of the treacherous Hohenzollerns<sup>6</sup>. The great momentum of 1866 and the turn of the

---

<sup>1</sup> Of course, the Concordat could not be considered directly responsible for the defeat in the battlefield itself, but in liberal eyes the institutional framework it formed led Austria to stagnation and rendered the defeat inevitable.

<sup>2</sup> See Hussarek, *Die Krise und die Lösung des Konkordates*, 232-233. The Concordat was deemed responsible for the defeat due to the alterations it brought to the Austrian school system, which rendered it, according to the liberals, inferior to the Prussian one. Apart from that, it is true that the Habsburg ecclesiastical policy managed to alienate several German states from joining the Austrian cause. Thus, on a geopolitical level, it did have a detrimental effect. See Weinzierl, *Die Österreichischen Konkordate*, 102f

<sup>3</sup> On the first constitutional decade and the attitude of Francis Joseph, see Josef Redlich, *Emperor Francis Joseph of Austria: A Biography* (London, 1929), 281-313.

<sup>4</sup> Quoted in Heinrich Friedjung, *Der Kampf um die Vorherrschaft in Deutschland 1859 bis 1866*, 2 Vols. (Stuttgart-Berlin, 1897-1898), Vol.2, 557. See also Harry Ritter, „Progressive Historians and the Historical Imagination of Austria: Heinrich Friedjung and Richard Charnatz“, *Austrian History Yearbook*, Vols.19-20, (1983-1984), part 1: 45-90, 65-66.

<sup>5</sup> See for instance Neue Freie Presse, May 23th, June 1st, July 7th, 1867. See also Zeugswetter, „Die Katholische Kirche und die Wiener Presse, 1855-1870“, 57 for a commentary of the liberal argumentation.

<sup>6</sup> See Karl Vocelka, „Das Nachleben Josephs II. im Zeitalter des Liberalismus“, in: Karl Gutkas (ed.), *Österreich zur Zeit Josephs II.* (Vienna, 1980), 293-298, 293. This short-lived, militant perception of Jo-

Austrians to their past and particularly to their celebrated enlightened despots is also revealed in the remarks of Franz Grillparzer, who in his diary for that fateful year noted with admiration about Maria Theresa that: “as this truly bright lady notes the conceitedness, which Joseph held from the very first moment by his rise to the throne, and as she has foreseen all the misfortune, which was later really developed”<sup>7</sup>. Nonetheless, the sorrow for the military tragedies of the empire was left behind as the public sphere concentrated once again on the internal issues that troubled the state. Under these circumstances, the conflict concerning the ecclesiastical regime in Austria acquired a novel and rejuvenated dynamic. Within this passionate storm of arguments and counter-arguments, the Josephinian memory obtained a firm position in the arsenal of the respective oppositional ideological camps.

In 1866 a brochure of particular interest called *Was ist das Konkordat? Eine Predigt* was printed in the conservative province of Vorarlberg<sup>8</sup>. Its author, the clerical F. Vinzenz von Paul Thuille, undertook the ambitious project of combining the inherent devotion of the Church to the ruling dynasty (including Joseph II) with the clergy’s profound critique of Josephinism. The author’s political conservatism became clear from the very first pages, where he argued without hesitation in favor of the supposed harmony that the Concordat had formed between the secular and the spiritual authority in Austria<sup>9</sup>. Yet, after this frequently stated conservative argument, Paul Thuille’s narration became highly idiosyncratic, especially in matters of the historical evolution of the State-Church relations in the Monarchy that followed:

“Emperor Joseph II, a marvelous character, a prince, who was decorated with all the virtues of a regent, was so unlucky to get caught to the pert of the freemasons and to be misled by these enemies of religion. As hatred wrangled around the throne of the monarch, spruced ambition and lust for power in him and [the freemasons] shout to him and made him believe that the Catholic Church was in Austria once so powerful that she threatened the authority of the state; one had therefore to weaken the influence of the Church, she had to be turned simply into an obedient service maid of the State, in order for the government to become strong and powerful. Unfortunately these false views found their way to the ears of the emperor and they soon enacted oppressive and hostile laws against the Church. Contact with Rome was almost broken or conducted with difficulty. The bishops were allowed a maximum of one trip to Italy [...] The Holy Father himself [...] was not allowed to speak and to deal with the faithful herd as he wanted. Every script of the pope was scrutinized and advised a priori in Vienna [by state bureaucrats], if it was in agreement with the Christian faith or not.”<sup>10</sup>

Straightforwardly enough, it is claimed in the text that the Josephinian legislation was acting against the real interests of the Church - as the conservatives generally argued -

---

seph II actually served as an early prophecy of the nationalistic turn of the Josephinian memory in the fin-de-siècle. On this late instrumentalisation, see Nancy Wingfield, “Statues of Emperor Joseph II as Sites of German Identity”, in: Maria Bucur, Nancy Wingfield (eds.), *Staging the Past: The Politics of Commemoration in Habsburg Central Europe, 1848 to the Present* (West Lafayette, 2001), 178-205.

<sup>7</sup> Quoted in Beutner, „Joseph II. Die Geschichte seiner Mythisierung und Entmythisierung in der Literatur“, 324. On Grillparzer’s Josephinian views in the late 1860s, see August Sauer (ed.), *Grillparzers Gespräche und ihre Charakteristiken seiner Persönlichkeit durch die Zeitgenossen*, 10 Vols. (Vienna, 1910), Vol.9: 1866-72; Adam Wandruszka, “Grillparzer und die Politik”, *Sitzungsberichte der Öster. Akademie der Wissenschaften*, Vol. 270 (1972), 18-34; Horwath, *Der Kampf gegen die religiöse Tradition*, 75-77.

<sup>8</sup> See *Was ist das Konkordat? Frage und Antwort auf ein Stück Vorarlberger-Landtag. Eine Predigt gehalten in der Stadtpfarrkirche in Heldkirch von P. Vinzenz von Paul Thuille aus dem Kapuziner-Orden* (Innsbruck, 1866).

<sup>9</sup> See Paul Thuille, *Was ist das Konkordat?*, 5-7.

<sup>10</sup> Quoted in Paul Thuille, *Was ist das Konkordat?*, 7-8.

but that was only because malicious courtiers had tricked the benevolent emperor Joseph. This temporal imbalance has fortunately been corrected by Francis Joseph, when signed the Concordat with the Pope<sup>11</sup>. The author called for the preservation of the pact with Rome and condemned its opponents<sup>12</sup>. Lastly, he was careful to declare clearly his respect and devotion to both the imperial and the papal authority<sup>13</sup>.

The memory of Joseph II continued to be a topical theme not only on a popular level in connection with the most substantial dilemmas of the Austrian public life, as seen above, but also capturing the interest of Austrian academia, including its highest echelons. This very fact speaks in favor of the continuing existence and influence of Josephinism in the empire. In this context we need to address the case of the moderate liberal archivist and celebrated biographer of Maria Theresa<sup>14</sup>, Alfred von Arneth<sup>15</sup>. This inexhaustible servant of Clio, beginning in 1866 continuing until the early 1870s, undertook the Herculean task of publishing Joseph II's correspondence with the other members of his family, as well as with the Czarina Catherine of Russia. In the introductions of his publications, not only is the character of the late emperor unveiled, but also Arneth's attitude towards him. Joseph is pictured as a determined, almost despotic ruler, although a more humane side of him is revealed, particularly in his contact with his sister<sup>16</sup>. The impetuous and sometimes overambitious elements of his character and his maximalist plans, especially in his foreign policy generally seem to prevail, since he desired to overcome militarily both the Ottoman Empire and Prussia<sup>17</sup>.

In the domestic sphere, Joseph's program of modernization and administrative centralization also faced substantial difficulties in its enforcement. Despite these setbacks, his policy won Arneth's admiration especially in its peripheral aspects, proving thus Arneth's consistently Josephinian views. In his perspective, Joseph "wanted [...] to

<sup>11</sup> See Paul Thuille, *Was ist das Konkordat?*, 9-11.

<sup>12</sup> See Paul Thuille, *Was ist das Konkordat?*, 15-17.

<sup>13</sup> See Paul Thuille, *Was ist das Konkordat?*, 18-19.

<sup>14</sup> See Alfred von Arneth, *Geschichte der Maria-Theresa*, 10 Vols. (Vienna, 1863-1879). See also Lhotsky, *Österreichische Historiographie*, 195.

<sup>15</sup> Arneth was one of the most eminent members of the Austrian scholarly community in the 19<sup>th</sup> century while also energetically engaged in politics, being elected to the Upper Austrian diet and later being appointed a lifelong member of the House of Lords. See Wurzbach, „Arneth, Alfred Ritter von“, in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.11 (Vienna, 1864), 357, *Adresse zum fünfzigjährigen Dienst-Jubiläum Sr. Excellenz Alfred Ritter von Arneth, Directors des k.u.k. Haus-, Hof- u. Staatsarchivs. Nebst Antwort Arneths. (Tit. fict.)* (Vienna, 1890), „Arneth, Alfred von“, in: *Allgemeine Deutsche Biographie*, Vol.46 (Leipzig, 1902), 45-51, „Arneth, Alfred Ritter von“, in: *Neue Deutsche Biographie*, Vol.1 (Berlin 1953), 364-365, „Arneth Alfred von“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 29. In matters especially of his work as a historian, see the more detailed study of Sonja Nerath, „Alfred Ritter von Arneth: Lebensbild eines österreichischen Historikers“, Ph.D. Thesis, University of Graz, 1967 and in matters of his political activity, see Hubert Pöschl, „Alfred Ritter von Arneth als Politiker“, Ph.D. Thesis, University of Vienna, 1960.

<sup>16</sup> See Alfred von Arneth (ed.), *Marie Antoinette, Joseph II. und Leopold II.: Ihr Briefwechsel* (Leipzig, 1866), VI-VII.

<sup>17</sup> See Alfred von Arneth (ed.), *Joseph II. und Leopold von Toskana: Ihr Briefwechsel von 1781 bis 1790*, Vol.1 (Vienna, 1872), XIX-XX. Arneth himself held in high esteem this specific volume of the Josephinian correspondence. On this, see Alfred von Arneth, *Aus meinem Leben, Vol.2: Von dreißig zu siebenzig (1850-1890)* (Vienna, 1892), 493. According to the material in it, Joseph wrote to his brother Leopold that he wanted „not only to crush the whole might of the Ottoman Empire but also truly the very king of Prussia“. For the conduct of his foreign policy, Joseph relied very much on an alliance with Russia, and in his correspondence with the Czarina his intense efforts to achieve this diplomatic goal become evident. See Alfred von Arneth (ed.) *Joseph II. und Katharina von Russland: Ihr Briefwechsel* (Vienna, 1869).

liberate the land [i.e. Hungary] from its half-Asiatic conditions and bring, even partly, the blessings of a European culture”<sup>18</sup>. In matters of the new ecclesiastical organization, Joseph did not hesitate to declare his goal to turn all priests into paid civil servants without the approval of an official Synod<sup>19</sup>. Thus, his plans for the absolute supremacy of the State in the internal affairs of the Catholic Church become clear and even won the (hesitant) approval of the editor, an indirect sign of the latter’s Josephinian attitude to-wards the thorny issue of the Concordat<sup>20</sup>. Arneth’s narration ended with the impression that Joseph had left a correctly oriented but unfinished and hastily enforced work that had nevertheless ensured the continued existence of the Monarchy.

Of even greater interest for the value of the Josephinian memory generally in the Austrian public sphere is the uncommonly warm welcome that Arneth’s volumes found among the wider audience. Arneth himself was “excited by the totally unusual sympathy, which these correspondence collections found [those published in 1865-1866]”<sup>21</sup> and, encouraged by this interest, also published the correspondence of Joseph with his mother and with Catherine of Russia. This reception shows how the topicality of a seemingly specialized topic such as the life of Joseph II can render popular even such works, which were written primarily for an exclusive circle of history professionals. Needless to say, this reaction provides additional proof of the lively nature of the Josephinian memory itself.

## II.

If 1866 was the year of the Austrian military defeat, then 1867 was, apart from the proclamation of the Dual system, also the year when “the conflict that is named Austrian Kulturkampf” began<sup>22</sup>. The liberals, already openly hostile to the Concordat before the defeat, emerged by 1867 persuaded to abolish the last remnants of absolutism, mainly through the installation of the constitutional order and the abolition of the pact with Rome<sup>23</sup>. In 1867-1868 the liberal-clerical clash reached its zenith and confessional matters received a new wave of public interest<sup>24</sup>. The liberals especially used the har-

<sup>18</sup> Quoted in Arneth, *Joseph II. und Leopold*, XXXII. Arneth could not be characterized as unbiased since both his Joseph-related source editions as well as his biography of Maria-Theresa held a notoriously anti-Hungarian attitude. Given that background, it seems expected that Joseph’s attempts to subordinate Hungary met with Arneth’s approval and admiration.

<sup>19</sup> Joseph stated: “my efforts target to turn all into paid civil servants and that I have already achieved. On that, no approval of a Synod is needed”. Quoted in Arneth (ed.), *Joseph II. und Leopold*, XXXVII.

<sup>20</sup> See Arneth’s comments in his (ed.), *Joseph II. und Leopold*, XXXVIII.

<sup>21</sup> Quoted in Arneth, *Aus meinem Leben*, 256.

<sup>22</sup> Quoted in Erika Weinzierl, “Vom Liberalismus zu Adolf Hitler. Kirche und Staat in Österreich, 1867-1945”, in: G. Rombold, R. Zinnhobler (eds.), *Wegbereitung der Gegenwart* (Linz, 1977), 44-67, 46. See Liebmann, „Von der Dominanz der Katholischen Kirche”, 385-387; Weinzierl, *Österreichischen Konkordate*, 103; Vocolka, *Verfassung oder Konkordat?*, 110ff.; Hussarek, *Die Krise des Konkordates*, 236ff.

<sup>23</sup> On the liberals in the 1860s, see Franz, *Liberalismus*, 145-152, 418-436; Boyer, *Political Radicalism in late imperial Vienna, 1848-1897*, 23-31; Leopold Kammerhofer, „Organisationsformen und Führungsschichten”, in: Leopold Kammerhofer (ed.), *Studien zum Deutschliberalismus in Zisleithanien 1873-1879* (Vienna, 1992), 23-44, 24-27; Pieter Judson, *Exclusive Revolutionaries: Liberal Politics, Social Experience and National Identity in the Austrian Empire, 1848-1914* (Ann Arbor, 1996), 143-167; Jonathan Kwan, *Liberalism and the Habsburg Monarchy (1861-1895)* (London, 2013), 27-56. On the liberal rhetoric, see Franz, *Liberalismus*, 428-429; Hussarek, *Die Krise und die Lösung des Konkordates*, 269.

<sup>24</sup> On the reaction of the Press, see Zeugswetter, „Die Katholische Kirche und die Wiener Presse“, 86ff., Karl Vocolka, „Die Gegenkräfte des Liberalismus in der Donaumonarchie“, in: Leopold Kammerhofer (ed.), *Studien zum Deutschliberalismus in Zisleithanien 1873-1879* (Vienna, 1992), 122-142, 134-136.

shest arguments possible, accusing the Concordat of the direct enslavement of Austria by Rome. As a militant pamphletist put it: “The Concordat is a surrender of the entire people to a foreign state and to a foreign power!”<sup>25</sup> Additionally, a series of scandals of religious nature that were unveiled in those years and received much publicity (like the famous Ubryk affair<sup>26</sup>) reinforced the topicality of Concordat-related issues and united the liberals under the banner of the restriction of clerical influence on society.

During those turbulent years the Josephinian memory experienced a true resurgence, as every political party tried to use the emperor’s legacy in order to achieve its own ends. The liberal attempt was more straightforward. The Prague priest Julius Gudling noticed in 1868 the “the liberal flow of brochures [in which was attempted] the glorification of Josephinism”<sup>27</sup>. In a brochure of that kind, author Theodor Fachmann contrasted the idealized Josephinian past with the spiritual regime of the Concordat in matters of religious tolerance. The comparison ended with the condemnation of the Concordat “as a source of dissatisfaction and persecution”. Explaining himself, Fachmann argued that the agreement of 1855 brought spiritual affairs to a situation where: “through imperial patents and degrees, state-confessional affairs were much better arranged as [for instance] with the Josephinian patents of tolerance and the degrees that followed [confessional matters] were since then [i.e. the age of Joseph II] arranged.”<sup>28</sup> During the period when the Josephinian edict of tolerance was in force, according to the author, the confessional equality of all the Habsburg subjects was secure, but after the implementation of the Concordat this status was overthrown in favor of the general predominance of the Catholic Church<sup>29</sup>. The author deeply regretted this development in Austrian domestic issues and hoped for the annulment of the Concordat and the return to the previous status quo. More specifically, he wished for the abolition of the clerical influence in school and their secularization<sup>30</sup>, as well as the reassignment of marital affairs within the legal sphere of the State instead of that of the Church<sup>31</sup>.

The paragraphs of the Concordat related to the legal nature of marriage and the authority of the Catholic Church over this institution constituted particularly thorny issues for the liberal political establishment of Austria. The Concordat reinstalled the orders of the Canon Law, thus rendering the papacy extremely influential over marital issues, a fact directly connected to the supposed violation of the national sovereignty of the empire by the Holy See. Again the Josephinian memory had much to offer on this point, since the marital degree of Joseph II of 1783 -which had remained more or less in force until 1855 - classified marriage within the jurisdiction of the Austrian secular courts<sup>32</sup>.

<sup>25</sup> See *Weg mit dem Concordat! Eine Sturmpetition an den gesunden Menschenstand*. (Vienna, 1867), 9.

<sup>26</sup> The so called „Ubryk affair“ referred to the case of Barbara Ubryk, a Carmelite nun, which was kept a prisoner in a Galician nunnery since 1848 and her condition was unveiled in 1869. This discovery provoked a wave of public liberal frustration against the imagined ‘medieval circumstances’ that dominated such Catholic institutions. See Michael Gross, “The Strange Case of the Nun in the Dungeon, or German Liberalism as a Convent Atrocity Story”, *German Studies Review*, Vol.23, No.1 (Feb. 2000), 69-84.

<sup>27</sup> Quoted in Julius Gudling, *Zwischen Krieg und Frieden, oder Nach Custozza und Königgrätz* (Leipzig, 1868), 236. See Horwath, *Der Kampf gegen die religiöse Tradition*, 147.

<sup>28</sup> Quoted in Th. Fachmann, *Freimüthige Worte gegen die Concordats-Verlästerung* (Vienna, 1867), 6.

<sup>29</sup> See Fachmann, *Freimüthige Worte*, 6-7.

<sup>30</sup> See Fachmann, *Freimüthige Worte*, 11.

<sup>31</sup> See Fachmann, *Freimüthige Worte*, 17-18.

<sup>32</sup> On the Marriage Degree of Joseph II, which remained largely unaltered in the civil legal code of 1811, see briefly, Liebmann, „Von der Dominanz der Katholischen Kirche”, 363 and Beales, *Joseph II, Vol.2*,



The liberals, having that in mind, struggled for a return to the pre-Concordat, i.e. Josephinian legislation in marital affairs. The liberals believed that from the age of Reformation onwards, the State gradually gained power over spheres previously controlled by the Church, such as marriage. This process reached its climax in the reign of “Emperor Joseph II [, who] carried out these regulations, transported the management of marital affairs to his civil servants [...]”<sup>33</sup>.

As in the case of confessional tolerance in the way discussed by Fachmann above, the Concordat legislation on marriage was compared and contrasted with the Josephinian one, in order for the inferiority of the former to be underlined. The liberal essayist J. E. Mand provides a typical example: “Instead of progressing through the reasonable ways of reforms [set] by the unforgettable Emperor Joseph II and bringing the institution of marriage closer to the demands of morality and of legal ideals, it [i.e. marriage] returned with these steps [i.e. the Concordat] to the middle of the darkness of the Middle Ages.”<sup>34</sup> The signing of the 1855 Concordat “put away the secular authority in the constitutional relation and superseded the border [between secular and spiritual affairs] that the legislation in Catholic marital affairs since Joseph II and in this field installed the absolute authority and the right for intervention and supervision to the Curia.”<sup>35</sup> Therefore, according to Mand, Austrian sovereignty that had existed since the times of Enlightened Absolutism was usurped by the Rome-centered Catholic Church, as the case of marital legislation clearly indicated. The post-1855 legislation and its anachronistic orders had caused a moral crisis in Austria, since, as Mand proposes, the many marriages conducted among teenagers were characterized by unhappiness and immorality<sup>36</sup>. Thus, the Concordat brought the exactly opposite results from the ones that its creators hoped. In order for this dubious situation to be reversed, the State had to exercise its right and duty to intervene and (re)assume legal control of marital affairs, Mand added, revealing the Josephinian origins of his thought<sup>37</sup>. For these reason, along with the fact that the pact was incompatible with the principles of the *Rechtstaat* and the newly-acquired constitutional regime of the empire, the abolition of the Concordat, Mand concluded, was legally and morally valid<sup>38</sup>.

### III.

In 1867-1868, the liberal party was surely on the rise at the expense of their clerical-conservative competitors. The latter’s political identity and beliefs were considered to be identical to those expressed in the Concordat and thus opposed to liberal views. As the insightful British observer Henry de Worms described them<sup>39</sup>: “Feudo-clerical ideas

---

333ff. and more analytically Johannes Mühlsteiger, *Der Geist des josephinischen Ehegesetzes* (Vienna, 1967); Franz Pototschnig, *Staatlich-kirchliche Ehegesetzgebung im 19. Jahrhundert* (Vienna, 1974).

<sup>33</sup> Quoted in Wenzel Josef Reichel, *War die österreichische Regierung berechtigt das Concordat vom Jahre 1855 ausser Kraft zu setzen? Eine Frage gestellt und beantwortet* (Vienna, 1871), 46.

<sup>34</sup> Quoted in J. E. Mand, *Das Concordat ist kein Staatsvertrag und die Civilehe ein Postulat der Sittlichkeit* (Vienna, 1868), 5.

<sup>35</sup> Quoted in Mand, *Das Concordat ist kein Staatsvertrag*, 7.

<sup>36</sup> See Mand, *Das Concordat ist kein Staatsvertrag*, 8-9.

<sup>37</sup> See Mand, *Das Concordat ist kein Staatsvertrag*, 13-15.

<sup>38</sup> See Mand, *Das Concordat ist kein Staatsvertrag*, 16ff.

<sup>39</sup> Quoted in Baron Henry de Worms, *The Austro-Hungarian Empire and the Policy of Count Beust: A Political Sketch of Men and Events from 1866 to 1870; by an Englishman* (London, 1870), 35. Henry de Worms, 1<sup>st</sup> Baron Pirbright (1840-1903) was a British conservative politician of Jewish origin, who had been also made a hereditary baron of the Austrian Empire by Francis Joseph.

had been instilled into them from their birth, and they naturally looked with dismay at the broad liberal views [of their opponents]”. These conservatives realized that the Concordat had limited possibilities of survival due to its unpopularity and its function as the scapegoat for the Monarchy’s recent misfortunes<sup>40</sup>. Thus, they stoically waited for the turn of the wheel. The Tyrolean conservative politician and parliamentary deputy Ignaz von Giovanelli<sup>41</sup> wrote to his wife, in a sad mood in the spring of 1867, that “The prospects for the future are very cloudy [...] We have to expect from now on the full dominance of liberalism, I hope that this will not last for long...”<sup>42</sup>. The conservative press was restricted to bitter complaints that “In Vienna currently the anti-clerical mad rush out as though it were during the most terrible days of the revolutionary year.”<sup>43</sup> The conservative press argued that among the deadliest enemies of the Concordat, were the Josephinian-minded bureaucrats, who through constitutional laws aspired to bind once again the Church to the yoke of the State<sup>44</sup>. The Archbishop of Vienna, Cardinal Rauscher, who was a decisive supporter of the Concordat, defended the post-1855 ecclesiastical regime in a brochure, by commenting on the similarities between Josephinism and 19<sup>th</sup> century liberalism and emphasizing the great danger for the Church<sup>45</sup>. Yet, the conservatives’ warnings and gloomy prophecies did not manage to create a cohesive opposition to the liberal campaign, mainly because of the lack of attractive slogans and persuasive prospects for the immediate future from the conservatives<sup>46</sup>.

Nevertheless, not all conservatives were willing to give up without a fight, and that bellicose tendency, even if it represented a minority, made itself known especially in the field of historical studies and comparisons of the contemporary situation with the Austrian past. Again, Joseph II and his legacy of a state-dominated Church obtained an eminent position even in conservative rhetoric, because in various conservative writings the late monarch was painted in the bleakest colors in order for the rightfulness and utility of the Concordat to be justified. The case of the above-mentioned monk, historian and politician Albert Jäger is typical of a large-scale negative instrumentalisation of Joseph II. As one of the highest-regarded historians of the empire, Jäger had taken part in the ambitious initiative of writing a 17-volume general history of Austria under the direction of the distinguished scholar Joseph Alexander von Helfert<sup>47</sup>. Jäger

<sup>40</sup>On the conservative forces of the 1860s, see in general Boyer, *Political Radicalism*, 33f and analytically J. Allmayer-Beck, *Der Konservatismus in Österreich* (Munich, 1959); Jean-Paul Bled, *Les Fondements du Conservatisme autrichien* (Paris, 1988), Vocelka, “Die Gegenkräfte des Liberalismus”, 128 argues that the conservative parties appeared in the parliament mostly as a reaction to the Josephinian legacy.

<sup>41</sup> On Giovanelli, see Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 101; „Giovanelli Ignaz Frh. von“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 445-446.

<sup>42</sup> Giovanelli to his wife, May 26<sup>th</sup>, 1867. Quoted in Paul Molisch (ed.), *Briefe zur deutschen Politik in Österreich von 1848 bis 1918* (Vienna, 1934), 94.

<sup>43</sup> Quoted in *Österreichischer Volksfreund*, 2, October 10<sup>th</sup>, 1867. See also Zeugswetter, „Die Katholische Kirche und die Wiener Presse“, 67 for a commentary of the conservative tendencies in the Press.

<sup>44</sup> See *Das Vaterland*, 1, July 23<sup>th</sup>, 1867. See also France, “Kulturkampf in Austria”, 6-7.

<sup>45</sup> See Joseph Othman von Rauscher, *Warum tobt man gegen das Konkordat?* (Vienna, 1867) and also Winter, *Revolution, Neoabsolutismus und Liberalismus*, 165 and more generally for Rauscher’s role in the public rhetoric of the Church, see Hussarek, *Die Krise und die Lösung des Konkordates*, 259-260.

<sup>46</sup> See Zeugswetter, „Die Kirche und die Wiener Presse“, 62 and France, “Kulturkampf in Austria”, 7-8.

<sup>47</sup> See Lhotsky, *Österreichische Historiographie*, 198. The general title of the collection was *Oesterreichische Geschichte für das Volk* and Jäger’s volume was the fourteenth one of that project. On Helfert, see Wurzbach, „Helfert, Joseph Alexander Freiherr“, in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.8 (Vienna, 1862), 254-257; „Helfert, Joseph Alexander Frh. von; Ps. Guido Alexis“, in:

wrote the volume related to the reign of Joseph II and Leopold II under the title *Joseph II. und Leopold II.: Reform und Gegenreform, 1780-1792* (Vienna, 1867)<sup>48</sup>. There was a widespread demand for a detailed and historically and methodologically accurate biography of the late emperor, whose legacy had proven decisive for the evolution of the empire. The scarce information provided by various brief brochures and newspaper articles on the subject could by no means be considered satisfactory. Revealing of this situation is an observation taken from a lower Austrian pamphlet a few years later<sup>49</sup>: “Next to a history of Austria, a biography of our unforgettable Emperor Joseph II should never be lacking [from a public library].” Thus, it becomes understandable that Jäger’s contribution came to cover a long-existing gap in the Austrian historiography.

Jäger’s attitude towards the late monarch, as he had expressed a few years ago, did not change in that larger synthesis, and Jäger formatted a largely negative and hostile view of Joseph II. In the first, introductory part of his work, Jäger analyzed the cultural and intellectual milieu of the 18th century Enlightenment, giving specific national examples (Prussia, France, Russia, Denmark, Naples) and also pointing out cases of secret societies (Freemasons) that, in his mind, encapsulated the anticlerical and thus antireligious spirit of the era<sup>50</sup>. These godless ideas found their perfect embodiment in the person of Joseph II, who brief was “totally the son of his times” and was depicted as the exact opposite of the pious emperor Ferdinand II (r.1619-1637). Joseph II was “the full image of a church-hostile Catholic prince, whose governmental program of restriction and marginalization of ecclesiastical rights took the single name of Josephinism”<sup>51</sup>. In order to achieve the social and state transformations he considered essential, Joseph enforced a system of “military despotism”, trying to unify his various lands under a single administration without paying attention to the regional differences among his territories<sup>52</sup>. Yet, Joseph was not criticized as an irrational, blood-thirsty tyrant, as his high ideals, his benevolent intentions for the state reorganization and his association with the philosophes are generally recognized by Jäger, who concluded: “It cannot be doubted that Joseph’s idealistic autocracy turned to despotism [...] and he had the highest view and persuasion that what he did was truly the best [for the people]”<sup>53</sup>.

The aspect of Josephinian reforms on which Jäger exercised indeed merciless criticism was the violent submission of the Church to secular control, as already noted. He mentioned that Joseph, sensitive as he was to Masonic influences, intended to follow the paradigm of the Protestant Churches, something by definition opposite to the Austrian religious tradition<sup>54</sup>. His harshest remark was that Joseph’s ecclesiastical reforms

---

*Österreichisches Biographisches Lexikon 1815-1950*, Vol.2 (Vienna, 1959), 256-257; „Helfert, Joseph Freiherr von“, in: *Neue Deutsche Biographie*, Vol.8 (Berlin, 1969), 469 and Franz Pisecky, „Joseph Alexander Freiherr von Helfert als Politiker und Historiker“, Ph.D. Thesis, University of Vienna, 1949.

<sup>48</sup> See Szabo, “Joseph II Biographies”, 125 and also Schmid, “Der Wandel des Bildes Josephs II.”, 145ff.

<sup>49</sup> See *Politischer Volks-Kalender f. 1878* (Villach, 1877), 2f. See Judson, *Exclusive Revolutionaries*, 159.

<sup>50</sup> See Jäger, *Joseph II. und Leopold II.: Reform und Gegenreform*, 1-26.

<sup>51</sup> Quoted in Jäger, *Joseph II. und Leopold II.: Reform und Gegenreform*, 27. See also Szabo, “Joseph II’s Biographies”, 125 and Schmid, “Der Wandel des Bildes Josephs II.”, 149-154.

<sup>52</sup> See Jäger, *Joseph II. und Leopold II.: Reform und Gegenreform*, 37. This argument of a shortsighted exercise of dogmatic violence in the Josephinian reforms was usually repeated by Joseph’s conservative opponents even after 1848. See for example the brochure of Viktor von Andrian-Werburg, *Centralisation und Decentralisation in Österreich* (Vienna, 1850).

<sup>53</sup> See Jäger, *Joseph II. und Leopold II.: Reform und Gegenreform*, 38-43 and 58-61. Quoted in 60-61.

<sup>54</sup> See Jäger, *Joseph II. und Leopold II.: Reform und Gegenreform*, 43-45 and 63-64.

were: “a chaotic conglomerate of laws and regulations, which had nothing to do with each other”<sup>55</sup>. The theoretical confusion had also most detrimental repercussions on a practical level as well: Joseph’s laws on the abolition of monasteries were carried out in climate of fear, as Jäger describes<sup>56</sup>. According to his narration, countless cases of vandalism took place at the expense of rightful religious property, while the emperor’s right to intervene in such a way in the Church’s internal affairs was in Jäger’s mind at least doubtful<sup>57</sup>. Equally negative comments described Joseph’s secularization of education as a further undermining of traditional religious morals<sup>58</sup>. Even his famous Edict of Tolerance, which, by the mid-19th century, had been positively characterized even by the clergy, was given a rather minor role, painted in at least neutral colors in Jäger’s narration<sup>59</sup>. Thus, in Jäger’s perception the conservative image of Joseph II is fully described: that of a surely passionate, but also dangerous ruler with no respect for the religious establishment, whose age of governance in Austria left a rather negative footprint.

The Catholic zeal of Jäger and his lasting publishing activity in favor of the anti-Josephinian cause can be compared only to that of another militant advocate of the Concordat and firm fighter of the Josephinian State-Church system, Sebastian Brunner<sup>60</sup>. Brunner was a Catholic priest, journalist, and writer who fought against what he saw as the Josephinian bondage between State and Church with rare passion. During the turmoil of 1848 he established the *Wiener Kirchenzeitung*, a newspaper whose goal was to propagate the “freedom of the Church” from secular surveillance; according to Brunner himself, it was “the most important cultural and political act of his life”<sup>61</sup>. In the columns of his paper, bitter references to the Josephinian past appeared:

“Under all persecutions, subordinations and bailments, which came up under the name of the Church’s protection, none was so original and odd [...] as these in the era of the glorious Zopfblüthe in the end of the previous century, which the state tried to put in order with edicts the Church’s juridical conditions.”

Brunner also spoke of the “holy rights of the Church”, which were violated “by the state or better by the bureaucratism”<sup>62</sup>. Apart from the Josephinian bureaucracy, which acted as a tool of oppression, the deeper social aftermath of Josephinism was of special significance. For Brunner, the deeds of Joseph II were connected to the legacy of the Protestant Reformation, while their influence was lasting and highly detrimental for Austria:

<sup>55</sup> Quoted in Jäger, *Joseph II. und Leopold II.: Reform und Gegenreform*, 63.

<sup>56</sup> See Jäger, *Joseph II. und Leopold II.: Reform und Gegenreform*, 72-77.

<sup>57</sup> See Jäger, *Joseph II. und Leopold II.: Reform und Gegenreform*, 78, 139 on cases of vandalism and 87-88 for the legal aspect of the issue.

<sup>58</sup> See Jäger, *Joseph II. und Leopold II.: Reform und Gegenreform*, 80-81.

<sup>59</sup> See Jäger, *Joseph II. und Leopold II.: Reform und Gegenreform*, 98-99.

<sup>60</sup> On Brunner, see „Brunner, Sebastian”, in: *Neue Deutsche Biographie*, Vol.2 (Berlin, 1955), 683-684; „Brunner Sebastian“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 121-122; Joseph Scheicher, *Sebastian Brunner. Ein Lebensbild, zugleich ein Stück Zeit- und Kirchengeschichte. Festgabe zur Secundizfeier des Dr. Phil. et Theol. Sebastian Brunner* (Würzburg-Vienna, 1888); Sebastian Brunner, *Selbstbiographie* (Regensburg, 1890-1891); „Brunner, Sebastian“, in: *Allgemeine Deutsche Biographie*, Vol.47 (Leipzig 1903), 299-306; Ilse Treimer, „Sebastian Brunner als Historiker“, Ph.D. Thesis, University of Vienna, 1948; Hans Novogoratz, “Sebastian Brunner und der frühe Antisemitismus”, Ph.D. Thesis, University of Vienna, 1978; Joachim Riedl, „Mit Gott gegen die Juden. Porträt über Sebastian Brunner“, *Die Zeit*, September 15th, 2011, 22.

<sup>61</sup> See Treimer, “Brunner als Historiker”, 1 and Horwath, *Der Kampf gegen die religiöse Tradition*, 119.

<sup>62</sup> Quoted in *Wiener Kirchenzeitung*, April 15th, 1848, 2. See also Maaß, *Der Josephinismus, 1820-1850*, 151 and Treimer, „Brunner als Historiker“, 19-21.

“We ask what else this entire so-called Josephinism is if not a repeat of the Reformation of the 16<sup>th</sup> century in the 18<sup>th</sup> century, but indirectly and under the mask of state protection! [...] In addition, the Austrian Reform led through indifference to lack of faith, to religious hatred, to the dilapidation of the people, to boisterousness in the empire and finally to the existing conflict of the proletariats with the owners.”<sup>63</sup>

Given the preeminent position that Brunner obtained in the ranks of the Catholic public sphere in 1848, his reappearance twenty years later with a legion of conservative writings hostile to Josephinism comes as no surprise<sup>64</sup>. Brunner took advantage of the new possibilities of archival research concerning the age of Joseph II that emerged in the late 1860s and published a series of detailed historical studies of politics and culture in the late 18<sup>th</sup>-century Monarchy. Through these treatises he expressed his Anti-Josephinism while grasping the opportunity to connect his views against the legacy of the Enlightenment to his contemporary political developments<sup>65</sup>. From these scholarly undertakings of particular interest are his *Die theologische Dienerschaft am Hof Josephs II.: Geheime Correspondenzen und Enthüllungen* (Vienna, 1868) as well as his highly disparaging biography of the emperor titled *Joseph II.: Charakteristik seines Lebens, seiner Regierung und seiner Kirchenreform* (Freiburg i/B, 1874).

The first book mostly concentrated on the diplomatic reports of the Habsburg representative to the Holy See during the reign of Joseph II, Count Herzan<sup>66</sup>, and tried to shed light on the political, social and ecclesiastical circumstances of that time. Nevertheless, the most substantial contribution of the book did not concern Herzan's activity, but the characteristics of governorship and of the personality of Joseph II as they were imagined in the mid-19<sup>th</sup> century. While conducting his research for the book in the State Archive, Brunner discovered the forgery of a widely known collection of letters supposedly written by Joseph II, the so-called “Constantinople Letters”<sup>67</sup>. Brunner became suspicious of the Constantinople material and collaborated with Arneth, who “brilliantly revealed the falsity”<sup>68</sup>. Brunner noticed that the false documents presented substantial stylistic differences after comparing them to material that had without doubt been written by Joseph (it later surfaced that the Letters had been originally published in 1821). This was an extremely important discovery, since virtually all the works written on Joseph II up to that day were at least partially based on the Constantinople letters. This discovery marked a major break in the historical research on Joseph II, since all previous works written about him were thus rendered at least partly inaccurate. Brunner commented proudly on his achievement: “We can now put an end to this unhistorical deception for all future authors who possess conscience, honor and love of truth.”<sup>69</sup> His remark was accurate, since the letters exaggerated major parts of

---

<sup>63</sup> Quoted in Wiener Kirchenzeitung, March 11<sup>th</sup>, 1849, 3. See also Treimer, „Brunner als Historiker“, 104.

<sup>64</sup> On Brunner's political views in that age, see Novogoratz, “Brunner und der Antisemitismus”, 32-46.

<sup>65</sup> See Treimer, “Brunner als Historiker”, 11-13.

<sup>66</sup> See Brunner, *Die theologische Dienerschaft*, esp. 52-469.

<sup>67</sup> See Brunner, *Die theologische Dienerschaft*, 7-8, 515-531. See also Derek Beales, “The false Joseph II”, in: *Enlightenment and Reform in Eighteenth century Europe* (New York, 2005), 117-154, esp. 121, who refers to the Letters' lasting influence on the formation of the historical image of Joseph, even after Brunner's discovery. See also Brunner, *Joseph II.*, 3-4 and Treimer, “Brunner als Historiker”, 98-99.

<sup>68</sup> Quoted in Brunner, *Die theologische Dienerschaft*, 518. Arneth himself nonetheless does not mention at all this important historiographical achievement in his memoirs.

<sup>69</sup> Quoted in Brunner, *Die theologische Dienerschaft*, 517. Jäger relied extensively on the Constantinople Letters for his own biography of Joseph II and thus after the discovery, only a year after his own publication, his work was rendered obsolete.

Joseph's personality such as his inclination to philosophize and his willingness to make literary and historical references. Most importantly, they also made him seem much more liberal, tolerant, anti-clerical and free-thinking than he actually was<sup>70</sup>.

The perception of Brunner's book by critics and the literary public was mixed, given its strongly politicized topic and the deep division of the public sphere into pro- and anti-Concordat camps. The Catholic paper *Histor. Polit. Blätter* recognized the suitable momentum of such a publication: "We do not know at all a more appropriate time for the appearance of the book than the current days of our 'new era'"<sup>71</sup>. Additionally, a reporter of the *Allgemeine Lit. Zeitung* noticed that: "the entire study is a highly meritorious work for the modern ecclesiastical history of Austria, a source of the first quality [...]"<sup>72</sup>. The liberal press, on the other hand, was less willing to comment positively on Brunner's book. The main disagreement was the author's negative attitude toward Herzan, who Brunner claimed had betrayed the true interests of the Church. The liberal *Die Presse* counter-argued that Herzan was nothing but a devoted supporter of the Josephinian church policy, for which he won the newspaper's praise<sup>73</sup>. The correspondent of the *Literarisches Zentralblatt* acknowledged the value of the discovery of the false sources, but also underlined that the *theologische Dienerschaft* brought essentially nothing new to the historical knowledge of Joseph and only recycled known information<sup>74</sup>.

Six years after his first large-scale historiographical attempt, Brunner published his critical biography of Joseph II<sup>75</sup>. From the early pages of the book, the author strove to capitalize on his success concerning the Constantinople Letters and use it against his liberal political opponents, who admired Joseph II as the progenitor of their public agenda. Thus he pointed out ironically the autocratic character of Joseph, the non-existent relationship between the emperor's regime and 19<sup>th</sup> century liberalism and the dishonesty of the 1860s liberals' use of the late emperor as their political patron saint: "[...] these gentlemen [who praise Joseph II] must not know that Joseph had in very little esteem all the then valid constitutions and he showed his disapproval in all assemblies of that kind"<sup>76</sup>. In matters of Joseph's reforms themselves, Brunner, being greatly influenced by Jäger, whose book he continuously quoted<sup>77</sup>, spoke poorly of them, since they were a "chaotic conglomerate" that cascaded "without plan or system" over the Monarchy, whereas the notorious suppression of monasteries constituted little more than "affairs of plunder and theft."<sup>78</sup> His absolutist tendencies and his influences from the godless *Zeitgeist* of the Enlightenment were clear to the writer in every aspect of his reign<sup>79</sup>. Brunner recognized some positive Josephinian measures for the material and spiritual progress of Austria, like the Edict of Tolerance (despite problems in its

---

<sup>70</sup> See detailed comments in Beales, "The false Joseph II", 134.

<sup>71</sup> Quoted in *Histor. Polit. Blätter*, May 20<sup>th</sup>, 1868, 1.

<sup>72</sup> Quoted in *Allgemeine Lit. Zeitung*, Nr.34, 1868, 269.

<sup>73</sup> See *Die Presse*, May 15<sup>th</sup>, 1868, 2.

<sup>74</sup> See *Literarisches Zentralblatt* (Leipzig, 1869), Sp.221 and Sp.1351/52.

<sup>75</sup> See Szabo, "Joseph II's Biographies", 125; Schmid, "Der Wandel des Bildes Josephs II.", 154-159 and Novogoratz, "Brunner und der Antisemitismus", 252.

<sup>76</sup> Quoted in Brunner, *Joseph II.*, 6-7.

<sup>77</sup> On the relation between Jäger's and Brunner's books, see Treimer, "Brunner als Historiker", 81-82.

<sup>78</sup> Quoted in Brunner, *Joseph II.*, 5-6.

<sup>79</sup> See Brunner, *Joseph II.*, 15-19.

enforcement)<sup>80</sup> but nevertheless, for him, Joseph's ecclesiastical policy was catastrophic for the Austrian Church<sup>81</sup>. Summing up in a manner quite similar to Jäger, Brunner accepted Joseph's good intentions and his devotion to his peoples' welfare in his own peculiar way but also insistently criticized the clumsy reformatory process and the violent submission of the Church to secular control<sup>82</sup>. As a response to Brunner's book, the Catholic periodical *Kultur* commended in a laudatory spirit: "[...] it is one of the best life description of this ruler because it is based on exhaustive study of the sources, is by all means objective and [...] forces one to fight against ecclesiastical Josephinism as a perishable evil."<sup>83</sup> From this evidence, the unity of thought of the Catholic camp in matters of the negative outcome of Joseph's rule for the empire can be seen.

At the peak of the confessional conflict in 1867-1868, Jäger and Brunner were perhaps the most distinguished public spokesmen of the conservative party, but they were not the only ones, nor had they acquired the monopoly on the Catholic interpretation of Joseph II. A variety of other minor authors appeared as well, who historized the liberal-Catholic clash over the future of the Concordat with frequent references to the person and policy of Joseph II. One of those was Josef Beißeithner, who, in a brief pamphlet defending of the Concordat, provided harsh criticism on Joseph II following Jäger's argumentation<sup>84</sup>. The author asserted that the 1855 agreement did nothing other than to restore the Church to its former (pre-Josephinian) condition and its earlier privileges, which were bestowed on it by the Roman Emperor Constantine himself<sup>85</sup>. The supremacy of the enlightened ideas in 18<sup>th</sup> century Austria as expressed by the reforms of Joseph II were, according to Beißeithner, responsible for great domestic confusion as well as for the uprisings in Hungary and in Belgium<sup>86</sup>. In the author's mind, the borders between the two camps were clear: "[the] friends of Josephinism are enemies of the Church and of the Monarchy"<sup>87</sup>. Eventually, stability and social and spiritual harmony were restored to the empire only via the Concordat and the exemplary pious monarch Francis Joseph. Finally, a reference must be made to that group of the clergy that, in spite of its devotion to Catholic principles, looked with sympathy upon the personality and reforms of Joseph II. This attitude was represented in a brochure by Father Anselm Ricker<sup>88</sup> titled *Das Concordat eine Bürgschaft für die Eintracht zwischen Kirche und Staat*. The clerical author emphasized Joseph II's energetic interest in the protection and the welfare of the Church. He supported his view by quoting a 1782 decree in which the emperor stated that his "duty and deepest care remains the upholding of the solely spiritual-orientated Catholic religion."<sup>89</sup> Subsequently, Ricker mentions the educational initiatives of the Josephinian government that had benefitted the clergy. He refers to the

<sup>80</sup> See Brunner, *Joseph II.*, 153-156.

<sup>81</sup> See Brunner, *Joseph II.*, 185-188.

<sup>82</sup> See Brunner, *Joseph II.*, 301-303.

<sup>83</sup> See *Kultur*, Folge 9, 299. Quoted in Treimer, "Brunner als Historiker", 83.

<sup>84</sup> See Josef Beißeithner, *Das Concordat: Ein Vortrag gehalten in der Katholiken Versammlung in Veindorf* (7. Oktober 1867) (Linz, 1867). The pamphlet was initially a public speech made during a gathering of an Upper Austrian local Verein in Veindorf.

<sup>85</sup> See Beißeithner, *Das Concordat*, 3-6.

<sup>86</sup> See Beißeithner, *Das Concordat*, 8-9.

<sup>87</sup> Quoted in Beißeithner, *Das Concordat*, 10.

<sup>88</sup> See P. Anselm Ricker, *Das Concordat eine Bürgschaft für die Eintracht zwischen Kirche und Staat dargestellt in sieben Predigten an den sieben letzten Sonntagen des Kirchenjahres 1867* (Vienna, 1868).

<sup>89</sup> Quoted in Ricker, *Das Concordat*, 20.

establishment of the general seminaries for the proper training of the priests, which is regarded as a positive development for the Church in the Monarchy<sup>90</sup>.

#### IV.

The use of more sentimental and polemic language in the last publications examined above is a fine evidence of the escalated tension in the liberal-clerical conflict of 1867-1868, when the Austrian Kulturkampf entered its most intense stage<sup>91</sup>. The constitutional party<sup>92</sup>, the main proponent of liberalism in Cisleithanian politics, counted among its main goals the legal abolition of the Concordat. After the end of the autocratic Belcredi ministry (1865-1867) and the reestablishment of parliamentarianism in May 1867, lively discussions began to take place both in the House of Deputies (*Abgeordnetenhaus*) and in the House of Lords (*Herrenhaus*) of the Imperial Parliament (*Reichsrat*)<sup>93</sup> concerning the alternation or even the complete abolition of the Concordat<sup>94</sup>. In the eyes of contemporaries, the concordat-hostile intentions of the liberals were more than clear. Henry de Worms described the spirit of that age<sup>95</sup>:

“The Liberals, who comprised the majority in the House, seeing that the principles they advocated were daily taken deeper root in the hearts of the people, now grew bolder, and proceeded at once to the discussion of those questions which they deemed of the most vital import. First of all among these was the Concordat. They felt that if Austria was really once again to become vigorous and truly liberal, she must be freed from this hurtful and obnoxious convention, and from the undue interference of the Roman clergy.”

During these intense verbal conflicts, Joseph II and his legacy were brought up several times by each side in order to justify their own claims and worldview. In the session (*Sitzung*) of 5<sup>th</sup> June 1867 of the House of Deputies, Eduard Herbst<sup>96</sup>, one of the leaders of the constitutional party, whose admiration for Joseph II was known<sup>97</sup>, suggested that

---

<sup>90</sup> See Ricker, *Das Concordat*, 26-28.

<sup>91</sup> See Kwan, *Liberalism and the Habsburg Monarchy*, 56-57 and especially Helmut Reinalter, “Liberalismus und Kirche in Österreich im 19. Jahrhundert”, in: Helmut Reinalter, Harm Klueting (eds.), *Der deutsche und österreichische Liberalismus. Geschichts- und politikwissenschaftliche Perspektiven im Vergleich* (Innsbruck, 2010), 149-160, 157-160.

<sup>92</sup> On the constitutional party (Verfassungspartei), see Kammerhofer Leopold, „Organisationsformen und Führungsschichten”, in: Leopold Kammerhofer (ed.), *Studien zum Deutschliberalismus in Zisleithanien 1873-1879* (Vienna, 1992), 23-44, esp.38.

<sup>93</sup> Regarding the way that the Cisleithanian parliament functioned, see Lothar Höbelt, „Parteien und Faktoren im Cisleithanischen Reichsrat“, in: Helmut Rumpler, Peter Urbanitsch (eds.), *Die Habsburgermonarchie 1848-1918, Vol. 7: Verfassung und Parlamentarismus* (Vienna, 2000), 895-1006 and Alfred Ableitinger, „Die historische Entwicklung des Liberalismus in Österreich im 19. und beginnenden 20. Jahrhundert“, in: H. Reinalter, H. Klueting (eds.), *Der deutsche und österreichische Liberalismus. Geschichts- und politikwissenschaftliche Perspektiven im Vergleich* (Innsbruck, 2010), 121-147, 136-137.

<sup>94</sup> The parliamentary discussions that eventually led to the confessional laws of 1868 are discussed in Vocolka, *Verfassung oder Konkordat?*, 51-90 and in France, “Kulturkampf in Austria”, 1-59, 103-157. See also briefly, Weinzierl, *Österreichischen Konkordate*, 103-109.

<sup>95</sup> Quoted in de Worms, *The Austro-Hungarian Empire and the Policy of Count Beust*, 36-37.

<sup>96</sup> On Eduard Herbst, see Wurzbach, “Herbst, Eduard”, in: *Biographisches Lexikon des Kaiserthums Österreich*, Vol.8 (Vienna, 1862), 360-361; Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 108-109; „Herbst, Eduard“, in: *Allgemeine Deutsche Biographie*, Vol.50 (Leipzig 1905), 216-217; Elisabeth Wymetal, „Eduard Herbst, sein Werdegang und seine Persönlichkeit vornehmlich auf Grund seiner selbstbiographischen Aufzeichnungen“, Ph.D. Thesis, University of Vienna, 1944; „Herbst Eduard“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.2 (Vienna, 1959), 280-281; „Herbst, Eduard“, in: *Neue Deutsche Biographie*, Vol.8 (Berlin, 1969), 588-589.

<sup>97</sup> See the comments of Friedrich Schuß, *Werden und Wirken des Bürgerministeriums: Mitteilungen aus unbemühten Quellen und persönliche Erinnerungen* (Leipzig, 1909), 69.



there would be a revision of State-Church relations<sup>98</sup>. This statement was received by the opposition as a direct provocation against the 1855 clerical establishment and Albert Jäger (the same as above), who participated in the parliament as a conservative representative from Tyrol, responded with a lengthy historical discourse concerning the State-Church relations from the 18<sup>th</sup> century onwards, intending to prove that: “the Concordat was nothing more than a righteous agreement between State and Church for the enclosure of each one’s legal fields”<sup>99</sup>. As in his previously analyzed writings, Jäger referred to the harmonious relation between State and Church in the Baroque era, which was interrupted by the teachings of the Enlightenment in the mid-18<sup>th</sup> century. These novel principles made the Habsburgs pursue a policy of centralization and the submission of the Church to state absolutism, a situation natural in the Protestant countries but foreign to Austrian traditions. The situation deteriorated in the last decades of the century:

“You must also recognize this: that the Catholic Church was once again conquered, its old rights were taken [...] these were restored with the installation of the Concordat. The need for a Concordat was not first recognized in 1855 [...] and I should remind you gentlemen that already in the year 1790 the first effort was made for the reestablishment of the friendly relations between State and Church.”<sup>100</sup>

Subsequently, Jäger praised the balanced ecclesiastical policy of Leopold II and Francis I, since it opened the way to the 1855 pact and returned the Church to its natural position

This thoughtful presentation of Jäger, which was almost identical to his earlier published conclusions<sup>101</sup>, triggered a variety of references to Joseph II and his policy. Samuel Andriewicz, a Bukovinan deputy who belonged to the Greek Orthodox Church, claimed that the Edict of Tolerance had most beneficial results in his fatherland, particularly in matters of equality of rights and elementary education. Therefore, it was a clear predecessor of the liberal *Rechtsstaat*<sup>102</sup>. The Tyrolean conservative deputy Joseph Greuter<sup>103</sup> pointed out the essential differences between the legal position of the Church before and after 1855: under the system established by Joseph II, the Catholic Church was only the religious institution of the majority of the Emperor’s subjects, while the Concordat upgraded it to the only recognized Church in Austria<sup>104</sup>. Later, the leaders of the liberal party, Eugen von Mühlfeld<sup>105</sup> and Herbst, responded straightforwardly to

<sup>98</sup>See Stenographische Protokolle über die Sitzungen des Hauses der Abgeordneten des Reichsrathes, IV. Session, 1867-1869 (Vienna, 1869), 138. On this session see also Gustav Kolmer, *Parlament und Verfassung in Österreich, Vol.1 (1848-1869)*, (Vienna, 1900), 300-301.

<sup>99</sup>Quoted in Stenographische Protokolle: Abgeordnetenhaus, 138.

<sup>100</sup>Quoted in Stenographische Protokolle: Abgeordnetenhaus, 139. See also Vöclka, *Verfassung*, 72-73

<sup>101</sup>It is no coincidence that his biography of Joseph II was published in the same year, but on the contrary seems as a fine political use of history. In the discussion that followed next month (July, 22th-23th), Jäger speaking for the conservative deputies, repeated his known arguments and claimed that there was no need for new legislation on ecclesiastical affairs since such issues were regulated by the Concordat. See Stenographische Protokolle: Abgeordnetenhaus, 478-485.

<sup>102</sup>See Stenographische Protokolle: Abgeordnetenhaus, 144.

<sup>103</sup>On Greuter, see Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 103.

<sup>104</sup>See Stenographische Protokolle: Abgeordnetenhaus, 149.

<sup>105</sup>On Mühlfeld, see Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 128; Wurzbach, “Megerle Edler von Mühlfeld, Eugen (Nachtrag)“, *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.19 (Vienna, 1868), 315-316; „Megerle von Mühlfeld Eugen Alexander“, *Österreichisches Biographisches Lexikon 1815-1950*, Vol.6 (Vienna, 1975), 190-191.

Jäger's historical arguments<sup>106</sup>. Mühlfeld picked the example of Francis I and claimed that he had disagreed with the idea of a Concordat with the Holy See "because he was illuminated by the example of the Emperor Joseph II"<sup>107</sup> Herbst asserted that his colleague was wrong when he argued in favor of the mutually beneficial relation between State and Church in the pre-modern era since in the Middle Ages the tensions between the two powers were frequent. He added that Josephinism was simply the Austrian way of following international intellectual and institutional developments in the 18<sup>th</sup> century<sup>108</sup>. In the following month the goals of the liberals became better-defined, and at the same time conservative phraseology became harsher. On July 11<sup>th</sup>, Herbst brought to the parliament drafts of three laws that we-re essentially to replace the Concordat. The first reestablished marriage as an institution dominated by the State, the second brought school education back under secular control and the third regulated the relations between different religious confessions<sup>109</sup>.

The liberal drafts became a subject of debate in the House of Deputies a few months later, which was proof of the strong liberal will to legally abolish the Concordat. More precisely, the marriage bill was discussed between the 21<sup>st</sup> and the 23<sup>rd</sup> October, while that related to education followed immediately after, between the 25<sup>th</sup> and the 28<sup>th</sup><sup>110</sup>. The last one, concerning interconfessional relations, followed with substantial delay in April 1868. During those debates, references to Joseph II and his state-directed spirit of governance emerged in abundance. From the beginning of the debate about marriage, the liberals clarified their intentions. The Moravian deputy Eduard Sturm<sup>111</sup> referred to the need for a totally new law concerning marital affairs and specifically favored: "the immediate reestablishment of the civil legal code and jurisdiction over Catholic marital affairs [,which] is not only an urgent need and a general wish of the population, but also a necessary consequence of the fundamental state laws currently under debate [...]"<sup>112</sup> For him it was thus an absolute necessity: "the restoration of the status existing before the establishment of the Concordat legislation [and] valid also for the Catholics' secular marital law of the civil legal code, as well as the transfer of the marital jurisdiction for the members of all confessions to the juridical authorities of the state."<sup>113</sup> Sturm's words were further complemented by his highly theatrical call a few days later for the emperor to reclaim what was rightfully his and repeal the excessive, secular authority of the Po-

<sup>106</sup> Rieser, *Der Geist des Josephinismus*, 90-92 emphasizes the underground survival of „Crypto-josephinism" among the ranks of the liberal party, using above all the examples of Adrieuicz and Mühlfeld.

<sup>107</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 155. Mühlfeld's statement received very positive reactions from the deputies of his party. His comments did not pass unnoticed by the general public either, since his words were reproduced in the *Neue Freie Presse*, June 6<sup>th</sup>, 1867, 4.

<sup>108</sup> See Stenographische Protokolle: Abgeordnetenhaus, 159.

<sup>109</sup> See Stenographische Protokolle: Abgeordnetenhaus, 339f for the draft and 378-380 for their analysis. See also Kolmer, *Parlament und Verfassung*, 301-302; Hussarek, *Die Krise und die Lösung des Konkordates*, 236; Franz, *Kulturkampf*, 92 and Weinzierl, *Österreichischen Konkordate*, 106-107 and generally, about parliamentarism in late 1867, Ableitinger, „Die historische Entwicklung des Liberalismus", 143f.

<sup>110</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1039-1253 and briefly Kolmer, *Parlament und Verfassung*, 302-306; Hussarek, *Die Krise und die Lösung des Konkordates*, 252ff; Franz, *Kulturkampf*, 104-108; France, „Kulturkampf in Austria", 26-30; Vocolka, *Verfassung oder Konkordat?*, 64-74.

<sup>111</sup> On Sturm, see Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 148-149.

<sup>112</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1046.

<sup>113</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1047.

pe over Austria<sup>114</sup>. Thus, the Josephinian notion of state supremacy was prevalent in Sturm's thought. Moreover, the Josephinian background of Sturm's assertions is indeed strong, albeit not directly evident, because the ordinances on marriage of the 1811 civil code were almost an exact copy of the Josephinian marriage degree of 1783. Therefore, Sturm was essentially pleading for a return to the Josephinian legislation. It is also worth mentioning that it was also noted during the debate that: "the general civil legal code was not completely undressed of its Josephinian character"<sup>115</sup>, mainly due to the survival of the Josephinian legal arrangements in matters of marital affairs. Such claims by the contemporaries provide clear assurance of the Josephinian motives of those favoring the restoration of the civil legal code at the expense of the Concordat legislation.

Other liberal deputies subsequently brought forth a variety of arguments in order to support the above-stated goals. The Styrian deputy Joseph Waser<sup>116</sup> interpreted the Concordat as the exact antithesis of the *Rechtstaat* and called for the termination of this "period of reaction against Josephinism" through the reinstallation of the civil legal code on marriage<sup>117</sup>. At a later point, Herbst himself assumed the responsibility of defending the liberal proposals in front of his colleagues. Herbst recalled Baroque Austria, whose "system of government was characterized by the subordination of the State under the hierarchy and the clerical influences [,which] for centuries have determined the domestic and the foreign policy of Austria."<sup>118</sup> As the liberals comprehended it, Joseph II had allowed substantial spiritual and marital liberties, which were nonetheless withdrawn during the culmination of the clerical spirit that was the Concordat<sup>119</sup>. The historical duty of the liberals was to abolish this pact with Catholicism and secularize the country. The first step in that direction would be the reestablishment of state jurisdiction over marital affairs and the weakening of the Concordat<sup>120</sup>. Herbst's world interpretation and Manichean perception of the political struggles seem to have influenced the Lower Austrian deputy Johann Nepomuk Berger<sup>121</sup>, who also advocated the gradual transfer of Church powers to the State. In his highly dramatic style, he argued that the liberals "had to establish the new era and bring the Middle Ages to an end."<sup>122</sup>

During the debate on marriage, the conservative interpretation and perception of Joseph II and his rule was not absent, even if it appeared lower in intensity and volume in comparison to the remarks of their triumphant liberal opponents. The Slovenian deputy from Carinthia, Jacob Pintar<sup>123</sup>, in search of historical legitimization of the Concordat legislation, claimed: "And Emperor Joseph himself, who, as it is known, was no ultra-

<sup>114</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1108.

<sup>115</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1116.

<sup>116</sup> On Waser, see Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 155-156.

<sup>117</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1051-1052.

<sup>118</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1093.

<sup>119</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1092.

<sup>120</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1090.

<sup>121</sup> On Berger, see Wurzbach, "Berger, Johann Nepomuk", in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.1 (Vienna, 1856), 303f; Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 87-89; „Berger, Johann Nepomuk von“, in: *Neue Deutsche Biographie*, Vol.2 (Berlin, 1955), 79-80; „Berger, Johann Nepomuk“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 72.

<sup>122</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1097.

<sup>123</sup> On Pintar, see Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 133-134.

montane, had agreed that the Church would have the right to determine confusing marital obstacles. The proof of this is the letter of Pope Pius VI to the Archbishop of Trier in 1782.”<sup>124</sup> Thus, Pintar meant that Joseph II had granted a substantial degree of authority to the Church, which the Concordat did nothing but maintain. Nonetheless, this peculiar interpretation of Josephinian policy failed to find sympathetic ears among the members of the conservative party, who preferred the established discourse of the tyrannical monarch, who enforced state despotism upon the Church. That was the view of Greuter, who regarding the marital ritual, commented in an aggressive tone that: “It remains the way that Emperor Joseph II had decided. He said that: ‘a clergyman who does not conduct a marriage according to my regulations, even if [his ways] are perfectly according to the regulations of the Church, will be suspended, deposed and God knows with which punishment he will be threatened.’”<sup>125</sup> That means that Joseph II clearly put his own mortal laws above divine ones and thus showed a blasphemous and arrogant attitude, which was totally unacceptable and condemnable for the Church. Even the Josephinian Edict of Tolerance was attacked by the conservative deputy from Bucovina Eudorius Hormuzati<sup>126</sup>, whose beneficial contribution was generally acknowledged even by the conservatives: “Accordingly the Edict of Tolerance of Emperor Joseph II was also successful in Bucovina, where it allowed no tolerance, neither in matters of proclamation, nor in matters of enforcement, as was the case in the other Crownlands.”<sup>127</sup> The secular yoke over the Church had an expiration date, since the “general call of freedom of 1848” affected also the Catholic Church, which “felt surely restricted under the bondages of the Josephinian system [...]”<sup>128</sup> The post-Josephinian arrangement was much more preferable to the Church, as it restored its condition to its original and natural state. Regarding this happy consensus, the liberal Silesian deputy Alexander Julius Schindler<sup>129</sup> presented publicly a letter of the bishop of Brixen, in which the latter commented on the outcome of the Concordat: “Through this treaty ended this miserable war between State and Church in Austria, which had lasted since the times of Emperor Joseph II [and had brought] many damages to the peoples.”<sup>130</sup> From the various statements presented above, a cohesive image of Joseph II becomes apparent, which is no different from the contemporary portrayal of the late emperor by Jäger or Brunner.

Following the bill on marriage, the one regarding education came up for discussion in the House. The liberal spokesman Ignaz Figuly underlined the need for the emancipation of schools from clerical control and the reestablishment of secular authority<sup>131</sup>: “The independence of the state from the church requires also the independence of school in all learnable objects of secular knowledge.” The liberal demands for secularization

<sup>124</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1049.

<sup>125</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1056.

<sup>126</sup> On Hormuzati, see Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 110.

<sup>127</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1061.

<sup>128</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1059.

<sup>129</sup> On Schindler, see Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 141-142; Wurzbach, „Schindler, Julius Alexander“, in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.30 (Vienna, 1875), 12; „Schindler, Alexander Julius“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.10 (Vienna, 1991), 144-145.

<sup>130</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1078.

<sup>131</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1140.

in education brought up memories of the enlightened despots, who had undertaken similar measures many decades ago. The Italian deputy Eliodoro Degara<sup>132</sup> referred to:

“The school system [that] was handled in earlier times in Austria as a state business, as a matter of the government. The great Empress Maria-Theresa said in her resolution of September 28<sup>th</sup>, 1770: ‘the school system is and remains all the time a *politicum*’, meaning a domain of the state. [...] the school system was taken care on the one hand under the motherly care of the Empress Maria Theresa and under the unforgettable Emperor Joseph II [experienced] a hopeful lift, but in the period of reaction the school commissions were abolished through the imperial degree of February 10<sup>th</sup>, 1804, the secular school supervisors were removed and clerical ones were installed and the entire school system turned over to the guidance and the supervision of the bishopric consistories.”<sup>133</sup>

Degara completed his speech arguing that the unfavorable circumstances of 1804 survived and were reinforced by the Concordat. Because of these unacceptable conditions for the standards of modern education, clerical control had to be abolished and the school system had to be secularized according to the spirit that Joseph II and his mother had initially suggested<sup>134</sup>. Degara’s nostalgia for the Theresian age did not pass unnoticed, and immediately afterwards, the Carinthian deputy Ferdinand Dienstl<sup>135</sup> supplemented the remarks of his colleague with additional praise for the empress: “Initially in the previous century primary schools with secular courses began to be built in Austria to a greater extent. The state brought these schools to life [...] and it is, as was already mentioned, the great achievement of the Empress Maria Theresa that first paved the way for the arranging of the primary school system.”<sup>136</sup> During the rest of the discussion, statements of a Josephinian hue continued to appear. One should mention the determined appeal of Schindler in favor of the sovereignty of Austria versus its subjugation under the authority of Rome and thus in favor of the abolition of the Concordat<sup>137</sup>. After the end of the parliamentary consultations and discussions, the vote on the school law took place and the liberal proposal passed with a great majority<sup>138</sup>, as had happened with the marriage law a few days ago.

The conservatives did not remain passive, but instead argued extensively against any changes in the legal status of the educational system and against any possible alteration of the privileged position that the Catholic Church enjoyed after 1855. Once again, references to the period of Josephinian governance as an age of misery and despair, to which the Concordat had put an end, were not absent. Given the nature of this debate, it seems expected that the historian and educator Albert Jäger took the lead concerning the defense of clerical interests in general and the negative instrumentalisation of Josephinism in particular. Jäger used the example of the Josephinian decade to point out the detrimental effect of secular interference in education<sup>139</sup>:

---

<sup>132</sup> On Degara, see Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 94-95.

<sup>133</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1155. See also Hussarek, *Die Krise*, 256.

<sup>134</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1156-1157.

<sup>135</sup> On Dienstl, see Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 97.

<sup>136</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1158.

<sup>137</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1161.

<sup>138</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1189, 1224ff.

<sup>139</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1142.

“[...] the state authority wanted to expand in such a degree [...], that its terrible paternalistic system was dominant; this paternalistic system, which in the time of its greatest flowering in ten years published 6206 court degrees and regulations about the school system; [...] What results occurred? By the end of this period, there had been achieved through all these court degrees and regulations, with this paternalism, nothing else than an empty, sterile formalism, via which the school system did not progress.”

In another speech during the debate, Jäger emphasized the importance of ecclesiastical history in the ranks of school curriculum, which, to his interpretation, was of equal importance with that of the other European states. He thus wanted to mention the papacy was hierarchically equal to any state authority and couldn't be subordinated to such. Finally, he closed his talk with a determined statement that the clerical influence in schools was not to be obstructed as long as there was a religious instructor in every school<sup>140</sup>.

Jäger remained equally persuaded regarding the fundamental role of religion in society and the strictly Catholic character of Austria during the debate on interconfessional relations, which was conducted on April 2<sup>nd</sup> and 3<sup>rd</sup>, 1868<sup>141</sup>. The conservative historian stressed once more the identification of the Monarchy with the Catholic Church and the great glories that this union had brought in the previous centuries and which had been preserved: “[even] after the Edict of Tolerance of 1781”. He described in the most negative terms “the projects of secularization, which were initiated after the middle of the previous century and whose main conclusion [was] the deputation of the empire [and] the undermining of the Catholic Church in Germany [...]”<sup>142</sup>. Jäger's speech continued with direct references to Joseph II himself, in order to establish the Catholic character of Austria: “One could ask perhaps if Emperor Joseph II had a different opinion about the confessional character of Austria? No, gentlemen, Emperor Joseph II had known and referred to the Catholic character of Austria; I shall only read the Edict of Tolerance.”<sup>143</sup> He then emphasized that the Catholic Church was dominant and that the other religious dogmas were merely “tolerated” under the shadow of Catholicism. Jäger's remarks were not unnoticed or unanswered by the opposite political camp. The Protestant liberal deputy Alexander Schindler stated that it was natural for the name of Joseph II to be cited in such a discussion and proceeded to note that<sup>144</sup>:

“The previous speaker has explained that Emperor Joseph had indeed characterized the Catholic Church as predominant in Austria. This is what is preordered in an absolute state and it should not be currently examined whether the magnanimous Emperor Joseph was right or wrong with this decision. But this is peculiar: despite the fact that he declared the Catholic Church to be the dominant, we praise Emperor Joseph and his memory and the ultramontanes of the Catholic Church, who were proclaimed dominant by him, have a feeling against this magnanimous Emperor, which may not be called love.”

These desperate clerical arguments did not find their way to the hearts of the *Bürgertum*, which, being on the rise and having an undoubted parliamentary majority, wanted to abolish the Concordat as soon as possible. The bills on marriage and schooling pas-

---

<sup>140</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1182.

<sup>141</sup> On the debate for the 3<sup>rd</sup> liberal law, see Stenographische Protokolle: Abgeordnetenhaus, 2531-2605.

<sup>142</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 2545. See also Franz, *Kulturkapmf*, 107; Vöckel, *Verfassung oder Konkordat?*, 73.

<sup>143</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 2546.

<sup>144</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 2576; France, *Kulturkampf in Austria*, 51f.

sed the House of Deputies in late October 1867, while the one concerning inter-confessional relations followed in April 1868. In December, the Austrian constitution was voted on<sup>145</sup>, and slightly later the most radical parliamentary government of Austria thus far, the so called *Bürgerministerium* (1867-1870), was put in charge<sup>146</sup>. The ministry was comprised of the most eminent figures of the liberal movement<sup>147</sup> like Herbst, Leopold von Hasner and Carl von Giskra<sup>148</sup>, under the premiership of Prince Carlos Auersperg<sup>149</sup>. The new ministry was determined to end the privileged position of the Church in the Monarchy. Characteristically enough, Herbst wrote to Prince Auersperg that: “[...] the basic preconditions of mine for my entry in the cabinet were [...] that the Concordat and its effects be abolished completely and via the legislative way, not through the way of negotiation with Rome [...]”<sup>150</sup>. Therefore, it comes as no surprise that these ministers played a decisive role in the discussion of the confessional laws in the House of Lords that took place from mid-March to early April 1868<sup>151</sup>.

## V.

The debate on the confessional legislation in the House of Lords was the high-light of the political and public debate over issues that the Kulturkampf tensions had caused in the previous years<sup>152</sup>. On March 19<sup>th</sup>, the starting day of the discussions, dense crowds

<sup>145</sup> On the December constitution, see Gerhard Stourzh, “Die österreichische Dezemberverfassung von 1867”, *Österreichisches Biographisches Lexikon*, Vol.12, No.1 (1968), 1-16.

<sup>146</sup> On the *Bürgerministerium*, see Karl Hugelmann, “Kaiser Franz Joseph und das Bürgerministerium”, *Historische Zeitschrift*, Vol.118, (1917), 262-266; Eduard von Wertheimer, „Feuilleton. Die Entstehungsgeschichte des österreichischen Bürgerministeriums im Jahre 1867. Nach ungedruckten Aufzeichnungen.“, Parts I-III, Neue Freie Presse, December 9<sup>th</sup>-20<sup>th</sup>, 1921; Samuel Sandler, *Das Bürgerministerium: 1868-1870* (Vienna, 1930); Lothar Höbelt, „Das Bürgerministerium“, *Etudes Danubiennes*, Vol. 12, No.2 (1998), 1-11; Kolmer, *Parlament und Verfassung*, 314-315; Hussarek, *Die Krise und die Lösung des Konkordates*, 269-270; Judson, *Exclusive Revolutionaries*, 135ff.

<sup>147</sup> Schüß, *Werden und Wirken des Bürgerministeriums*, 109 named these figures „the three Josephinians“, an epithet identifying their ideological orientation and political plans. See also Hans Hartmeyer, “Die führende Abgeordneten des Liberalismus in Österreich”, Ph.D. Thesis, University of Vienna, 1949.

<sup>148</sup> On Giskra, see Wurzbach, „Giskra Karl Freiherr von“, *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.5 (Vienna, 1859), 199-200; *Die Ueberreichung der Dankadresse an Dr. Carl Giskra, Bürgermeister von Brünn, und der Anmerkungsadresse an den Brünnner Gemeindeausschuß am 7. Oct. 1866* (Brünn, 1866); Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 101-103; „Giskra Karl“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 446-447; Dieter Haintz, „Carl Giskra. Ein Lebensbild“, Ph.D. Thesis, University of Vienna, 1963.

<sup>149</sup> On Carlos Auersperg, see Wurzbach, „Auersperg, Karl Wilhelm Fürst“, *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.11 (Vienna, 1864), 362; „Auersperg, Carlos (Karl Wilhelm Philipp) Fürst“, *Neue Deutsche Biographie*, Vol.1 (Berlin, 1953), 436-437; „Auersperg Karl (Carlos) Wilhelm Fürst“, *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 36 and more anaytically Wolfgang Rudolf, „Fürst Karl Auersperg (1814-1890). Ein liberaler österreichischer Staatsmann und Politiker“, Ph.D. Thesis, University of Vienna, 1974; idem, „Karl Fürst Auersperg als Ministerpräsident (1868)“, *Mitteilungen des Instituts für Österreichische Geschichtsforschung*, Vol.85 (1977).

<sup>150</sup> Herbst to the future Minister-President Prince Carlos Auersperg, Prague, December 23<sup>th</sup>, 1867. Quoted in Molish (ed.), *Briefe zur deutschen Politik*, 45.

<sup>151</sup> See Kwan, *Liberalism*, 64-69. On the discussion in the House of Lords, see Kolmer, *Parlament und Verfassung*, 321-327; Franz, *Liberalismus*, 426-427; Winter, *Revolution, Neoabsolutismus und Liberalismus*, 166-167; Berg, „Empire of Faith“, 441-444; Helmut Rumpler, *Eine Chance für Mitteleuropa: Bürgerliche Emanzipation und Staatsverfall in der Habsburgermonarchie, 1804-1914* (Vienna, 1997), 419f.

<sup>152</sup> Apart from the stenographical protocols themselves, the parliamentary debate was reproduced partly or as a whole reputedly in various periodicals, newspapers or political pamphlets, that consisting an ample proof of the wide popularity that the debate received. See for instance, J. E. Mand, *Oesterreich und Rom. Ein Kampf um die geistliche Freiheit* (Vienna, 1869), 27ff.

had gathered outside the parliamentary building, and the most preeminent personalities of the government were there as well. “You saw at one glance most of the political notabilities, past and present, of Austria” noted a foreign observer<sup>153</sup>. The widespread feeling that the supposedly radical *Bürgerministerium* was an ideological offspring of the Viennese revolution of 1848, when the image of Joseph II had flourished<sup>154</sup>, made the reformer emperor’s memory strongly topical once again. In more precise terms, the fact that March 19<sup>th</sup> happened to be the name day of Joseph II, along with the wide education and historical interests of several eminent members of the House, are all potential reasons for the impressive plethora of references to the late monarch during these days.

During the discussion concerning the bill on marriage, the liberal image of Joseph II acquired the characteristics of the progressive reformer, who had brought the benefits of modern culture to his realm, and who because of that fact, was owed his loyal subjects’ eternal gratitude. Such views were expressed by many liberal members of the House in various tones, forging nonetheless a cohesive public portrait of Joseph II similar to the one that had appeared in the debate of the House of Deputies. At the beginning of the discussion, the spokesman of the liberal majority, Thaddäus Peithner von Lichtenfels<sup>155</sup>, rejected the often-stated conservative argument concerning the supposed decline of morals under the Josephinian system: “For more than seventy years this [Josephinian] legislation was kept in force and it was not concluded that it was in conflict with the essential teaching of the Catholic religion on the marriage sacrament [...]”<sup>156</sup>. Eventually the speaker asked for the installment of the earlier legal framework, especially since the Concordat was a force for backwardness for the Austrian people<sup>157</sup>.

These more general remarks constituted a mere introduction to the systematic Josephinian commemoration that was going to follow. In the words of the minister of education, Leopold von Hasner, the posthumous image of Joseph II acquired a more specific and straightforward form. His contribution is of truly extraordinary significance, since both his attitude on the late emperor and his ideological orientation can be summarized in this phrase: “one needs only to follow the way back to Josephinism in order to move forward”<sup>158</sup>. Hasner was a firm believer in state supremacy in educational and ecclesiastical affairs and did not neglect to refer to Joseph II as: “one of the most glorious and

<sup>153</sup> Quoted in *The Times* (London), March 24<sup>th</sup>, 1868, 10. See also France, “Kulturkampf in Austria”, 114.

<sup>154</sup> R. John Rath, *The Viennese Revolution of 1848* (Austin; Texas, 1957), 243-245 for the memory of Joseph II in combination to that of the revolution. Particularly for the legacy of the Viennese uprising, see Pieter Judson, *Wien brennt!: die Revolution von 1848 und ihr liberales Erbe* (Vienna, 1998), 109-132.

<sup>155</sup> On Lichtenfels, see Wurzbach, “Lichtenfels, Thaddäus Peithner Freiherr von“, *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.15 (Vienna, 1866), 79-82; Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 59-60; „Lichtenfels, Thaddäus Peithner Freiherr von“, *Allgemeine Deutsche Biographie*, Vol.18 (Leipzig, 1883), 542-550; „Peithner von Lichtenfels Thaddäus Frh“, *Österreichisches Biographisches Lexikon 1815-1950*, Vol.7 (Vienna, 1978), 393-394.

<sup>156</sup> Quoted in *Stenographische Protokolle über die Sitzungen des Herrenhauses des Reichsrathes*, IV. Session, 1867-1869 (Vienna, 1869), 512. On Lichtenfels’ speech, see also Franz, *Kulturkampf*, 112.

<sup>157</sup> See *Stenographische Protokolle: Herrenhaus*, 513-514.

<sup>158</sup> Quoted in Schüß, *Werden und Wirken des Bürgerministeriums*, 74 and on his fundamental opposition to the Concordat and his vision for liberal reforms, see Hussarek, *Die Krise und die Lösung des Konkordates*, 271 and Bahr, „Leopold von Hasner“, 41-47. For Hasner’s contribution to the struggle for the May laws, see also Hugelmann, “Kaiser Franz Joseph und das Bürgerministerium”, 263-265.



noble princes of Austria, to whom the hearts of his people remain loyal". Although he emphasized that he personally and his government wished no enslavement of the Church, he also pointed out that "what is named Josephinism [...] is nothing else than one natural evolutionary phase of the entire life of the State from the Middle Ages to our times. From this perspective is this government Josephinian. (Bravo! left)"<sup>159</sup> Subsequently, the minister argued that what Joseph II did was by no means an isolated deed but that, along with Maximilian I, he belonged to a line of Austrian monarchs that helped their country prosper, while remaining true Catholics. According to Hasner, "what Joseph II did was nothing else than to endeavor to help the state authority reach its rightful status". Cleverly enough, however he remarked that even if the emperor happened to overpass the appropriate limits, the current government would be wiser. Its goal was a free Church in a free State, an ambition that could be accomplished only with the annulment of the Concordat<sup>160</sup>. The ultimate goal was of course the formation of the constitutional *Rechtstaat*, a standing aspiration of the liberal party<sup>161</sup>. Hasner closed his speech with another historical argument, i.e. that in most similar cases of State-Church clashes in modern history, the secular government usually emerged victorious and not the Altar, presupposing thus the end of the current conflict as well<sup>162</sup>.

Of particular interest is the case of the Josephinian-minded and eminent jurist and bureaucrat Karl von Krauß<sup>163</sup>. He argued that the Concordat indeed reestablished the pre-Josephinian system in State-Church relations, meaning the laws sanctioned by the Council of Trent, but that was unacceptable because no modern state could be ruled by a legislation of three hundred years [i.e. the trentine one]<sup>164</sup>. Nevertheless, these laconic statements are by no means the only written proof of the Josephinian tendencies in Krauß' thought concerning State-Church relations. Even since the Vormärz, his views on state supervision of the Church were well formulated<sup>165</sup>. This attitude was expressed more clearly way in his private papers on the occasion of the Concordat signing. Thus, he declared in private: "I cannot reconcile with the Concordat, firstly because it does not restrict the emancipation of the Church from the State, but interferes in the territory of State authority and in the most important secular matters of instruction and of the regulation of the marital laws [the Church] has acquired a decisive influence."<sup>166</sup> His critique was not restricted to the fields of education and marriage, but it proceeded to address the problem of the legal equality of all citizens. He continued: "secondly [I am against the Concordat] because it enforces against the other religious dogmas a spirit of

---

<sup>159</sup> For both quotations see Stenographische Protokolle: Herrenhaus, 523.

<sup>160</sup> See Stenographische Protokolle: Herrenhaus, 523.

<sup>161</sup> See Stenographische Protokolle: Herrenhaus, 526.

<sup>162</sup> See Stenographische Protokolle: Herrenhaus, 529.

<sup>163</sup> On Krauß, see Hahn (ed.), *Reichsrats-Allmanach für Session 1867*, 57; Lorenz Mikoletzky, „Karl Freiherr von Krauß (1789-1881): die Stellung eines österreichischen Staatsmannes zur Innenpolitik seiner Zeit“, Ph.D. Thesis, University of Vienna, 1969; idem, „Karl Freiherr von Krauß (1789-1881)“, *Österreich in Geschichte und Literatur*, Vol.14 (1970), 57-75.

<sup>164</sup> See Stenographische Protokolle: Herrenhaus, 559-560.

<sup>165</sup> See Mikoletzky, „Karl Freiherr von Krauß“, 28ff; idem, „Karl Freiherr von Krauß (1789-1881)“, 59.

<sup>166</sup> Quoted in Allgemeines Verwaltungsarchiv (AVA), Nachlass Karl Freiherr von Krauß senior, Karl-Krauß-Akten, Allgemeines über Pflichten des Staates gegenüber dem Glauben.

intolerance, which contradicts the general constitutional principles and the current form of government and thirdly because [the Concordat] negates the principle of ‘the same law for everyone’ in favor of the Church, whose privileges have been restored, and therefore it provokes the public opinion.”<sup>167</sup> He subsequently summarized his argument, claiming that: “For these reasons I believe that the government shall aim to modify the Concordat according to the demands of the age and to gain for the Emperor what the Church, according to the claims of its divine founder, owes to the Emperor.”<sup>168</sup> This spontaneous reaction just after the installment of the Concordat did not lessen in the years to come; in the 1860s, Krauß, as a member of the parliament, fully and fervently supported the liberal legislative plans, as they were in total agreement with his Josephinian world view<sup>169</sup>. The latter was once again evident in a memorandum of his composed in February 1868. There, the aged politician noted that:

“Nothing can be more obvious as the repetitive and continuously stronger stated request that the state authority should be restored in its earlier rights. On the one hand this movement is presented only as struggle against Catholicism and indeed against Christianity. This claim (when it is honestly meant) is based on an unjustified confusion of the religion with its servants. To such a low degree is the accusation of a ministry or of the civil servants looked upon due to misuse of the relevant authority than an attack against the fundamental regulations of the constitution, and equally to such a low degree the sacrosanct regulations of the Catholic religion have to do with the current law drafts, but this struggle is directed only against the clergy, which attempted to obtain influence over secular affairs through the mentioned treaty.”<sup>170</sup>

Krauß’ remarks in private and during the parliamentary debate constitute only a preface to the systematic counter-offensive of the pro- Josephinian party of the House orchestrated by the distinguished constitutionally-minded aristocrat and old-Josephinian, Count Anton Alexander von Auersperg<sup>171</sup>. Auersperg was an able statesman and a gifted poet; while using the literary pseudonym Anastasius Grün in his youth during the Vormärz, he had shown his admiration for Joseph II and his legacy in his collection of poems *Spaziergänge eines Wiener Poeten* (1832), which constituted the foundation stone of pre-1848 Austrian political poetry<sup>172</sup>. His pro-Josephinian sentiments were revitalized almost forty years later in his parliamentary talk<sup>173</sup>. Auersperg began his speech

<sup>167</sup> Quoted in AVA, Nachlass Krauß senior, Karl-Krauß-Akten, Concordat.

<sup>168</sup> Quoted in AVA, Nachlass Krauß senior, Karl-Krauß-Akten, Concordat.

<sup>169</sup> See Mikoletzky, „Karl Freiherr von Krauß“, 37-46; idem, „Karl Freiherr von Krauß (1789-1881)“, 64.

<sup>170</sup> Quoted in AVA, Nachlass Krauß senior, Krauß, Über den vom Hause des Abgeordneten vorgelegten Entwurf des Ehegesetzes (Februar 1868). For the anti-clerical but not anti-religious attitude of the 1860s liberals and Josephinians, see also Franz, *Kulturkampf*, 97.

<sup>171</sup> On biographical information about Auersperg, see Wurzbach, „Auersperg, Anton Alexander Graf von“, *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.1 (Vienna, 1856), 86-88; Hahn (ed.), *Reichsraths-Allmanach für die Session 1867*, 27-28; „Grün, Anastasius“, *Allgemeine Deutsche Biographie*, Vol.10 (Leipzig, 1879), 27-33; Auersperg Anton Alexander Graf“, *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 35-36; Auersperg, Anton Alexander Graf“, *Neue Deutsche Biographie*, Vol.7 (Berlin, 1966), 185-186.

<sup>172</sup> There is a rich literature on Auersperg’s literary activity before 1848 and his contemporary political poetry in general. See Antal Madl, *Politische Dichtung in Österreich (1830-1848)* (Budapest, 1969), Peter Horwath, *Der Kampf gegen die religiöse Tradition*. 65-71, Madeleine Rietra (ed.), *Jung Österreich: Dokumente und Materialien zur liberalen österreichischen Opposition, 1835-1848* (Amsterdam, 1980), Peter Beicken, “Anastasius Grün und der Österreichische Vormärz“, *The German Quarterly*, Vol.58, No. 2 (1985), 194-207; Dietmar Scharmitzer, *Anastasius Grün (1806-1876). Leben und Werk* (Vienna, 2010).

<sup>173</sup> See Schüß, *Leben und Wirken des Bürgerministeriums*, 111-112.

emphasizing the legacy of the 1848 revolution and its impact on the emergence of constitutionalism in the Monarchy and continued to point out that in a modern state like constitutional Austria, the Church should withdraw to purely spiritual affairs and leave the secular ones to the State, expressing thus a characteristically Josephinian attitude<sup>174</sup>. Subsequently, he claimed that the Concordat was irreversibly linked to the old police state, which had been rendered obsolete by the modern *Rechtsstaat*, and such would be the destiny of the Concordat, since<sup>175</sup> “it is an unnatural bond and disadvantageous and detrimental for both sides, from which no side assumes benefits”. He argued against the conservative arguments on the longevity of Josephinism, saying that if the Concordat lasted for seventy years, a miracle would be needed [to recover from it] and that twelve years of it were more than enough<sup>176</sup>. In Auersperg’s words and in his personal interpretation, the Concordat<sup>177</sup>: “[...] outraged also my patriotic feeling and seems to me to be a printed Canossa, in which Austria of the 19<sup>th</sup> century has worn sackcloth and ashes for the Josephinism of the 18<sup>th</sup> century.” After that, he referred again to the unnatural nature of the Concordat, remarking that: “[...] it is once again recorded that what is healthy, enduring and long-lasting [lies] in the Josephinian ideas and laws [...]”<sup>178</sup>. More detailed references to the late monarch followed:

“[the] great Joseph [...] the great-uncle of our ruling Emperor, who here has experienced hostility. [...] It seems to me that his shadow walks through these halls and has shown his whole grandeur, his opponents even today tremble and gnash their teeth before his ideas. But I am happy that I was born on Austrian soil so as to understand and to know what Emperor Joseph even nowadays means to the people, to the farmer, to the citizen, to the entire population. Due to that honor his ideas and his name! And when it comes to the great Empress Maria Theresa [...] it is from her spirit, her great spirit that much was inherited by her great son. History tells us that when, in the year 1753, the edict for the reduction of public holidays appeared and there took place a great agitation from the clergy under the pretext of the threat for the Christian feeling, the great Empress simply left the backwards men locked in the Greifenstein palace.”<sup>179</sup>

Following Auersperg’s example, several other leading personalities brought up striking memories of Joseph II. Among them, the case of Anton von Schmerling deserves to be especially noted. Speaking in favor of the liberal school draft, the so called “father of the constitution”<sup>180</sup> did not neglect to include Joseph II in his speech: “I know that

<sup>174</sup> See Stenographische Protokolle: Herrenhaus, 565. For his speech see also Stephan Hock (ed.), *Anton Auerspergs Politische Reden und Schriften* (Vienna, 1906), 301-315.

<sup>175</sup> Quoted in Stenographische Protokolle: Herrenhaus, 566 and in Hock (ed.), *Politische Reden*, 308.

<sup>176</sup> See Stenographische Protokolle: Herrenhaus, 567 and Hock (ed.), *Politische Reden*, 310. See also Kolmer, *Parlament und Verfassung*, 322 and Weyrich, „Die liberale Politik“, 166.

<sup>177</sup> Quoted in Stenographische Protokolle: Herrenhaus, 567 and in Hock (ed.), *Politische Reden*, 311.

<sup>178</sup> Quoted in Stenographische Protokolle: Herrenhaus, 567 and in Hock (ed.), *Politische Reden*, 313.

<sup>179</sup> Quoted in Stenographische Protokolle: Herrenhaus, 568 and in Hock (ed.), *Politische Reden*, 314. On commentaries on the speech, Kochstetter, *Die Geschichte eines Konkordats*, 15-16; Franz, *Liberalismus*, 431;idem, *Kulturkampf*, 115-116; Arthur May, *The Hapsburg Monarchy, 1867-1914* (London, 1951), 43

<sup>180</sup> On Schmerling, see Hahn (ed.), *Reichsraths-Allmanch für die Session 1867*, 73-74; Wurzbach, „Schmerling, Anton Ritter von“, *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.30 (Vienna, 1875), 172-186; „Schmerling, Anton Ritter von“, *Allgemeine Deutsche Biographie*, Vol.54 (Leipzig, 1908), 56-72; Paul Molisch, *Anton von Schmerling und der Liberalismus in Österreich* (Vienna, 1947); Reinhold Lorenz, “Anton Ritter von Schmerling und Alexander Freiherr von Bach”, in: Hugo Hantsch (ed.), *Gestalter der Geschichte Österreichs* (Innsbruck, 1962), 407-429; Peter Wrabetz, *Das freiheitliche Porträt: Anton Ritter von Schmerling: der Begründer des Verfassungsstaates* (Vienna, 1983); „Schmer-

the illustrious prince constitutes for many people no pleasant memory because he broke the foundations of the Middle Ages, and for those who would undertake to reinstall our modern state [on] old historical principles, naturally is the memory of Emperor Joseph unpleasant.”<sup>181</sup> Schmerling’s claims were further supplemented and reinforced by the arguments that were brought forward by the minister of Justice, Eduard Herbst. The latter noticed that Josephinism had deep roots in Austrian society and, even if it were not reestablished, its memory would continue to be alive for seventy more years, in contrast to the Concordat, which had not and could never obtain such lasting influence<sup>182</sup>. The right of state supervision of education was, according to Herbst, truly ancient and therefore undeniable: “Did anyone ever doubt that even before Emperor Joseph the State enjoyed that right as being the State itself [...] which also, under the consideration of current conditions, is by all means the most natural right of the state.”<sup>183</sup> Herbst closed his speech emphasizing the need for a re-secularization of the Austrian legal system according to the paradigm of the 1811 civil legal code<sup>184</sup>. The next liberal speaker, Thaddäus von Lichtenfels, continued his earlier references to the Theresian past, arguing:

“These principles [of state supremacy over the Church] are not new, they are no offspring of the French Revolution, they are no consequence of the Josephinian, the most moderate, legislation, they are principles that they were taught under the pious Empress Maria-Theresa in the highest schools of Vienna. This Empress had satisfied this very right *circa sacra* with the [legal] ordinances and her successors have also exercised this right [...]”<sup>185</sup>

Lichtenfels expanded his historical narration, suggesting that the 16<sup>th</sup> and 17<sup>th</sup> century Habsburg rulers had a decisive influence on ecclesiastical affairs and “particularly under the Empress Maria-Theresa, concrete progressive steps [in this direction] appeared”<sup>186</sup>, but the Concordat had ended this process of centuries with most negative results. Lichtenfels ended his speech by comparing the gloomy situation after 1855 with the Josephinian legal framework, which: “one having experienced [it] through seventy years had no reason to be dissatisfied with it.”<sup>187</sup>

The flood of liberal and pro- Josephinian arguments certainly enjoyed a powerful position during the debate, but that does not imply that the conservative peers remained silent. They instead formatted their own rhetoric and historical claims so as to justify the continuous existence of the Concordat. The milestone of their approach was (in agreement with Jäger’s and Brunner’s ideas) that Joseph II has been a tyrannical ruler, whose legislative acts had isolated Austria from the Catholic Church, created confusion and rebellion and deprived the clergy of its rightful freedom. The Concordat’s solemn success was the restoration of the natural (i.e. pre- Josephinian) order and the panegyric

---

ling Anton von“, *Österreichisches Biographisches Lexikon 1815-1950*, Vol.10, (Vienna, 1994), 234-235; „Schmerling, Anton Ritter von“, *Neue Deutsche Biographie*, Vol.23 (Berlin, 2007), 132-134.

<sup>181</sup> Quoted in Stenographische Protokolle: Herrenhaus, 580.

<sup>182</sup> See Stenographische Protokolle: Herrenhaus, 589.

<sup>183</sup> Quoted in Stenographische Protokolle: Herrenhaus, 592.

<sup>184</sup> See Stenographische Protokolle: Herrenhaus, 593.

<sup>185</sup> Quoted in Stenographische Protokolle: Herrenhaus, 597.

<sup>186</sup> Quoted in Stenographische Protokolle: Herrenhaus, 599.

<sup>187</sup> Quoted in Stenographische Protokolle: Herrenhaus, 607.

reestablishment of the ancient ecclesiastical rights and liberties. This politicized interpretation of history was mainly expressed by the leading conservative statesman Gustav von Blome<sup>188</sup>, a Danish-born nobleman, who had converted to Catholicism, had joined the Habsburg diplomatic corps<sup>189</sup> and as a reward for his service had become a member of the Cisleithanian peerage. Blome was known as one of most ultramontane and pro-concordat politicians of Austria, and thus the expression of fanatically anti-Josephinian theses was expected<sup>190</sup>. His activity against the Josephinian ideals was known also outside the parliamentary walls, since he discreetly funded conservative periodicals<sup>191</sup>, while in a brochure of his of 1868 he condemned the state despotism over the Church, which was “the most shameful, the most enervating, the most oppressive, that can bring to decay the soul of a great people.”<sup>192</sup>

As it can become understood, given the multitude of pro-Josephinian references in the House during the debate, Blome grasped the opportunity to react and unleash his anti-Josephinian venom in his parliamentary speech. He claimed that “the Concordat was agreed upon in order to heal evils that were created through seventy years of misfortunes” and added that it was unfair for the Concordat to be judged so harshly after only twelve years while Josephinism had prevailed for seventy<sup>193</sup>. As the debate went on, Blome attempted a full-scale assault against the very person of Joseph II. After repeating his argument concerning the premature nature of criticism against the Concordat<sup>194</sup>, he expressed his own opinion of the reign of the late monarch. For this representative of the minority view, Joseph II “allowed the Monarchy to reach the edge of abyss and could also wrongly assume that in the Church he had found an equal opponent, because he had inherited the Monarchy in flourishing conditions from the great empress

---

<sup>188</sup> Blome was one of the most devoted opponents of Josephinism as well as one of the most outstanding figures of political Catholicism on an international level. On him see generally, Hahn (ed.), *Reichsraths-Almanach für die Session 1867*, 31-32; Wurzbach, “Blome, Otto Paul Julius Graf”, *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.22 (Vienna, 1870), 485; „Blome, Gustav Lehnsgraf von“, *Neue Deutsche Biographie*, Vol.2 (Berlin, 1955), 315; „Blome Gustav Graf“, *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 94. On his parliamentary activity, see Emiel Lamberts, „A Peculiar Heir of Metternich: Gustav von Blome (1829-1906). An Intermediary between Conservatism and Socio-Political Catholicism”, in: Bernhard Löffler, Karsten Ruppert (eds.), *Religiöse Prägung und Politische Ordnung in der Neuzeit. Festschrift für Winfried Becker zum 65. Geburtstag* (Vienna, 2006), 193-220, esp.218; Gertrude Hartel, „Graf Gustav Blome: ein Bild seines Lebens”, Ph.D. Thesis, University of Vienna, 1952, 123ff; Franz, *Liberalismus*, 420-421; idem, *Kulturkampf*, 113.

<sup>189</sup> See Lamberts, “Gustav von Blome (1829-1906)”, 203-211.

<sup>190</sup> His political beliefs were finely expressed in an article of his in the conservative paper *Das Vaterland*, on July 17<sup>th</sup>, 1883, where he stood clearly against the Josephinian State-Church system.

<sup>191</sup> See Hartel, „Graf Gustav Blome”, 122 for his association with pro-Catholic groups and journals.

<sup>192</sup> Quoted in Graf [Gustav von] Blome, *Zeitgemäße Betrachtungen. Vortrag gehalten im Wiener geselligen Vereine (Ressource). Katholische Stimmen aus Oesterreich. I. 8. Auflage* (Vienna-Graz, 1868), 10.

<sup>193</sup> See Stenographische Protokolle: Herrenhaus, 516, where the quotation. On the conservative arguments in the debate on marriage in general, see also *Die katholischen (catholischen) Stimmen des österreichischen Herrenhauses. Reden gehalten in der Ehegesetz-Debatte den 19 -21. 3. 1868 von Graf Rechberg, Graf Blome, Rauscher, Arndts, Schwarzenberg, Fürst Sahn, Graf Leo Thun* (Vienna, 1868). For Blome’s speech, see also Hartel, „Graf Gustav Blome“, 129-133. It was assumed that Josephinism lasted for approximately seventy years, i.e. from ca. the mid-1780s until 1855.

<sup>194</sup> See Stenographische Protokolle: Herrenhaus, 531. He stated that: „[...] today it cannot be judged which fruits the Concordat can have after only the events of twelve years. We should give to the Concordat the seventy-year duration of Josephinism and then we would see!”

Maria-Theresa”<sup>195</sup>. Many deputies protested strongly against such a daring statement. This reaction nonetheless did not discourage the speaker, who added emphatically that: “No, Austria is now not to be allowed to return to the steep path of Josephinism [...]”<sup>196</sup>. The House of Lords has the important responsibility to lead the country in the right direction. Subsequently, Blome denounced in the harshest terms the liberal *Rechtstaat* and the associated notions of freedom and progress, which the opposite party was so keen on, as a path to immorality and godlessness. Projecting also the world view of the conservative press (see above), he considered the main carrier for that threat to be the: “monstrous alliance between the obsolete Josephinian bureaucracy and the association of those that can be described with the name ‘fanatics of godlessness’ [...]”<sup>197</sup>. Blome’s passionate speech encouraged other members of the House to speak their mind without hesitations, and the following day (March 20<sup>th</sup>), Count Edmund von Hartig<sup>198</sup>, a noble of constitutional tendencies, who in the previous years had supported Schmerling, argued nonetheless against the return to the Josephinian marriage system, since such a development would give excessive authority to the government vis-à-vis the Church and would deprive marriage of its sacred character<sup>199</sup>.

In the next stages of the discussion the Archbishop of Prague, Cardinal Friedrich von Schwarzenberg, a respected personality among clerical circles, unleashed a renewed attack on Josephinism<sup>200</sup>. He mentioned once more the seventy years of Josephinism, during which “the Church [was] under the pressure of state absolutism and the very knotty hand of the bureaucracy”. According to the high prelate, “Every free movement of the clergy was inhibited and deprecated. No surprise that no free expression of one’s mind, no free word, no free act could stand”<sup>201</sup>. As Schwarzenberg’s analysis continued, he explicitly referred to Joseph II as the main carrier of the anti-clerical *Zeitgeist* of the 18<sup>th</sup> century and as the creator of the General Seminaries for the training of the clergy. There, “the instructors delivered lectures according to school books, which were to a large extent influenced by the schools of Jansenism and Febronianism, and those bishops who then resisted to the ideas of Emperor Joseph fell out of favor.”<sup>202</sup> That development meant an era of great decline for the Church, since the education

<sup>195</sup> Quoted in Stenographische Protokolle: Herrenhaus, 533.

<sup>196</sup> Quoted in Stenographische Protokolle: Herrenhaus, 534.

<sup>197</sup> Quoted in Stenographische Protokolle: Herrenhaus, 534.

<sup>198</sup> Edmund von Hartig was the son of Franz von Hartig, who had so harshly judged the Viennese revolutionaries of 1848 for their imaginary association with Joseph II. On him see, Hahn (ed.), *Reichsraths-Allmanach für die Session 1867*, 48-49 and „Hartig, Edmund v.“, in: *Neue Deutsche Biographie*, Vol.7, (Berlin, 1966), 713-714.

<sup>199</sup> See Stenographische Protokolle: Herrenhaus, 544.

<sup>200</sup> Cardinal Schwarzenberg was brother of the late chancellor Felix von Schwarzenberg and remained a paternal figure for Austrian conservatives from the 1850s until his death in 1885. On him see, Hahn (ed.), *Reichsraths-Allmanach für Session 1867*, 74-75; Wurzbach, „Schwarzenberg, Friedrich Johann Nepomuk Fürst“, *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.33 (Vienna, 1877), 71-78; Nostitz-Rieneck, *Kardinal Schwarzenberg: Ein Gedenkbild in Ungetrübter Glanz* (Vienna, 1888); „Schwarzenberg, Friedrich Fürst v.“, *Allgemeine Deutsche Biographie*, Vol.33 (Leipzig, 1891), 295-303; C. Wolfgruber, *F. Kardinal Schwarzenberg*, 3 Vols. (Vienna, 1906-1917); „Schwarzenberg, Friedrich Johann Joseph Cölestin Fürst zu“, *Neue Deutsche Biographie*, Vol.24 (Berlin 2010), 25-26.

<sup>201</sup> Quoted in Stenographische Protokolle: Herrenhaus, 557.

<sup>202</sup> Quoted in Stenographische Protokolle: Herrenhaus, 557.

offered in the seminaries was weak and insufficient, despite the religiosity of Joseph II's successors, the Cardinal remarked. The shade of Josephinism remained in power for several decades after the death of the monarch, Schwarzenberg continued, since the relations between the Austrian clergy and Rome were violently interrupted by the state and the bishops' correspondence with the Pope was constantly scrutinized by the imperial bureaucracy<sup>203</sup>. The submission to secular authority was also accompanied by the notorious moral decline of the clergy, since the phenomenon of bigamy<sup>204</sup> flourished as a result of the priests' low educational level. This gloomy situation ended only with the reorganization of State-Church relations due to the initiative of the pious Emperor Francis Joseph<sup>205</sup>. The Cardinal concluded arguing that Austria could only be benefited by the preservation of the Concordat and strong bonds to the Holy See. Schwarzenberg's arguments were nevertheless of limited credibility, since he himself had admitted to Police Minister Kempen in a private discussion that "no one, neither the clergy, nor the subjects of the Emperor, were satisfied with the Concordat."<sup>206</sup> Thus, in spite of his disdain for Josephinism, he was also conscious of the fact that the Concordat provided no stable solution for State-Church relations in Austria.

The last preeminent conservative speaker was Count Leo von Thun, the neoabsolutist minister of culture and instruction<sup>207</sup>, who used once more the well-known conservative argument of the seventy years of the Church's subordination to the State. In this case, Count Thun proceeded even further by identifying the earlier Josephinian educational system with the pre-1848 police state and therefore identifying the Concordat as a mark of progress<sup>208</sup>. He then referred rather indirectly to Josephinism as an anachronism by claiming that: "It is the point of view of a circle of ideas, which a hundred years ago was dominant in the whole of Europe, under the influence of teachings in the spiritual field like Jansenism and Febronianism, which today have lost their power."<sup>209</sup> Because of these intellectual conditions, Thun could not accept the association of the current government with Josephinism, as minister Hasner had suggested<sup>210</sup>.

---

<sup>203</sup> See Stenographische Protokolle: Herrenhaus, 557.

<sup>204</sup> Marriage of course was not allowed for the catholic priests. With the word "bigamy" (*Bigamie*) he must have meant that they kept two (or more) mistresses at the same time.

<sup>205</sup> See Stenographische Protokolle: Herrenhaus, 558.

<sup>206</sup> Quoted in Mayr (ed.), *Das Tagebuch des Polizeiministers Kempen*, 397; May 6<sup>th</sup>, 1856.

<sup>207</sup> On Thun, see Hahn (ed.), *Reichsraths-Allmanach für die Session 1867*, 78-79; Wurzbach, „Thun-Hohenstein, Leopold Leo Graf“, *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.45 (Vienna, 1882), 54; „Thun-Hohenstein, Graf Leo“, *Allgemeine Deutsche Biographie*, Vol.38 (Leipzig 1894), 178-212 Alphons Lhotsky, "Das Ende des Josephinismus. Epilegomena zu Hans Lentzes Werk über die Reformen des Ministers Grafen Thun," *Mitteilungen des Österreichischen Staatsarchivs*, Vol.15 (1962), 527-549; Christoph Thienen-Adlerflycht: Graf Leo Thun-Hohenstein als nachjosephinischer Vorkämpfer eines aufgeklärten Absolutismus“, in: Ulrich E. Zellenberg (ed.), *Konservative Profile. Ideen & Praxis in der Politik zwischen FM Radetzky, Karl Kraus und Alois Mock* (Graz-Stuttgart 2003), 103-168; Thun und Hohenstein Leo (Leopold) Gf. Von“, *Österreichisches Biographisches Lexikon 1815-1950*, Vol.14 (Vienna, 2012), 326-327.

<sup>208</sup> See Stenographische Protokolle: Herrenhaus, 573-574.

<sup>209</sup> Quoted in Stenographische Protokolle: Herrenhaus, 575. On the relation between Josephinism and Jansenism, see Winter, *Der Josephinismus*, 34-45.

<sup>210</sup> See Stenographische Protokolle: Herrenhaus, 576.

On March 21<sup>st</sup>, the crucial vote for the marriage law took place, where the proposal passed with a great majority<sup>211</sup>. The meaning of this liberal victory becomes evident from the over-sentimentally cheerful reaction of the crowd waiting outside the parliamentary building and of the Viennese population in general, as the main protagonists later described<sup>212</sup>. Through the passing of the marriage law, it was broadly considered that the Josephinian spirit was largely reestablished: Vienna was illuminated, while the equestrian statue of Joseph II was covered with ribbons and flowers, and students gave impromptu speeches from its pedestal to honor his memory<sup>213</sup>. Perhaps the most straightforward evidence for the prevalent Joseph-cult and positive connotations of the greater part of the population with his memory is given in the public reaction to the fervently Josephinian-hostile comments of Gustav Blome. The other prominent anti-Josephinians, like Albert Jäger or Cardinal Schwarzenberg were careful to avoid direct reference to the late emperor's name in their speeches, and thus they did not become a target of public outcry. That was not the case with Count Blome, who clearly accused Joseph II and his legacy of being the main source of the empire's problems. According to a contemporary observer, the response of the Viennese press was unanimous: "And the papers record that the grumble of Count Blome broke the re-sounding praise and the harmony of popular hymns to Emperor Joseph."<sup>214</sup> On March 21<sup>st</sup>, *Neue Freie Presse* referred to the fragmentary and thus obviously biased use of history by the Count, "who yesterday undertook to discredit the memory of Emperor Joseph [and] in his entire investigation had insisted upon swamping the chapters [of history], which Count Auersperg, the good, native Austrian, had revealed today to him, the converted foreigner."<sup>215</sup> The liberal paper *Die Presse* responded equally to the provocation: "Mr. Count Blome, an Austrian, who was a Dane; a Catholic, who was a Protestant and a diplomat, who was no diplomat had allowed to turn the struggle for the Concordat to a struggle for truth and right. He dared this: [...] to disparage the memory of Joseph II, which is sacred to every Austrian - and not somewhere in Copenhagen, no, in Vienna!"<sup>216</sup> The more moderate *Neues Fremden-Blatt* also commented on the crucial historico-political debate: "As Anton Auersperg, lend also Anton Schmerling the displeasure of stirring words, which the denigration of Emperor Joseph by Count Blome had generally produced." The paper continued more emphatically: "The foreign Count [Blome], who cares so little about Austria that he had not once taken the interest to become informed about the daily context of discussions in the House of Lords, in which he mentions the unlimited grace of the monarch [and] no attack of his on Emperor Joseph is completely justified."<sup>217</sup> Finally, *Neue Freie Presse* remarked harshly on:

<sup>211</sup> See Stenographische Protokolle: Herrenhaus, 568. 65 peers voted in favor and 45 against the draft.

<sup>212</sup> See Hasner, *Denkwürdigkeiten*, 100 and Friedrich Ferdinand von Beust, *Aus drei Vierten Jahrhunderten. Erinnerungen und Aufzeichnungen*, 2 Vols. (Stuttgart, 1887), Vol.2, 185.

<sup>213</sup> See Hartel, "Graf Gustav Blome", 136; Franz, *Kulturkampf*, 115; France, "Kulturkampf in Austria", 123 and C.A. Macartney, *The Habsburg Empire, 1790-1918* (London, 1969), 574.

<sup>214</sup> Quoted in Anonymous, *Herrenhaus-Raketen: I. Cardinal Pallavicino und Freiherr von Krauß. II. Kaiser Joseph II. und Graf Blome* (Linz, 1868), 28.

<sup>215</sup> Quoted in *Neue Freie Presse*, March 21st, 1868, 2.

<sup>216</sup> Quoted in *Die Presse*, March 22nd, 1868, 1.

<sup>217</sup> Quoted in *Neues Fremden-Blatt*, March 22nd, 1.



“[...] the renewed abuse of the memory of Joseph II. These ultramontanes have practically a horribly short memory and it belongs to the most hilarious rumors to claim that the memory of the great Emperor was not defamed as one, as Count Blome two days ago, in open parliament dared to voice the assessment that the highly gifted great Emperor had brought Austria to the edge of the abyss! This is [...] no historical judgement, but a boyish arrogation [...], whose [Blome’s] piety for the monarch, for whom we here and nowadays feel double nostalgia, is well-known to the speaker.”<sup>218</sup>

At the same time, the conservative newspapers did not dare to defend Blome but preferred to minimize the significance of the confessional debate in the parliament<sup>219</sup>. The undesirability of Blome’s Joseph-related references, from a communicational point of view, is also recognized by the generally laudatory biographer of his family, Otto Hintze. Hintze also recognized the agitation of the Viennese people in favor of Joseph II and the great symbolic value of his statue to the anti-Concordat campaign<sup>220</sup>.

The next act of this phase of the Austrian Kulturkampf was written in the following days with the debate on the school legislation. After the turmoil of the marriage bill debate being passed, which monopolized public attention, the two final drafts received considerably less publicity, while the relevant parliamentary debates were also visibly shorter. This however does not imply that the Josephinian influences were completely absent. The doctrine of secular supremacy over the Church in educational affairs, especially, was the main Josephinian element in the school debate. Leopold von Hasner assumed the responsibility of leading the liberal campaign, arguing in favor of: “The omnipotence of the state! [...] In the first article [...] is given to the state the supreme right of instruction over the entire educational system.”<sup>221</sup> The rest of the law provided detailed analysis of the state control on education. Hasner further clarified the context and the purpose of the law, stating that its sole target was the separation of the school from the Church and “the simple negation of the Church’s omnipotence in the field of the system of instruction.”<sup>222</sup> As was the case with the discussion of the previous draft, the beneficial actions of the enlightened despots were highlighted and praised and also, where possible, were presented in contradistinction with the Concordat. Lichtenfels’ argument constitutes a representative example. He brought up the special fund that Maria-Theresa had established after the confiscation of the Jesuit estates to support the studies of the empire’s youth independently of their religious creed. This sign of early progress and spirit of remarkable tolerance was sadly enough violently interrupted by the Concordat ordinances, which abolished this fund and secured a privileged position in matters of academic advancement only for the Catholic youth of Austria, leaving the members of other confessions to an inferior place<sup>223</sup>. Shortly after Lichtenfels spoke, Hasner repeated that the primary target of this bill and of his government was to install the state as the supreme supervisor of every educational activity within the Monarchy, depriving the Church of that role<sup>224</sup>.

<sup>218</sup> Quoted in *Neue Freie Presse*, March 22nd, 1868, 2. The tone of irony is very strong in this passage.

<sup>219</sup> On the conservative Press in 1868, see Zeugewetter, “Die Kirche und die Wiener Presse”, 97-102.

<sup>220</sup> O. Hintze, *Geschichte des uradeligen Geschlechts der Herren und Grafen Blome* (Hamburg, 1929), 449.

<sup>221</sup> Quoted in *Stenographische Protokolle*: Herrenhaus, 667.

<sup>222</sup> Quoted in *Stenographische Protokolle*: Herrenhaus, 668.

<sup>223</sup> See *Stenographische Protokolle*: Herrenhaus, 694.

<sup>224</sup> See *Stenographische Protokolle*: Herrenhaus, 695.

The conservatives of course brought forward their own arguments for the defense of the ecclesiastical rights to control education. Already in the report of the minority, the necessity of cosupervision of Church and State in educational affairs was underlined<sup>225</sup>. Subsequently, the excesses and exaggerations of state over-interference in education in the years before 1855 were particularly noted and the balance that the Concordat had eventually brought was praised<sup>226</sup>. In more precise terms, Count Blome attempted to locate the source of misfortunes of the educational system, which the Concordat had managed to heal. From his perspective, the Church and the family were the two foundation stones of a pupil's education. Nevertheless their authority had been badly shaken due to arbitrary state intervention in the 18<sup>th</sup> century: "Then finally - it was in the previous century in Germany and in Austria during the general state patronage - when the state substituted itself for the family [...] it [the state] eventually prohibited the Church from supervising the system of instruction. Thus [it evolved] into paternalism, to the police state."<sup>227</sup> Blome warned that the current liberal government had in mind to reinstate a state intervention in education similar to the 18<sup>th</sup> century one, i.e. the Josephinian one ("state despotism"). Therefore, he recognized the Josephinian spirit in the liberal legislation, even if he passionately fought against it. Finally, he called on the peers not to participate in this degradation of the Church in such a crucial field and to vote against the liberal bill<sup>228</sup>. Similar views concerning the imprisonment of the Church by the State in the pre-Concordat era were expressed by Count Thun, who referred to the "police state Catholicism" that had been prevalent before 1848<sup>229</sup>. Despite the conservative arguments, the strong liberal majority in the House enabled the easy passing of the school bill, with only the draft on interconfessional relations awaiting a vote.

The debate on the third law took place on May 14<sup>th</sup>, and received much less space and attention compared to the marriage draft. It mainly concerned issues such as the upbringing of children of mixed marriages, and again praise for the wise and farsighted measures of the enlightened despots was present. The elderly Matthias Wickenburg<sup>230</sup> noted: "The great Empress Maria-Theresa had also decided that, where the declaration for the Catholic upbringing was demanded, the parents were not obliged to fulfil mandatorily this declaration."<sup>231</sup> This meant that non-Catholic parents were not bound to raise their children according to the Catholic educational standards if they did not so desire, which was an early expression of confessional tolerance. After a brief general and a relatively extended special debate, the bill passed rather hastily through the House with an undeniable liberal majority. The last step before the official establishment of the three laws, i.e. the sanction by the sovereign was all that was left.

---

<sup>225</sup> See Stenographische Protokolle: Herrenhaus, 635.

<sup>226</sup> See Stenographische Protokolle: Herrenhaus, 636.

<sup>227</sup> Quoted in Stenographische Protokolle: Herrenhaus, 638.

<sup>228</sup> See Stenographische Protokolle: Herrenhaus, 639.

<sup>229</sup> See Stenographische Protokolle: Herrenhaus, 658.

<sup>230</sup> On Wickenburg, see Hahn (ed.), *Reichsraths-Allmanach für die Session 1867*, 80-81; Wurzbach, „Matthias Constantin Wickenburg“, in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.55 (Vienna, 1887), 228-229; „Wickenburg, Matthias Constantin Capello Graf von“, in: *Allgemeine Deutsche Biographie*, Vol.42 (Leipzig, 1897), 320-325.

<sup>231</sup> Quoted in Stenographische Protokolle: Herrenhaus, 858.

The laws were sanctioned by Francis Joseph on May 25<sup>th</sup>, (hence their name: the May Laws). The monarch approved the liberal initiatives reluctantly<sup>232</sup>, while his general attitude during the confessional conflict renders highly debatable the question of whether or not he was actually inspired by Josephinian ideals<sup>233</sup>. The conservatives had hoped that Francis Joseph would intervene on their behalf and influence the more moderate peers in favor of the Concordat. Instead, he chose the role of the constitutional monarch in this debate and, as de Worms recounts, “unflinchingly and consistently maintained and facilitated the latter [i.e. parliamentary] system of government [...]”<sup>234</sup>. It is true that the Emperor accepted the liberal bill and indeed instructed his Supreme Court Chamberlain Count Hohenlohe, along with eight archdukes, to vote in favor of the draft. Nevertheless, it remains doubtful whether Francis Joseph was such a sincere advocate of democratic procedures, since he personally, given his genuine conservatism, would prefer to preserve the establishment of 1855<sup>235</sup>. In his private conversations the sovereign preferred to stand for the clerical cause: during a hearing with the Tyrolian conservative representatives at the height of the clash, he seemed to tell to Joseph Greuter that: “I have read your speech. You have spoken totally to my heart”. He subsequently wholeheartedly wished all the best for Jäger for their struggle against the liberals<sup>236</sup>. In another audience with Herbst, Francis Joseph declared his inability to understand why the legal framework of the Concordat needed to change<sup>237</sup>. The most probable real motive for his choice was the fear of a constitutional crisis and the collapse of his popularity at a politically delicate moment if he clearly expressed himself against the elected government, as deputy Giovanelli wrote in a letter to his wife<sup>238</sup>. The maintenance of a coherent domestic front was an urgent priority for Francis Joseph - a monarch primarily interested in foreign policy - in the late 1860s, in order to rejuvenate and strengthen the position of the Monarchy among the European powers<sup>239</sup>. In any case, this ambivalent attitude provides crucial evidence for the debate whether Francis Joseph was actually a Josephinian. This fact, together with Lorenz Mikoletzky’s view that Francis Joseph’s limited imagination and conservative tendencies estranged him from the Josephinian legacy<sup>240</sup>, favors the opinion that after 1848 the shadow of Josephinism did not reside in the Hofburg anymore.

<sup>232</sup> See Franz, *Kulturkampf*, 121; France, “Kulturkampf in Austria”, 23-24, 112-113, 134-135, 140-141.

<sup>233</sup> On the relationship between Francis Joseph and the *Bürgerministerium*, see Fritz Fellner, „Kaiser Franz Joseph und das Parlament. Materialien zur Geschichte der Innenpolitik Österreichs in den Jahren, 1867-1873”, *Mitteilungen des Österreichischen Staatsarchivs*, Vol. 9 (1956), 287-347. Francis Joseph left us no diary and was no regular letter-writer. Thereupon his inner feelings still remain mysterious.

<sup>234</sup> Quoted in de Worms, *The Austro-Hungarian Monarchy and the Policy of Count Beust*, 36.

<sup>235</sup> Francis Joseph had tried unsuccessfully to influence the context of the marriage bill during the debate in the House of Deputies by discretely suggesting two amendments, which were rejected by Beust. See Beust, *Aus drei Viertel-Jahrhunderten*, Vol.2, 193; Fellner, „Franz Joseph und das Parlament“, 312-313.

<sup>236</sup> The occasion was described by Giovanelli in a letter to his wife, Vienna, July 27<sup>th</sup>, 1867. See Molisch (ed.), *Briefe zur deutschen Politik*, 100-101. See also Fellner, „Franz Joseph und das Parlament“, 311; France, „Kulturkampf in Austria“, 73 and for Greuter, see briefly Franz, *Liberalismus*, 430.

<sup>237</sup> See Schüß, *Leben und Wirken des Bürgerministeriums*, 110.

<sup>238</sup> Giovanelli to his wife, Vienna, March 27<sup>th</sup>, 1867. Molisch (ed.), *Briefe zur deutschen Politik*, 106-108.

<sup>239</sup> See Franz, *Kulturkampf*, 100; on the foreign policy of the era, Heinrich Lutz, *Österreich-Ungarn und die Gründung des Deutschen Reiches. Europäische Entscheidungen 1867-1871* (Frankfurt a.M., 1979).

<sup>240</sup> See Lorenz Mikoletzky, „Franz Joseph I.- ein Josephiner?“, in: Ch. Ehalt, J. Mondot (eds.), *Was blieb vom Josephinismus? Zum 65. Geburtstag von Helmut Reinalter* (Innsbruck, 2010), 135-144, esp. 143-144.

## CHAPTER

### 3

#### Josephinism and the Afterlife of Joseph II during the Struggle for the Imperial Elementary School Law of 1869

##### I.

Austria's crushing military defeat at Prussian hands at Königgrätz rendered profound the backwardness of the Habsburg Empire not only at the martial level but also in public education in the form it assumed after 1855. During Neoabsolutism and in the early constitutional era, the Concordat's paragraphs concerning education had largely escaped heavy criticism, mainly due to the brave university reforms carried out by conservative federalist minister of education Leo von Thun<sup>1</sup>. Count Thun, whose beliefs were similar to administrative federalism<sup>2</sup>, remained hostile to the Josephinian state-church system<sup>3</sup> and promoted the Concordat and its changes in primary and secondary education<sup>4</sup>. Nevertheless, the crucial events of 1859 and 1866 unveiled the inability of the Church to respond to the challenges of a modern education via its anachronistic system of religious instruction<sup>5</sup>, which had failed to treat effectively the problem of high illiteracy among the peoples of the empire<sup>6</sup>. Thus the roots of Austrian backwardness were located, according to contemporaries, in the Catholic religion and instruction that kept the Monarchy in a state of intellectual stagnation. In the view of Heinrich Friedjung<sup>7</sup>, the "Hispanic-Jesuitical regime" of Austria, whose traces were evident even in his times thanks to the Concordat, had caused the realm to mature more slowly than the rest of Germany<sup>8</sup>. Anxiousness and agony about falling behind northern Germany and ending up isolated became major concerns of the Austrian intellectuals. The eminent jurist Adolf Exner<sup>9</sup> epitomized this alarm in the introduction to a legal treatise written in 1867<sup>10</sup>: "In our age of concern for the future it must be of the utmost importance to every German-Austrian who feels in himself the strength for work to demonstrate indu-

<sup>1</sup> See Weinzierl, *Österreichischen Konkordate*, 97 on the mild reactions regarding post-1855 education.

<sup>2</sup> See Thienen-Adlerflycht, "Graf Leo Thun-Hohenstein", esp. 135-143.

<sup>3</sup> See Peter Wozniak, "Count Leo Thun: A Conservative Savior of Educational Reform in the Decade of Neoabsolutism", *Austrian History Yearbook*, Vol.26 (1995), 61-81, esp.64 and especially Gary Cohen, *Education and Middle Class Society in Imperial Austria, 1848-1918* (West Lafayette, 1996), 23-24 for Thun's conscious hostility towards the josephinian ideals.

<sup>4</sup> See Thienen-Adlerflycht, "Graf Leo Thun-Hohenstein", 103, 108 and Cohen, *Education and Middle-Class Society*, 33f.

<sup>5</sup> See Michael J. Zeps, "The Politics of Education in Austria: Church, State and the Reform of Education, 1765-1962", Ph.D. Thesis, Stanford University, 1979, 51-52.

<sup>6</sup> See Friedrich Jellouschek, "Das Reichsvolksschulgesetz", *Erziehung und Unterricht*, Vol.5 (1969), 289-305, 295. In 1865 only 31% of the Austrians serving under arms knew how to read and write, compared with 45% in Italy, 86% in Bavaria and 96% in Prussia.

<sup>7</sup> On Friedjung, see *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 362-363 and *Neue Deutsche Biographie*, Vol.5 (Berlin, 1961), 451.

<sup>8</sup> See Heinrich Friedjung, *Der Ausgleich mit Ungarn: Politische Studie über das Verhältnis Oesterreichs zu Ungarn und Deutschland* (Leipzig, 1877), 9. An analytical commentary on Friedjung's can be found in Harry Ritter, "Progressive Historians and the Historical Imagination of Austria", 49ff.

<sup>9</sup> On Exner, see *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 274.

<sup>10</sup> Quoted in Adolf Exner, *Die Lehre vom Rechtserwerb durch Tradition nach österreichischem und gemeinem Recht* (Vienna, 1867), VI. See also France, "Kulturkampf in Austria", 39-41 for the stress of falling behind Germany and Coen, *Vienna in the Age of Uncertainty*, 81 for Exner's attitude on the matter.

striously that we don't want to stand aside from the course of scientific work in Germany." Groundbreaking educational reforms were considered an imperative that occupied a dominant position in the public sphere in the late 1860s. A year after the catastrophe at Königgrätz, a liberal reporter commented that:

"The more decisively the view emerges in the empire that not merely the intellectual training but the material prosperity of the people and the development of the military power depend on public education, the more urgent it seems that the press treats this subject comprehensively and candidly [...]"<sup>11</sup>

The situation in the elementary schools, which had largely been neglected by the Church in the preceding years<sup>12</sup>, was considered particularly critical: "the call for an improvement of the elementary school system was then indeed totally generalized" remembered the politician Eduard Sueß a generation later<sup>13</sup>. The 1868 legislation over school -the second May law- had annulled to a significant extent the Church's supervision of the school system, thus restoring secular control. Nonetheless, this educational reform could hardly be regarded as sufficient. Among other issues, the details of compulsory schooling and financial responsibility were vague, and the different types of schools needed clarification, as did their relationships with the middle school system. Inadequacies in teacher training needed to be corrected, and the legalities of the teaching profession as a civil service occupation had not been set down. Additionally, the curriculum was too narrow, and conditions for state recognition of the education given in private schools unclear<sup>14</sup>. The minister of education in the burgher ministry, persuaded Josephinian Leopold von Hasner, and his assistant Julius Glaser, a professor of law and Hasner's former colleague in the university, noted for his "exhausting work power and his great astuteness"<sup>15</sup>, prepared a bill in close cooperation with a group of carefully selected professional educators. These included Alois Hermann, the section's chief of the interior ministry and "a competent in his field, well-experienced school man"<sup>16</sup> and Adolph Beer, a historian and politician<sup>17</sup>:

"whose very lively interest for the school system, whose knowledge and inexhaustible work power could be of so much service to me (i.e. Hasner), since he obtained extensive collections of foreign laws, whose context mastered with his fortunate memory and he was more than suitable to be in service for my goals."

The Imperial Elementary School Law (*Reichsvolksschulgesetz*) of 1869 owes its existence to this talented and devoted group; this law, apart from being one of the most important liberal victories during the confessional strife<sup>18</sup>, is, according to Karl Vocel-

---

<sup>11</sup> Quoted in *Neue Freie Presse*, 6<sup>th</sup> June 1867, 2.

<sup>12</sup> See Zeps, „Politics of Education in Austria“, 52-53. The poor performance of the clerical-controlled schools in Austria was one of the reasons why the Church was unable to orchestrate a confident and resilient opposition to the liberal legislative initiatives on education in the late 1860s.

<sup>13</sup> Quoted in Eduard Sueß, *Rede zur Enthüllung des Hasner-Denkmales. Gehalten im grossen Saale der Wiener Universität am 9. Juli 1899* (Vienna, 1899), 8.

<sup>14</sup> See Zeps, „Politics of Education in Austria“, 87-88.

<sup>15</sup> Quoted in Hasner, *Denkwürdigkeiten*, 92. On Glaser, see Constantin von Wurzbach, „Glaser Julius“, *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.26 (Vienna, 1874), 383 and *Österreichisches Biographisches Lexikon 1815-1950*, Vol.2 (Vienna, 1959), 3-4.

<sup>16</sup> Quoted in Hasner, *Denkwürdigkeiten*, 94. See also Walter Goldinger, „Das Verhältnis von Staat und Kirche in Österreich nach Aufhebung des Konkordates von 1855“, *Religion, Wissenschaft, Kultur*, Vol.8 (1957), 141-146, 143 and also Vocelka, *Verfassung oder Konkordat?*, 166 on his role as Hasner's partner.

<sup>17</sup> Quoted in Hasner, *Denkwürdigkeiten*, 94. On Beer see *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 63 and *Neue Deutsche Biographie*, Vol.1 (Berlin, 1953), 733-734.

<sup>18</sup> See Richard Charnatz, *Österreichs innere Geschichte, 1848-1907*, 2 Vols. (Vienna, 1911), Vol.1, 94f.

ka, the most substantial repercussion of the Austrian Kulturkampf, superseding even the May Laws, since the entire Austrian basic school system, even up to the modern day, has its origins in the law of 1869<sup>19</sup>. The Elementary School became immediately understood as the definite end of the Concordat era in education and the dawn of a novel, more advanced school system: “In the May days of the year 1869 a sad period of development ended for which everyone wished an end and since then [began] for the peoples of Austria a new, refined school system, which through the general education of the matured generation of the peoples led to prosperity and blossoming.”<sup>20</sup> This Manichean approach was also dominant during the previous struggle for the May Laws, in which the legacy of Josephinism and the commemoration of Joseph II played a crucial role, and these elements found their place in the public discussion and the political arena in 1869 as well. The strong Josephinian traces in the ideology of the architects of the Law and their admiration for the Habsburg enlightened despots, who had first set the foundations of the modern Austrian educational system, were the most significant Josephinian traces in the discussion around the Elementary School Law. To those should be added the sense among the Austrian liberals that they were carrying out the vision of Maria Theresa and Joseph II for a rational, state-controlled educational system, which was violently interrupted by the Concordat, and were thus carrying the Austrian way to modernity. Finally, the evident centralistic premises of the 1869 legislation awakened striking memories of Josephinian centralism constitute the last major Josephinian characteristic, especially in matters of the parliamentary proceedings about the Law. Therefore, in order for the relation between Josephinism and the 1869 liberal reform in primary education to be clarified, the basic Josephinian aspects of the activity of the Law’s creators ought to be pointed out, as well as the most substantial Josephinian influences present during the relevant parliamentary talks.

## II.

In 1869, the Josephinian principle of state sovereignty, which proved so important in the struggle for the May Laws, expanded its central place in the public sphere to include another aspect of Joseph’s legacy (and his mother’s): that of the Josephinian reforms in education. These were then perceived as the first step in a process of educational modernization, whose final step was the 1869 Law<sup>21</sup>. In an intellectual milieu concerned about the future of education, memories of Joseph II’s work in that field became paramount. Reflecting the spirit of the times, Wenzel Joseph Reichel noted that<sup>22</sup>:

“Empress Maria Theresa was the first in Austria who took the elementary school into her special worries and regulated it. Her great son Joseph II took care on that matter, so that next to each parochial church a school had to be located, and he gave very suitable regulations regarding the elementary school system.”

Expanding on the same sentiments, Sigmund Goldberger noted a few years later that<sup>23</sup>:

“The evolution of the Austrian school system leads back to the great Empress Maria Theresa and her glorious son Joseph II. Through the Theresian school degree of 1774 the elementary school system was

<sup>19</sup> See Vöcelka, *Verfassung oder Konkordat?*, 168; Liebmann, “Vom Wiener Kongress 1815“, 383-384.

<sup>20</sup> Quoted in *Vierzig Jahre Reichsvolksschulgesetz. Die österreichische Volksschule vor und nach dem Jahre 1869* (Vienna, 1909), 3.

<sup>21</sup> See Sueß, *Rede zur Enthüllung des Hasner-Denkmales*, 4, 9-12.

<sup>22</sup> Quoted in Reichel, *War die österreichische Regierung berechtigt, das Concordat vom Jahre 1855 ausser Kraft zu setzen?*, 35.

<sup>23</sup> Quoted in Sigmund Goldberger, *Das Neue Volksschul-Gesetz* (Vienna, 1883), 5.

regulated in an advanced way for that time; the six-year mandatory schooling was introduced [along with] the influence of state authority in school.”

Thus a great interest in the legacy of Enlightened Absolutism on education developed and enormously fed by the contemporary historical treatises about the age of Joseph II written by Hasner’s close collaborator Adolph Beer<sup>24</sup>. Hasner’s undoubted Josephinian coloration in his activity regarding the Elementary School Law must be taken as granted given his background in the struggle for the May Laws. Therefore, in this subchapter, which is focused on Josephinism and the architects of the Elementary School Law, attention will be concentrated on Beer’s writings and arguments. His studies and conclusions on Joseph II fell on fertile ground, informing and influencing the public about the late monarch and providing at the same time a very useful weapon of ideological and historical legitimization to the liberal political policy-makers.

The first historical study of Beer to concern Joseph II was written in 1867 in cooperation with the pedagogue Franz Hohegger<sup>25</sup> and titled *Die Fortschritte des Unterrichtswesens in den Culturstaaten Europas*<sup>26</sup>. From the very name of the book, the intention of the authors, to classify Austria among the civilized and advanced states of Europe thanks to its educational system and its creators, was obvious. Therefore, the contributions in that direction of Joseph II and of his mother were praised. According to Beer and Hohegger, the first signs of a conscious strategy of the Habsburgs to put the educational system under state control and isolate the until-then powerful Jesuit Order started in the era of Charles VI, half a century before the reign of Joseph (*Frühjosephinismus*<sup>27</sup>)<sup>28</sup>. Nevertheless, decisive reform of the Austrian school system towards a more systematic and effective direction “began with the glorious government of Maria Theresa”. The authors later explained their attitude towards the late empress:

“Never before was via a glorious struggle the founding of an empire reassured as until the creative hand of the empress tackled about the internal organization of her states and at the same time turned her attention with such zeal to the regulation of the instructional system, as none of her predecessors did. History will classify the care with which the great empress attended the school system among her greatest acts.”<sup>29</sup>

The main concern of the empress and her advisors was to form a purely secular, state-controlled educational system, where the youth of the empire would be taught first and foremost loyalty to the dynastic House and the Habsburg State instead of to the representatives of the Catholic Church and especially the religious Orders<sup>30</sup>. The same principles for the future of education were shared by the young coregent Joseph II, who in a memorandum dated in 1772 expressed his warm interest in the improvement of the instruction for the lower and middle classes in order to receive a clearly utilitarian education<sup>31</sup>. The entire Josephinian program of state reorganization including education

---

<sup>24</sup> Apart from the mentioned contributions on Beer, see the detailed study of Emanuel Stransky, “Adolf Beer als Politiker und Historiker: Versuch einer Monographie”, Ph.D. Thesis, University of Vienna, 1948

<sup>25</sup> On Hohegger, see *Österreichisches Biographisches Lexikon 1815-1950*, Vol.2 (Vienna, 1959), 343. The *Fortschritte des Unterrichtswesens* was his most important work.

<sup>26</sup> Adolf Beer, Franz Hohegger, *Die Fortschritte des Unterrichtswesens in den Culturstaaten Europas*, 2 Vols., (Vienna, 1867-1868).

<sup>27</sup> See Winter, *Der Josephinismus*, 9-21.

<sup>28</sup> See Beer, Hohegger, *Fortschritte des Unterrichtswesens*, Vol.1, 269-270.

<sup>29</sup> Quoted in Beer, Hohegger, *Fortschritte des Unterrichtswesens*, Vol.1, 270.

<sup>30</sup> See Beer, Hohegger, *Fortschritte des Unterrichtswesens*, Vol.1, 271-275.

<sup>31</sup> See Beer, Hohegger, *Fortschritte des Unterrichtswesens*, 276, where the words of Joseph are quoted.

could be effectively implemented a few years later, when Joseph II assumed his responsibilities as a sole ruler. He attempted to reach the ultimate ends of his mother's goals by groundbreaking reforms, which mostly targeted the basic stages of education that had to be secularized, put under state control and made as uniform as possible. The similarity between Joseph's ambitions, as described by Beer, and the plans for liberal educational reforms in the late 1860s emerges as a typical case of projection of a contemporary reality onto an idealized and highly structured past:

"[...] The truly philanthropic spirit, which sincerely embraced progress, of the vigorous young monarch raised the sure hope that, as in the other fields of state life, so in matters of the educational system the last remnants of the Middle Ages would be completely abolished. And above all the primary school and partly the universities felt indeed the energetic reformatory hand of the emperor. [...] Three principles were indeed leading for the emperor: absolute subordination of the entire system of instruction to the authority of the state with termination of every clerical influence; the greatest possible uniformity in the establishment of the single instructional departments; development of a direct utilitarian spirit through the training of practically schooled servants of the State and the Church. [...] The primary school was primarily affected by the reforming hand of the emperor, while the higher and middle schools were in that respect only being supervised [...]. From the field of the primary school Joseph developed [mostly] a tireless, fertile activity."<sup>32</sup>

Despite authors' praise regarding the intentions and motives behind Joseph's educational reforms, they were not uncritical of his policy, judging severely the partly unintentional detrimental consequences of his decisions. More specifically, they noticed that the choking state control over education "led unavoidably to a dead mechanism" and to intellectual stagnation, whereas the school teachers were largely unable to perform satisfactorily their tasks, partly out of conservatism and partly out of inexperience<sup>33</sup>. According to the authors, all hopes reached their end with the death of Leopold and the rapid turn of the Franciscan regime to a conservatism that stood against Joseph's ideals<sup>34</sup>.

Beer's next study concentrating on Joseph II was his *Die Zusammenkunft Josephs II. und Friedrich II. zu Neisse und Neustadt*, appearing under the sole editorship of Beer four years later<sup>35</sup>. This treatise was a collection of the letters that were exchanged between the two monarchs during their failed negotiations in 1769 and was intended to continue Arneth's ambitious project, which had been started a few years previously, of publishing Joseph's epistolography. In spite of the fact that Beer's book did not discuss Joseph's educational policy but rather his relations with another Great Power, the contribution was significant since it maintained the public interest around the 18<sup>th</sup> century emperor. The basic conclusion was that the talks between the two sovereigns ended "without engaging agreements, only as an exchange of thoughts"<sup>36</sup>. Most importantly, this scholarly undertaking functioned as a bridge for Beer's next research product, published a year later, which was closely associated with the Josephinian age and was titled *Denkschriften des Fürsten Wenzel Kaunitz-Rittberg*<sup>37</sup>. Beer described the uneasy rela-

<sup>32</sup> Quoted in Beer, Hohegger, *Fortschritte des Unterrichtswesens*, Vol.1, 300-301.

<sup>33</sup> See Beer, Hohegger, *Fortschritte des Unterrichtswesens*, Vol.1, 304.

<sup>34</sup> See Beer, Hohegger, *Fortschritte des Unterrichtswesens*, Vol.1, 307.

<sup>35</sup> See Adolf Beer, "Die Zusammenkunft Josephs II. und Friedrich II. in Neisse und Neustadt", *Archiv für österreichische Geschichte*, Vol.XLVII (1871), 383-527.

<sup>36</sup> Quoted in Beer, "Die Zusammenkunft Josephs II. und Friedrich II.", 429 and also Schmid, "Das Bildwandel Josephs II.", 180-181 for a brief commentary of this work.

<sup>37</sup> See Adolf Beer, "Denkschriften des Fürsten Wenzel Kaunitz-Rittberg", *Archiv für österreichische Geschichte*, Vol.XLVIII (1872), 1-162.



tion between the experienced and cautious chancellor and the determined and enthusiastic emperor, as well as the attempts of the first to restrain the overambitious nature of the second. “Joseph [...] did not withdraw from any difficulty, when he was about to set forth his reformatory activity;” commented Beer<sup>38</sup>. Nonetheless, despite his impulsiveness, the young Joseph did not lack insightful remarks concerning the most substantial problems of the Monarchy. Beer analyzed a memorandum written by Joseph in the 1760s dealing with the drawbacks of the Austrian school system and criticizing the backwardness of Viennese higher education in comparison to the ones offered in other cities like Linz or Brünn<sup>39</sup>. From his perspective, Kaunitz, while clearly disagreeing with the emperor over a variety of other issues, stood eye to eye with him concerning the pressing challenge of educational modernization<sup>40</sup>. Therefore, the liberal admiration for Joseph’s modernizing initiatives in the educational field found expression in that study, whose positive interpretation of Joseph’s deeds was similar to that of his first book.

The wish to shed light on the highly topical (in those years) reality of Joseph II was the dominant motive behind Beer’s next edition of archival sources, which was published in 1873 and carried the title *Joseph II., Leopold II. und Dominik Andreas I. von Kaunitz; ihre Briefwechsel etc.*<sup>41</sup>. In this new study, in which the continuity with the previous one as well as the intention to imitate Arneth’s work were specified from the very first pages<sup>42</sup>, the center of gravity was Prince Kaunitz, but valuable information on the plans and individuality of Joseph II was not omitted. The conflicting views between the chancellor and his monarch were further analyzed, with the essential difference that here Beer focused on the foreign policy of the empire. There the restrained policy of Kaunitz as a counterweight to the risky tactics of Joseph was presented against the background of various major events like the first partition of Poland, the war of the Bavarian Succession, the failed Austrian plan to exchange Belgium for Bavaria and a potential alliance with England<sup>43</sup>. Kaunitz’s ability to dexterously handle the megalomaniac visions of his lord eventually allowed the formation of an understanding between the two willful men<sup>44</sup>. Finally, even in a study like this, being predominantly engaged in the late 18<sup>th</sup> century ‘Grand Policy’, references to Joseph’s determination and stubbornness in matters also of his plans for domestic reforms were also made<sup>45</sup>.

Beer continued his academic engagement with the research on Joseph II even after the end of confessional conflicts in Austria, proving thus that his interest was not ephemeral but was determined by the explosion of Josephinian memory in the 1860s. In the early 1880s, this prolific author produced an extensive study of the Habsburg policy to-

---

<sup>38</sup> Quoted in Beer, „Denkschriften des Fürsten Wenzel Kaunitz-Rittberg“, 13.

<sup>39</sup> See Beer, „Denkschriften des Fürsten Wenzel Kaunitz-Rittberg“, 14.

<sup>40</sup> See Beer, „Denkschriften des Fürsten Wenzel Kaunitz-Rittberg“, 15-17.

<sup>41</sup> See Adolf Beer (ed.), *Joseph II., Leopold II. und Dominik Andreas I. von Kaunitz; ihre Briefwechsel etc.* (Vienna, 1873).

<sup>42</sup> See Beer (ed.), *Joseph II., Leopold II. und Dominik Andreas I. von Kaunitz*, III-IV.

<sup>43</sup> See Beer (ed.), *Joseph II., Leopold II. und Dominik Andreas I. von Kaunitz*, VII-VIII, XV, XVIII for each of these diplomatic exchanges that Austria was engaged in.

<sup>44</sup> See Beer (ed.), *Joseph II., Leopold II. und Dominik Andreas I. von Kaunitz*, IX.

<sup>45</sup> See Beer (ed.), *Joseph II., Leopold II. und Dominik Andreas I. von Kaunitz*, XI-XII. No special remark on Josephinian policy regarding education took place nevertheless on that milieu. (This sentence is confusing. I can’t tell what you mean. Nevertheless? What milieu?)

wards the East from 1774<sup>46</sup>, in which Joseph's diplomatic moves were carefully examined. Beer's almost simultaneous biographical contribution of the late emperor for the journal *Der neue Plutarch*<sup>47</sup> (1882) was far more focused on the life of Joseph and his internal activity. In this study, the writer considered the entire background he had acquired though twenty-five years of archival research on the subject, and as a result this analytical essay was to be one of his more intellectually mature works. Beer argued that Joseph's reformatory activity, due to its uncompromising and intense character, had negative effects on the Monarchy in the latter years of Joseph's reign, but nonetheless, Beer also acknowledged the excellent intentions of the emperor and his persistent orientation of every resource "to the good of the state". According to Beer, the state ideal of Joseph was "Absolutism, which strove to rally everything, in order to promote the people's good."<sup>48</sup> On his fine motives the author noted: "In his confidence to want only the right, he disregarded all personal attacks, and he was inspired by the hope that he would succeed in persuading his opponents that he was driven and his deeds were ruled only by the good of the state."<sup>49</sup> Beer, discussing the context of the much-quoted term of Josephinian Centralism, commented that the intention of the emperor was "to formulate a unitary state instead of a more or less loose administrative unit". He added nonetheless that that was a procedure that could have taken place gradually over decades and that Joseph's hastiness together with "the fact that he disregarded completely the peculiarities of the different lands, which had been historically developed and formulated"<sup>50</sup> were among the gravest mistakes of that monarch.

Beer considered Joseph's ecclesiastical reform activity of particular importance, which constituted in his mind a direct consequence of the Theresian novelties<sup>51</sup>. Josephinian reforms were, contrary to widespread public belief, not against the interests of the Church, as Beer claimed: "Joseph strove for the emancipation of the State from the Church in the fullest essence of the word, which was driven by his persuasion that he was not in conflict with the Catholic Church."<sup>52</sup> Eventually, the "revolutionary on the throne" had through "become approved after grave shakings, which had for a long time churned up state life". He thus aspired to "the establishment of a modern state thought in a state structure that carried in its every aspect a medieval character."<sup>53</sup> Closing his study, Beer attempted to summarize why many of the immediate Josephinian reforms had failed. Therefore, he commented on the emperor's personality, which expanded its influence into every corner of state life: "On the inside, to plan for the deepest reorganization, which was indeed tried by the throne and at the same time to realize grandiose sketches and to want to participate to all political oscillation, was seldom or never possible for a state."<sup>54</sup> It was tragic, according to the author that Joseph found so little understanding for his plans in his day, especially since in the long term his changes would

---

<sup>46</sup> See Adolf Beer, *Die Orientalische Politik Österreichs seit 1774* (Prague-Leipzig, 1883).

<sup>47</sup> See Adolf Beer, "Joseph II.", in: R. von Gottschall (ed.), *Der Neue Plutarch. Biographien hervorragender Charaktere der Geschichte, Literatur und Kunst*, Vol.9 (Leipzig, 1882), 109-206.

<sup>48</sup> Both passages are quoted in Beer, "Joseph II.", 121, 122 respectively.

<sup>49</sup> Quoted in Beer, "Joseph II.", 127.

<sup>50</sup> Both passages are quoted in Beer, "Joseph II.", 125.

<sup>51</sup> See Beer, "Joseph II.", 130.

<sup>52</sup> Quoted in Beer, "Joseph II.", 132.

<sup>53</sup> Both passages are quoted in Beer, "Joseph II.", 199.

<sup>54</sup> Quoted in Beer, "Joseph II.", 199.

greatly benefit the Monarchy as a whole. Joseph was a champion of the civil doctrine of the equality of all the citizens before the law “before it was established in the daily order by the political movement in France.”<sup>55</sup> Therefore, a unique opportunity was lost for Austria. If the Habsburgs had kept with Joseph’s legacy, then they could remain at the front guard of the European political thinking and praxis. In Beer’s mind, the image of Joseph as a pioneer of progress and of material and intellectual advancement, even if by the wrong means, was deeply established, and taken into consideration in Beer’s historical essays, such an opinion was applicable to the entire Josephinian program of domestic reorganization, with particular regards to the field of education. Beer’s sincere admiration for the Josephinian educational goals, predominantly curriculum modernization, secularization and centralization, which were also targets of the 1869 law, can arguably allow the characterization of Hasner’s close partner and the basic architect of the elementary school law as a firm Josephinian.

Having so far examined the topic of the major Josephinian influences and inspirations of the creators of the 1869 school law, it is time to turn to the public discussion of the law itself along with the most important aspects of Josephinism and the commemoration of Joseph II that emerged during that occasion.

### III.

The imperial elementary school law draft, as it was prepared by Hasner, Beer and their partners, was brought up for discussion in the House of Deputies on April 21<sup>st</sup> 1869, and the discussion continued until the approval of the bill on April 24<sup>th</sup>. Subsequently, it was forwarded to the House of Lords, where it was debated on May 10<sup>th</sup> before getting its official sanction from Francis Joseph<sup>56</sup>. After the epic battle for the May Laws and the great defeat of the clerical party, little opposition could be raised against the current liberal initiative. The bill passed, as Hasner recalled, both Houses without substantial controversies and indeed with impressive speed<sup>57</sup>. The law meant a great advancement for Austrian education since it guaranteed the interconfessionality of the elementary schools, the expansion of mandatory schooling from six to eight years, and regulated the number of students in classes to a maximum of forty. The schooling process was completely secularized, and all influence of each Church in all other subjects except religious instruction was terminated. Moreover, the academic education of the primary school teachers was increased to four years, with beneficial effects on to the quality of the lessons taught<sup>58</sup>. Although direct references to Joseph II and Josephinism

<sup>55</sup> Quoted in Beer, “Joseph II.”, 203.

<sup>56</sup> On the parliamentary proceedings, see Hans Mikschy, *Der Kampf ums Reichsvolksschulgesetz 1869. Ein Beitrag zum Kampf um das Schulgesetz* (Vienna, 1949), Andreas Gottsmann, „Der österreichische Kulturkampf am Beispiel der liberalen Schulgesetzgebung“, Dipl. Thesis, University of Vienna, 1984.

<sup>57</sup> See Hasner, *Denkwürdigkeiten*, 97-98 and Weyrich, „Die liberale Politik, 1860-1979“, 169-170. See also Mikschy, *Der Kampf um das Reichsvolksschulgesetz*, 24-25.

<sup>58</sup> See Helmut Engelbrecht, “Zur Entwicklung und Gliederung des österreichischen Schulwesens”, *Österreich in Geschichte und Literatur*, Vol. 20 (1976), 225-242, 239-240 and idem, „Die österreichische Bildungspolitik im Sekundarschulbereich in der zweiten Hälfte des 19. Jahrhunderts”, *Jahrbuch des Bundesgymnasiums Krems am Schlusse des Schuljahres 1974/75* (1975), 14-33 and more analytically idem, *Geschichte des österreichischen Bildungswesens: Erziehung und Unterricht auf dem Boden Österreichs, Vol.4: Von 1848 bis zum Ende der Monarchie* (Vienna, 1986). See also briefly Anton Ebner, „Die Entstehung des Reichsvolksschulgesetz“, *Erziehung und Unterricht*, Vol.5 (1969), 306-316, 306-307 and Herfried Lick, „Die österreichische Volksschule im Spannungsfeld von Staat und Kirche von Zeitalter Maria Theresias bis zum Ende der Monarchie“, Dipl. Thesis, University of Klagenfurt, 2000, 60-63.

appeared somewhat more limited in comparison to the May Laws, the liberal and the conservative arguments in matters of secular versus clerical control over school and provincial resistance against Viennese centralism were the most substantial aspects of the legacy of the radical emperor that emerged in this debate during the spring of 1869<sup>59</sup>.

The first reference to the Elementary School Law took place on May 2<sup>nd</sup>, when minister Hasner noted the need of a law that would complete the school law of 1868 and would provide sufficient arrangements for the points that needed further clarification<sup>60</sup>. Nonetheless, the regular debate relating to “a draft of a law that would regulate the principles of the system of instruction regarding elementary school”<sup>61</sup>, the bill’s official title, was initiated on April 21<sup>st</sup><sup>62</sup>. From the very beginning of the discussion, the followers of the Josephinian ideals did not hesitate to bring forward their positions in detail. The Galician deputy and history professor Sigmund Sawcznski<sup>63</sup> expressed a mild form of Josephinism by favoring the values of the “unitary state” governed by secular principles. He also argued that in a law concerning primary education, decisions should “belong to the competence of the parliament and on the other hand to the provincial diets”<sup>64</sup>. Yet, in his speech, the limits of such Josephinian influences were also visible when he pointed out that, in his opinion, the central government ought to leave local educational affairs to the regional authorities and only exercise supreme supervision<sup>65</sup>.

The same combination of pro- and anti-Josephinianism elements is clear in other cases as well, most notably to that of Ignaz Figuly, the Upper Austrian spokesman of the constitutional party<sup>66</sup>. He expressed his unconditional agreement with his party’s line by arguing that “It would be [our] intention [...] via this general law on the one hand to emancipate the School from the Church and on the other hand to open finally the door to the provincial diets to administrate their affairs themselves”<sup>67</sup>. Figuly’s balanced views progressively acquired a certain pro-Josephinian hue as he pointed out that: “We want the equality of all confessions and not the rule of the one above the others.”<sup>68</sup> There was clearly a connection to the Josephinian spirit of tolerance, though in the perception of Joseph II himself, the Catholic Church continued to enjoy supremacy over all the other religious dogmas, and full equality among all the confessions of the Monarchy was never installed in the Josephinian age. Additional remarks of a libe-

---

<sup>59</sup> See Gottsmann, „liberale Schulgesetzgebung“, 51 for the problem of centralism versus federalism and Mikschy, *Der Kampf um das Reichsvolksschulgesetz*, 18 for the case of the Slovene deputy Toman and his speech on the rights of the provinces to administrate local educational affairs themselves.

<sup>60</sup> See Stenographische Protokolle: Abgeordnetenhaus, 5053-5054. See also *Vierzig Jahre Reichsvolksschulgesetz*, 10-11.

<sup>61</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 5725. See also Mikschy, *Der Kampf um das Reichsvolksschulgesetz*, 11.

<sup>62</sup> See generally for the debate, *Vierzig Jahre Reichsvolksschulgesetz*, 13-18 and in a more detailed way, *Die großen Parlamentsreden über das Reichsvolksschulgesetz* (Vienna, 1909).

<sup>63</sup> On Sawcznski, see Hahn, *Reichsraths-Almanach für die Session 1867*, 141.

<sup>64</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 5727-5728.

<sup>65</sup> See Stenographische Protokolle: Abgeordnetenhaus, 5731.

<sup>66</sup> On Figuly, see Hahn, *Reichsraths-Almanach für die Session 1867*, 99, „Figuly von Szep Ignaz Karl“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 313 and W. Ehrenreich, *Ignaz Figuly: Leben und Wirken eines Kämpfers für Recht und Freiheit in Österreich* (Würzburg, 1942).

<sup>67</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 5775.

<sup>68</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 5777. On Figuly’s views, see Mikschy, *Der Kampf um das Reichsvolksschulgesetz*, 19.

ral-Josephinian orientation were made by the mastermind of the bill, minister Hasner, who made a speech at the end of the general debate. Hasner noted the need for a strong authority exercised by a modern state machine<sup>69</sup> but above all underlined the great contribution of the May Laws to the formation of interconfessional schools in which religious dogma would no longer be a means of discrimination. Thus the Josephinian doctrine of tolerance appeared again: “[...] gentlemen, you can be sure that we want equality and justice for all confessions and this government will not create any hateful privilege only for the Catholic Church.”<sup>70</sup> Such comments unveil the far-reaching consequences and resilience of the Josephinian policy of religious emancipation that, despite the Concordat, had not been erased from the collective memory of the Habsburg peoples.

During the debate such remarks, which carefully and discreetly expressed their link to Josephinism, occasionally gave way to more aggressive and daring statements that fully unveiled the intentions of the liberal agenda. On the same day, the militant Protestant deputy from Silesia Alexander Julius Schindler<sup>71</sup>, using a Manichean tone, characterized the law as: “a spiritual military law that would repel the power of darkness and would compel the people with the weapon of light; it should spread education and resolution.”<sup>72</sup> Becoming more specific, he noted the next day that the constitutional party was never against religious principles and instruction, but was only opposed to ecclesiastical control over the school system, thus showing an attitude towards the role and the rights of the Church within society very similar to that of Joseph II: “[...] no confession is our enemy and towards confessions as such, we have not put at the top of the law the principle of confessionlessness. But we have to strive to arm ourselves against every overgrown clerical influence in the issue of knowledge in school.”<sup>73</sup> This argument was in those times a popular one among other liberal politicians as well, including the historian Alfred von Arneth<sup>74</sup>, who thus structured a narrative combining public piety with their Josephinian background and their political agendas of secularization. Particularly in Arneth’s case, it seems that this attitude went beyond mere opportunism and could be interpreted as a genuine religious feeling.

Subsequently, the long shadow of Josephinian policy began to deepen as various deputies attempted direct historical references to show the relation and even the continuity of their goals with the past. Among those parliamentarians, the liberal Bukovinian Greek-orthodox priest and deputy Samuel Andriewicz should be mentioned<sup>75</sup>. Andriewicz, who in the previous year had stressed the benefits of the Josephinian edict of tolerance for Bukovina, now suggested that the school reform should trace its origins

<sup>69</sup> See Stenographische Protokolle: Abgeordnetenhaus, 5799.

<sup>70</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 5798.

<sup>71</sup> On Schindler, see Hahn, *Reichsraths-Almanach für die Session 1867*, 141-142, Wurzbach, “Schindler, Julius Alexander“, in: *Biographisches Lexikon des Kaiserthums Österreich*, Vol.30 (1875), 12-13, “Schindler, Alexander Julius von“ in: *Allgemeine Deutsche Biographie*, Vol.31 (1890), 290-291 and „Schindler, Alexander Julius“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.10 (1991), 144ff. Schindler, apart from an active politician, was also a talented author. On that aspect of his activity, see S. Haider, “Alexander Julius Schindler als Reiseschriftsteller“, Ph.D. Thesis, University of Vienna, 1950.

<sup>72</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 5733 and *Vierzig Jahre Reichsvolksschulgesetz*, 3.

<sup>73</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 5758.

<sup>74</sup> See Arneth, *Aus meinem Leben*, Vol.2, 382 and Weyrich, „Die liberale Politik, 1860-1979“, 161-162.

<sup>75</sup> On Andriewicz, see Hahn, *Reichsraths-Almanach für die Session 1867*, 84-85 and Wurzbach, „Andriewicz, Samuel“, in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.22 (Vienna, 1870), 464.

to the general codex for elementary schools of 1805<sup>76</sup>. The 1805 legislation, which was nevertheless criticized by previous liberal speakers<sup>77</sup>, provided the main legal text concerning primary education until 1855; despite elements of conservative withdrawal, it retained a good part of the Josephinian spirit in education. This was because the codex had on the one hand granted power to supervise elementary schools to the Church, but that supervision took place under the authority of the state and was based on the state's own sovereignty<sup>78</sup>. Therefore, in many respects, Andriewicz's proposal was essentially Josephinian in nature. Other messages of glorification and imitation of the Josephinian past did not require such intense deciphering: on April 23th, the Moravian deputy and member of the constitutional party Anton Ryger<sup>79</sup>, in the most straightforward statement of its kind during the debate, expressed openly his admiration for the 18<sup>th</sup>-century enlightened despots: "[the school system] has been derived from the initiative of the people itself, it had found in the illustrious empress Maria-Theresa a glorious protector, and it received its perfection and [final] formation in the glorious era of emperor Joseph II."<sup>80</sup> He then described the circumstances of the post-Josephinian age, when "the management of the elementary school system was exclusively in the hands of the clergy"<sup>81</sup>. Ryger finally stated his optimism that this bleak era would come to an end due to the fact that, according to the December constitution, the State and not the Church held the decisive influence on education. Given this success, the speaker urged his government to impose educational reforms of equal extent and effectiveness to those of Joseph II and his mother<sup>82</sup>.

In the spaces between the expressions of the legion of liberal-Josephinian views, considerable critique was orchestrated against the opinions of the majority by the clerical party<sup>83</sup>. This criticism consisted of rhetoric that had much in common with the anti-Josephinian arguments of the 1867-1868 parliamentary debate. In more precise terms, on April 22<sup>nd</sup>, the priest and leading conservative deputy Greuter mentioned a typical anti-Josephinian position, i.e. that in the world there were two discreet powers, the secular one (authority) and spiritual one (piety) and those had to remain strictly separate, as was ordained by God. In other words, the Church should continue to be autonomous and the State ought not to enforce its own authority over the representatives of the Holy See, as had happened in the age of Joseph II<sup>84</sup>. This discourse of spiritual freedom, which was severely endangered and even arbitrarily violated by the State following Josephinian methods, continued throughout Greuter's speech. In a straightforward manner he argued that "The system of the so-called state school, the state monopoly and the so called right of sovereignty of the state in regards to education is against the most

<sup>76</sup> See Stenographische Protokolle: Abgeordnetenhaus, 5766 and Mikschy, *Der Kampf um das Reichsvolksschulgesetz*, 18.

<sup>77</sup> See Stenographische Protokolle: Abgeordnetenhaus, 5726.

<sup>78</sup> On the 1805 codex, see Goldberger, *Das Neue Volksschul-Gesetz*, 5-7, Engelbrecht, "Zur Entwicklung des österreichischen Schulwesens", 238-239 and Zeps, "The Politics of Education in Austria", 47.

<sup>79</sup> On Ryger, see Hahn, *Reichsraths-Almanach für die Session 1867*, 140-141.

<sup>80</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 5789.

<sup>81</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 5790.

<sup>82</sup> See Stenographische Protokolle: Abgeordnetenhaus, 5791. See also Goldberger, *Das Neue Volksschul-Gesetz*, 8-9 and Mikschy, *Der Kampf um das Reichsvolksschulgesetz*, 20.

<sup>83</sup> On the reaction to the liberal arguments in the debate, see *Vierzig Jahre Reichsvolksschulgesetz*, 12-13.

<sup>84</sup> See Stenographische Protokolle: Abgeordnetenhaus, 5747. See also Mikschy, *Der Kampf um das Reichsvolksschulgesetz*, 15.

substantial purposes of a truly free state [...]”<sup>85</sup>. Though this comment, Greuter emphasized that the liberal laws of secular supremacy in schooling would eventually end in the formation of an autocratic system, similar, to the conservative understanding, from the Josephinian one. Subsequently, he made clear the hypocrisy of Austrian liberalism, which theoretically strove for more constitutional rights and civil liberties, but whose naked agenda forwarded authoritarian principles<sup>86</sup>. The collapse of the harmony between the two authorities thus became a common theme in Greuter’s words<sup>87</sup>.

The successful approval of the elementary school bill in the House of Deputies was followed by the debate over the same issue in the House of Lords on May 10<sup>th</sup><sup>88</sup>. The discussion took place in a haste due to the impending close of the parliament a few days later. Yet historical references comparable to those stated in the Lower House were mentioned in that final debate for the elementary school law. At the beginning of the discussion, the speaker of the majority, Joseph Unger, underlined the need for the educational modernization of Austria according to the latest conclusions of modern pedagogy<sup>89</sup>. Later, he brought forward a much-quoted argument of those times by connecting the stake of the educational rejuvenation of the empire with that of its military revitalization: “Austria, which through the new army law [of 1868] carried out its rebirth in the arms, will carry out through the new school law its resurrection in spirit.”<sup>90</sup> As the debate approached its end, Hasner, whose Josephinian background was proven in many cases, summarized the position of his government<sup>91</sup>. He followed a narrative that regarded the liberal school law as the culmination of a process that traced its origins back to the Habsburg enlightened despots:

“Persuaded that, among others, what has been achieved since the great empress Maria Theresa in the elementary school system in Austria, the demands of the contemporary age do not correspond to the current legislation in an adequate way, [persuaded] that the future of this empire, which fought against such various difficulties as few in the world have done, and above all others is qualified through the intelligence of its population, the government has to undertake the pressing task to fulfil the duty to bring all the demands of the relevant elementary school law before both Houses of the Parliament.”<sup>92</sup>

The majority that the liberals enjoyed in the Upper House rendered the second approval of the bill an easy case, while the official sanction by Francis Joseph came on May 14<sup>th</sup>. The law contained 76 paragraphs<sup>93</sup> and revealed a clear Josephinian spirit. For instance, paragraph five contained a substantial element of a Josephinian attitude by providing for religious instruction even if the churches should fail to nominate teachers, acknowledging thus the superior role of the State concerning affairs of instruction<sup>94</sup>. Additionally, the law’s welfare regulations concerning the teachers’ widows

<sup>85</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 5748.

<sup>86</sup> See Stenographische Protokolle: Abgeordnetenhaus, 5751.

<sup>87</sup> See Stenographische Protokolle: Abgeordnetenhaus, 5753.

<sup>88</sup> See Stenographische Protokolle: Herrenhaus, 1876-1903 for the entire discussion. See also *Vierzig Jahre Reichsvolksschulgesetz*, 18-20 and Mikschy, *Der Kampf um das Reichsvolksschulgesetz*, 25ff.

<sup>89</sup> See Stenographische Protokolle: Herrenhaus, 1877.

<sup>90</sup> Quoted in Stenographische Protokolle: Herrenhaus, 1878. See comparatively the similar claim expressed in the *Neue Freie Presse* of 6th June 1867.

<sup>91</sup> On Hasner’s parliamentary speech, see Mikschy, *Der Kampf um das Reichsvolksschulgesetz*, 20-24.

<sup>92</sup> Quoted in Stenographische Protokolle: Herrenhaus, 1897.

<sup>93</sup> For the content of the paragraphs of the law, see Gottsmann, “liberale Gesetzgebung”, 54.

<sup>94</sup> See Zeps, “The Politics of Education in Austria”, 90. Paragraph five of the law was criticized in a particularly harsh way. See Otto Willmann, *Der neue Entwurf eines Volksschulgesetzes* (Vienna, 1869), 27f.

owed much to the relevant Josephinian legislation of 1784<sup>95</sup>. In the Speech from the Throne that followed on May 15<sup>th</sup>, the monarch expressed his hope that the new school law would contribute to the improvement of the intellectual standards of his peoples<sup>96</sup>.

#### IV.

The perception of the imperial elementary school law after its sanction was similar to that of the May Laws, i.e. overwhelming praise from the liberal camp and venomous attacks from the conservatives and members of the clergy<sup>97</sup>. The law was from the very beginning recognized as a great liberal victory that boosted the reputation of the burgher ministry<sup>98</sup>. “We were popular enough,” recalled Hasner<sup>99</sup>, who, according to his advocates, “with the promulgation of the imperial elementary school law succeeded the highlight of his public activity.”<sup>100</sup> On the other hand, with the elementary school law being their second great defeat, the conservatives were clearly in retreat and reacted by unleashing a novel wave of political writings that attacked their opponents with the harshest expressions<sup>101</sup>. The liberal states-man Eduard Sueß remembered several years later that: “The systematic opposition against the imperial elementary school law became evident in an even clearer way.”<sup>102</sup> In such texts a most bleak image of the liberals was given, their political initiatives were severely criticized, and the danger of a godless society was underlined: “The liberals have thrown out of the school religion and spirituality through the new school law and they want to take from the people its faith,” as a contemporary political brochure stated<sup>103</sup>. The excesses of secular liberalism particularly and the perils that accompanied it evolved into one of the most frequently mentioned topoi of the contemporary conservative literature<sup>104</sup>. Furthermore, in this context, references to the age of Joseph II were not uncommon. For instance, an anonymous commentator of this kind argued that “The draft [of the primary school law] is worthy of a frank, penetrating and large-scale critique. We are not willing to soften the verdict regarding its shortages in a pure joy due to the return to a second Josephinian school era [...]”<sup>105</sup>. Yet, his views were a strange and rare mixture of intense critique towards liberalism, which surely classifies him on the conservative edge of the political spectrum, and positive remarks for the idealized Josephinian past: “Only the Josephinian era would be such that would connect the old with the new goods. [...] The memory of the great Josephinian spirit is the only connection to those times.”<sup>106</sup> Additionally, the conservative objections found their regional expression as well in the conservative-minded province of Tyrol, which became the bastion of anti-liberal views. There, the

<sup>95</sup> See Mikschy, *Der Kampf um das Reichsvolksschulgesetz*, 46.

<sup>96</sup> See *Vierzig Jahre Reichsvolksschulgesetz*, 21 especially for the Speech of the Throne.

<sup>97</sup> See Gottsmann, „liberale Schulgesetzgebung“, 51 and Bahr, „Leopold von Hasner“, 50. Gottsmann, based on the context of paragraph 1 of the law that stated the „religious-moral context of elementary education“, argues that the 1869 law was more like a compromise between the liberals and the conservatives and therefore did not create the divided environment that the sanction of the May Laws did in 1868.

<sup>98</sup> See Franz, *Kulturkampf*, 124 and also Hussarek, *Die Krise und die Lösung des Konkordates*, 296ff.

<sup>99</sup> Quoted in Hasner, *Denkwürdigkeiten*, 99.

<sup>100</sup> Quoted in Sueß, *Rede zur Enthüllung des Hasner-Denkmales*, 15.

<sup>101</sup> On the harsh conservative reaction see Ebner, “Die Entstehung des Reichsvolksschulgesetzes”, 299-302

<sup>102</sup> Quoted in Eduard Sueß, *Erinnerungen* (Leipzig, 1916), 253. See Weyrich, „Die liberale Politik“, 170.

<sup>103</sup> Quoted in Anonymous, *Das neue Volksschul-Gesetz und die Religion* (Vienna, 1870), 3.

<sup>104</sup> See Anonymous, *Der neue ‘Entwurf eines Volksschulgesetzes’. Ein Votum abgedruckt aus den ‘Freien pädagogischen Blättern’* (Vienna, 1869), 13-14.

<sup>105</sup> Quoted in *Der neue ‘Entwurf eines Volksschulgesetzes’*, 5.

<sup>106</sup> Quoted in *Der neue ‘Entwurf eines Volksschulgesetzes’*, 18.



school law met with exceptional difficulties before passing the provincial diet, and an uneasy compromise between Vienna and Innsbruck was achieved only in 1892<sup>107</sup>.

Despite the stubborn conservative resistance to the elementary school law, the latter was proven to have very positive and far-reaching consequences in matters of the quality of the Austrian primary education. Its success was so notable that it even won the recognition of the Catholic opposition over time<sup>108</sup>. The government did manage to advance secular elementary education significantly in a largely centralized manner, while the network of public schools throughout the western Monarchy was substantially expanded in the following years<sup>109</sup>. These were goals that Joseph II himself has set in the age of his reign, and so it can be said that there was truth in the liberal argument that they were carrying out the educational legacy of the Enlightened Absolutism. The liberal appreciation of Joseph II and his work was officially manifested since all the elementary school history books throughout the late Monarchy included a number of stories about Joseph II, where he was praised as a paternal figure and a great modernizer of the common imperial fatherland<sup>110</sup>. The results of the law began to become evident in the following years and the percentage of the Austrian pupils who attended primary school rose from 58% in 1869 to 87% in 1883<sup>111</sup>. A generation later, when the repercussions of the law's implementation could be fully comprehended, Eduard Sueß noted:

“But today, after a thirty-year, unquestionably beneficial effectiveness of the law and in memory of the earlier circumstances, it is allowed to be said that through that law the elementary school system became more effective, the corps of teachers more independent, the professional as well as the worker more performance capable, the army more able to defend itself and through that law, as it has shown the most serious intention of old Austria to join the competition of the most advanced states.”<sup>112</sup>

Conclusively, it can be claimed that the long shadow of the elementary school law became identical to the long shadow of Josephinism in that both ultimately targeted the moral and material advancement of the Habsburg state and its peoples in a secularized, rational and administratively centralized milieu, in which the imperial *Rechtstaat* would care for the well-being of its subjects. Judging from this perspective and also considering the attitudes towards Josephinism of the main creators of the law, one can persuasively argue in favor of the continued existence of the Josephinian memory during the age of the imperial elementary school law.

---

<sup>107</sup> See Sueß, *Erinnerungen*, 253, *Vierzig Jahre Reichsvolksschulgesetz*, 25-26, Gottsmann, „liberale Schulgesetzgebung“, 62. On the perception of the liberal legislation and generally on the Kulturkampf in Tirol, see Cole, “Counter-reformation’s Last Stand: Austria”, 293-294, Heiss Hans, “Stadtbürgertum und Kulturkampf. Bemerkungen zu einem Konfliktverhältnis am Beispiel des deutschsprachigen Tirols”, in: Gustav Pfeifer, Josef Nössing (eds.), *Kulturkampf in Tirol und in den Nachbarländern* (Bozen, 2013), 49-59; broadly Josef Fontana, *Der Kulturkampf in Tirol* (Innsbruck, 1978); Thomas Götz, *Bürgertum und Liberalismus in Tirol 1840-1873: zwischen Stadt und "Region", Staat und Nation* (Innsbruck, 2001).

<sup>108</sup> See Hussarek, *Die Krise und die Lösung des Konkordates*, 296-297.

<sup>109</sup> See Gottsmann, “liberale Gesetzgebung”, 57 and Cohen, *Education and Middle-Class Society*, 38-39. For this material expansion and the improvement of the school infrastructure was also responsible the blossomed financial situation of Austria in the 1860s and 1870s that allowed the liberals to fulfil their agenda. See David Good, *The Economic Rise of the Habsburg Empire, 1750-1914* (Berkeley, 1984), 125f.

<sup>110</sup> See E. Bruckmüller, “Patriotic and National Myths: National Consciousness and Elementary School Education in Imperial Austria”, in: D. Unowsky, L. Cole (eds.), *The Limits of Loyalty: Imperial Symbolism, Popular Allegiances and State Patriotism in the Late Habsburg Monarchy* (New York, 2007), 11-35

<sup>111</sup> For these figures, see Gustav von Strakosch-Graßmann, *Geschichte des Österreichischen Unterrichtswesen* (Vienna, 1905), 270ff. See also Zeps, „The Politics of Education in Austria“, 91-92.

<sup>112</sup> Quoted in Sueß, *Rede zur Enthüllung des Hasner-Denkmales*, 13.

## CHAPTER

### 4

#### Josephinism, the Afterlife of Joseph II and the Confessional Legislation of 1874

##### I.

The May laws of 1868 and the imperial elementary school law of 1869 succeeded in effectively annulling the most substantial parts of the Concordat in matters of matrimonial and educational issues, which heavily troubled the Austrian public. Despite fierce resistance to these legislative initiatives by members of the Austrian clergy loyal to the Concordat -the bishop of Linz, Franz-Joseph Rudigier, was the most eminent among them<sup>1</sup>- the definite end of the 1855 treaty followed quickly. In the summer of 1870, the proclamation of papal infallibility offered the Austrian government ample justification to act against the Concordat, driven by the initiative of foreign minister Beust<sup>2</sup>. More precisely, after a crown council of July 20<sup>th</sup>, Vienna decided that: “the Concordat is now declared as null and void through the essentially charged nature of the papal authority as one of the contracting partners”<sup>3</sup> The news of the annulment was officially announced by the *Wiener Zeitung* on July 31<sup>st</sup> underlining the incompatibility between Rome’s newly-founded dogmatic infallibility and the Concordat<sup>4</sup>.

The official abolition of the Concordat was an event of major importance from the legal point of view. As the new minister of education and conscious Josephinian Carl von Stremayr, who took part in the crown council, observed, the peculiar dualism that stemmed from the coexistence of the Concordat and the May laws, which were antithetical to one another, came to an end<sup>5</sup>. Other scholars attributed even greater importance to the annulment, considering its symbolic weight. Thus G. Franz remarked with much enthusiasm that with the abolition of the Concordat: “the Habsburg Empire has broken

---

<sup>1</sup> Rudigier was bishop of Linz from 1853 to 1884 and one of the greatest champions of Austrian political Catholicism. In 1869 he publicly encouraged the faithful Catholics of the Monarchy to disobey the May laws. For this action, he was brought to trial and symbolically sentenced in absentia to two weeks in jail, only to be immediately pardoned by the emperor. The entire event received huge publicity both in Austria and abroad and is regarded as one of the most celebrated incidents of the Austrian Kulturkampf. See briefly Vocolka, *Verfassung oder Konkordat?*, 163-166 and more analytically, see Max H. Voegler, “Religion, Liberalism and the Social Question in the Habsburg Hinterland: The Catholic Church in Upper Austria, 1850-1914”, Ph.D. Thesis, Columbia University, 2006, 142-162. On Rudigier himself, see Johann Berndorfer, „Franz Josef Rudigier, Bischof von Linz“, Ph.D. Thesis, University of Vienna, 1939; “Rudigier, Franz Josef”, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.9 (Vienna, 1988), 313-314; “Rudigier, Franz Josef”, in: *Neue Deutsche Biographie*, Vol.22 (Berlin, 2005), 164-165.

<sup>2</sup> See Hussarek, *Die Krise und die Lösung des Konkordates*, 301ff; Franz, *Kulturkampf*, 131f; Vocolka, *Verfassung oder Konkordat?*, 168-170; Leisching, „Die römisch-katholische Kirche“, 51-57; Friedrich Engel-Janosi, „Zwei Aspekte der Beziehungen zwischen Österreich-Ungarn und der Vatikan im Jahre 1870“, in: Hugo Hantsch, Alexander Novotny (eds.), *Festschrift für Heinrich Benedikt zum 70. Geburtstag* (Vienna, 1957), 119-134. On Beust’s role, see Heinrich Potthoff, *Die deutsche Politik Beusts von seiner Berufung zum österreichischen Außenminister Oktober 1866 bis zum Ausbruch des deutsch-französischen Krieges* (Bonn, 1967); Beust, *Aus drei Viertel-Jahrhunderten*, 401-444.

<sup>3</sup> Quoted in Hussarek, *Die Krise und die Lösung des Konkordates*, 345. See also Weinzierl, *Die Österreichischen Konkordate*, 115-116; Cole, “The Counter-Reformation’s Last Stand: Austria”, 290.

<sup>4</sup> See *Wiener Zeitung*, July 31<sup>st</sup>, 1870.

<sup>5</sup> See Stremayr, *Erinnerungen*, 51-52. Stremayr assumed the post of education minister in 1869 and retained it until 1879. On his early ministerial career, see his, *Erinnerungen*, 45-50; on him generally see F. Strobl von Ravelsberg, “Karl von Stremayr“, *Steirische Zeitschrift für Geschichte*, Vol.2 (1904), 97-106.

with the old universal, transnational and Catholic tradition of the Holy Roman Empire and moved forward.”<sup>6</sup> Even if there is some exaggeration in such statements, it is certain that conservative personalities like Francis Joseph, who was personally much involved in the formation of the pact, found it difficult to reconcile themselves to the new conditions and accepted the situation only after much internal struggle. On August 25<sup>th</sup>, 1870, the emperor wrote to his mother: “The abolition of the Concordat has been hard for me as well. Yet, I have decided it because it is the milder and, according to my view, most righteous process towards the unfortunate resolutions of Rome [...]. It is my deepest wish to come again to an agreement with the Church, which is nonetheless not possible with the current pope.”<sup>7</sup> The Catholic-minded population of Austria and the high prelates that sympathized with the Vatican, expressed their distress at this development<sup>8</sup>, but this reaction could not reverse the course of events, nor could it erase the capitulation of Rome to the nationalist Italian troops in 1870. Simultaneously, at the domestic level, the brief intermezzo of federalist-conservative governance under the premiers Potocki and Hohenwart in 1870/71<sup>9</sup> gave place once again to liberal ministries and to the long-lived cabinet of Adolf von Auersperg (1871-1879)<sup>10</sup>, brother of the 1868 minister-president. This last liberal government proceeded a few years later with the ultimate act of the *Kulturkampf*, i.e. the passing of the confessional legislation of 1874.

## II.

At the dawn of 1874, almost four years after the abolition of the Concordat, the Austrian liberals took the initiative to bring forward in parliament a new combination of confessional laws that further regulated the relations between State and Church. Their actions were highly influenced by the cultural-ecclesiastical developments in Germany, which resurrected the *Kulturkampf* spirit in Austria too<sup>11</sup>. As the inspirer of the 1874 laws Stremayr noted in his memoirs: “The *Kulturkampf* in Germany, which incidentally met an early end here, did not leave the Austrian liberals in peace [...]”<sup>12</sup>. The leading

<sup>6</sup> Quoted in Franz, *Kulturkampf*, 135.

<sup>7</sup> Quoted in Weinzierl, *Die Österreichischen Konkordate*, 117. For the written correspondence between Francis-Joseph and Stremayr regarding the abolition of the Concordat, where the intentions of the sovereign became clear, see Hussarek, *Die Krise und die Lösung des Konkordates*, 357ff; Vocolka, *Verfassung oder Konkordat?*, 170; Leisching, “Die römisch-katholische Kirche”, 55-56.

<sup>8</sup> See Weinzierl, *Die Österreichischen Konkordate*, 117-118; Leisching, “Die römisch-katholische Kirche”, 56-57.

<sup>9</sup> On this short break between the liberal ministries, see analytically Walter Rogge, *Oesterreich von Vilagos bis zur Gegenwart*, 3 Vols. (Vienna-Leipzig, 1872-1873), Vol.3, 294-491 and also Ronald Wierer, “Das böhmischen Fundamentalartikel von Jahre 1871”, in: Peter Berger (ed.), *Der österreich-ungarische Ausgleich von 1867. Vorgeschichte und Wirkungen* (Vienna, 1967), 154-168; Max H. Voegler, “Similar Paths, Different Nations? Ultramontanisation and the Old Catholic Movement in Upper Austria, 1870-1871”, in: Lawrence Cole (ed.), *Different Paths to the Nation: Regional and National Identities in Central Europe and Italy, 1830-1870* (New York, 2007), 180-199.

<sup>10</sup> On Adolf Auersperg, see “Auersperg, Adolf Carl Daniel Fürst“, in: *Neue Deutsche Biographie*, Vol.1 (Berlin, 1953), 436; „Auersperg Adolf Fürst“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.1 (Vienna, 1957), 35. On his age of governance, see Kammerhofer, „Organisationsformen und Führungsschichten“, esp.26-29; Kwan, *Liberalism*, 72-90; Eva Somogyi, „Die Reichauffassung der deutsch-österreichischen Liberalen in den siebziger Jahren des 19. Jahrhunderts“, in: F. Glatz, R. Melville (eds.), *Gesellschaft, Politik und Verwaltung in der Habsburgermonarchie, 1830-1918* (Stuttgart, 1987), 157-188.

<sup>11</sup> On the *Kulturkampf*’s impact on the diplomatic relations between the two empires, see Susanne Herrnleben, “Zur Funktion des *Kulturkampfes* in der europäischen Politik. Die Beziehungen zwischen Österreich-Ungarn, Italien und dem Deutschen Reich 1870-79”, Ph.D. Thesis, University of Vienna, 1988, 30ff.

<sup>12</sup> Quoted in Stremayr, *Erinnerungen*, 56. See also Weyrich, „Die liberale Politik, 1860-1979“, 179.

liberal politician Ernst von Plener<sup>13</sup> became more vivid and detailed in his own description of the zeitgeist: “A true anticlerical mood ruled over certain parts of the liberal party; at first there were some first-rate members like Sueß, Sturm, Kopp and others, who wanted to take up again the struggle of the year 1868; these were joined by the Viennese radicals, then by the liberals of the Alpine lands [and] the bourgeois intellectuals [...]”<sup>14</sup>. Another reason that led to the raising of the confessional issues was the very pragmatic need of the liberals to regulate the vague points in Church-State relations that had remained after 1870. The relative uncertainty regarding such legal issues was evident in Plener’s remarks: “The cultural administration [he probably meant the ministry of education] felt the need for a cohesive legal arrangement of the relations between State and Church, because old court degrees, customary legal regulations of the administration and partly indeed also parts of the Concordat built all together the legal sources of a pretty uncertain legal condition.”<sup>15</sup> Thus the liberal government decided to clarify the landscape and definitely abolish any doubt on the relations between Throne and Altar.

On January 21<sup>st</sup>, 1874 the minister of education, Stremayr, presented four bills to the House of Deputies, which included: a) a law concerning the regulation of the external legal relations of the Catholic Church (*Katholikengesetz*); b) a law concerning the legal conditions of the monasteries (*Klostergesetz*); c) a law concerning contributions to the Religion Fund by holders of income-producing ecclesiastical property, and d) a law concerning the legal recognition of new religious societies<sup>16</sup>. The spirit of Josephinism still had a substantial role to play in this last chapter of the Austrian Kulturkampf. As Leisching suggests, in matters of the first law: “The law followed - without taking care of the development from the beginning of the 1850s until the mid-1870s - in its articles so much the older legal framework that [it is possible] to find in certain aspects Josephinian traditions, and regarding the Catholic Church a lower degree of freedom of movement was introduced in comparison to other religious societies.”<sup>17</sup> Therefore, it could be argued that the laws aimed at a return to a mild Josephinism: the State would exercise ultimate supervision over the Church and at the same time grant the latter autonomy in matters belonging to the ecclesiastical sphere of influence, i.e. religious teachings, discipline of the clergy, jurisdiction over priestly seminaries, etc. At the same time, issues regarded as “external” would remain under state control, including the appointment of new bishops and priests, the publication of pastoral letters and the administration of the Josephinian *Religionsfond* from which clergymen were paid and parishes financed<sup>18</sup>. Contemporary witnesses seem to favor such an interpretation. Plener commented that the laws were characterized by clear historical

<sup>13</sup> On Plener, see Brigitte Klein, „Ernst von Plener: sein Weg zum Politiker“, Ph.D. University of Vienna, 1980; „Plener Ernest Frh. Von“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.8 (Vienna, 1983), 122-123; „Plener, Ernst Freiherr von“, in: *Neue Deutsche Biographie*, Vol.20 (Berlin, 2001), 529f.

<sup>14</sup> Quoted in Ernst Plener, *Erinnerungen*, 3 Vols., Vol.2: *Parlamentarische Tätigkeit, 1873-1891* (Leipzig-Stuttgart, 1921), 21. See also Weyrich, „Die liberale Politik, 1860-1979“, 180.

<sup>15</sup> Quoted in Plener, *Erinnerungen*, 19.

<sup>16</sup> On the 1874 laws, see Gustav Kolmer, *Parlament und Verfassung in Oesterreich, Vol.2: 1869-1879* (Vienna, 1903), 313-339; Franz, *Kulturkampf*, 140f; Weinzierl, *Die Österreichischen Konkordate*, 118-122; Vocelka, *Verfassung oder Konkordat?*, 170-176; Leisching, „Die römisch-katholische Kirche“, 57-63; Liebmann, “Von der Dominanz der Katholischen Kirche“, 386-390 and extensively see Christina Hagen, “Die Deutschliberalen und die Religionsgesetze von 1874”, M.A. Thesis, University of Vienna, 2000.

<sup>17</sup> Quoted in Leisching, „Die römisch-katholische Kirche“, 58.

<sup>18</sup> See Franz, *Kulturkampf*, 151-152; Voegler, “The Catholic Church in Upper Austria”, 135-136.

influences and anti-Concordat connotations, while they had found a balance between “the extremes of the old police state” and the doctrine of a free Church in a free State<sup>19</sup>. Stremayr, in his accompanying speech in the parliament, emphasized perhaps even more the Josephinian aspect of state domination of the Church behind the legislation: “It is a matter of establishing state influence in the ecclesiastical area. The contemporary political view recognizes in the State no other sovereignty than that of the State. It counts the Church as well only among circles of individuals. The view that the Church in its area is as sovereign as the State in its own can be agreed to today less than ever.”<sup>20</sup> Plener also comprehended and embraced such political targets: “the introduction of a general right of state supervision on the administration of the ecclesiastical property was against the Concordat, but in accordance to the old laws (i.e. the Josephinian ones).”<sup>21</sup> Finally, the Josephinian background of the laws is better understood when it is taken into consideration that their main drafter aside from Stremayr, councilor in the ministry of education Karl von Lemayer<sup>22</sup>, was a moderate advocate of State predominance over the Church and certainly hostile towards the Concordat. His views are better understood through the witness of his close friend Plener, with whom Lemayer held lengthy discussions about the context of the 1874 laws: “[...] his basic view was that of a liberal of the older school, [...] He was strongly in favor of the supremacy rights of the state, but he had no passionate anti-ecclesiastical or anti-clerical attitude [...]”<sup>23</sup> Nevertheless, he was heavily disliked by the conservatives and, according to Plener, that was the reason why he never became minister of education.

Lemayer himself, whose declared goal was the establishment of the Catholic Church as a “privileged public corporation” in Austria<sup>24</sup>, provided ample theoretical justification for the new laws. He composed a detailed description of the state’s motives (*Motivenbericht*), which is one of the few critical texts on the evolution of the State-Church relations in Austria from an official liberal perspective. This analysis began with the age of Maria-Theresa and of Joseph II and ended with the liberal era and the abolition of the Concordat in 1870, stressing the need for additional legislative regulations in the

<sup>19</sup> See Plener, *Erinnerungen*, 19-20. Anton Auersperg had a different opinion and thought that the laws were characterized by a “certain police spirit”. See Weinzierl, *Die Österreichischen Konkordate*, 122.

<sup>20</sup> On the session of January 21<sup>st</sup>, see Stenographische Protokolle: Abgeordnetenhaus, V. Legislative Periode, 1873-1879 (Vienna, 1879), 361-402. Especially on Stremayr’s speech and his Josephinian views, see Hugo Kremer, *Aktenstücke zur Geschichte des Verhältnisses zwischen Staat und Kirche im 19. Jahrhundert*, 4 Vols. (Leipzig, 1880), Vol.4, 155-179. These initiatives infuriated the conservative party and the bishop of Seckau, Zwerger, spoke of “a clear rule of Bismarck in the middle of Austria”, a lively evidence of the conservatives’ painful impressions of the contemporary developments in Germany. For Zwerger’s speech, see Johannes Zwerger, *Die konfessionellen Gesetzentwürfe, in’s Haus der Abgeordneten eingebracht am 21.1.1874. Besprochen von ---, Fürstbischof von Seckau, für seine Diözesanen. 2., bedeutend vergrößerte Aufl* (Graz, 1874); also Liebmann, “Von der Dominanz der Katholischen Kirche“, 387.

<sup>21</sup> Quoted in Plener, *Erinnerungen*, 19.

<sup>22</sup> On Lemayer, see “Karl Freiherr von Lemayer: Leben und Wirken“, in: Werner Ogris, Thomas Olechowski (eds.), *Elemente europäischer Rechtskultur: rechtshistorische Aufsätze aus den Jahren 1961-2003* (Vienna, 2003), 285-308. His rather mixed views on Josephinism are also discussed in Karl Vocelka, „Staat und Kirche in der Periode der deutschliberalen Herrschaft“, in: Leopold Kammerhofer (ed.), *Studien zum Deutschliberalismus in Zisleithanien, 1873-1879* (Vienna, 1992), 75-90, esp. 80-81.

<sup>23</sup> Quoted in Plener, *Erinnerungen*, 20. Lemayer was also Giskra’s son-in-law, and that put him in the very core of the liberal political elite.

<sup>24</sup> See Kolmer, *Parlament und Verfassung*, 316; Weinzierl, *Die Österreichischen Konkordate*, 118.

state-ecclesiastical field<sup>25</sup>. Interestingly enough, the image that Lemayer himself delivers of Josephinism contains many elements of criticism, which means that in the 1870s visions of a general state overlordship and supervision over the Church did not necessarily imply a positive affiliation with Joseph II's legacy and memory. This attitude also provides evidence regarding the intellectual evolution of the liberal interpretation of Austria's past and the differences between generations of liberal politicians<sup>26</sup>. Thus, one detects the progressive move from the more-or-less overwhelming admiration of the 1868 politicians for the Josephinian legacy (Hasner, Auersperg etc.) to the more balanced perception of the younger Lemayer that left abundant space for criticism. For example, Lemayer commented, regarding the nature of the Josephinian Church policy:

"Josephinism represented just a path in the relations of the State with the Church through the historical region of the *police state*. After all, one wished [to uncover] the theoretical justification of this system [that can] be traced on the principles of Gallicanism, Jansenism, Febronianism in matters of ecclesiastical doctrines; in reality it stemmed from no other source than the then-dominant state perception of that eudemonic policy, which summarized all public activities to the single purpose of general prosperity, and for this purpose all began from the regent. Accordingly, it is thought not right to see the substance of Josephinism above all in the strong hand, which the State then held over the Church. The peculiarity of this system lay rather [in the fact that] it did not allow the independence of the ecclesiastical life, but looked at the Church as a state institution and as such, it [i.e. the State] used it [the Church] to achieve political goals. The ecclesiastical authorities had to be a kind of "moralizing power", active collaborators of the all-embracing police, in whose training one saw then, as expected, the entire state purpose."<sup>27</sup>

The state predominance and control over the Church that was installed by Joseph II left the deepest footprint in the ecclesiastical history of Austria, as Lemayer suggested, since it formatted the religious and political consciousness of generations of clergymen through the Josephinian-inspired General Seminaries that propagated the ideal of the *Staatskirchentum*<sup>28</sup>. The Josephinian doctrines remained omnipotent for decades, until the general freedom call of 1848 opened the way for the emancipation of the Church from secular control<sup>29</sup>. The constitutional assembly in Frankfurt had decided in favor of the free and public exercise of religious worship and had condemned state laws that interfered in that process<sup>30</sup>. The position of the Church was further reinforced by the decrees of April 1850 that substantially weakened the influence of Josephinian principles<sup>31</sup>. The culmination of the church-emancipatory ambitions and the parallel decay of Josephinism came slightly afterwards with the Concordat, which stabilized the legal dualism between State and Church in the Monarchy<sup>32</sup>. The political landscape was fundamentally transformed after 1861, and the Concordat was put on the defensive. At this point, in a very interesting way, Lemayer acknowledged the enormity of the public anti-Concordat feeling, despite his earlier harsh treatment of the Josephinian system: "A more extensive demand was directed towards the abrogation of the patent of November

<sup>25</sup> See Vocelka, *Verfassung oder Concordat?*, 171f. „Lemayer: Leben und Wirken“, 291. On the *Motivenbericht*, see Paul Gautsch Freiherr von Frankenthurn, *Die confessionellen Gesetze vom 7. und 20. Mai 1874 mit Materialien* (Vienna, 1874), 3-37 (for the draft on the external ecclesiastical relations), 153-158 (for the draft of the religious fund), 209-216 (for the draft on the recognition of new religious societies).

<sup>26</sup> On the distinct liberal generations in politics, Boyer, *Political Radicalism in late imperial Vienna*, 23ff.

<sup>27</sup> Quoted in Frankenthurn, *Die confessionellen Gesetze*, 3-4.

<sup>28</sup> See Frankenthurn, *Die confessionellen Gesetze*, 5.

<sup>29</sup> See Frankenthurn, *Die confessionellen Gesetze*, 10f. In Lemayer's view the movement of ecclesiastical emancipation was existent since the late 18th century, but until 1848 it remained suppressed by the state.

<sup>30</sup> See Frankenthurn, *Die confessionellen Gesetze*, 10-11.

<sup>31</sup> See Frankenthurn, *Die confessionellen Gesetze*, 12-13.

<sup>32</sup> See Frankenthurn, *Die confessionellen Gesetze*, 14-15.

5<sup>th</sup>, 1855 as a whole and towards the regulation of all confessional issues through the way of state legislation.”<sup>33</sup> This popular request was to find its fulfillment in the Constitution of 1867 and in the subsequent May laws that effectively erased the most influential articles of the Concordat. This development had, according to Lemayer, far-reaching consequences<sup>34</sup>: “[...] the state area was liberated from every ecclesiastical influence and the validity of the Concordat was restricted to purely ecclesiastical matters. There could be no word anymore for ecclesiastical influences on state matters, but on the other hand the question emerged of the reversed type and scope of state influence on ecclesiastical concerns.” The official annulment of the Concordat per se followed shortly after the May laws, and the legal vacuum that appeared after 1870 granted the government freedom of action in matters of the external relations of the Catholic Church<sup>35</sup>. The motives and the directions of the new legislation had, in the words of minister Stremayr, a clearly liberal and Josephinian character: “these legal patterns that are to be prepared for the parliament [...] must be in accordance with the state fundamental laws and with consideration of the given historical conditions.”<sup>36</sup> From that point, as Lemayer saw it, the question was raised: according to which historical paradigm should the new laws be formed? He asserted that the solution lay neither in Josephinism nor on parity between the State and the Church (dual system). Particularly in regards to the first alternative, he noted that:

“Josephinism is suitable nowadays as a principle of the public ecclesiastical law to such a little degree as its foundation, as the so-called enlightened absolutism would be suitable as a general principle of governance. It would contradict all the dominant political principles [and] would handle the Church as a means for the achievement of the state cause. In the modern *Rechtsstaat* the development of each individual is fundamentally free and only under exceptional conditions is restrained: in the Josephinian state it is exactly reversed. [...] From that follows that Josephinism just because it treats the Church as part of the state machine, it does not hinder a continuity in the political and ecclesiastical affairs, that it largely equally often uses the Church for state aims and also puts in the move the state authority ecclesiastical ones.”<sup>37</sup>

Nevertheless, the Josephinian spirit, as Lemayer himself confessed, was not absent from contemporary legislation, since Article 15 of the 1867 constitution determined the superiority of state laws when it came to the external relations of the Church<sup>38</sup>. Even more than that, the existing legislation enabled the state to interfere in ecclesiastical affairs, and that could change only if the state itself decided so<sup>39</sup>. This fact certainly betrayed some Josephinian influence, although the author remained merely descriptive and avoided criticizing the current legal circumstances. Eventually Lemayer recognized the strong historical continuity in the limitations and restrictions enforced on the activities of the Church in Austria, which obviously originated in the Josephinian era<sup>40</sup> (even the law concerning religious societies had, in his opinion, its ideological origins in the Josephinian edict of tolerance<sup>41</sup>). Unable to immediately change what was already a law of the state, Lemayer made vitriolic comments, saying that “no state-ecclesiastical

<sup>33</sup> Quoted in Frankenthurn, *Die confessionellen Gesetze*, 16.

<sup>34</sup> Quoted in Frankenthurn, *Die confessionellen Gesetze*, 17.

<sup>35</sup> See Frankenthurn, *Die confessionellen Gesetze*, 18-20.

<sup>36</sup> Quoted in Frankenthurn, *Die confessionellen Gesetze*, 20.

<sup>37</sup> Quoted in Frankenthurn, *Die confessionellen Gesetze*, 23; Vöckel, *Verfassung oder Konkordat?*, 173.

<sup>38</sup> See Frankenthurn, *Die confessionellen Gesetze*, 24; Vöckel, *Verfassung oder Konkordat?*, 174.

<sup>39</sup> See Frankenthurn, *Die confessionellen Gesetze*, 27; also Franz, *Kulturkampf*, 148.

<sup>40</sup> See Frankenthurn, *Die confessionellen Gesetze*, 34.

<sup>41</sup> See Frankenthurn, *Die confessionellen Gesetze*, 209-210.

system injures the Churches more in the public law as Josephinism does; the latter has nowhere established deeper roots than in its Austrian homeland.”<sup>42</sup> He concluded his syllogism by arguing that the new legislation should leave more space for ecclesiastical activities, which meant more freedom than Josephinism did, but again fewer privileges than were guaranteed by the Concordat. His wishful thinking coincided with his remarks on the nature of the 1874 laws: “[...] the tendency of the present legislation is differentiated in a particularly clear way from Josephinism, which did not only give direct norms for the ecclesiastical life [...], but also favored certain ecclesiastical party factions, e.g. Febronianism, against others.”<sup>43</sup>

Lemayer’s *Motivenbericht* is one of the most important theoretical essays for the self-perspective and motivation of Austrian liberal policy in the 1870s, and its significance has been rightly pointed out in the relevant literature<sup>44</sup>. Apart from an extensive commentary and critique on the laws of 1874, the arguments presented concerning the nature and contribution of Josephinism in Austrian history, politics and society are of special meaning. Lemayer dared to approach the role of Josephinism in its historical era with a critical spirit, an act unusual for the liberal politicians and writers of the previous decade. Beyond the level of the pure historical analysis, his interpretation of the Josephinian shadow in his times deserves to be commented. For him, Josephinism was, a century after its initial implementation, an obsolete and potentially dangerous system that could lead to the restriction of individual and corporate liberties, thus resurrecting an autocratic state. Therefore he, as a genuine liberal, was against such a despotic arrangement of social and ecclesiastical conditions. Instead he stood in favor of a mutually respectful State-Church relationship, in which the State would not interfere in purely spiritual matters and the Church would retain its autonomy in its internal issues. On the other hand, and thinking realistically, he accepted the strong influence of the long Josephinian tradition in Austria and noted (somewhat reluctantly) its continued existence in the laws of 1867 and 1868. Lemayer’s hesitation towards Josephinism and the simultaneous Josephinian character of the 1874 laws as proposed publicly by Stremayr may seem contradictory. It can be potentially justified only by the fact that Lemayer himself did not have enough political power to enforce his ideas alone, and he was bound to reach some consensus with the other party members. The latter found in the Josephinian formulas a more effective way to control the Church - their ultimate goal - than the liberal motto “free Church in a free State” could offer. Nevertheless, the domestic autonomy that the Church was allowed to enjoy meant at least a partial victory for Lemayer’s goals, and the embrace of Josephinism, though still extant, was relatively mild.

Mild or not, the Josephinian influences in the new group of laws were easily and quickly recognized by several observers, who reacted both positively and negatively. In a club gathering in Graz in early February, several conservative voices were heard, associating the new drafts with Josephinism negatively (the speeches were published shortly afterwards)<sup>45</sup>. The first speaker was the young noble conservative politician

<sup>42</sup> Quoted in Frankenthurn, *Die confessionellen Gesetze*, 32.

<sup>43</sup> Quoted in Frankenthurn, *Die confessionellen Gesetze*, 35.

<sup>44</sup> See the remarks of Vöcelka, *Verfassung oder Konkordat?*, 172.

<sup>45</sup> Liechtenstein Aloys Prinz, Liechtenstein Alfred Prinz, Pergen Anton Graf von, *Die konfessionellen Gesetzentwürfe. Drei Reden darüber gehalten von Alois Liechtenstein, Anton Graf von Pergen und Alfred*



Aloys von Liechtenstein<sup>46</sup>, who observed that the laws “mobilized all means in order to force the Church under state authority”<sup>47</sup>. Although Liechtenstein generally praised the wise governance of the Habsburgs for their Catholic orientation and their conservative reforms from above<sup>48</sup>, he seemed to hold the opposite opinion on Joseph II and his legacy. In his remarks he became more specific and attacked the supposed Josephinian-originated state authoritarianism that the new laws brought upon the Church. He asserted that: “I have found that these laws are - I can really say - an unfortunate mixture of Josephinian court decrees and Prussian May laws, which are, as I know, again of Russian origin.”<sup>49</sup> The next speaker was also a conservative and clerical-sympathizer, Anton von Pergen<sup>50</sup>, who referred to the Josephinian administrative practices of state supremacy that the new laws had awakened. More precisely, he warned that the Austrian drafts were more dangerous for the Church than the Prussian May laws of 1873 because they enforced: “[...] the bureaucratic high pressure in the way of prescription. [...] The most dangerous persecution for the Church is above all, if I may put it that way, the administrative one.”<sup>51</sup> In accordance with these views were his subsequent remarks on the strategy of the state to interfere in and influence the internal affairs of the Church through the new drafts. “The exercise of this influence is the duty of the state police [...] All ecclesiastical legal and property rights would be dependent on the State - indeed the absolute superiority of the State upon the ecclesiastical order is expressed and proclaimed,” he declared bitterly, fearing also the creation of an Austrian *Staatskirchentum*, at the expense of the Roman Catholic cosmopolitanism<sup>52</sup>. Pergen’s vocabulary and tone strongly reflected the anti-Josephinian expressions of the 1860s. Both referred to the transformation of the Church into an arm of state authority and, even more, of state oppression, which went together with the administrative subordination of the Church to the State. The speaker’s Josephinian-hostile tendencies became fully articulated when he commented on the ideological background of the law-makers: “they have taken up from their childhood the errors of Josephinism.”<sup>53</sup> From Pergen’s pro-clerical stance, such policies may have detrimental results for the Church.

Views corresponding to this anti-Josephinian and clerical-hostile interpretation of the drafts were also manifested in a relevant club memorandum coming from Bohemia<sup>54</sup>. The author of this short paper did not show aggression of the Grazer speakers, but none-

---

*Fürst Liechtenstein in der Vereinsversammlung des kath.-konf. Volksvereines von Graz am 3. Februar 1874 mit einer Adresse an den Hochwürdigsten Fürstbischof von Seckau, 2., ... Aufl (Graz, 1874).*

<sup>46</sup> On Liechtenstein, see „Liechtenstein Aloys Prinz von und zu“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.5 (Vienna, 1972), 203-204; „Liechtenstein, Aloys Prinz von und zu“, in: *Neue Deutsche Biographie*, Vol.14 (Berlin, 1985), 521-522; Maria Banauch, „Prinz Aloys von und zu Liechtenstein. Stationen im Leben eines ungewöhnlichen Politikers“, Dipl. Thesis, University of Vienna, 1997.

<sup>47</sup> Quoted “Rede des Herrn Alois Fürsten v. Liechtenstein”, in: *Die konfessionellen Gesetzentwürfe*, 7-8.

<sup>48</sup> See “Rede des Herrn Alois Fürsten von Liechtenstein”, 9.

<sup>49</sup> Quoted in “Rede des Herrn Alois Fürsten von Liechtenstein”, 5. With the term „Prussian May laws” he meant the German Kulturkampf legislation of May 1873. With the term “Russian origin,” he had in mind the strict control that the Russian Czar exercised over the Orthodox Church, a fact that supposedly constituted an inspiration for the anticlerical legislative initiatives in Germany and in Austria.

<sup>50</sup> On Pergen, see *Gothaisches Genealogisches Taschenbuch der Gräflichen Häuser 1912* (Gotha, 1912), 684; “Pergen”, in: *Katholisches Soziallexikon* (Innsbruck, 1964), 821.

<sup>51</sup> Quoted in “Rede des Herrn Anton Graf Pergen”, in: *Die konfessionellen Gesetzentwürfe*, 15.

<sup>52</sup> Quoted in “Rede des Herrn Anton Graf Pergen”, 17.

<sup>53</sup> Quoted in “Rede des Herrn Anton Graf Pergen”, 21.

<sup>54</sup> See *Adresse und Promemoria an Se. Majestät aus Anlaß der confessionellen Gesetzentwürfe überreicht vom katholisch-politischen Vereine für das Königreich Böhmen* (Prague, 1874).

theless his position against the recent liberal legislative initiatives was clear. He interpreted the drafts as a blunt expression of power of the State against the Church. According to his analysis, state supremacy over the Church was practically possible, but it was only justified through force and lacked any acceptable legal backing. An arbitrary arrangement like the one that the current government promoted could be compared only with the equivalent agenda of Josephinism, which had had similar goals<sup>55</sup>. In matters of the historical era of Josephinism per se, the author can recall only dark images of a too-close bond between Church and State: “[...] the Catholic pastors intervened in the marital closures [*Eheschließungen*] as state functionaries and their ecclesiastical intervention imposed also state consequences [...]”<sup>56</sup> The problems within relationship seemed to find their solution with the Concordat<sup>57</sup>. Yet, this arrangement was proven to be temporary, and the current government attempted once again to enforce secular authority over ecclesiastical authority, a development that should surely be avoidable.

In the midst of this tentative climate, in which, through the suggested laws, the intentions of the liberals had become broadly known, as had the opponent clerical objections, the bills were brought for discussion in the parliament in March and April 1874.

### III.

The draft bill on the external relations of the Catholic Church was presented in the House of Deputies on March 5<sup>th</sup>, and the discussion lasted until March 10<sup>th</sup><sup>58</sup>. The first conservative speaker, former premier Karl Sigmund von Hohenwart<sup>59</sup>, repeated the standard argument among the clerical circles -as seen above- that: “The high government forfeits further the principles of Josephinism and here these law drafts support this view.”<sup>60</sup> According to him, Josephinism meant the transformation of the Church into a branch of state authority; that was what had happened in the previous century, and the current liberal ministry strove to repeat it. This statement led to a response from the liberal deputy from Carinthia, Adolf Schaffer, who argued that the government did not wish to oppress the Church. He proceeded to clarify: “the return to the Josephinian state would be, according to the current order of things, neither advisable, nor desirable [...]”<sup>61</sup>, making a claim contrary to the context of the laws. His attitude was shared, it seems, by other deputies, like the Polish Count Georg Konstantin Czartoryski<sup>62</sup>, who in his own speech identified Josephinism with the police state<sup>63</sup>. As the discussion went on, Lemayer’s *Motivenbericht* was also mentioned and commented on extensively on

<sup>55</sup> See *Adresse und Promemoria an Se. Majestät*, 10-11.

<sup>56</sup> Quoted in *Adresse und Promemoria an Se. Majestät*, 16.

<sup>57</sup> See *Adresse und Promemoria an Se. Majestät*, 5-7.

<sup>58</sup> On the debate, see *Stenographische Protokolle: Abgeordnetenhaus*, 831ff; on commentaries see Kolmer, *Parlament und Verfassung*, 317-321; Franz, *Kulturkampf*, 151; Weinzierl, *Die Österreichischen Konkordate*, 121f; Vöclka, „Staat und Kirche“, 80ff; Leisching, „Die römisch-katholische Kirche“, 58f.

<sup>59</sup> On Hohenwart, see Wurzbach, „Hohenwart, Karl Sigmund Graf von“, in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.9 (Vienna, 1863), 205; Emilie Schenk-Sudhof, „Karl Graf Hohenwart“, Ph.D. Thesis, University of Vienna, 1950; „Hohenwart Karl Sigmund Graf von“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.2 (Vienna, 1959), 396; „Karl Graf von“, in: *Neue Deutsche Biographie*, Vol.9 (Berlin, 1972), 495-496.

<sup>60</sup> Quoted in *Stenographische Protokolle: Abgeordnetenhaus*, 835.

<sup>61</sup> Quoted in *Stenographische Protokolle: Abgeordnetenhaus*, 838.

<sup>62</sup> On Czartoryski, see Kolmer, *Parlament und Verfassung*, 241; Anton Ottokar Zeithammer, *Polnisch-böhmische Beziehungen. Fürst Georg Czartoryski* (Lemberg, 1913).

<sup>63</sup> See *Stenographische Protokolle: Abgeordnetenhaus*, 852.

many occasions. Given the great deal of references to Joseph II and Josephinism in that text, it is not surprising that historical remarks also emerged in the parliamentary debate. In one very characteristic case, the Upper Austrian liberal deputy August Göllerich<sup>64</sup> seized the opportunity to praise the late emperor and express his nostalgia for the (idealized) Josephinian past, contrasting it bitterly with present times:

“I do not intend to go into details regarding the *Motivenbericht*, only please allow me at this point to remark concerning Josephinism in the *Motivenbericht* that even today thousands and thousands of truly patriotic hearts give their gratitude and admiration to that great emperor, who a hundred years ago knew how to reach with a strong hand, while one nowadays aims only with timid hands, and a hundred years ago had left enough space to free expression and to free thinking, which stands - I must openly confess it - in a somewhat peculiar contrast to the fresh and merry confiscations, which one notes to be restored here and there with the faulty official nimbus in the era of constitutionalism.”<sup>65</sup>

Plaudits to Joseph II continued in the subsequent stages of the debate as well, when conservative deputies also dared to comment positively on him. The Salzburger conservative deputy Georg Lienbacher<sup>66</sup> testified to his own opinion on the matter, as a response to the widespread Josephinian references of his opponents. In his view, the legacy of the late emperor was significant because the current government went hand in hand with Josephinism<sup>67</sup>. In his interpretation, the image of the tragic monarch, who was completely devoted to the common good and his ideals and yet failed to reach his goals, is prevalent: “[...] Emperor Joseph II, on whom you call so willingly, sacrificed his whole life, his struggles and his work in favor of the state and of his subjects, and he regretfully saw that his laws were not being followed.”<sup>68</sup> Göllerich and Lienbacher were not the only ones that identified a relation between Josephinism and the drafts brought by the current government. A bit later, on March 7<sup>th</sup>, the Moravian deputy Ignaz Wurm<sup>69</sup>, based on the negative description of 18<sup>th</sup> century Josephinism offered in the *Motivenbericht*, warned the House that the new laws might lead to the establishment of a second Josephinism, which would be no better than the first one<sup>70</sup>.

A less sentimental and more systematic and well-structured discussion of the issue appeared in the brilliant historical analysis of the geologist Eduard Sueß<sup>71</sup>. He undertook a total introduction to the ecclesiastical history of Austria, dividing it into three main sections beginning with the Baroque era in the 17<sup>th</sup> century and ending in the

<sup>64</sup> On Göllerich, see „Göllerich August“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.2, (Vienna, 1959), 16; „Goellerich August“, in: *Neue Deutsche Biographie*, Vol.6 (Berlin, 1964), 517.

<sup>65</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 847.

<sup>66</sup> On Lienbacher, see Gerta Ovčarič, “Georg Lienbacher“, Ph.D. Thesis, University of Vienna, 1949; “Lienbacher Georg“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.5 (Vienna, 1972), 210; Friedrich Steinkellner, *Georg Lienbacher. Salzburger Abgeordneter zwischen Konservatismus, Liberalismus und Nationalismus 1870-1896* (Vienna-Salzburg, 1984).

<sup>67</sup> See Stenographische Protokolle: Abgeordnetenhaus, 880.

<sup>68</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 875.

<sup>69</sup> On Wurm, see Wurzbach, “Wurm, Ignaz“, in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.58 (1889), 283.

<sup>70</sup> See Stenographische Protokolle: Abgeordnetenhaus, 907-908.

<sup>71</sup> On Sueß, see A. Tollmann, E. Kristan (eds.), *Eduard Suess: Forscher und Politiker* (Vienna, 1981); T. Cernajsek, J. Seidl (eds.), *Eduard Suess: ein Wissenschaftler und Politiker als Initiator der 1. Wiener Hochquellenwasserleitung* (Vienna, 2003); Johannes Seidl (ed.), *Eduard Suess und die Entwicklung der Erdwissenschaften zwischen Biedermeier und Sezession* (Vienna, 2009); “Sueß Eduard“, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.14 (Vienna, 2012), 32f; Daniela Angetter (ed.), *Eduard Suess (1831-1914): Wiener Großbürger, Wissenschaftler, Politiker zum 100. Todestag* (Vienna, 2014).

Concordat period. Between those two phases was sandwiched 18<sup>th</sup> century Josephinism, of which the speaker was particularly fond<sup>72</sup>. In the lengthy and revealing narration that followed, Sueß did not focus on deeds of Joseph II himself, during whose reign “the Church turned into an instrument of the State, as earlier the State was an instrument of the Church”<sup>73</sup>. Instead he described the status of Joseph’s memory and justified why his legacy was important for Austria, delivering thus a full and extremely valuable picture of Josephinism in the 1870s. Sueß began recalling recent and familiar images: “But since yesterday portraits were mentioned in Vienna; since then the image of Religion has appeared in the inner bourgeois squares, *above* which stood the image of the Emperor [Joseph II] (lively applause from the left) [...]”<sup>74</sup> After that vivacious start, Sueß continued, referring to the visual depiction of the Josephinian commemoration:

“Shortly after the death of Emperor Joseph II a house-owner in Vienna [who was] in deep mourning, wanted to name his house “for the Emperor Joseph” and put up a portrait of the Emperor in his house. I do not know which decency the authorities took from this designation [and], shortly the house-owner felt obliged to paint over the portrait a ceremonial robe and to give a lily in the hand, and through that Emperor Joseph became holy Joseph (continuous cheering in the left). Since then many storms have elapsed over Austria; and many storms have elapsed over this portrait [...] and yet] the gentle eyes of the dead Emperor are shining from the portrait. He holds still the lily of reconciliation in his hand and below that it is still today written “to the holy Joseph” (lively applaud and hand-clapping in the left).”<sup>75</sup>

Sueß’ conclusion of this overwhelmingly literary depiction of Joseph II as the continuous father of his realm concerned the impact of Josephinism in general:

“Why, gentlemen! Why do the people remember this straightforward regent, who had only completed a too short ruling time; a, I would like almost to say, inordinate admiration? I will tell you: because he was a man of power, because he was a man of clear, conscious goals, for whom there was self-confidence, from which arose the confidence of others; and also from our government we do not call for the Josephinian religious system; what we call for nonetheless is the Josephinian self-confidence; is that Josephinian motivational power that rallies friends, restrains enemies, stirs up the general confidence and patriotism and in those who alone are in the position to supply this government with sympathy and support. (lively applause in the left and in the center)”<sup>76</sup>

These words achieved to electrify the House in the highlight of the debate. The warm reaction of the other deputies to the speech and the fact that it was afterwards reproduced and distributed in a pamphlet form prove the strong sensation that it provoked. The gravity of this pro-Josephinian statement can be further established by the deep impression it made on Plener, who several decades later praised the incident in much detail in his memoirs<sup>77</sup>. The secret of Sueß’ success lay in his dexterous maneuvering to disassociate himself and his government from the highly controversial (even among the liberals) and Josephinian *Staatskirchentum*, which was regarded as despotic. At the same time, he underlined the lasting influence of the Josephinian ethos and ruling practices among the current liberal government, rendering the latter as a kind of peculiar ideological offspring of Joseph II in their common mission to modernize Austria.

<sup>72</sup> On Sueß’ speech, see Eduard Sueß, *Rede gehalten gelegentlich der Debatte über die Confessionellen Regierungsvorlagen im Abgeordnetenhaus in Wien am 6. März 1874* (Klagenfurt, 1874).

<sup>73</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 884.

<sup>74</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 884.

<sup>75</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 884.

<sup>76</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 884.

<sup>77</sup> See Plener, *Erinnerungen*, 23.

The great impression that Sueß' lively image of Joseph's portrait caused in the House becomes evident also by the fact that other prominent speakers of those days included it in their speeches when they wished to remark on the Habsburg autocrat. Stremayr himself referred to: "[...] those enlightened principles, according to which the State handled the ecclesiastical affairs since the unforgettable Emperor Joseph."<sup>78</sup> Right after that, the minister expressed his intention to analyze the meaning of Sueß' Joseph-portrait along with the notion of Josephinism itself: "Josephinism now and then had developed an activity in ecclesiastical affairs, which practically matched only with a personality dressed with the cloak of confessional dignity; but this cloak gradually disappeared; [its] place [was taken] by the police state and the principles of the *Rechtsstaat* and the core of well-being, the core of freedom of conscience and the core of the willing-to-make-sacrifices activity for the people slackened [...]."<sup>79</sup> Thus, in Stremayr's words, the idealization of the Josephinian past and its supposed pure spiritual conditions is prevalent. He and his liberal colleagues were very critical of the pre-constitutional police state, but in contrast to the conservative deputies, Stremayr tended to disassociate it from the Josephinian values and system, at least in their original, pure form.

Another liberal deputy, the Tirolean philosopher and politician Tobias Wildauer von Wildhausen<sup>80</sup>, proceeded with the Joseph-related references concentrating on the subordination to the Church to state control and also elaborating further to the situation in his homeland. Thus he noted on March 7<sup>th</sup>: "Emperor Joseph and his glorious mother Maria Theresa have made another use of their hereditary rights; they have covered not only the external life of the Church with a coherent complex of regulations, but they also tied the inner life [of the Church] through the belt of the State."<sup>81</sup> In the final part of his speech Wildhausen made explicit remarks on the cordial relation between members of the Tirolean clergy and Maria Theresa, whose far-sighted governmental arrangements were praised. These arrangements were sufficient, according to Wildauer, to forge a lasting reconciliation (*Versöhnung*) between the Tirolean prelates (especially the high-ranked ones) and Maria Theresa and her son<sup>82</sup>.

Joseph's portrait as a starting point of a wider historical analysis was further used not only by the liberal but also by the conservative members of the House. The oppositional conservative Lower Austrian deputy Friedrich Harant used that image to proceed to a lengthy account on the positive and the negative results of the reign of Joseph II for the Monarchy, thus making an argument partly antithetical to Sueß' assertions. Recruiting a tone and a style familiar to conservative speakers, Harant contrasted Joseph's age negatively with the wise policies of his mother:

"He [i.e. Joseph II] had assumed the government after the greatest regent, after the Empress Maria Theresa. I want to bring again to [our] memory her times. Maria Theresa passed away. General mourning was present. [...] Emperor Joseph assumed the government; the peoples of Austria turned truly and deeply to their ruling House; they loved this House and in earlier times they had sacrificed their goods and blood

<sup>78</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 965.

<sup>79</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 965.

<sup>80</sup> On Wildauer, see Wurzbach, "Wildauer von Wildhausen, Tobias", in: *Biographisches Lexikon des Kaiserthums Oesterreich*, Vol.56 (Vienna, 1888), 136-142; „Wildauer Ritter von Wildhausen, Tobias“, in: *Allgemeine Deutsche Biographie*, Vol.44 (Leipzig, 1898), 521-524.

<sup>81</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 933.

<sup>82</sup> See Stenographische Protokolle: Abgeordnetenhaus, 935.

for it. How was it nevertheless after ten years? General dissatisfaction. Every land, where everyone had mourned so much over the earlier regent Maria Theresa, was in open turmoil; the land, which in the death bed of her son had recommended Maria Theresa as the most truthful one, was in agitation; Hungary was close to rebellion; in Bohemia resistance ruled. He had to take back all of his degrees related to Hungary; yet what his opponents do not say is that he recognized in the last days of his government that he had been mistaken and when God took him from life, he would have realized that things should have been conducted otherwise. (movement - lively protest on the left)”<sup>83</sup>

Interestingly enough, Harant ended this part of his historical report with a positive comment on Joseph, who right before his death had become conscious of the eccentricities of his policies and had reversed them. This positive interpretation of Joseph’s deeds (which was to an extent contrary to his earlier remarks, as well as to the broader narration of his party on the matter) continued in the second part of his speech, where Harant compared Joseph’s reign to the current liberal ministry:

“Let me mention something else. Emperor Joseph was from many aspects an excellent regent - that no one will deny - he looked after the interests of his peoples, the fiscal economy was well-ordered, what he did in the juridical and political administration causes even today still the greatest recognition [and] - I can say I t- admiration, and nevertheless, despite the fact that he did such good, there appeared such unpleasant developments. Do you think, gentlemen, that the present government can show also such facts? [i.e. similar to Joseph’s achievements] Do you think that the history of the crash [of 1873] and other things witness a high attention to the people? (voice from the left: indeed!) Do you think that anyone looks at them with love? (cheering on the left)”<sup>84</sup>

Through this attitude, the development of the conservative perception of Joseph can be visible. It seems that the more militant and bellicose expression of the 1860s has given way to a spirit of greater consensus that did not always fight the liberal views, but rather corresponded to them. As in Harrant’s words, the inclusion of both praise and criticism in the conservative discourse on Joseph II, something unthinkable in the polarized climate of the 1860s, illuminates the relative quality of Joseph’s memory in the 1870s. It is also suggestive of the partial collapse of the older memorial frontiers and the formation of a mixed attitude on the late emperor that combined both positive/liberal and negative/conservative elements.

The cult of Joseph II was further reinforced by members of particular national groups, which regarded the late monarch as a pioneering figure of their material and spiritual advancement and commemorated him in the most positive way. In this category, the Ruthenians hold a distinguished position since, according to their interpretation, under the imagined “emperor-liberator” they acquired greater freedom in the worship of their orthodox confession, and their social position vis-a-vis the Polish landlords in Galicia was considerably improved<sup>85</sup>. The Ruthenian deputy from Galicia Jan Naumowicz, who took the floor on March 10<sup>th</sup>, towards the end of the debate for the first law, praised the spirit that governed the confessional legislation in the empire. This spirit: “[...] is, gentlemen, a mild, just, bright spirit (Bravo!); it is the spirit, which promotes the intellectual life in Austria and in our land [*Land*, i.e. Galicia]; it is the spirit of the

---

<sup>83</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 892.

<sup>84</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 892.

<sup>85</sup> On the Ruthenian commemoration of Joseph II, see Daniel Unowsky, “Celebrating Two Emperors and a Revolution: The Public Contest the Polish and Ruthenian Nations in 1880”, in: Laurence Cole, Daniel Unowsky (eds.), *The Limits of Loyalty: Imperial Symbolism, Popular Allegiances and State Patriotism in the late Habsburg Monarchy* (New York, 2007), 113-138, esp.124-128.

great, unforgettable Emperor Joseph II (applause), whose name is registered with flaming script [*Flammenschrift*] in the annals of the history of the entire Monarchy and equally of our provincial history.”<sup>86</sup> The speaker continued his apologia of Joseph’s policies, especially in the confessional field, by noting: “This great philanthropist on the throne, this good manorial lord had a fundamental, extensive and widespread knowledge and the appropriate ability to raise the candidates of the priesthood to a state principle [...]”<sup>87</sup>. Subsequently, Naumowicz quoted a lively image from his own past and particularly from his theological studies. He recalled the university building and a marble plaque carrying the inscription: “For the education of the clergy, the foundation of the state, consecrated by Emperor Joseph II”. He continued, saying, “Yes, really, this great spirit was detected in his wisdom, that a learned, qualified and conscious of his high office spiritual stand set up the foundations of the good of the state.”<sup>88</sup>

The draft on the external relations of the Church passed from the House of Deputies with an overwhelming majority (224 votes in favor vs only 71 against)<sup>89</sup>, and on March 16<sup>th</sup> the second draft bill concerning the religious fund came up for discussion in the House<sup>90</sup>. This draft had a special meaning from the point of view of Josephinian memory because the fund had been established by Joseph II himself in 1782/83 to support financially the clergy and its parishes, which from then on were considered state servants and agencies<sup>91</sup>. This fact was noticed by a member of the opposition, the Moravian deputy Antonin Mezník, who in his speech attempted a brief introduction to the history of the fund, beginning with the abolition of several monasteries and commenting on how their property was used in order to bring the fund to life<sup>92</sup>. The contribution and impact of the “unforgettable Emperor Joseph II” was emphatically stated, as was beneficial aftermath of his financial arrangements in matters of the Church<sup>93</sup>. Further details regarding the fiscal regulations of the fund as they were arranged by Joseph II were provided in the subsequent speeches of the ex-minister-president Hohenwart<sup>94</sup> and the Moravian deputy Franz Weber<sup>95</sup>. Such extensive references to Joseph II, even if they had a largely legalistic character and lacked the passionate tone of the previous debate, were enough to provoke negative commentaries from the conservatives on the work of the late emperor. The Catholic Upper Austrian deputy Albert von Pflügl<sup>96</sup> remarked harshly: “Emperor Joseph, a few years after he had issued the religious laws, had been obliged to see, through all his subordinate organs that included the entire clergy [...] he wanted to work against immorality and boisterousness. Emperor Joseph had thus himself assumed that the consequence of his religious laws was boisterousness and immorality.”<sup>97</sup> Given the strong connection between the policy of Joseph II on the mat-

<sup>86</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 989.

<sup>87</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 989.

<sup>88</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 989-990.

<sup>89</sup> See Stenographische Protokolle: Abgeordnetenhaus, 968.

<sup>90</sup> See briefly Kolmer, *Parlament und Verfassung*, 326-328.

<sup>91</sup> On the establishment of the fund, see Beales, *Joseph II*, Vol.2, 271ff.

<sup>92</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1164-1165.

<sup>93</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1168.

<sup>94</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1170.

<sup>95</sup> See Stenographische Protokolle: Abgeordnetenhaus, 1186.

<sup>96</sup> On Pflügl, see „Pflügl, Albert von”, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.8 (Vienna, 1979), 40.

<sup>97</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1178.

ter and the very content of the draft under consideration, it comes as no surprise that the shadow of the late monarch remained present in the parliamentary debate. This was particularly noteworthy in the case of governmental deputies, who were in favor of a positive commemoration of Joseph. At the end of the general debate, the Bohemian deputy Wilhelm Victor Russ<sup>98</sup> chose to end his speech with praise for Joseph II: “It is often nice for Emperor Joseph II and his good intentions to be indicated, and the high House may allow me to close my observations about the religious fund by pointing out a [...] cabinet script of Emperor Joseph II [dated] on January 17<sup>th</sup> 1783.”<sup>99</sup> According to this decree, which Russ quoted in detail, the emperor stood in favor of the creation of a new institution responsible for the revenues of the ecclesiastical estates. The outcome of that wish of the emperor was the religious fund. After the quotation, the speaker concluded: “In this deed the late descendants of this man can attest to what extent [the influence of] his spirit lasted until our days.”<sup>100</sup> The debate on the religious fund ended on March 17<sup>th</sup>; thus, after a short discussion, this draft gained the approval of the House much as the law on the external relations of the Church had done. The third draft on the recognition of new religious communities met the same destiny, as it passed from the House of Deputies on April 17<sup>th</sup> without resistance from the conservative deputies<sup>101</sup>. Subsequently, the first two drafts were forwarded to the House of Lords for its approval, where a new round of confessional-related discussions took place in April 1874.

#### IV.

The draft on the external relations of the Catholic Church came to the House of Lords on April 10<sup>th</sup> and a lively discussion followed over the following days until, until the House voted in favor of the draft on April 14<sup>th</sup><sup>102</sup>. Once again, references to Joseph II were a common phenomenon: “It is almost unavoidable to mention the name of Emperor Joseph in ecclesiastical-political debates. He is also mentioned fairly often in this room,”<sup>103</sup> as Anton Alexander von Auersperg observed during the parliamentary discussion. On the first day of the debate, Alfred von Arneth<sup>104</sup> attempted to indicate that it was not the intention of Joseph to enslave the Church, but only to purify it<sup>105</sup>:

“The opinion that Emperor Joseph wanted to smash the Altar is so vastly distant [from the truth], as that he had the wish to smash the Throne. On the contrary, I dare assert that the work of Emperor Joseph in the ecclesiastical affairs was targeted to no other [purpose] than to clean up the Catholic ecclesiastical system from the abuses and from the ills, which throughout the centuries [...] had been concentrated at least with the approval of the ecclesiastical authority. It is mistaken, totally mistaken, when Emperor Joseph is proclaimed as a fundamental enemy of the Catholic Church by those who want to spread outrage; by those who want to malign him.”

In order to support his arguments, Arneth recruited his professional expertise, bringing forward a considerable number of historical sources. Namely he presented a letter from

<sup>98</sup> On Russ, see “Russ Viktor Wilhelm”, in: *Österreichisches Biographisches Lexikon 1815-1950*, Vol.9, (Vienna, 1988), 334.

<sup>99</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1209.

<sup>100</sup> Quoted in Stenographische Protokolle: Abgeordnetenhaus, 1209.

<sup>101</sup> On the draft on religious communities, see Kolmer, *Parlament und Verfassung*, 331-332.

<sup>102</sup> See Stenographische Protokolle: Herrenhaus, V. Legislative Period, 1873-1879 (Vienna, 1879), 147-246; Kolmer, *Parlament und Verfassung*, 322-325.

<sup>103</sup> Quoted in Stenographische Protokolle: Herrenhaus, 200.

<sup>104</sup> On the debate in the House of Lords through Arneth’s eyes, see Arneth, *Aus meinem Leben*, 494-495.

<sup>105</sup> Quoted in Stenographische Protokolle: Herrenhaus, 164.



Joseph to his mother dated 1777, in which the emperor stood favored legal equality of all Habsburg subjects regardless of their confession, and also a memorandum written by a priest, in which the confessional policy of the emperor was positively mentioned. After the full quotation in public of the mentioned documents, Arneth emerged assured of the deeper intentions and the character of Joseph's confessional policy: "Gentlemen! Whoever, who thought as Emperor Joseph himself wrote to his mother; whoever, who acted as a Catholic priest tells us Emperor Joseph did, does not make the reproach that he [i.e. Joseph II] [...] wanted to smash Throne and Altar."<sup>106</sup> The rightfulness of Joseph's policies was further proven, according to Arneth, by the fact that his successors followed his legacy and did not change the attitude of the State towards the Church. In the perception of the Josephinian-minded speakers of the House, the people of Austria had still the responsibility to carry on the plans that Joseph II had initiated. As Auersperg put it in his own speech: "[...] the people live in the insight that the mission of the immortal Emperor is considered as not yet finished and they [i.e. the people] feel at the same time the need to complete again that mission. Cultivated and evolved, his spirit goes through our days with the same love for the fatherland, the same love for people's good, the same holy care for the crown and for its rights."<sup>107</sup> Additional yet more restrained references by Hasner to the intellectual and legal developments of Joseph's era followed<sup>108</sup>. In the words of those speakers, the still strong and positive influence of Josephinism becomes once more visible. Moreover, it underlines the generation gap between those older liberals and the younger statesmen like Lemayer who, as has been shown, adopted a considerably more critical view towards Joseph II and his reign.

If the advocates of Joseph's legacy underlined their presence dynamically, its opponents did not remain silent. Archbishop Wiern argued that Josephinism wanted to turn the Church into a servant of the State and called his fellow Christians to fight against such a bleak prospect<sup>109</sup>. Others, like the Catholic Prince Władysław Czartoryski, took advantage of the negative characterizations of Josephinism as appeared in the governmental *Motivenbericht* to multiply their attacks against: "Josephinism [that] did not leave the autonomy of the ecclesiastical life be, but regarded the Church as [part of] the state authority [...]"<sup>110</sup>. Still other lords engaged in an open dispute with their pro-Josephinian peers due to the latter's statements favoring Joseph. Leo von Thun argued that it was not suitable to summon the names of passed figures like Joseph II. Thun recognized the virtues of the late emperor, but he also wondered to what extent he did harm the Church and "whether these Febronian teachings were false doctrines or not." For the conservative speaker, of course, the answer to those largely rhetorical questions was already known and negative regarding Joseph's Church reforms. He nevertheless tried to conclude his historical references with a positive remark on Joseph and his personality, arguing that "[...] in the last days of his life he recognized himself the falsity of his [earlier] process and he took back to a great extent his orders."<sup>111</sup> Thereupon a noteworthy coherence in the statements of the conservative peers can be observed, both

<sup>106</sup> Quoted in Stenographische Protokolle: Herrenhaus, 164.

<sup>107</sup> Quoted in Stenographische Protokolle: Herrenhaus, 200.

<sup>108</sup> See Stenographische Protokolle: Herrenhaus, 216-217. See also Arneth, *Aus meinem Leben*, 500-501.

<sup>109</sup> See Stenographische Protokolle: Herrenhaus, 175. On the high prelates, see Plener, *Erinnerungen*, 23f.

<sup>110</sup> Quoted in Stenographische Protokolle: Herrenhaus, 190.

<sup>111</sup> Quoted in Stenographische Protokolle: Herrenhaus, 201.

with one another and in regards to the similar debates of 1868 in the expression of a steadily negative attitude against Joseph's ecclesiastical policy. The draft on the external relations of the Church acquired the approval of the House of Lords on April 13<sup>th</sup> and a few days later, on April 23<sup>rd</sup>, the second draft related to the religious fund came up for discussion in the House. This debate was short (it lasted only a day) and references to the Josephinian past, in spite of the relevance of the topic, were scarce. Only Cardinal Rauscher remarked, in matters of the history of the religious fund, that it was created by Joseph II, who maybe had the best intentions for the proper use of the Church's property, but whose plans were eventually proven detrimental for Catholicism and the Holy See<sup>112</sup>. The draft passed the House successfully the same day. The draft on religious communities passed on May 6<sup>th</sup> without a debate.

After the votes by both Houses on the three drafts from the initial group of four, the liberal proposals received the sanction by a very unwilling and reluctant Francis Joseph, who had reached his limits of tolerance of the governmental initiatives. Stremayr testifies that the cooperation between the liberal cabinet and the sovereign had turned increasingly difficult in the confessional field<sup>113</sup>. After offering his sanction to the three laws on May 7<sup>th</sup> and 20<sup>th</sup>, the monarch declared decisively that he would make no more concessions at the expense of the Church: "If until now I have been hindered by circumstances from doing for the protection of the Church what corresponds to the wishes of my heart [...], I am nonetheless aware that I have prevented much which would certainly have damaged the Church to a considerably greater degree than that which has actually occurred to its disadvantage. I promise that as far as it lies in my power and the circumstances allow I will protect the Church."<sup>114</sup> The sovereign did not hesitate to make good his threat, and in 1876 he refused to sanction the draft on monasteries despite the fact that it had passed both the Houses<sup>115</sup>. Failure also awaited the liberals when they undertook to introduce mandatory civil marriage<sup>116</sup>. The permanent change of attitude of Francis Joseph, along with the political fragmentation of the liberals themselves, meant that with the laws of 1874 the Austrian Kulturkampf reached its end and that State-Church relations would remain more or less unaltered until 1918. According to Moritz Csáky, 1874 can be schematically considered the turning point of the end of old liberalism and Josephinism and the rise to prevalence of a new generation of politicians (like Lemayer and Plener, conventionally putted), whose values were largely hostile to the principles and governmental attitude of the earlier Josephinians<sup>117</sup>.

---

<sup>112</sup> See Stenographische Protokolle: Herrenhaus, 265-267. See also Joseph Othman von Rauscher, *Das Gesetz über die Beiträge zum Religionsfond. Rede gehalten in der Sitzung des Herrenhauses am 23. April 1874* (Vienna, 1875).

<sup>113</sup> See Stremayr, *Erinnerungen*, 56-57; also see Fellner, „Franz Joseph und das Parlament“, 316-319.

<sup>114</sup> Declaration to Cardinal Schwarzenberg on the occasion of a reception for the emperor in Prague. Quoted in Kolmer, *Parlament und Verfassung*, 326; Weinzierl, *Die Österreichischen Konkordate*, 122. On his objections, see Plener, *Erinnerungen*, 24; Franz, *Kulturkampf*, 152f; Vocolka, „Staat und Kirche“, 76.

<sup>115</sup> See Kolmer, *Parlament und Verfassung*, 328-331; Weinzierl, *Die Österreichischen Konkordate*, 123f.

<sup>116</sup> See Kolmer, *Parlament und Verfassung*, 333-339; Vocolka, „Staat und Kirche“, 89.

<sup>117</sup> See Moritz Csáky, „Kulturkampf, Freisinn und Liberalismus im Österreich der siebziger und achtziger Jahre des 19. Jahrhunderts“, in: Norbert Leser (ed.), *Religion und Kultur an Zeitenwenden: auf Gottes Spuren in Österreich* (Vienna, 1984), 186-199, 196-197.

## EPILOGUE

---

### I.

“What is this notion of Josephinism? Each party gives a different answer to this question. The Liberals say that it has to do with Liberalism, the anti-Liberals the opposite; the first say that it was Enlightened Despotism, the other that it was free humanity.”<sup>1</sup>

The author Richard von Kralik, with the above-stated insightful comment written in the midst of the First World War, described the continuing public discussion around the nature and characteristics of Josephinism. As proven by Kralik’s remark, more than four generations after the death of Joseph II, his legacy still remained highly controversial, and different political forces could not reach a mutually acceptable consensus regarding the exact meaning of Josephinism and whether its effects on the Habsburg Empire were ultimately positive or negative. The very existence of this statement in 1916 surely proves that Josephinism had by no means vanished after 1848, as earlier literature had persistently suggested. At a primary level, it can be certified, on the basis of the evidence presented in detail in the previous chapters, that in the mid-19<sup>th</sup> century we do not encounter an end (*Ausklang*) to Josephinism, but rather an entire new phase in its development, which was fertilized by the special State-ecclesiastical circumstances in Austria from neoabsolutism onwards. In the decades following the uprising of 1848, the Josephinian administrative and State-ecclesiastical legacy that promoted secularization, centralization and modernization, in general, and the memory of Emperor Joseph II himself, in particular, were very much alive. Especially after 1855 and until the mid-1870s, the tentative conditions that the Concordat and its anti-Josephinian regulation of State-Church relations created led to an extremely fertile ground for the commemoration of Joseph II and his principles of governance. The widespread debates on issues such as confessional tolerance, matrimonial legislation and educational modernization, whose beginnings were traced to Joseph II’s reign, rendered his imaginary summoning as a frequently used rhetorical instrument mainly for legitimization purposes by both Liberals and Conservatives as well as a regularly addressed scholarly topic during the period under consideration. At a secondary level, following the establishment of this distinct intellectual and ideological trend, it is safe to proceed to an overview of the main features of Josephinism in the Kulturkampf era and to explain its place in the public sphere and the reasons of the impressive popularity of Joseph II’s memory.

The memory of Joseph II before and during the revolution of 1848 was used in accordance with the political demands of the era and most notably as an instrument of liberalization against the oppressive Vormärz regime and its notorious censorial machine. After the fall of neoabsolutism, when constitutional freedom emerged, Joseph II ceased to be much of a symbol of democratic liberties and instead became the historical incarnation of State sovereignty and progress against clericalism. The polarization between the Liberals and the clerical-Conservatives that prevailed in the 1860s

---

<sup>1</sup> Quoted in Karl Michael Kisler, “Joseph II. in der Literatur”, in: Karl Gutkas (ed.), *Österreich zur Zeit Josefs II.* (Vienna, 1980), 298–305, 302. Kisler took it from the essay of Richard von Kralik, *Joseph II. der Deutsche* (1916). On Kralik see Lhotsky, *Österreichische Historiographie*, 202; “Kralik von Meyerswalden, Richard”, in: *Neue Deutsche Biographie*, Vol.12 (Berlin, 1980), 663–666; “Kralik von Meyerswalden Richard”, in: *Österreichisches Biographisches Lexikon 1815–1950*, Vol.4 (Vienna, 1969), 199f.

makes it easier to map Joseph's memory in the contemporary political landscape. This is because the Liberals overwhelmingly embraced a positive interpretation of Joseph II, whereas the Conservatives, who advocated the Concordat, usually harshly denounced the late emperor and his legacy. Joseph II and the Concordat were widely and almost unanimously perceived as polar opposites in the largely Manichean worldview that characterized Austrian politics in the 1860s. According to the progress-centred Liberal interpretation of history, the State in the Habsburg Empire was bound to supersede the authority of the Catholic Church and be the predominant force in Austria. All institutions, from marriage to education, naturally fell under State control. Joseph II took valiant steps in this direction, but the Concordat had violently interrupted this clear-cut shift towards modernity by enforcing anachronistic regulations in crucial aspects of public and private life, such as in education. The Liberals had to assume their historical duty and carry on the work begun by Joseph II, whom they praised as their ideological father. Besides, the general aspects of Josephinism related to State supervision over the Church -administrative centralization, confessional tolerance and educational modernization- corresponded well with the basic principles of 19<sup>th</sup>-century Austrian Liberalism, which looked for its genealogy to the 18<sup>th</sup>-century enlightened absolutism. That theory of sequence and ideological continuity between Joseph II and the Liberals was particularly evident, for instance, in the case of the 1861 Protestant Patent, the existence of which was considered unthinkable without the background of the 1781 Josephinian Edict of Tolerance that opened the way for confessional equality. In addition, Liberal statesmen such as Auersperg, Hasner, Lichtenfels, Stremayr, Krauß, Beer and Sueß left lasting impressions through their pompous public references to Joseph II. Their interpretation of Josephinism was in agreement with that of the contemporary Liberal historiographers of Joseph II – either academic, such as Arneth and Gigl, or popular, such as Hellmuth, Meynert, Faber or Mand. With the turn of the new decade, Josephinism experienced a substantial change in the Liberal imagination since the first signs of criticism began to appear. A new, younger generation of politicians and publicists, whose formative experiences came from the 1860s and the contested attitudes towards Joseph II, such as Lemayer, formulated mixed interpretations for the Josephinian past, combining both positive and negative elements. They criticized Josephinism after they “discovered” the authoritarian side of the Josephinian ecclesiastical system and how incompatible that was with the doctrine of a “free Church in a free State”. Nevertheless, this new, more critical perception of Josephinism seems to have remained only in theory and did not affect the actual legislative plans of the Liberal party. The confessional laws of 1874, which constituted the ultimate legal arrangement of State–Church relations until 1918, rested mainly on the traditional formulas of Josephinism, through which the Church was once again placed largely under State supervision. At the end of the confessional strife, the majority of the Liberal deputies in the parliament, such as Sueß and Wildhausen, embraced a generally praising and largely nostalgic image of Joseph II and his era, while they regarded his contribution to the modernization of Austria as invaluable. At that moment, it seemed that novel and heretic opinions, such as those of Lemayer, remained part of an idiosyncratic minority.

Joseph II and Josephinism, as they appeared in the clerical-Conservative imagination, are of equal interest, even if this version was more static in comparison with the vivid developments of the Liberal minds in the field, as described above. This clerical

version of Joseph II stood very much opposite to the previous one and symbolized everything the Conservatives fought against: the despotic tendencies of the State, which wanted, in a blasphemous fashion, to enslave the Holy Church and turned into a branch of the autocratic police State, as it was until 1855. This was the greatest threat for the Church, as described by Jarcke in 1848 and even more persistently by Jäger and Brunner in the 1860s. These Conservatives had their own theoretical structure of breaks and continuities in Austrian history. The harmonious relation between throne and altar in the age of Counter-Reformation was violently interrupted during the reign of Joseph II, when the Church lost its former privileged status and was deprived of its natural autonomy. From roughly 1780 onwards began an epoch of bleak suffering for the Church, which was terminated only by the Concordat of 1855 that restored the balance between the secular and the spiritual authority in Austria. It was the duty of the Conservatives to protect and support this monumental achievement and prevent the reemergence of Josephinism, which their godless Liberal opponents held so dear. The Conservative argumentation on Josephinism, although more cohesive than the Liberal one in the 1860s and 1870s, could be classified into different categories. One useful criterion of discrimination is the degree of aversion, and its intensity, against Joseph II. Relatively non-radical intellectuals such as Jarcke and Jäger generally denounced Josephinism while at the same time recognizing its rightfulness and achievements in the field of tolerance towards the non-Catholic confessions. Thun showed no hatred when he characterized Josephinism as one essential phase of Austrian history, even if, in his days, its doctrines were obsolete. Harant and Lichtenstein, in the 1870s, attempted to exercise criticism of Josephinism but they did so while attempting to maintain a low profile. These examples seem to have little in common with the passionate and irascible manner of Blome, who, in his parliamentary speeches, condemned every aspect of Josephinism altogether (including the one related to confessional tolerance). Apart from these cases, one also encounters a relatively small minority of thinkers who tried to bridge the idea of ecclesiastical freedom with the traditional devotion to the Habsburgs. Within this category certainly belong the clergymen Ricker and Paul Thuille, who either emphasized the beneficial aspects of Joseph's reign or claimed that the emperor had been tricked by malicious advisors, resulting in him turning against the Church. Yet, this third, conciliatory way was merely expressed by a tiny group and was rather crushed between the militant discourses of the Liberals and the Conservatives. Only in the mid-1870s did there seem to be a slight will for a consensus regarding a general characterization of Joseph's reign and personality. This becomes apparent if the opinions of Conservative representatives such as Harant and Pflügl are taken seriously into account. Although these deputies harshly denounced Joseph's ecclesiastical policy, they also accepted some positive measures taken by the monarchy during his reign and eventually praised the fact that Joseph renounced a good number of his Church-related decrees just before his death. Nevertheless, this more sceptical attitude in comparison with the rigid stance of the 1860s should not create illusions. At least until the mid-1870s there was little serious prospect of a unitary image of Joseph II acceptable to both Liberals and Conservatives. Despite some Liberal criticism of the late emperor (which was quite different from the Conservative criticism), there was still a gap between the way the two Cisleithanian political edges perceived their past and, as Kralik's passage suggests, this gap was meant to remain unbridged until the dissolution of the monarchy.

The Liberal and Conservative narratives each had their own arguments and points of interest, but from this struggle around the Concordat the Liberals were those who eventually emerged victorious. The Liberal prevalence had little to do with the quality of the historical arguments of either side. It was more a matter of sheer political force: no matter which arguments the Conservatives might bring to parliament regarding Joseph II, it was not an issue of rhetorical capacity but rather the overwhelming liberal majority there which was enough to promise the passing of the proposed Liberal drafts. If we take into account the tolerant position of Francis Joseph regarding the Liberal plans pre-1874 (an anti-Josephinian himself in spite of his name), then the upper hand that the Liberals held in the conflict becomes clear. Apart from a matter of numerical strength and political alliances, the Liberal victory in the Kulturkampf was also based on their determination, cohesion and stubbornness in their struggle against clericalism and the Concordat. The “history wars” around Joseph II again provide an illuminating example of that milieu. The treatment of those who dared to speak specifically in public against Joseph II is representative of the zeitgeist. Gigl’s violent counter-argumentative study against Lorenz on Joseph’s governance in Belgium and the vitriolic welcoming of Blome’s parliamentary remarks on Joseph II by the Liberal press can prove that the Liberals viewed every kind of negative comment on Joseph II as a *casus belli*. Other Conservative figures such as Jäger, who were aware of such an explosion, tried not to mention explicitly the name of Joseph II in their references even if it was obvious that they referred to him. On the other hand, the Conservative press remained largely silent and did not comment on the substantial praise that became increasingly dense in the 1860s. That was a clear sign that after a period of preeminence in the absolutist 1850s, the next decade was marked by Conservative withdraw, as is shown in Giovanelli’s writings to his wife in 1867. It can even be said that the Liberal triumph of that era was mainly responsible for the fact that Austrian historiography has, until nowadays, incorporated to a far greater extent the “Liberal” elements of Joseph II in its standard narration than the “Conservative” ones, which gradually sunk into oblivion.

## II.

The Austrian Kulturkampf may have ended in 1874, but that was not the case with Josephinism, and the memory of Joseph II continued evolving in the following decades. The main difference in the post-1874 phase of Josephinism is that the absence of serious public debates on religious issues pushed the confessional aspect of Josephinism –so active in the age under consideration–largely into hibernation.<sup>2</sup> Nonetheless, a new component dynamically affected the public image of Joseph II from the late 1870s onwards, which radically transformed his reputation and once again rendered him a hot topic among certain circles: German nationalism.<sup>3</sup> The nationalist interpretation of Joseph II as the ethnic emperor predominantly of the German Volk

---

<sup>2</sup> On the confessional situation in the empire in the post-Kulturkampf era, see, briefly, Weinzierl, *Die Österreichischen Konkordate*, 123–132 and, in detail, John Boyer, “Religion and Political Development in Central Europe around 1900: A View from Vienna”, *Austrian History Yearbook*, Vol. 25 (1994), 13–57; idem, *Culture and Political Crisis in Vienna. Christian Socialism in Power, 1897–1918* (Chicago, 1995).

<sup>3</sup> Even since 1877, the young politician Georg von Schönerer had begun to use Joseph II as an instrument of political propaganda in his own rural electoral district, underlining mainly the pro-agrarian and German-national elements of his memory. See Carl Schorske, *Fin-du-Siècle Vienna: Politics and Culture* (New York, 1980), 125. On Schönerer, see Andrew G. Whiteside, *The Socialism of Fools: Georg Ritter von Schönerer and Austrian Pan-Germanism* (Berkeley, 1975).

had already made an initial, timid appearance in 1848 and 1866, when the circumstances favoured such a connection. The roots of “Joseph the German” were traced to his ill-fated decision of 1784 to enforce linguistic uniformity in his empire by ordering the universal use of German as the common administrative language of the realm.<sup>4</sup> This act, however, had no nationalist motives, despite the fact that a century later it was widely misunderstood as such. As Jaszi put it: “In this world, without a genuine national feeling the Emperor himself was not led by any nationalistic tendency in a modern sense when he undertook his policy of Germanization. [...] The necessity of a unifying language connecting all the parts of his empire seemed to him a peremptory claim. Under this necessity he could not choose any other language than German. [...] His so-called policy of Germanization was therefore not a result of a national feeling but rather of the entire misunderstanding of this force.”<sup>5</sup> The rise of aggressive German nationalism in the monarchy after 1880<sup>6</sup> was the decisive factor that permanently established the marriage between Joseph and his German people, especially when it came to the Sudeten minority in Bohemia.<sup>7</sup> The nationalist vigour that had conquered the spirit of the nationalist-orientated German youth of that era is manifested in a polemic statement of a German student in 1881: “Our parents placed Joseph, the unforgettable under the gods. We, however, want him to be honored at least as a deity carrying blessings, as a national saint! Holy Emperor Joseph pray for us, for your downtrodden German Volk.”<sup>8</sup> The intense German colouring of Joseph II continued persistently in the subsequent decades, and by 1900 the image of the German emperor Joseph was regarded as commonplace. This widespread cliché even influenced the young Adolf Hitler, who lived in Vienna after 1900. Hitler, as a German nationalist, saw in Joseph II the only laudable example among the otherwise decayed Habsburgs, and thus, in 1941, he noted with admiration that: “If Germany was spared the French Revolution, it was only because Frederick the Great and Joseph II were around.”<sup>9</sup> Sadly, it was the strong tie of the late monarch with the German nationalists that made the commemoration of Joseph unpleasant for other national groups and, above all, the Czechs, who were engaged in a serious antagonism with the Sudetens. The latter, in order to underline their symbolic presence, had erected numerous statues of Joseph II in Bohemia, which fell prey to the hands of Czech nationalists after 1918, when the Sudetens were left unprotected.<sup>10</sup>

Yet, despite the German interpretation of Joseph II being the best advertised image of the emperor in the fin-du-siècle, it was not the only one. Older traditions were kept alive, even if they concerned far fewer people than some decades previously. The enlightened Josephinian tradition was still visible among the (higher) imperial bureaucrats.<sup>11</sup>

---

<sup>4</sup> See Beales, *Joseph II*, Vol. 2, 333ff.

<sup>5</sup> Quoted in Jaszi, *The Dissolution of the Habsburg Monarchy*, 71.

<sup>6</sup> On that matter, see Lothar Höbelt, *Kornblume und Kaiseradler. Die deutschfreiheitlichen Parteien Österreichs, 1882–1918* (Vienna, 1992).

<sup>7</sup> On German nationalism and the memory of Joseph II, see Nancy Wingfield, “Statues of Emperor Joseph II as Sites of German Identity”, in: Maria Bucur, Nancy Wingfield (eds.), *Staging the Past: The Politics of Commemoration in Habsburg Central Europe, 1848 to the Present* (West Lafayette, 2001), 178–205.

<sup>8</sup> Quoted in Wingfield, Paces, “Religion and Nationalism in the Bohemian Lands, 1880–1920”, 111.

<sup>9</sup> Quoted in Brigitte Hamann, *Hitler's Vienna, 1908–1913: A Dictator's Apprenticeship*, trans. by Thomas Thornton (New York, 1999), 113.

<sup>10</sup> Many statues of Joseph II suffered damage at the hands of agitated Czech mobs and some were even demolished. See Wingfield, “Attacks on Statues of Joseph II in the Bohemian Lands”.

<sup>11</sup> See Heindl, *Josephinische Mandarine*, 253–276.

The Liberal followers of the Josephinian legacy were perhaps no longer the masters of Austrian politics, but they continued producing scholarly works on Joseph II. The most distinguished example was the magisterial biography of Joseph by the Russian historian Paul von Mitrofanov, which was written in Russian in 1907 and translated into German three years later.<sup>12</sup> It was a detailed study organized thematically and covered all aspects of Joseph II's domestic policy. According to the author, it took eight years to complete, and it remains, despite its age, a valuable companion to historians of Habsburg Central Europe. Beales wrote in 1987 that: "Mitrofanov's book, though nearly eighty years old, is by no means easy to rival."<sup>13</sup> This exhaustive book offered a balanced analysis of Joseph's reign arguing that the emperor was neither a liberal nor was he inspired by the principles of the Enlightenment, but by pure *raison d'état*. Additionally, the author claimed that Joseph was certainly more despotic than his mother and suggested dogmatism and impatience as the main reasons for his failures.<sup>14</sup> The same year as Mitrofanov's translation, the Magyar historian Henrik Marczali presented his own history of Hungary in the age of Joseph II.<sup>15</sup> He made extensive use of the primary material that had been published in the later 19<sup>th</sup> century, and despite his ethnic origin, he embraced no hostile nationalist attitude against Joseph. Driven by his bourgeois-Liberal and also Jewish background, he saw Joseph II as a pioneer of Liberalism. He also underlined the utilitarian motives in Joseph's reforms, albeit locating within them the reasons for Joseph's limited success, especially in Hungary.<sup>16</sup> At the other end of the political spectrum, the opponents of Josephinism, the clericals, did not stand inert, but rather continued to propagate their views. The Catholic priest and politician Josef Scheicher published, in 1893, a historical study titled *Josephinismus und Josephiner*. He suggested that Joseph II was pious in his own way and was truly interested in the well-being of his subjects, but at the same time considered himself a victim of the anti-religious principles of the Enlightenment and was tricked by malicious advisors, who conspired against the interests of the Church.<sup>17</sup> Scheicher, who clarified his support for the Concordat,<sup>18</sup> noted that the Josephinian doctrines still survived among the ranks of Liberal statesmen,<sup>19</sup> a fact that constituted a permanent threat to ecclesiastical freedom.

### III.

It seems appropriate that this study ought to close with some ideas and suggestions for further research. This thesis has covered the topic of Josephinism in the mid-19<sup>th</sup> century, as seen primarily through the lens of the then dominant Kulturkampf climate. The perspective employed here was primarily Viennese and (upper) bourgeois, but this does not mean that the Josephinian influences were confined only within these limits. The Kulturkampf literature in Austria greatly lacks works focusing on the regional and microscale, and the same is applicable for the study of Josephinism in that age. The case, for instance, of the Moravian village Slavikovice, where the emperor famously

---

<sup>12</sup> See P. Mitrofanov, *Joseph II. Seine politische und kulturelle Tätigkeit*, 2 Vols. (Vienna-Leipzig, 1910).

<sup>13</sup> Quoted in Beales, *Joseph II*, Vol. 1, 12.

<sup>14</sup> See Szabo, "Joseph II's Biographies", 126–127.

<sup>15</sup> See Henrik Marczali, *Hungary in the Eighteenth Century* (Cambridge, 1910).

<sup>16</sup> See Szabo, "Joseph II's Biographies", 125–126.

<sup>17</sup> See Josef Scheicher, *Josephinismus und Josephiner. Eine österreichisch-canonistisch-historische Studie* (Vienna, 1893), 13–15.

<sup>18</sup> See Scheicher, *Josephinismus und Josephiner*, 32.

<sup>19</sup> See Scheicher, *Josephinismus und Josephiner*, 10f, 33.



drove a peasant's plough in 1769, is a celebrated one.<sup>20</sup> Yet, only a few things are known for the centennial of this momentous event that fell exactly at the heart of the Kulturkampf. The potential rejuvenation of Josephinian memories among the local agrarian population and the remanence of the Volkskaiser – the “emperor-liberator” – who emancipated the peasants from the bonds of serfdom<sup>21</sup> surely deserve to be studied, especially since there is no lack of relevant sources.<sup>22</sup> The potential interrelation of this ‘rural’ picture of Joseph with the then pressing confessional issues throughout Cisleithania also needs to be addressed. A study on Slavikovice around 1869 could open the way for several case studies dealing with special local forms of Josephinism in accordance with the various circumstances and traditions of each province. The example of Hohenelbe, a small town in northeastern Bohemia that held regular Emperor Joseph festivals on the day of his birth (March 13<sup>th</sup>), could be only one among very many.<sup>23</sup>

Another interesting scholarly undertaking would be to magnify, instead of minimizing, the scope of research and to look for the posthumous treatment of Joseph II across non-Austrian European politics and historiography in the 19<sup>th</sup> century. Mitrofanov's case is already a fine example and it is far from being unique. Again in the late 1860s, in nearby Hungary -where Joseph II was generally considered a tyrant- during a parliamentary debate on confessional issues, Josef Eötvös summoned the emancipatory legacy of Joseph's Edict of Tolerance as a support to his claims.<sup>24</sup> In Germany a few years later, Leopold von Ranke, a fan of State-driven reform from above, praised Joseph's work: “State sovereignty bound up with the idea of reform has never had a more emphatic promoter than [Joseph]. He certainly became a martyr in this cause.”<sup>25</sup> In matters of Western Europe, the English interest in Austrian history has been evident since William Coxe<sup>26</sup> and was further fed by John Acton, who, in 1861, remarked that: “The emperor Joseph was a well-meaning and active tyrant.”<sup>27</sup> The profound interest held by such a variety of diverse personalities for Joseph II can only verify the huge significance of his reign and reforms as a landmark for Austrian and for European history in general.

<sup>20</sup> On that incident, see Beales, *Joseph II*, Vol. 1, 338; Berthard Bretholz, “Der aktenmäßige Bericht über Kaiser Joseph II. Pflügung eines Ackerstückes beim Dorfe Slavikowitz am 19. August 1769”, *Zeitschrift des Deutschen Vereines für die Geschichte Mährens und Schlesiens*, Vol. 34 (1930); Metoděj Zemek, “Joseph II. und Slavikovice”, in: Karl Gutkas (ed.), *Österreich zur Zeit Josephs II.* (Vienna, 1980), 291f.

<sup>21</sup> On Joseph's agrarian reforms, see Beales, *Joseph II*, Vol. 2, 239–270, and for his commemoration as the “emperor-liberator”, see Larry Wolff, “Inventing Galicia: Messianic Josephinism and the Recasting of Partitioned Poland”, *Slavic Review*, Vol. 63, No. 4 (Winter, 2004), 818–840.

<sup>22</sup> See, suggestively, *Ein denkmal Kaiser Joseph's II. Eine Anthologie in Poesie und Prosa* (Brünn, 1868); J. Bloch, *Der Unsterbliche. Ein Nachhall der Josefsfeier in Slavikowitz* (Prague, 1869); Eduard Deutsch, *Gedenklblätter an Kaiser Joseph II. gesammelt zum 29. August 1869* (Brünn, 1869); Christian v. d'Elvert, “Joseph II. huldigt dem Ackerbaue”, in: *Notizen-Blatt der historisch-statistischen Sektion der k.k. Mährisch-schlesischen Gesellschaft zur Beförderung des Ackerbaues, der Natur- und Landeskunde* (Brünn, 1869), 62–65; also the relevant articles from *Neue Freie Presse*, *Tagesbote aus Mähren*, *Die neue Zeit*.

<sup>23</sup> On Hohenelbe, see Wingfield, “Joseph II”, 69 and generally M. Mechurova, “Der Aufgeklärte Despot Joseph II. und seine Spuren nicht nur bei Slavikowitz in Mähren”, Dipl. Thesis, University of Brno, 2007.

<sup>24</sup> See Moritz Csáky, *Der Kulturkampf in Ungarn. Die kirchenpolitische Gesetzgebung der Jahre 1894/95* (Vienna, 1967), 30. The Edict of Tolerance was valid in Hungary.

<sup>25</sup> Quoted in Leopold von Ranke, *Die deutschen Mächte und der Fürstenbund: Deutsche Geschichte von 1780 bis 1790*, 2 Vols. (Leipzig, 1871–1872), Vol. 1, 161.

<sup>26</sup> See William Coxe, *History of the house of Austria from 1218 to 1792*, 5 Vols. (London, 1820). On Joseph-related British historiography, see Wolfgang Annerl, “Joseph II. und der Josephinismus im Spiegel der anglo-amerikanischen Historiographie”, Ph.D. Thesis, University of Vienna, 1972.

<sup>27</sup> Quoted in J. Acton, “Notes on the Present State of Austria”, *The Rambler*, Vol. 4 (1861), 193–205, 194.

# BIBLIOGRAPHY

---

## A. Primary Sources:

### I. Archival Sources:

- Haus- Hof- und Staatsarchiv Wien:
  - Politisches Archiv, 1855 XI 21, VII, Fasz.28, Nr.70, A.B
- Allgemeines Verwaltungsarchiv:
  - Oberste Polizeibehörde 1855 XI 19, Pr.II, ZI, 9293/1855
  - Oberste Polizeibehörde H 21/1856.
- Nachlass Karl Freiherr von Krauß senior: Karl-Krauß-Akten:
  - Allgemeines über Pflichten des Staates gegenüber dem Glauben;
  - Concordat;
- Über den vom Hause des Abgeordneten vorgelegten Entwurf des Ehegesetzes (Februar 1868)

### II. Published Sources:

- Acton John, "Notes on the Present State of Austria", in: *The Rambler*, Vol.4 (London, 1861), 193-205
  - Anonymous, *Das ABC des Konkordates für solche, die klar sehen wollen* (Vienna, 1861)
  - \_\_\_\_\_, *Das österreichische Concordat vom Standpunkte des Naturrechts beurtheilt von einem katholischen Theologen Oesterreichs* (Leipzig, 1861)
  - \_\_\_\_\_, *Das österreichische Konkordat vor dem Richterstuhle im Reichsrathe von katholischen Standpunkte beleuchtet* (Vienna, 1863)
  - \_\_\_\_\_, *Herrenhaus-Raketen: I. Cardinal Pallavicino und Freiherr von Krauß. II. Kaiser Joseph II. und Graf Blome* (Linz, 1868)
  - \_\_\_\_\_, *Ein denkmal Kaiser Joseph's II. Eine Anthologie in Poesie und Prosa* (Brünn, 1868)
  - \_\_\_\_\_, "Die Religion ist in Gefahr", in: *Zweite Gabe des katholischen Volksvereins für Oberösterreich* (Linz, 1873)
  - \_\_\_\_\_, *Adresse und Promemoria an Se. Majestät aus Anlaß der confessionellen Gesetzvorlagen überreicht vom katholisch-politischen Vereine für das Königreich Böhmen* (Prague, 1874)
  - \_\_\_\_\_, *Das neue Reichsvolksschulgesetz. Gesetz vom 14. Mai 1869 mit den durch das Gesetz vom 2. Mai 1883 verfügten Änderungen* (Vienna, 1883)
  - \_\_\_\_\_, *40 Jahre Reichsvolksschulgesetz. Die österr. Volksschule vor und nach dem Jahre 1869* (Vienna, 1909)
  - \_\_\_\_\_, *Festschrift zur dauernden Erinnerung an die 50-Jahrfeier der Erlassung des Protestantentententes vom 8. April 1861* (Vienna, 1911)
  - Arneth Alfred von (ed.), *Marie Antoinette, Joseph II. und Leopold II., ihr Briefwechsel* (Vienna, 1866)
  - \_\_\_\_\_ (ed.), *Maria Theresa and Joseph II., ihre Korrespondenz samt Briefen Josephs an seinen Bruder Leopold*, 3 vols. (Vienna, 1867)
- 1869)

- \_\_\_\_\_ (ed.), *Joseph II. und Leopold von Toskana, ihr Briefwechsel*, 2 vols. (Vienna, 1872)
- \_\_\_\_\_ (ed.), *Aus meinem Leben, Vol.2: 1850-1890* (Stuttgart, 1893)
- Beer Adolf, Hohegger Franz, *Die Fortschritte des Unterrichtswesens in den Kulturstaaten Europas* (Vienna, 1867)
- Beer Adolf, "Die Zusammenkunft Josephs II. und Friedrich II. in Neiße und Neustadt", *Archiv für österreichische Geschichte*, Vol.XLVII (1871), 383-527
- \_\_\_\_\_, „Denkschriften des Fürsten Wenzel Kaunitz-Rittberg“, *Archiv für österreichische Geschichte*, Vol.XLVIII (1872), 1-162
- \_\_\_\_\_ (ed.), *Joseph II., Leopold II. und Dominik Andreas I. von Kaunitz; ihre Briefwechsel etc.* (Vienna, 1873)
- \_\_\_\_\_, "Joseph II.", in: R. von Gottschall (ed.), *Der neue Plutarch. Biographien hervorragender Charaktere der Geschichte, Literatur und Kunst*, Vol.9 (Leipzig, 1882)
- Beust Friedrich Ferdinand von, *Aus drei Vierten Jahrhunderten. Erinnerungen und Aufzeichnungen* (2 Vols., Stuttgart, 1887)
- Bloch J., *Der Unsterbliche. Ein Nachhall der Josefsfeier in Slavikowitz* (Prague, 1869)
- Blome Gustav von, *Zeitgemäße Betrachtungen. Vortrag, gehalten im Wiener geselligen Vereine* (Vienna, 1868)
- Breulich Maria, *Lady Mary Wortley Montague. Briefe aus Wien* (Vienna, 1985)
- Schwärze Blätter, *Der Geist des Konkordates. Von einem Mitgliede des Wiener Gemeinderathes* (Vienna, 1867)
- Braun Thomas, *Das österreichische Konkordat. Beurtheilt von ---* (Erlangen, 1861)
- Brunner Sebastian, *Die theologische Dienerschaft am Hof Josephs II.: Geheime Correspondenzen und Enthüllungen* (Vienna, 1868)
- \_\_\_\_\_, *Joseph II: Charakteristik seines Lebens, seiner Regierung und seiner Kirchenreform, zweite, mehrfach umgearbeitete Auflage* (Freiburg i/B, 1885)
- Coxe William, *History of the House of Austria, 1218-1792*, 5 Vols. (London, 1820)
- Deutsch Eduard, *Gedenkblätter an Kaiser Joseph II. gesammelt zum 29. August 1869* (Brünn, 1869)
- *Die katholischen (catholischen) Stimmen des österreichischen Herrenhauses. Reden gehalten in der Ehegesetz-Debatte den 19. -21. 3. 1868 von Graf Rechberg, Graf Blome, Rauscher, Arndts, Schwarzenberg, Fürst Sahn, Graf Leo Thun* (Vienna, 1868)
- *Die katholischen Stimmen des österreichischen Herrenhauses. Reden gehalten in der Schulgesetz-Debatte am 30. März 1868 von (Gustav) Graf Blome, (Alfred) Fürst Windischgrätz, Fürst Sanguszko, (Wladimir) Graf Mittrowsky, (Carl-Ludwig) Arndts (Ritter von Arnesberg), Leo Graf (von) Thun* (Vienna, 1868)
- d'Elvert Christian von, "Joseph II. huldigt dem Ackerbaue", in: *Notizen-Blatt der historisch-statistischen Sektion der k.k. Mährisch-schlesischen Gesellschaft zur Beförderung des Ackerbaues, der Natur- und Landeskunde* (Brünn, 1869), 62-65
- Donin Ludwig, *Das "Z" vom A-B-C des Konkordates. Von einem Manne aus dem Volke* (Vienna, 1861)
- \_\_\_\_\_, *Weg mit dem Concordat! Eine Sturmpetition an den gesunden Menschenverstand. Von einem schlichten Bürger* (Vienna, 1867)
- Exner Adolf, *Die Lehre vom Rechtserwerb durch Tradition nach österreichischem und gemeinem Recht* (Vienna, 1867)
- Faber Johann F., *Joseph II. und Franz Joseph I.: Eine historische Parallele* (Stuttgart, 1863)
- Frankenthurn Paul Gautsch Freiherr von, *Die confessionellen Gesetze vom 7. und 20. Mai 1874 mit Materialien* (Vienna, 1874)
- Gigl Alexander, *Kaiser Joseph II. und Herr Ottokar Lorenz* (Vienna, 1863)

- Hellmuth Ernst, *Kaiser Joseph II.: Ein Buch für's Volk* (Prague, 1862)
- Helfert Joseph Alexander von, *Geschichte der österreichischen Revolution im Zusammenhang mit der mitteleuropäischen Bewegung 1848/49*, 2 Vols. (Vienna, 1907-1909)
- Fessler Joseph, *Die Revision des Concordates* (Vienna, 1861)
- Frankl-Hochwart Bruno von (ed.), *Briefwechsel zwischen Anastasius Grün und Ludwig August Frankl (1845-1876)* (Berlin, 1879)
- Friedjung Heinrich, *Der Ausgleich mit Ungarn. Politische Studie über das Verhältnis Österreichs zu Ungarn und Deutschland* (Leipzig, 1876)
- \_\_\_\_\_, *Der Kampf um die Vorherrschaft in Deutschland 1859 bis 1866* (Stuttgart-Berlin, 1897)
- Hahn Sigmund (ed.), *Reichsraths-Almanach für die Session 1867* (Prague, 1867)
- \_\_\_\_\_, *Reichsraths-Almanach für die Session 1873/74* (Vienna, 1874)
- Hasner Leopold von, *Denkwürdigkeiten: Autobiographisches und Aphorismen* (Stuttgart, 1892)
- Hock Carl von (Anonymous), „Österreich und seine Bestimmung“, in: *Deutsche Vierteljahrsschrift* (Vienna, 1860), 106-241
- Hock Stefan (ed.), *Anastasius Grün: politische Reden und Schriften* (Vienna, 1906)
- Gräffer Franz, *Josephinische Curiosa; oder ganz besondere, theils nicht mehr, theils noch nicht bekannte Persönlichkeiten, Geheimnisse, Details, Actenstücke und Denkwürdigkeiten der Lebens- und Zeitperiode Kaiser Josephs II.*, (Vienna, 1848)
- Gudling Julius, *Zwischen Krieg und Frieden, oder Nach Custozza und Königgrätz* (Leipzig, 1868)
- Jacobson Heinrich Friedrich, *Ueber das österreichische Concordat vom 18. Aug. 1855 und die kirchlichen Zustände der Evangelischen in Oesterreich* (Leipzig, 1856)
- Jäger Albert, *Die gute alte Zeit* (Vienna, 1852)
- \_\_\_\_\_, *Das Concordat und seine Gegner* (Innsbruck, 1862)
- \_\_\_\_\_, *Kaiser Joseph II. und Leopold II.: Reform und Gegenreform, 1780-1792* (Vienna, 1867)
- Maaß Ferdinand (ed.), *Der Josephinismus: Quellen zu seiner Geschichte in Österreich 1760-1850. Amtliche Dokumente aus dem Wiener Haus-, Hof- und Staatsarchiv. Vol. 3: Aufhebung und Lockerung des Josephinismus, 1820-1850* (Vienna, 1964)
- Mand J. E., *Das Concordat ist kein Staatsvertrag und die Civilehe ein Postulat der Sittlichkeit* (Vienna, 1868)
- \_\_\_\_\_, *Oesterreich und Rom. Ein Kampf um die geistige Freiheit* (Vienna, 1869)
- Marczali Henrik, *Hungary in the Eighteenth century* (Cambridge, 1910)
- Mayr Joseph Karl (ed.), *Das Tagebuch des Polizeiministers Kempen von 1848 bis 1859* (Vienna, 1931)
- Metternich Richard von, Klinkowström Alfons von (eds.), *Aus Metternich's nachgelassenen Papieren*, 8 Vols. (Vienna, 1880-1884)
- Meynert Hermann, *Geschichte Österreichs, seiner Völker und Länder und der Entwicklung seines Staatenvereins von den ältesten bis auf die neuesten Zeiten*, 6 Vols. (Pest, 1846)
- \_\_\_\_\_, *Kaiser Joseph II: Ein Beitrag zur Würdigung des Geistes seiner Regierung* (Vienna, 1862)
- Mitrofanov Paul von, *Joseph II.: Seine politische und kulturelle Tätigkeit*, 2 Vols. (Vienna, 1910)
- Molisch Paul (ed.), *Briefe zur deutschen Politik in Österreich von 1848 bis 1918* (Vienna, 1934)

- Neue Freie Presse (Vienna, 1868)
- Neues Fremden Tagablatt (Vienna, 1868)
- Walter Kelly (Hartig Franz von), *History of the House of Austria from the accession of Francis I to the revolution of 1848 in continuation of the history written by Archdeacon Coxe to which is added Genesis; or details of the late Austrian revolution. By an officer of state. Translated from the German* (London, 1853)
- Koch Matthias, *Einige wohlgemeinte Worte über das Concordat und den Kirchenstreit* (Bozen, 1868)
- Kolatschek Adolf and Willmann, *Entwurf eines Volksschulgesetzes. Ausdruck aus den "Freien pädagogischen Blättern"* (Vienna, 1869)
- Klutzing Harm (ed.), *Der Josephinismus: ausgewählte Quellen zur Geschichte der thesesianisch-josephinischen Reformen* (Darmstadt, 1995)
- Lazarini Joseph von, *Zwölf Märzlieder, der Wiener Hochschule gewidmet* (Vienna, 1848)
- Lorenz Ottokar, *Joseph II. und die Belgische Revolution. Nach den Papieren des General-Gouverneurs Grafen Murray 1787* (Vienna, 1862)
- Liechtenstein Aloys Prinz, Liechtenstein Alfred Prinz, Pergen Anton Graf v., *Die konfessionellen Gesetzentwürfen. Drei Reden darüber gehalten von ---, Anton Graf von Pergen und Alfred Fürst Liechtenstein (etc.)* 2., ... Aufl (Graz, 1874)
- Loesche Georg, *Von der Duldung zur Gleichberechtigung: archivalische Beiträge zur Geschichte des Protestantismus in Österreich 1781-1861; zur 50jährigen Erinnerung an das Protestantenpatent* (Vienna, 1911)
- Loeve Paul, *Mitternächtliches Gespräch des Kaisers Josef mit Kaiser Ferdinand in der Hofburg* (Vienna, 1848)
- Lonovics Jozsef, *Der Josephinismus und die kaiserlichen Verordnungen vom 18. April 1850 in Bezug auf die Kirche* (Vienna, 1851)
- Lubinski Eduard Graf, *Das Concordat in Oesterreich. Aus der französ. Handschrift übers.* (Vienna, 1868)
- Lyser Johann Peter, *Ein Frühlingstag vor dem Denkmale des Kaisers Joseph des Zweiten. Dem Wolfe, das Er liebte und schätzte, am 15 März 1848* (Vienna, 1848)
- Pachmann Theodor, *Freimüthige Worte gegen die Concordats-Verlästerung* (Vienna, 1867)
- Plener Ernst von, *Erinnerungen, Vol.2: Parlamentarische Tätigkeit, 1873-1891* (Stuttgart/Leipzig, 1921)
- *Politischer Volks-Kalender für 1878* (Klagenfurt and Villach, 1877)
- Österreichischer Volksfreund (1867-1868)
- R.A., „Kaiser Joseph und die deutsche Fahne“, in: *Wiener Sonntagsblätter*, No.41 (Vienna, 1848)
- Ranke Leopold von, *Die deutschen Mächte und der Fürstenbund: Deutsche Geschichte von 1780 bis 1790*, 2 Vols. (Leipzig, 1871-1872)
- Ravelsberg F. Strobl von, „Karl von Stemayr“, *Steirische Zeitschrift für Geschichte*, Vol.2 (1904), 97-106
- Rauscher Joseph Othmar von, *Das Concordat. Rede gehalten in der Sitzung des Herrenhauses am 19. März 1868* (Vienna, 1868)
- \_\_\_\_\_, *Die Ehe und das 2. Hauptstück des bürgerlichen Gesetzbuches* (Vienna, 1869)
- \_\_\_\_\_, *Das Gesetz über die äußeren Rechtsverhältnisse der kath. Kirche. Rede gehalten in der Sitzung des Herrenhauses am 10.4.1874* (Vienna, 1874)

- \_\_\_\_\_, *Das Gesetz über die Beiträge zum Religionsfond. Rede gehalten in der Sitzung des Herrenhauses am 23. April 1874* (Vienna, 1875)
- Reichel Wenzel Joseph, *War die österreichische Regierung berechtigt, das Concordat vom Jahre 1855 ausser Kraft zu setzen?* (Vienna, 1871)
- Reissleithner Joseph, *Das Concordat. Ein Vortrag gehalten in der Katholikenversammlung zu Reindorf am Oktober 1867* (Vienna, 1867)
- Reschauer Heinrich, *Das Jahr 1848: Geschichte der Wiener Revolution I* (Vienna, 1872)
- Richter Carl, *Geschichte der Kaiser Joseph Denkmäler in Böhmen, Mähren, Niederösterreich und Schlesien* (Tetschen, 1883)
- Ricker Anselm, *Das Concordat, eine Bürgschaft für die Eintracht zwischen Kirche und Staat, dargest. in 7 Predigten* (Vienna, 1868)
- Ritter Carl, *Kaiser Joseph II. und seine kirchlichen Reformen* (Regensburg, 1867)
- Tagesbote aus Mähren (Brünn, 1869)
- Thuille Vincenz Paul von, *Was ist das Konkordat? Predigt* (Innsbruck, 1866)
- Sauer August (ed.), *Grillparzers Gespräche und ihre Charakteristiken seiner Persönlichkeit durch die Zeitgenossen* (Vienna, 1910)
- Scheicher Joseph, *Josephinismus und Josephiner. Eine österr. -canonistisch-hist. Studie* (Vienna, 1893)
- Schmerling Anton von, *Der Vater der Verfassung: aus den Denkwürdigkeiten Anton Ritters von Schmerling* (Vienna, 1993)
- Schütz Friedrich, *Werden und Wirken des Bürgerministeriums* (Leipzig, 1909)
- Spiere Jacob, *Der Leuchstern oder das Konkordat der alten und neuen Zeit* (Lemberg, 1870)
- Springer Anton, *Geschichte Österreichs seit dem Jahre 1809*, 2 Vols. (Leipzig, 1863)
- Stenographische Protokolle über die Sitzungen des Abgeordnetenhauses des Reichsrates, IV. Session, (Vienna, 1869)
- Stenographische Protokolle über die Sitzungen des Abgeordnetenhauses des Reichsrates, VIII. Session (Vienna, 1879)
- Stenographische Protokolle über die Sitzungen des Herrenhauses des Reichsrates, IV. Session, (Vienna, 1869)
- Stenographische Protokolle über die Sitzungen des Herrenhauses des Reichsrates, VIII. Session (Vienna, 1879)
- Stremayr Carl v., *Erinnerungen aus dem Leben* (Vienna, 1899)
- Sturm Carl, *Kurze Randglossen zu den anstößigen Artikeln des österreichischen Concordats vom 18. Aug. 1855* (Leipzig, 1861)
- Sueß Eduard, *Rede gehalten gelegentlich der Debatte über die Confessionellen Regierungsvorlagen im Abgeordnetenhause in Wien am 6. März 1874* (Klagenfurt, 1874)
- \_\_\_\_\_, *Rede zur Enthüllung des Hasner-Denkmales. Gehalten im grossen Saale der Wiener Universität am 9. Juli 1899* (Vienna, 1899)
- Walter Friedrich (ed.), *Österreichische Zentralverwaltung, Part 3, Vol.2: Die Geschichte der Ministerien Kolowrat, Ficquelmont, Pillersdorf, Wessenberg-Doblhoff und Schwarzenberg* (Vienna, 1964)
- Worms Henry de, *The Austro-Hungarian Empire and the Policy of Count Beust: A Political Sketch of Men and Events from 1866 to 1870; by an Englishman* (London, 1870)
- Wurzbach Constant v., *Biographisches Lexikon des Kaisertums Österreich*, 60 Vols. (Vienna, 1856-1891)
- Das Vaterland (Vienna, 1868)

- Zwerger Johannes, *Die konfessionellen Gesetzentwürfe, in's Haus der Abgeordneten eingebracht am 21.1.1874. Besprochen von ---, Fürstbischof von Seckau, für seine Diözesanen. 2., bedeutend vergrößerte Aufl* (Graz, 1874)

## B. Secondary Literature:

- “100 Jahre Reichsvolksschulgesetz”, *Erziehung u. Unterricht*, Vol.5 (1969), 289-357
- Ableitinger Alfred, „Die historische Entwicklung des Liberalismus in Österreich im 19. und beginnenden 20. Jahrhundert“, in: Helmut Reinalter, Harm Klueting (eds.), *Der deutsche und österreichische Liberalismus. Geschichts- und politikwissenschaftliche Perspektiven im Vergleich* (Innsbruck, 2010), 121-147
- Adlgasser Franz, *Die Mitglieder der österreichischen Zentralparlamente, 1848-1918: Ein biographisches Lexikon*, 2 Vols. (Vienna, 2014)
- Adriányi Gabriel, *Die Stellung der ungarischen Kirche zum österreichischen Konkordat von 1855* (Rome, 1963)
- Annerl Wolfgang, „Joseph II. und der Josephinismus im Spiegel der anglo-amerikanischen Historiographie“, Ph.D. Thesis, University of Vienna, 1972
- Allmayer-Beck Johann Ch., *Der Konservatismus in Österreich* (München, 1959)
- Bahr Gustav, “Leopold von Hasner“, Ph.D. Thesis, University of Vienna, 1947
- Beales Derek, *Joseph II, Vol.1:1741-1780: In the Shadow of Maria-Theresa* (Cambridge, 1987)
- \_\_\_\_\_, "Joseph II and Josephism", in: *Enlightenment and Reform in 18th century Europe* (New York, 2005), 287-308
- \_\_\_\_\_, *Joseph II, Vol.2:1780-1790: Against the World* (Cambridge, 2009)
- Beicken Peter, “Anastasius Grün und der Österreichische Vormärz“, *The German Quarterly*, Vol. 58, No. 2 (1985), 194-207
- Berg Scott Michael, „Empire of Faith: Toleration, Confessionalism and the Politics of Religious Pluralism in the Habsburg Empire, 1792-1867“, Ph.D. Thesis, Louisiana State University, 2015
- Beutner Eduard, „Historische Perspektiven: Kaiser Joseph II. in der österreichischen Literatur der Zwischenkriegszeit“, in: Walter Weiss, Eduard Beutner (eds.), *Polnisch-Österreichisches Germanisten-Symposion 1983 in Salzburg* (Stuttgart, 1985), 171-181
- \_\_\_\_\_, „Der Kaiser ein Revolutionär? Zum Fortwirken des josephinischen Mythos in der österreichischen Literatur nach 1945“, in: Eduard Beutner (ed.), *Dialog der Epochen. Studien zur Literatur des 19. und 20. Jahrhunderts. Walter Weiss zum 60. Geburtstag* (Vienna, 1987), 111-123
- \_\_\_\_\_, „Joseph II. Die Geschichte seiner Mythisierung und Entmythisierung in der Literatur (1741-1848). Die Grundlagen und Bausteine der josephinischen Legende.“ Habilitation Dissertation, University of Salzburg, 1992
- Bömelburg Hans-Jürgen, *Friedrich II. zwischen Deutschland und Polen: Ereignis- und Erinnerungsgeschichte* (Stuttgart, 2011)
- Boyer John W., *Political Radicalism in Late Imperial Vienna: Origins of the Christian-Social Movement, 1848-1897* (Chicago, 1981)
- \_\_\_\_\_, “Religion and Political Development in Central Europe around 1900: A View from Vienna”, *Austrian History Yearbook*, Vol.25 (1994), 13-57
- \_\_\_\_\_, *Culture and Political Crisis in Vienna. Christian Socialism in Power, 1897-1918* (Chicago, 1995)
- Bowman William D., *Priest and Parish in Vienna, 1780-1880* (Boston, 2000)

- Brandt Harm Hinrich, „Liberalismus in Österreich zwischen Revolution und Großer Depression“, in: Dieter Langewiesche (ed.), *Liberalismus im 19. Jahrhundert* (Göttingen, 1988), 139-162
- Brauender Wilhelm, „Die Verfassungsentwicklung in Österreich 1848 bis 1918“, in: Helmut Rumpler, Peter Urbanitsch (eds.), *Die Habsburgermonarchie 1848-1918, Vol. 7: Verfassung und Parlamentarismus* (Vienna, 2000), 69-237
- Bretholz Berthard, „Der aktenmäßige Bericht über Kaiser Joseph II. Pflügung eines Ackerstückes beim Dorfe Slawikowitz am 19. August 1769 und die Errichtung eines Denkmals daselbst“, *Zeitschrift des Deutschen Vereines für die Geschichte Mährens und Schlesiens*, Vol.34 (1930)
- Brix Emil, Bruckmüller Ernst, Stekl Hannes, „Das kulturelle Gedächtnis Österreichs. Eine Einführung“, in: Emil Brix, Ernst Bruckmüller, Hannes Stekl (eds.), *Memoria Austriae, Vol. 1: Menschen, Mythen, Zeiten*, (Vienna, 2004), 9-23
- Bruckmüller Ernst, „Was There a “Habsburg Society” in Austria-Hungary?“, *Austrian History Yearbook*, Vol.37 (2006), 1-16
- \_\_\_\_\_, „Patriotic and National Myths: National Consciousness and Elementary School Education in Imperial Austria“, in: Daniel Unowsky, Lawrence Cole (eds.), *The Limits of Loyalty: Imperial Symbolism, Popular Allegiances and State Patriotism in the Late Habsburg Monarchy* (New York, 2007), 11-35
- Burrow John, *A Liberal Descent: Victorian Historians and the English Past* (London, 1981)
- Charmatz Richard, *Österreichs innere Geschichte von 1848 bis 1895*, 2 Vols. (Leipzig, 1909)
- Cohen Gary, *Education and Middle-Class Society in Imperial Austria, 1848-1918* (West Lafayette, 1996)
- Coen Deborah R., *Vienna in the Age of Uncertainty: Science, Liberalism and Private Life* (Chicago, 2007)
- Cole Lawrence, „The Counter-reformation’s Last Stand: Austria“, in: Christopher Clark, Wolfram Kaiser (eds.), *Culture Wars: Secular-Catholic Conflict in Nineteenth-century Europe* (Cambridge, 2003), 285-312
- \_\_\_\_\_, „Der Radetzky-Kult in Zisleithanien 1848-1914“, in: Laurence Cole, Christa Hämmerle, Martin Scheutz (eds.), *Glanz-Gewalt-Gehorsam: Militär und Gesellschaft in der Habsburgermonarchie (1800-1918)* (Essen, 2010), 243-268
- \_\_\_\_\_, „Der Kulturkampf in der österreichischen Reichshälfte der Habsburgermonarchie“, in: Gustav Pfeifer, Josef Nössing (eds.), *Kulturkampf in Tirol und in den Nachbarländern* (Bozen, 2013), 105-123
- Coreth Anna, *Pietas Austriaca*, trans. by W.D. Bowman, A.M. Leitgeb (West Lafayette, 2001)
- Csáky Moritz, *Der Kulturkampf in Ungarn. Die kirchenpolitische Gesetzgebung der Jahre 1894/95* (Vienna, 1967)
- \_\_\_\_\_, „Kulturkampf, Freisinn und Liberalismus im Österreich der siebziger und achtziger Jahre des 19. Jahrhunderts“, in: Norbert Leser (ed.), *Religion und Kultur an Zeitenwenden: auf Gottes Spuren in Österreich* (Vienna, 1984), 186-199
- Dickson P.G.M., „Joseph II's Reshaping of the Austrian Church“, *The Historical Journal*, Vol.36, Iss.01 (Mar. 1993), 89-114
- Ehrenreich Wilhelm, *Ignaz Figuly: ein Kämpfer für Recht und Freiheit* (Linz, 1940)



- Emerson Donald E., *Metternich and the Political Police: Security and Subversion in the Habsburg Monarchy (1815-1830)* (The Hague, 1968)
- Engel-Janosi Friedrich, "Kaiser Joseph II. in der Wiener Bewegung des Jahres 1848", *Mitteilungen des Vereines für Geschichte der Stadt Wien*, Vol.11 (1931), 53-72
- \_\_\_\_\_, "Die Beziehungen zwischen Österreich-Ungarn und dem Vatikan von der Einnahme Roms bis zum Tod Pius IX.", *Mitteilungen des Österreichischen Staatsarchivs*, Vol. 10 (1957), 322-340
- Engelbrecht Helmut, "Zur Entwicklung und Gliederung des österreichischen Schulwesens", *Österreich in Geschichte und Literatur*, Vol. 20 (1976), 225-242
- Evans R.J.W., *The Making of the Habsburg Monarchy, 1550-1700: An Interpretation* (Oxford, 1979)
- \_\_\_\_\_, "Josephinism, 'Austrianness' and the Revolution of 1848", in: E. Timms, R. Robertson (eds.), *The Austrian Enlightenment and its Aftermath* (Edinburgh, 1991), 145-160
- \_\_\_\_\_, "1848 in Mitteleuropa: Ereignis und Erinnerung", in: Barbara Heider, Hans Peter Hye (eds.), *1848: Ereignis und Erinnerung in den politischen Kulturen Mitteleuropas* (Vienna, 2003), 31-55
- \_\_\_\_\_, "From Confederation to the Compromise: The Austrian Experiment, 1849-1867", in: *Austria, Hungary and the Habsburgs, Central Europe, c.1683-1867* (Oxford, 2006), 265-292
- Evans Ellen Lovell, *The Cross and the Ballot: Catholic Political Parties in Germany, Switzerland, Austria, Belgium and The Netherlands, 1785-1985* (Boston MA, 1999)
- Faske Michael, *Anton Ritter von Schmerling: 1805-1893* (Vienna, 1993)
- Fellner Fritz, „Kaiser Franz Joseph und das Parlament. Materialien zur Geschichte der Innenpolitik Österreichs in den Jahren, 1867-1873“, *Mitteilungen des Österreichischen Staatsarchivs*, Vol. 9 (1956), 287-347
- Fellner Johann, "Hermann Meynert, ein volkstümlicher österreichischer Geschichtsschreiber des 19. Jahrhunderts", Ph.D. Thesis, University of Vienna, 1947
- Fillafer Franz Leander, "Das Josephinische Trauma und die Sprache der österreichischen Aufklärung" in: Johannes Feichtinger et al. (eds.), *Schauplatz Kultur Zentral-europa. Transdisziplinäre Annäherungen* (Vienna, 2006), 249-258
- \_\_\_\_\_, "Eine Gespenstergeschichte für Erwachsene. Überlegungen zu einer Geschichte des josephinischen Erbes in der Habsburgermonarchie", Ch. Ehalt, J. Mondot (eds.), *Was blieb vom Josephinismus? Zum 65. Geburtstag von Helmut Reinalter* (Innsbruck, 2010), 27-56
- \_\_\_\_\_, „Rivalisierende Aufklärungen. Die Kontinuität und die Historisierung des josephinischen Reformabsolutismus in der Habsburgermonarchie“, in: Wolfgang Hardtwig (ed.), *Die Aufklärung und ihre Weltwirkung* (Göttingen, 2010), 123-168
- Fontana Josef, *Der Kulturkampf in Tirol* (Innsbruck, 1978)
- France Alan W., 'Kulturkampf in Austria: The Vaterland Circle and the Struggle over the Confessional Legislation of May 1868', Ph.D. thesis, Rice University, 1975
- Frank Tibor, *Picturing Austria-Hungary: The British Perception of the Habsburg Monarchy, 1865-1870* (New York, 2005)
- Franz Georg, *Kulturkampf: Staat und Katholische Kirche in Mitteleuropa von der Säkularisation bis zum Abschluss des preußischen Kulturkampfes* (München, 1954)

- \_\_\_\_\_, *Liberalismus: Die deutschliberale Bewegung in der habsburgischen Monarchie* (München, 1955)
- \_\_\_\_\_, *Kulturkampf gestern und heute: Eine Säkularbetrachtung, 1871-1971* (München, 1971)
- Good David, *The Economic Rise of the Habsburg Empire, 1750-1914* (Berkeley, 1984)
- Goldinger Walter, „Das Verhältnis von Staat und Kirche in Österreich nach Aufhebung des Konkordats von 1855“, *Religion, Wissenschaft, Kultur*, Vol. 8 (1957), 141-6
- Gottsmann Andreas, „Der österreichische Kulturkampf am Beispiel der liberalen Schulgesetzgebung“, Diploma Thesis, University of Vienna, 1984
- Götz Thomas, *Bürgertum und Liberalismus in Tirol 1840-1873: zwischen Stadt und "Region"*, *Staat und Nation* (Innsbruck, 2001)
- Grass Nikolaus, „Albert Jäger. Zu seinem 100. Geburtstag“, *Tiroler Heimat*, Vol.56 (1992), 161-164
- \_\_\_\_\_, „Albert Jäger, 1801-1891“, in: Carlen Louis, Faußner Hans Constantin (eds.), *Wissenschaftsgeschichte in Lebensläufen* (Hildesheim, 2001), 347-358
- Gross Michael, „The Strange Case of the nun in the dungeon or German liberalism as a convent atrocity story“, *German Studies Review*, Vol. 23 (2000), 69-84
- Hagen Christina, „Die Deutschliberalen und die Religionsgesetze von 1874“, M.A. Thesis, University of Vienna, 2000
- Hamann Brigitte, *Hitler's Vienna, 1908-1913: A Dictator's Apprenticeship*, trans. by Thomas Thornton (New York, 1999)
- Hartel Gertrude, „Graf Gustav Blome: ein Bild seines Lebens“, Ph.D. Thesis, University of Vienna, 1952
- Häusler Wolfgang, „Das Nachleben Josephs II. und des Josephinismus bis zur Revolution von 1848“, in: Karl Gutkas (ed.), *Österreich zur Zeit Josephs II.* (Vienna, 1980), 282-288
- \_\_\_\_\_, „‘Des Kaisers Bildsäule’: Entstehung und politischer Sinngehalt des Wiener Josephsdenkmals“, in: Karl Gutkas (ed.), *Österreich zur Zeit Josephs II.* (Vienna, 1980), 288-290
- Heindl Waltraud, *Gehorsame Rebellen: Bürokratie und Beamte in Österreich, Vol.1, 1780-1848* (Vienna, 1991)
- \_\_\_\_\_, „Der Liberalismus scheiterte. Scheiterte der Liberalismus?“, in: Sigurd Paul Scheichl, Emil Brix (eds.), „*Dürfen's den das?*“ *Die fortdauernde Frage zum Jahr 1848*“ (Vienna, 1999), 85-95
- \_\_\_\_\_, *Josephinische Mandarine: Bürokratie und Beamte in Österreich, Vol.2: 1848-1914* (Vienna, 2013)
- Heiss Hans, „Stadtbürgertum und Kulturkampf. Bemerkungen zu einem Konfliktverhältnis am Beispiel des deutschsprachigen Tirols“, in: Gustav Pfeifer, Josef Nössing (eds.), *Kulturkampf in Tirol und in den Nachbarländern* (Bozen, 2013), 49-59
- Herrnleben Susanne, „Zur Funktion des Kulturkampfes in der europäischen Politik. Die Beziehungen zwischen Österreich-Ungarn, Italien und dem Deutschen Reich 1870 bis 1879“, Ph.D. thesis, University of Vienna, 1998
- Höbelt Lothar, *Kornblume und Kaiseradler. Die deutschfreiheitlichen Parteien A-ltösterreichs, 1882-1918* (Vienna, 1992)
- \_\_\_\_\_, (ed.), *Österreichs Weg zur konstitutionellen Monarchie: Aus der Sicht des Staatsminister Anton von Schmerling* (Vienna, 1993)

- \_\_\_\_\_, „Das Bürgerministerium“, *Etudes Danubiennes*, Vol. 12, No. 2 (1998), 1-11
- \_\_\_\_\_, „Parteien und Faktoren im Cisleithanischen Reichsrat“, in: Helmut Rumpler, Peter Urbanitsch (eds.), *Die Habsburgermonarchie 1848-1918, Vol. 7: Verfassung und Parlamentarismus* (Vienna, 2000), 895-1006
- \_\_\_\_\_, „Politische Öffentlichkeit und Zivilgesellschaft“, in: Helmut Rumpler Peter Urbanitsch, (ed.), *Die Habsburgermonarchie, 1848-1918, Bd.8/2: Die Presse als Faktor der politischen Mobilisierung* (Vienna, 2006), 1819-1894
- Hobsbawm Eric J., *The Age of Capital, 1848-1875* (London, 1976)
- \_\_\_\_\_, „Mass-Producing Traditions: Europe, 1870-1914“, in: Eric Hobsbawm Terence Ranger (eds.), *The Invention of Tradition* (New York, 1983), 263-307
- Hochstetter Friedrich, *Die Geschichte eines Konkordats. Das österreichische Konkordat von 1855* (Berlin, 1928)
- Horwath Peter, *Der Kampf gegen die religiöse Tradition. Die Kulturkampfliteratur Österreichs, 1780-1918* (Bern, 1978)
- Hintze Otto, *Geschichte des uradeligen Geschlechtes der Herren und Grafen Blome* (Hamburg, 1929)
- Hussarek Max v., *Die Krise und die Lösung des Konkordats vom 18. August 1855. Ein Beitrag zur Geschichte des österreichischen Staatskirchenrechts* (Vienna, 1932)
- Jaszi Oscar, *The Dissolution of the Habsburg Monarchy* (Chicago, 1961 [1929])
- Jenks William, *Austria under the Iron Ring, 1879-1893* (Charlottesville, 1965)
- Judson Pieter M., *Exclusive Revolutionaries, Liberal Politics and the Social Experience in the Austrian Empire, 1848-1914* (Ann Arbor, 1996)
- \_\_\_\_\_, *Wien brennt!: die Revolution von 1848 und ihr liberales Erbe* (Vienna, 1998)
- \_\_\_\_\_, „Rethinking the Liberal Legacy“, in: Steven Beller (ed.), *Rethinking Vienna 1900* (New York/Oxford, 2001), 57-79
- \_\_\_\_\_, „Early Liberalism in Austrian Society“, in: Helmut Reinalter, Harm Klue-ting (eds.), *Der deutsche und österreichische Liberalismus. Geschichts- und politikwis-senschaftliche Perspektiven im Vergleich* (Innsbruck, 2010), 105-120
- Kalyvas Stathis N., *The Rise of Christian Democracy in Europe* (Ithaca: NY, 1996)
- Kammerhofer Leopold, „Organisationsformen und Führungsschichten“, in: Leopold Kammerhofer (ed.), *Studien zum Deutschliberalismus in Zisleithanien 1873-1879* (Vienna, 1992), 23-44
- \_\_\_\_\_, „Staat und Verwaltung“, in: Leopold Kammerhofer (ed.), *Studien zum Deut-schliberalismus in Zisleithanien 1873-1879* (Vienna, 1992), 91-121
- Kann Robert A., *A History of the Habsburg Monarchy, 1526-1918* (Berkeley, 1974)
- „Karl Freiherr von Lemayer - Leben und Wirken“, in: Werner Ogris, Thomas Olecho-chowski (eds.), *Elemente europäischer Rechtskultur* (Vienna, 2003), 285-308
- Kolmer Gustav, *Parlament und Verfassung in Österreich, Vol.I: 1848-1869 & Vol.II: 1869-1879* (Vienna, 1908)
- Koulouri Christina, Loukos Christos, *The faces of Capodistrias: the first governor of Greece and the neohellenic ideology* [(Athens, 1996) (=Κουλούρη Χριστίνα, Λούκος Χρήστος, *Τα πρόσωπα του Καποδίστρια: ο πρώτος κυβερνήτης της Ελλάδας και η νε-οελληνική ιδεολογία* (Αθήνα, 1996))]

- Kovacs Elisabeth, "Was ist Josephinismus?", in: Karl Gutkas (ed.), *Österreich zur Zeit Josephs II.* (Vienna, 1980), 24-30
- \_\_\_\_\_, „Burgundisches und thesianisch-josephinisches Staatskirchensystem“, in: Helmut Reinalter (ed.), *Der Josephinismus: Bedeutung, Einflüsse und Wirkungen* (Frankfurt a.M., 1993), 39-62
- Kisler Karl Michael, „Joseph II. in der Literatur“, in: Karl Gutkas (ed.), *Österreich zur Zeit Josephs II.* (Vienna, 1980), 298-305
- Kriegleder Wynfrid, „Grillparzer und der Josephinismus“, *Jahrbuch des Wiener Goethe-Vereins*, Vol.96 (1992), 17-32
- Kugler Martin, „Parlament und Presse im österreichischen Kulturkampf: Die Genese der Maigesetze 1868 und die Rolle der öffentlichen Meinung“, Diploma Thesis, University of Graz, 1987
- Kunz Ludvík, „Das Ackergerät aus Slavíkovice bei Brünn aus dem Jahr 1769 - der „Pflug Kaiser Josephs II.““, in: Michael Martischinig (ed.), *Sammeln und sichten: Beiträge zur Sachvolkskunde. Festschrift für Franz Maresch zum 75. Geburtstag* (Vienna, 1979), 325-332
- Kwan Jonathan, "Competing historical narratives: memory, identity and politics in nineteenth century Bohemia", in: H. Hein-Kircher, Hahn Henning (eds.), *Politische Mythen im 19. und 20. Jahrhundert in Mittel- und Osteuropa* (Marburg, 2006), 377-394
- \_\_\_\_\_, *Liberalism and the Habsburg Monarchy, 1861-1895* (London, 2013)
- Lamberts Emiel, „A Peculiar Heir of Metternich: Gustav von Blome (1829-1906). An Intermediary between Conservatism and Socio-Political Catholicism“, in: Bernhard Löffler, Karsten Ruppert (eds.), *Religiöse Prägung und Politische Ordnung in der Neuzeit. Festschrift für Winfried Becker zum 65. Geburtstag* (Vienna, 2006), 193-220
- Leisching Peter, „Die römisch-katholische Kirche in Cisleithanien“, in: Adam Wandruszka, Peter Urbanitsch (eds.), *Die Habsburgermonarchie 1848-1918, Vol. IV: Die Konfessionen* (Vienna, 1985), 1-247
- Lentze Hans, „Die österreichischen Universitäten als Nebenkriegsschauplatz im österreichischen Kulturkampf“, in: Louis Carlen, Fritz Steinegger (eds.), *Festschrift für Nikolaus Grass zum 60. Geburtstag dargebracht von Fachgenossen, Freunden und Schülern*. Vol.2 (Innsbruck, 1974), 347-368
- Lhotsky Alphons, *Geschichte des Instituts für Österreichische Geschichtsforschung 1854-1954* (Vienna/Graz/Köln, 1954)
- \_\_\_\_\_, *Österreichische Historiographie* (Vienna, 1962)
- \_\_\_\_\_, "Das Ende des Josephinismus. Epilegomena zu Hans Lentzes Werk über die Reformen des Ministers Grafen Thun,“ *Mitteilungen des Österreichischen Staatsarchivs*, Vol.15 (1962), 527-549
- Liebmann Maximilian, "Von der Dominanz der Katholischen Kirche zu freien Kirche im freien Staat - vom Wiener Kongreß 1815 bis zur Gegenwart", in: Rudolf Leeb et al. (eds.), *Geschichte des Christentums in Österreich. Von der Spätantike bis zur Gegenwart* (Vienna, 2003), 361-456
- Lick Herfried, „Die österreichische Volksschule im Spannungsfeld von Staat und Kirche von Zeitalter Maria Theresias bis zum Ende der Monarchie“, Diploma Thesis, University of Klagenfurt, 2000

- Loesche Georg, *Ein Gedenkblatt zur Hundertjahrfeier der evangelisch-theologischen Fakultät in Wien. 60 Jahre Protestantenpatent* (Vienna, 1920)
- Macartney C. A., *The Habsburg Empire, 1790-1918* (London, 1969)
- Madl Antal, *Politische Dichtung in Österreich (1830-1848)* (Budapest, 1969)
- Marx Julius, *Die österreichische Zensur im Vormärz* (Vienna, 1959)
- May Arthur J., *The Hapsburg Monarchy, 1867-1914* (New York, 1951)
- Mayer Gottfried, *Österreich als "Katholische Großmacht": Ein Traum zwischen Revolution und liberaler Ära* (Vienna, 1989)
- Mechurova Marcela, „Der Aufgeklärte Despot Joseph II. und seine Spuren nicht nur bei Slawikowitz in Mähren“, Diploma Thesis, University of Brno, 2007
- Mellon Stanley, *The Political Uses of History. A Study of Historians in the French Restoration* (Stanford, 1958)
- Mikoletzky Lorenz, „Karl Freiherr von Krauß (1789-1881): die Stellung eines österreichischen Staatsmannes zur Innenpolitik seiner Zeit“, Ph.D. Thesis, University of Vienna, 1969
- \_\_\_\_\_, „Karl Freiherr von Krauß (1789-1881)“, *Österreich in Geschichte und Literatur*, Vol.14 (1970), 57-74
- \_\_\_\_\_, "Franz Joseph I. - ein Josephiner?", in: Ch. Ehalt, J. Mondot (eds.), *Was blieb vom Josephinismus? Zum 65. Geburtstag von Helmut Reinalter* (Innsbruck, 2010), 135-144
- Mikschy Hans, *Der Kampf ums Reichsvolksschulgesetz 1869. Ein Beitrag zum Kampf um das Schulgesetz* (Vienna, 1949)
- Mühlsteiger Johannes, *Der Geist des josephinischen Eherechtes* (Vienna, 1967)
- O'Brien Charles, "The Ideas of Religious Toleration at the time of Joseph II. A Study of the Enlightenment among Catholics in Austria", *American Philosophical Society*, Vol.59, No.7 (1969), 5-80
- Ospelt Lukas, "Das Protestantenpatent von 1861 im Spiegel der öffentlichen Meinung Tirols und Voralbergs", Diploma Thesis, University of Innsbruck, 1993
- *Österreichisches Biographisches Lexikon, 1815-1950* (Vienna, 1957-2013)
- Nemes Robert, „The uncivil origins of civil marriage: Hungary“, in: Christopher Clark, Wolfram Kaiser (eds.), *Culture Wars: Secular-Catholic Conflict in Nineteenth-century Europe* (Cambridge, 2003), 313-335
- *Neue Deutsche Biographie* (Munich, 1953-2020)
- Nora Pierre (ed.), *Realms of Memory: the construction of the French past, Vol.1: conflicts and divisions*, trans. by Arthur Goldhammer (New York, 1992)
- Novogoratz Hans, "Sebastian Brunner und der frühe Antisemitismus", Ph.D. Thesis, University of Vienna, 1978
- Pfleger Peter, *Gab es einen Kulturkampf in Österreich?* (München, 1997)
- Pfurtscheller Stefan, *Die Epoche Maria Theresias bis zum Ausgleich Österreich-Ungarns aus französischer Perspektive* (Innsbruck, 2013)
- Plattner Irmgard, „Die josephinische Bürokratie und ihr Fortwirken im 19. Jahrhundert“, in: Ch. Ehalt, J. Mondot (eds.), *Was blieb vom Josephinismus? Zum 65. Geburtstag von Helmut Reinalter* (Innsbruck, 2010), 57-74

- Pototschnig Franz, *Staatlich-kirchliche Ehegesetzgebung im 19. Jahrhundert: Problematik, Auswirkungen, Gegenwartsbedeutung einer österreichischen Rechtsreform* (Vienna, 1974)
- Prinz Friedrich, "Die böhmischen Länder vom 1848 bis 1918", in: Karl Bost (ed.), *Handbuch der Geschichte der böhmischen Länder, 3. Die böhmischen Länder im Habsburgerreich, 1848-1918. Bürgerlicher Nationalismus und Ausbildung einer Industriegesellschaft* (Stuttgart, 1968), 3-235
- Rath R. John, *The Viennese Revolution of 1848* (Austin: Texas, 1957)
- Redlich Josef, *Emperor Francis Joseph of Austria: A Biography* (London, 1929)
- Rettenwander Matthias, "Nachwirkungen des Josephinismus", in: Helmut Reinalter (ed.), *Josephinismus als Aufgeklärter Absolutismus* (Vienna, 2008), 317-425
- Reinalter Helmut, "Der Josephinismus aus der Sicht der neueren anglo-amerikanischen Historiographie", *Römische Historische Mitteilungen*, Vol. 17 (1975), 213-226
- \_\_\_\_\_, "Die bürgerliche und demokratische Opposition in der Habsburgermonarchie nach 1815", in: *Demokratische und soziale Protestbewegungen in Mitteleuropa, 1815 bis 1848/49* (Frankfurt am Main, 1986), 77-104
- \_\_\_\_\_, „Aufgeklärter Absolutismus und Josephinismus“, in: Helmut Reinalter (ed.), *Der Josephinismus: Bedeutung, Einflüsse und Wirkungen* (Frankfurt a.M., 1993), 11-21
- \_\_\_\_\_, "Liberalismus und Kirche in Österreich im 19. Jahrhundert", in: Helmut Reinalter, Harm Klueting (eds.), *Der deutsche und österreichische Liberalismus. Geschichts- und politikwissenschaftliche Perspektiven im Vergleich* (Innsbruck, 2010), 149-160
- Rieser Herbert, *Der Geist des Josephinismus und sein Fortleben* (Vienna, 1963)
- Ritter Harry, "Progressive Historians and the Historical Imagination in Austria: Heinrich Freidjung and Richard Charnatz", *Austrian History Yearbook*, Vols. 19-20, (1983-1984), part 1: 45- 90
- Robertson Ritchie, „Joseph II in Cultural Memory“, in: Christian Emden, David Midgley (eds.), *Cultural Memory and Historical Consciousness in the German-Speaking World since 1500* (Frankfurt a.M. et al., 2003), 209-228
- Rumpler Helmut, *Eine Chance für Mitteleuropa: Bürgerliche Emanzipation und Staatsverfall in der Habsburgermonarchie, 1804-1914* (Vienna, 1997)
- \_\_\_\_\_, „Kirche und Staat in Österreich im 19. Österreich“, in: Werner Drobesch et al. (eds.), *Mensch, Staat und Kirchen zwischen Alpen und Adria, 1848-1938* (Klagenfurt, 2007), 127-139
- Schärf Adolf (ed.), *Hundert Jahre Protestantenpatent, 1861-1961: Vorträge bei der Festfeier im Großen Musikvereinssaal* (Vienna, 1961)
- Schorske Carl, *Fin-du-Siècle Vienna: Politics and Culture* (New York, 1981)
- Schüller S., "Kaiser Joseph II. Beiträge zur Charakteristik seiner politischen Ideen", Ph.D. Thesis University of Vienna, 1931
- Schmid Johanna, „Der Wandel des Bildes Josephps II. in der österreichischen Historiographie: von den Zeitgenossen bis zum Ende der Monarchie“, Ph.D. Thesis University of Vienna, 1972
- Sohn-Kronthaler Michaela, "Der Kampf um das österreichische Konkordat von 1855", in: Tibor Güns Balla (ed.), *Internationales Kulturhistorisches Symposium Mo-*

gersdorf 2001: in *Kőszeg*, 3. bis 6. Juli 2001 ; die Rolle der Kirchen im Modernisierungsprozess der Gesellschaft im 18. und 19. Jahrhundert im pannonischen Raum (Mogersdorf, 2001), 78-86

- Somogyi Eva, *Vom Zentralismus zum Dualismus: Der Weg der deutschösterreichischen Liberalen zum Ausgleich von 1867* (Wiesbaden, 1983)

- \_\_\_\_\_, „Die Reichauffassung der deutschösterreichischen Liberalen in den siebenziger Jahren des 19. Jahrhunderts“, in: F. Glatz, R. Melville (eds.), *Gesellschaft, Politik und Verwaltung in der Habsburgermonarchie, 1830-1918* (Stuttgart, 1987), 157-188

- Stimmer Gernot, „Der politische Liberalismus in Österreich zwischen Revolutionstradition und „Pflicht am Staat“-Maxime“, in: Sigurd Paul Scheichl, Emil Brix (eds.), *„Dürfen's den das?“ Die fortdauernde Frage zum Jahr 1848“* (Vienna, 1999), 97-114

- Stransky Emanuel, „Adolf Beer als Politiker und Historiker: Versuch einer Monographie“, Ph.D. Thesis, University of Vienna, 1948

- Szabo, F.A.J., „Changing Perspectives on the 'Revolutionary Emperor': Joseph II. Biographies since 1790“, *Journal of Modern History*, Vol.83, No.1 (2011), 111-138

- Telesko Werner, *Geschichtsraum Österreich: Die Habsburger und ihre Geschichte in der bildenden Kunst des 19. Jahrhunderts* (Vienna, 2006)

- Treimer Ilse, „Sebastian Brunner als Historiker“, Ph.D. Thesis, University of Vienna, 1949

- Valjavec Fritz, *Der Josephinismus: Zur geistigen Entwicklung Österreichs im 18. und 19. Jahrhundert* (München, 1945)

- Vöcelka Karl, *Verfassung oder Konkordat? Der publizistische und politische Kampf der österreichischen Liberalen um die Religionsgesetze des Jahres 1868* (Vienna, 1978)

- \_\_\_\_\_, „Der Josephinismus: Neue Forschungen und Problemstellungen“, *Jahrbuch d. Gesellschaft f. d. Geschichte d. Protestantismus in Österreich*, Vol.95 (1979), 53-68

- \_\_\_\_\_, „Das Nachleben Josephs II. im Zeitalter des Liberalismus“, in: Karl Gutkas (ed.), *Österreich zur Zeit Josephs II.* (Vienna, 1980), 293-298

- \_\_\_\_\_, „Josephinismus-Theresianismus-Kaunitzianismus“, *Das Donauraum*, Vol. 26 (1981), 107-112

- \_\_\_\_\_, „Staat und Kirche in der Periode der deutschliberalen Herrschaft“, in: Leopold Kammerhofer (ed.), *Studien zum Deutschliberalismus in Zisleithanien 1873-1879* (Vienna, 1992), 75-90

- \_\_\_\_\_, „Die Gegenkräfte des Liberalismus in der Donaumonarchie“, in: Leopold Kammerhofer (ed.), *Studien zum Deutschliberalismus in Zisleithanien 1873-1879* (Vienna, 1992), 122-142

- Voegler Max H., „Religion, liberalism and the social question in the Habsburg hinterland: the Catholic Church in Upper Austria, 1850-1914“, Ph.D. thesis, Columbia University, 2006

- \_\_\_\_\_, „Illness and Death in the Era of Neoabsolutism: New Perspectives on Liberal-Catholic Conflict from 1850s Upper Austria“, *Austrian History Yearbook*, Vol. 38 (2007), 122-144

- \_\_\_\_\_, „Similar Paths, Different Nations? Ultramontanisation and the Old Catholic Movement in Upper Austria, 1870-1871“, in: Lawrence Cole (ed.), *Different*

*Paths to the Nation: Regional and National Identities in Central Europe and Italy, 1830-1870* (New York, 2007), 180-199

- Wandrutzka Adam, "Grillparzer und die Politik", *Sitzungsberichte der Österreichischen Akademie der Wissenschaften*, Vol. 270 (1972), 18-34
- Weinzierl Erika, *Die Österreichischen Konkordate von 1855 und 1933* (Vienna, 1960)
- \_\_\_\_\_, "Die kirchenpolitische Lage in der Donaumonarchie um 1867", in: Peter Berger (ed.), *Der Österreichisch-ungarische Ausgleich von 1867: Vorgeschichte und Wirkungen* (Vienna, 1967), 141-156
- \_\_\_\_\_, "Vom Liberalismus zu Adolf Hitler. Kirche und Staat in Österreich, 1867-1945", in: G. Rombold, R. Zinnhobler (eds.), *Wegbereitung der Gegenwart* (Linz, 1977), 44-67
- Weyrich Dieter, „Die liberale Politik, 1860-1979 im Spiegel der Memoirenliteratur“, Ph.D. thesis, University of Vienna, 1980
- Whiteside Andrew G., *The Socialism of Fools: Georg Ritter von Schönerer and Austrian Pan-Germanism* (Berkeley, 1975)
- Wierer Ronald, "Das böhmischen Fundamentalartikel von Jahre 1871", in: Peter Berger (ed.), *Der österreich-ungarische Ausgleich von 1867. Vorgeschichte und Wirkungen* (Vienna, 1967), 154-168
- Wingfield Nancy, "Conflicting Constructions of Memory: Attacks on Statues of Joseph II in the Bohemian Lands after the Great War", *Austrian History Yearbook*, Vol.28 (1997), 147-171
- \_\_\_\_\_, "Statues of Emperor Joseph II as Sites of German Identity", in: Maria Bucur, Nancy Wingfield (eds.), *Staging the Past: The Politics of Commemoration in Habsburg Central Europe, 1848 to the Present* (West Lafayette, 2001), 178-205
- \_\_\_\_\_, "Joseph II in the Austrian Imagination to 1914", in: Daniel Unowsky, Lawrence Cole (eds.), *The Limits of Loyalty: Imperial Symbolism, Popular Allegiances and State Patriotism in the Late Habsburg Monarchy* (New York, 2007), 62-85
- Wingfield Nancy, Paces Cynthia, „The Sacred and the Profane: Religion and Nationalism in the Bohemian Lands, 1880-1920“, in: Pieter Judson, Marsha Rozenblit, *Constructing Nationalities in East-Central Europe* (New York, 2005), 107-125
- Winter Eduard, *Der Josephinismus: Geschichte des österreichischen Reformkatholizismus* (Berlin, 1962)
- \_\_\_\_\_, *Romantismus, Restauration und Frühliberalismus im österreichischen Vormärz* (Vienna, 1968)
- \_\_\_\_\_, *Revolution, Neoabsolutismus und Liberalismus in der Donaumonarchie* (Vienna, 1969)
- Winter Jay, *Sites of Memory, Sites of Mourning: the Great War in European Cultural History* (Cambridge, 1995)
- Wodka Josef, *Kirche in Österreich: Wegweiser durch ihre Geschichte* (Vienna, 1959)
- Wolff Larry, „Inventing Galicia: Messianic Josephinism and the Recasting of Partitioned Poland“, *Slavic Review*, Vol. 63, No. 4 (Winter, 2004), 818-840
- Wymetal Elisabeth, „Eduard Herbst, sein Werdegang und seine Persönlichkeit vornehmlich auf Grund seiner selbstbiographischen Aufzeichnungen“, Ph.D. Thesis, University of Vienna, 1944



- Zeps Michael J., “The Politics of Education in Austria: Church, State and the Reform of Education, 1765-1962”, Ph.D. Thesis, Stanford University, 1979
- Zemek Metoděj, “Joseph II. und Slavíkovice”, in: Karl Gutkas (ed.), *Österreich zur Zeit Josephs II.* (Vienna, 1980), 291-292
- Zeugswetter Brigitte, “Die katholische Kirche und die Wiener Presse, 1855-1870: Die Verteidigung der katholischen Prinzipien durch die Kirche und die Agitation ihrer Gegner“, Ph.D. Thesis, University of Vienna, 1971

## ABSTRACT

---

### A) English:

Aim of this thesis is to discuss and eventually cover an academic lacuna in the history of the political legacy and the commemoration of Emperor Joseph II in the Habsburg Empire in the long 19th century. Both the traditional and the more recent historiography have concentrated largely on the impact of Josephinism during and immediately after the reign of Joseph II without proceeding beyond 1848, suggesting that Josephinism reached its end after 1850. This thesis aims to counterargue this perspective and claim that in the decades following the 1848 revolution Josephinism experienced a new age of flourishing. That was far from a mere coincidence due to the sign of the 1855 Concordat between Austria and Rome, which largely erased the Josephinian regulations in State-Church relations. The new conditions brought up striking memories of Joseph II among the opponents of the 1855 establishment, who wished to terminate the highly unpopular treaty with Rome. These groups repeated frequently the name and the legacy of Joseph during their anti-Concordat struggle in the 1860s and early 1870s as a legitimization instrument for their own political agenda. Often they presented themselves as the successors of the celebrated monarch, whom they imagined as a pioneer of Liberalism. On the other hand, the clerical-conservative advocates of the Concordat embraced the memory of Joseph II as one of Church-hostile ruler, who violently interrupted the natural harmony between Throne and Altar, which the Concordat had eventually restored. Armed with these perceptions and visions of the Austrian past, the two sides engaged in a passionate public and parliamentary struggle roughly from 1861 to 1874 concerning the future of the Concordat and the State-Church relations in general. Throughout these years, the image of Joseph and Josephinism kept appearing in a plethora of political pamphlets, historical books (scholarly and popular), private correspondence and papers and above all parliamentary speeches colored in a positive or in a negative way according to the ideological motivations and political goals of each individual. This largely manichean vision of the Austrian politics and past began to show signs of disruption only in the early 1870s, when the first elements of critique against Joseph's authoritarianism emerged from the liberal camp, while also the conservatives showed a tendency to milder their harsh denunciation of Joseph's reign. After fierce parliamentary conflicts in 1867-1868, 1869 and 1874, the liberal cause prevailed, the Concordat regulations withdrew and the State-Church relations were arranged more-or-less according to the known formulas of Josephinism. The end of the confessional strife (Kulturkampf) in Austria in 1874 meant the end of an era and also the gradual termination of the public, intense and systematic commemoration of Joseph II in matters of ecclesiastical affairs. 123

## **B) German:**

Ziel dieser Arbeit ist eine akademische Lacuna in der Geschichte des politischen Erbes und der Gedächtnis Kaiser Josephs II. in der Habsburgermonarchie während des langen 19. Jahrhunderts zu diskutieren und zu behandeln. Beiden der traditionellen und der neueren Geschichtsschreibung haben meistens auf der Auswirkung der Josephinismus während und gleich nach der Herrschaft Josephs II. fokussiert. Trotzdem, das Zeitalter nach 1848 hat außer dieser Diskussion geblieben aufgrund des Arguments, dass nach 1848 der Josephinismus ausgeklagt hat. Diese Arbeit zielt möchte ein Gegenargument präsentieren und diese conventionelle Perpektiv ablehnen. Sie unterstutyt die Absicht, dass nach der 1848en Revolution erlebt der Josephinismus eine neue Blütezeit. Es ging um kein Zufall wegen des Unterschreibens des Konkordates 1855 zwischen der Monarchie und Rom, das das josephinische Staatskirchlichen System am meisten annulliert hat. Die neue Verhältnisse haben bemerkenswerte Erinnerungen von Joseph II. zwischen der Feinden des Konkordatssystems, die gegen das post-1855 klerikales System kämpften. Diese Gruppen wiederholten oft die Name und den Erbe Josephs während ihrer anti-konkordatischen Kampf in den sechschigen und siebzigen Jahren des 19. Jahrhunderts als ein Instrument zur Legitimierung ihrer politischen Agenda. Ihre Opponenten, d.h. die clerical-konservativen Advokanten des Konkordates interpretierten Joseph II. als ein kirche-feindlich Herrscher, der die natürliche Harmonie zwischen Thron und Altar zerstört. Diese Harmonie wurde vom Konkordat wiederhergestellt. Bewaffnet mit diesen geschichtlichen Visionen engagierten beiden Seiten auf einen brennenden Kampf von 1861 bis 1874 betreffend des Zukunfts des Konkordates und generel der staat-kirchlichen Beziehungen. Während dieser Epoche erschien das Bild Josephs II. und der Josephinismus in eine Plethora von politischen Broschüren, historischen Bücher (akademischen und populären), privaten Korrespondenz und Papieren und meistens parlamentarischen Reden mit positiven bzw. negativen Konnotationen laut der ideologischen Motiven und politischen Zielen jedes Sprechers. Nach harten parlamentarischen Konflikten 1867-1868, 1869 und 1874 haben die Liberalen triumphierten, wurde das Konkordat annulliert die Staat-Kirche Beziehungen nach der josephinischen Prinzipien wieder reguliert. Das Ende des österreichischen Kulturkampf 1874 bedeutet auch das Ende diesem intensiven und systematischen Gedächtnis Josephs II. zumindest was die kirchlichen Angelegenheiten anging.