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The Results of the Edict of Toleration in the Southern Austrian Province of Carinthia During the Reign of Joseph II.

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Barlow, Barry Royce, Ph.D.
The Louisiana State University and Agricultural and Mechanical Col., 1990

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The Results of the Edict of Toleration in the
Southern Austrian Province of Carinthia
During the Reign of Joseph II

A Dissertation

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Agricultural and Mechanical College
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

in
The Department of History

by
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VITA

APPROVAL SHEETS
ABSTRACT

Historians have debated whether the radical reforms of the Habsburg Emperor Joseph II (1780-1790) were motivated by the spirit of Enlightenment or simply by Realpolitik. The purpose of this work is to go beyond the legal and philosophical discussion surrounding this debate; to examine the effects of one piece of legislation, the Edict of Toleration, as the government interpreted and applied it in the southern province of Carinthia; and in so doing, to provide a clearer picture of the person of the Emperor and his bureaucracy.

While today's conception of toleration includes an equal recognition and respect for all rights, opinions, and practices, religious toleration as set forth by the Emperor was enacted by authorities who believed that they belonged to the only true religion and had no hesitation about placing limits on it. Key stipulations in the general edict, published in October 1781, permitted Lutherans, Calvinists, and the Greek Orthodox to call pastors and teachers and to build churches and schools when they had one hundred families or five hundred persons in a congregation.
and to be considered for advancement in civil and academic posts based on merit rather than confession.

Even though Protestants were still considered second-class citizens under the toleration legislation, their legal status was vastly improved over earlier conditions. While Catholic religious leaders strongly opposed the toleration, government officials in Carinthia often treated non-Catholics fairly and even compassionately. However, the greatest threat to the Protestants establishing their churches came from among their own people. Educated Protestant pastors, who emigrated from schools in Germany and Hungary, encountered illiteracy, immorality, and poverty on a large scale among people who were often unwilling to change long-held traditions and who quarreled over meager resources.

Because the non-Catholics in Carinthia never accounted for more than five percent of the population of the province, they were neither a threat to the Catholics nor much of a support to the Emperor. Without the regular attention of Joseph II and his bureaucrats, the Protestant church there, in all likelihood, would not have survived.
INTRODUCTION

Historians studying the Habsburg Monarchy at the end of the eighteenth century have debated at length whether Emperor Joseph II (1780-1790) was motivated to introduce his radical reforms by the spirit of Enlightenment prevalent in the Europe of his day or simply by the necessities of Realpolitik. Upon the advice of some of her leading statesmen, Joseph's mother and predecessor on the Habsburg throne, Maria Theresa, had undertaken some major changes in governmental administration in order to ensure the survival of the monarchy. Joseph greatly expanded upon these measures issuing literally thousands of new laws (over six hundred alone regulating the Catholic Church) in what amounted to a considerable invasion into the lives of his subjects.

These measures, which dramatically altered the traditional relation of the Habsburg Monarchy to the Catholic Church, included the Edict of Toleration. The general version of the edict issued in October 1781 was the most significant advance in the status of non-Catholics in the Habsburg lands since the Peace of Westphalia in 1648. Written in relatively vague terms, the edict permitted
Lutherans, Calvinists, and Greek Orthodox within the Habsburg hereditary lands to call pastors and teachers and to build churches and schools when they had one hundred families or five hundred persons in a congregation and to be considered for advancement in civil and academic posts based on merit rather than confession. Even though Protestants and Orthodox would still be treated as second-class citizens under the toleration patent, their legal status was vastly improved over that under previous laws dealing with non-Catholics.

As is often the case with any radical initiative, the Edict of Toleration raised more questions than it answered and placed an even greater workload on an administration trying to keep abreast of the rapid pace of reform set by its iconoclastic monarch. Matters were not so simple nor people so uncomplicated throughout the Habsburg territories that orderly groups of one hundred families decided with one voice to unite, call a pastor, and to live in harmony with their Catholic neighbors.

Many Protestants were eager to release generations of pent-up animosity for the abuse they had suffered at the hands of the Catholic priests. This release often took the form of harassment and violence toward the Catholics. Non-Catholics often went well beyond the letter of the law, testing the very spirit of the emperor's decree to see how much they could achieve on the way to establishing their
churches. Protestant groups often sought government approval to establish assemblies with hundreds fewer communicants than required by the edict, frequently hired pastors without having the finances to pay or the material wherewithal to shelter them, bitterly contested a new preacher's teachings when he contradicted family traditions, and regularly found themselves awash in petty rivalries and infighting.

Aside from some theoretical issues involving principles of the Enlightenment, the Edict of Toleration raised the practical question whether the tolerated religions--with increasing regulation by government, constant opposition from Catholics, and turmoil in their own ranks--would survive as recognized entities or become such an aggravation to the emperor that he would revoke their legal status.

The purpose of this study is to go beyond the legal and philosophical discussion that has developed around the Edict of Toleration and its place in the broader context of the Enlightenment in Austria and to focus on its effects in one province, Carinthia in southern Austria, in which government authorities had to interpret and apply the principles contained in this legislation.
CHAPTER I
PROTESTANTISM IN THE HABSBURG MONARCHY
FROM THE REFORMATION UNTIL THE EDICT OF TOLERATION

The authors of the Peace of Augsburg (1555) intended for that document to settle the religious question for the territories within the Holy Roman Empire during the time of the Protestant Reformation. According to the terms of the treaty, the prince of each territory had the power to determine the religion (Roman Catholic or Lutheran) of his subjects (cujus regio, ejus religio). In addition, the part of the treaty known as the Ecclesiastical Reservation dictated that, if an ecclesiastical prince changed his religion, he must resign his benefices.

By far the largest territory under one prince within the Holy Roman Empire was the hereditary lands of the Habsburg family. Emperor Otto I, the Great, laid the geographical groundwork for what was to become the Habsburg Monarchy. Crowned King of the East Franks in Aachen in 936, he defeated the Magyars at Lechfeld (Augsburg) in 955 and pushed them southeastward into the lower valley of the Danube River. This area later served as a zone of defense against military incursions from the east and became known as the Ostmark. The margraves of Babenberg received the
land in 976. This territory, referred to as Ostarrichi in 976 (later Oesterreich), was raised to the status of a duchy in 1156 and renamed Oesterreich unter der Enns, today's Lower Austria. In 1192 the Babenbergs added Styria and most of Oesterreich ob der Enns, today's Upper Austria, to their realm.

When the Babenberg dynasty died out in 1246, the king of Bohemia, Przemysl Ottokar, seized its possessions by armed force but was himself defeated and slain in the battle of Marchfeld on 26 August 1278 by the newly elected German emperor, Rudolph von Habsburg. Rudolph (d. 1291), elected in 1273 by the German princes to defend the southeast German territories against Czech and Hungarian aggression, gave Austria (the provinces Upper and Lower Austria and Styria) to his sons Albrecht and Rudolph in 1282, thereby beginning over six centuries of Habsburg rule. By the end of the fourteenth century, Carniola, Carinthia, and Tirol had been added to the monarchy. During the course of the Protestant Reformation, Ferdinand I (1519-1564) in 1526 inherited Bohemia (including Silesia) and Hungary to become the first ruler of the modern eastern empire of the Habsburgs.

Although the terms of the Peace of Augsburg set specific political boundaries within which Lutheranism was to be contained, the popularity of the new teaching caused it to spread beyond the prescribed territorial limits. Luther's teachings entered the hereditary lands of the
Habsburg Monarchy soon after Luther made his defense before Emperor Charles V at the Diet of Worms on 17 April 1521.1 Some of the Austrian nobility were already familiar with Luther's ideas from his letter, "To the Christian Nobility of the German Nation..." (1520), and merchants traveling from Augsburg, Nuremberg, and Breslau to markets within the monarchy carried with them news and sermon notes from the new teaching. In addition travelling artisans, students, and priest, who had left the Roman Catholic Church (all mainly from Germany proper) facilitated the spread of Protestantism in Austria.

Because of the geographical proximity and the pattern of trade routes, the nobility of Upper Austria encountered Lutheran ideas more quickly and accepted them more readily than did the nobility of any other province.2 Under the auspices of the nobles, Protestantism spread to the towns and farms of Upper Austria and to adjoining Lower Austria. Christoph Joergers, son of the Upper Austrian provincial governor, went to Wittenberg to study with Luther and returned home in 1522 to serve as a pastor.3

1 Grete Mecenseffy, Geschichte des Protestantismus in Oesterreich (Graz-Cologne: Hermann Boehlaus Nachf., 1956), 8.

2 Austrian society in the sixteenth century was comprised of four estates (clerics; high nobles; lords and low nobles; and knights and representatives from the towns) and the farmers/peasants.

3 Mecenseffy, Protestantismus, 11.
Lower Austria in the province of Burgenland (part of the Kingdom of Hungary in the sixteenth century), the new religion took root and spread very quickly until the emperor censored Luther's writings in 1524. In the summer of that same year, authorities in the town of Neusiedl burned a book peddler to death for distributing Protestant books.4

In Tirol Lutherans organized first in mining towns because of the considerable commercial activity. A Catholic commission, formed in 1524 to investigate the spread of heresy, found a number of Luther's writings in a local monastery and discovered that six of the monks had converted to Protestantism.5 In 1523 the Archbishop of Salzburg issued the first mandate against the Protestants in his lands, which included most of Carinthia and Styria. Protestantism by no means disappeared, however, and in 1525 a peasant uprising in support of the new teaching forced the Archbishop into hiding for three months until help arrived from other Catholic princes. In Vienna the university, although very liberal at the beginning of the sixteenth century, condemned Luther's teachings in January 1521. Still, Protestantism dramatically affected enrollment. Whereas in 1519 661 students were enrolled, by 1529 that number had dropped to 30.6

4 Ibid., 18.
5 Ibid., 15.
6 Ibid., 9.
sending their sons to study the Lutheran doctrine in Wittenberg, Jena, Tuebingen, and Rostock. City officials beheaded Kasper Tauber, the first Protestant martyr in Vienna, and burned his body 17 September 1524.

When Archduke Ferdinand, brother of Emperor Charles V, moved into Austria in 1521 to assume control of the eastern part of the Habsburg domain, he was determined to eradicate the new theology from his lands for three straightforward reasons: he was a devout Catholic; the Protestants were a major disturbance to the peace and order in the hereditary lands; and the Turks were on a drive westward for conquest. He believed it essential to have a population united in the faith to deal with this threat.

Consequently, both the Emperor and the Archduke issued a number of decrees in the 1520s designed to eliminate or at least to restrict the growth of the Protestants. In 1523 the Edict of Worms, issued as a result of the Imperial Diet in Nuremberg the previous year, prohibited the reading of books written by Luther, Zwingli, and other heretics. The Reformation Order of 1524 contained thirty-eight points issued jointly by Archduke Ferdinand, representatives of South German bishops, and the Duke of Bavaria calling for cooperation between secular and religious princes to wipe out Lutheran teaching.7 In 1525 the growing Turkish threat

lessened pressure on the Protestants, but in August 1527 Ferdinand issued another mandate (a renewal of the Edict of Worms) in which he forbade the reading of Luther's writings and ordered spying on non-Catholics. He ordered local authorities to execute heretics and those who published or sold Protestant writings. The siege of Vienna in 1529 by the advancing Turks drew the Emperor's attention away from the Protestants. The Protestant Estates used this lull in the persecution to issue the Confessio Augustana, the first written statement of Lutheran beliefs, at the Imperial Diet of Augsburg in 1530. The Emperor moved quickly to accept the document in order to return to his campaign against the Turks. The Schmalkaldic League, formed by the Lutheran princes in December 1530 and successful in protecting Protestant interest outside of the Habsburg hereditary lands, finally forced Charles V to withdraw from the German territories and to conclude the Peace of Augsburg.8

Ferdinand, who succeeded Charles as emperor (1556-1564), acknowledged his brother's concessions to the Protestant nobility at Augsburg in 1559, but he was determined to persuade the other estates in the Habsburg realm to return to Catholicism. In 1550 he had called the

8 The Schmalkaldic League, formed December 1530, was made up of the Protestant territories of Electorate Saxony, Hesse, Lueneburg, Anhalt-Koethen, Mansfeld, Magdeburg, and Bremen

9 See Paula Fichtner, Ferdinand I of Austria (New York: Columbia University Press, 1982).
Jesuits into Austria to counteract the damage done by the heretics, and in 1551 he renewed the Edict of Worms. Because the Peace of Augsburg extended the choice of religion only to the imperial estates, other estates and individual subjects of the Habsburg Monarchy had no such freedom. Ferdinand, therefore, focused his energies on deciding the religious question in his own hereditary lands. In 1556 the government forced the provincial governor of Styria from office and exiled him to Wuerttemberg, and soon after, the son of the governor of Carinthia immigrated because of religious convictions.

It was an open secret that Ferdinand's son, Maximilian II (1564-1576), tolerated Lutheranism. Even before his father's death, he had a Protestant appointed as court preacher and in 1561 won permission from the pope to receive communion in both elements. So little trust did Ferdinand have in his son's loyalty to the Catholic faith that as early as 1554 he made written provision for the division of his lands among his three sons.10 But Maximilian was to prove his father's distrust to be misplaced. Throughout his reign he successfully walked the fine line of promising much

10 The united hereditary lands of the Habsburg monarchy would be divided among his three sons: Maximilian II received Upper and Lower Austria, Bohemia, and Hungary; Ferdinand received Tirol and the Vorlaende; Karl, the youngest, received Inner Austria.
to the Protestants but delivering little while simultaneously working to build up the Catholic Church.11

The Protestants fared much worse in the territories under the administration of Maxmilian's two brothers. Archduke Charles married into the arch-Catholic Wittelsbach family of Bavaria, and with its help established a new Jesuit order in Graz (Inner Austria) in 1572, proceeded to revive many Catholic traditions, and generally terrorized the Protestant population. He displayed some moments of tolerance in which he gave assurances that subjects would not be forced to hold to a religious confession that was against their consciences, but he seldom upheld these assurances. In Tirol and the Vorlaende, Ferdinand set the standard for the remainder of the century with his mandate of 16 September 1566, which stated that his territories were to remain Catholic and that no new sect would be tolerated. Protestants were moved out of these areas, Catholic priests

11 The impact of the Emperor's duplicity continued throughout the remainder of the sixteenth century as sons of the nobility in the Habsburg lands selected their university according to confession. Ninety-eight percent of the students in the Vorlaende studied as Ingolstadt, the Bavarian Jesuit university; but over sixty-two percent of those in Inner Austria and over eighty percent of those in Lower Austria attended Protestant universities at Tuebingen, Wittenberg, Leipzig, Altdorf, or Jena. The sons of non-nobles from Austria and the rest of the empire attended the Catholic universities at Vienna and Graz. Source—Elizabeth Kovacs, "Katholizimus und Protestantismus aus Oesterreichischer Sicht," in Ein bilaterales Geschichtsbuch, ed. Robert Kann and Friedrich Prinz (Vienna-Munich: Jugend und Volk Verlag, 1980), 243.
received new training, and the Jesuit and Franciscan orders were encouraged.

When the eldest son of Maximilian II, Rudolph II (1576-1612), was elected emperor, he moved away from his father's relatively neutral treatment of Protestants. He closed a number of Lutheran Churches in Vienna and Burgenland, dismissed imperial civil officials who were Protestants, and denied promotion to anyone in government who refused to acknowledge the Catholic faith. In the last decade of the century the Protestants experienced a slight reprieve while Rudolph was occupied with another war with the Turks and with an uprising by farmers in Upper Austria caused by economic—not religious—conditions. But when the Emperor succeeded in effectively dealing with both of these problems, he again imposed restrictions on non-Catholics.

Throughout the seventeenth century the Protestants in the Kingdom of Hungary played a major role not only obtaining more freedom for themselves but also in some ways setting an example for non-Catholics throughout the hereditary lands of the Habsburgs. Conditions similar to those in Austria existed for Protestants in Hungary, except that the presence of a large number of Calvinist Magyars among the non-Catholics complicated the Hungarian situation. Lutheranism predominated among the Germans of Upper Hungary and in Transylvania. When Rudolph II tried to force the Protestants in these regions back to Catholicism, they
protested vehemently before the Royal Diet convened in Pressburg in 1604. The Emperor responded by issuing a mandate on 22 February, in which he ordered all heretics to be driven from the land and decreed an end to all Protestant confessions.

In response, the Hungarian nobility led a successful rebellion against the Habsburgs, and when it appeared as though the Emperor would lose to the Hungarians what he had won from the Turks, Rudolph agreed to concessions in order to end the fighting. In 1605 he ordered the Jesuits to leave Hungary and forbade anyone from being persecuted for his beliefs. The Hungarians demanded the same for the Protestant estates in Austria, but with no success. The Catholic Counter-Reformation in Hungary appeared to be over.

The Emperor never did remove his troops from Hungary, however. When he failed to keep his promise regarding freedom of belief, clashes with the Protestants rose again. Rudolph's brother Matthias, dissatisfied with his role in the government up to that time, decided to exploit the Catholic-Protestant situation and to convene without the Emperor's permission the Hungarian Diet in Pressburg on 11 January 1608. This first act of defiance by Matthias against Rudolph signaled the beginning of an internecine struggle that was one of the main causes of the Thirty Years War (1618-1648).
In May 1608 rebellious estates in territories and cities in the western part of the Holy Roman Empire assembled and armed themselves to form the Protestant Union. This union served as a military counterweight in the west to support Matthias' movements against the Emperor in the east and influenced the Emperor to issue his Letter of Majesty of 9 July 1609, in which he allowed Protestants in Austria to build churches and schools on Habsburg property and allowed the cities in Austria the freedom of religion that had been granted earlier to the cities in Hungary. Rudolph did not seriously enforce the terms of the Letter of Majesty, nor did Matthias after he succeeded Rudolph as emperor (1612-1619). The nobles who met with representatives of the emperor in May, 1618 in Prague were extremely dissatisfied that Matthias had ordered a halt to the building of the Protestant church in Braunau. The nobles became so upset in the midst of the heated discussion with the emperor's men that they threw the imperial envoys out of the window of the building in which they were meeting, thereby precipitating the Thirty Years War.

When Matthias died in 1619, his cousin Ferdinand II (1619-1637) succeeded him as emperor. The new emperor

12 The Protestant Union included in its membership the Electorates of Pfalz, Ansbach, Kulmbach, Wuerttemberg, Hesse-Kassel, and imperial cities including Strassburg and Nuremberg. The Union became the core of the Protestant forces that would fight in the Thirty Years War. The Catholic League, established in 1609, would form the core of the opposition forces in the war.
intensified the measures both military and legal against the Protestants in the hereditary lands. In 1624 Ferdinand issued an Edict of Reform, which decreed that all subjects had to embrace Catholicism or to emigrate. When that measure proved ineffective, Ferdinand issued another mandate in 1627 ordering the deportation of all Protestant pastors from Habsburg cities and provinces. Then came the Restitution Edict of 1629, which ordered the return to Catholics of all land taken from them by the Protestants since 1552, a decree so severe that it served only to motivate the non-Catholics to fight harder and consequently to prolong the war.13 As a condition of the Peace of Prague (1635), Ferdinand repealed the Edict of Restitution and paid financial compensation for belongings left behind by Protestant emigrants. After Ferdinand III (1637-1658) succeeded his father as emperor, he continued a repression of the Protestants until the Peace of Westphalia finally ended the war in 1648.

Under the terms of the peace, all parties were supposed to renew their adherence to the Peace of Augsburg and to include Calvinism with the other two officially recognized religions, Roman Catholicism and Lutheranism. In addition, persons exiled during the war were to receive amnesty and were to be allowed to return home with the stipulation that they submit to the laws of the territory in

13 Mecenseffy, Protestantismus, 174.
which they resided. This stipulation meant that essentially very little was accomplished to benefit the Protestants in the Habsburg hereditary lands, since Ferdinand II’s Edict of 1624 (which had required all Habsburg subjects to convert to Catholicism or to emigrate) was still considered a part of the local law.

Three other reactions to the Peace of Westphalia significantly influenced the course of Protestant growth through the remainder of the seventeenth and well into the eighteenth century. First, in May 1653 representatives of Protestant estates at the Imperial Diet in Regensburg joined together under the leadership of the Elector of Saxony to form the Corpus Evangelicorum, the purpose of which was to protect the interests of the Protestants in the imperial estates and to report violations of Protestant privileges to the emperor. The Corpus Catholicorum, established in response to the Protestant initiative, had its directory in Mainz. Although the Protestant body had been founded as a defense against Catholic repression, by the end of the eighteenth century, the Catholics, in some ways, enjoyed less influence in the Empire than the Protestants. The increasing power of Protestant Great Britain and the growing financial contributions and number of smuggled books for
clandestine non-Catholics in the Austrian lands contributed
to the Protestant dominance.14

In addition, the Emperor encouraged large-scale
emigrations and deportations. Approximately 100,000 people
emigrated from Austria proper during and after the Thirty
Years War and 150,000 left Bohemia. By the end of the 1650s
Protestant communities for all intents and purposes had
ceased to exist except in Silesia.15 Unofficial
deportations of Protestants from the Austrian lands began
shortly after the Protestant Reformation spread into these
areas. By 1600 several thousands had been moved from Upper
Austria, Styria, and Carinthia to resettle in parts of
Hungary16, and by 1679 the remaining Protestant nobility had
been deported from Styria and Carinthia. Non-Catholics had
been expelled from the city of Salzburg in 1587, but it was
not until 1683 that deportation began for Protestants in the
countryside around the city.

In 1648 Catholic missionaries counted over half of the
one thousand two hundred residents in the land outside of
Salzburg as Protestants. According to the Peace of

14 Karl Otmar Freiherr von Aretin, Heiliges Roemisches
Reich 1776-1806. Reichsverfassung und Staatssoverenaenitaet,
Teil I: Darstellung (Wiesbaden: Franz Steiner Verlag,
1967), 64.

15 Charles O'Brien, Ideas of Religious Toleration at
the Time of Joseph II: a Study of the Enlightenment among
Catholics in Austria (Philadelphia: The American
Philosophical Society, 1969), 11.

16 Reingrabner, Protestanten, 139.
Westphalia, to which the Archbishop of Salzburg was bound, Protestants in Catholic lands could be tolerated and have devotions at home, could attend public services in neighboring Protestant provinces, or could emigrate within five years. In the summer of 1648 the archbishop demanded that Protestants either swear an oath of loyalty to the Catholic Church or leave the province within fourteen days. Between 1648 and 1686 over one thousand moved away from Salzburg. Their deportation caused much damage to the local economy.17

Finally, Ferdinand III and his son, Leopold I (1658-1750), essentially ignored the stipulations regarding Protestants. In 1650 the Emperor expanded efforts at re-Catholicizing the hereditary lands. These renewed attempts at enforcing Catholicism marked the beginning of Geheimprotestantismus (underground Protestantism). Non-Catholics unwilling or unable to emigrate moved into hard-to-reach alpine valleys and passed on Protestant doctrines orally or by reading from the few books they could smuggle into the country and hide from Catholic search committees.18

After the turn of the century, however, Protestants began to experience dramatic improvements in their conditions. The Convention of Altranstadt (1707-1709), convened near Leipzig, represented the first of many

17 Mecenseffy, Protestantismus, 191-192.
18 Mecenseffy, Protestantismus, 173.
advances in securing privileges for non-Catholics in the
Habsburg lands in the eighteenth century. Joseph I
(1705-1711), in order to keep the Protestant King Charles
XII of Sweden out of the war of Spanish Succession, agreed
to meet with Charles in Altrandstadt to discuss treatment of
non-Catholics in Silesia. The reforms agreed upon at the
convention marked the beginning of toleration that would
lead to Joseph II's Edict of Toleration in 1781 and that
would finally culminate in the recognition of total equality
before the law of both Protestants and Catholics under Franz
Joseph I in 1861.

The articles of the convention recognized for the
Protestants in Silesia freedoms granted by the Peace of
Westphalia and promised that the Emperor would not to take
away any more church buildings or schools. The Convention
also restored all rights, freedoms, income, and possessions
that had been taken from Lutherans in the larger towns in
the province. Nobles and other Catholics who lived in
Protestant parishes were to pay the church tax (usually
given to the Catholic Church) to the Protestant pastor. In
addition, Protestant farmers were permitted to buy houses
and businesses from Catholics. With few exceptions, public
worship for Protestants was still not allowed, but the
privat exercitium was extended not only to counts, barons,
and other nobles and their subjects, but to all Protestants.
In essence the reforms of the convention raised the concept
of religious freedom from the status of a gracious gift to be bestowed by the prince to the status of a right guaranteed by law. This meant that Silesia was the only Austrian hereditary land where the Catholic Counter-Reformation was not successful.

The accession of Charles VI (1711-1740) ushered in a new period of persecution for non-Catholics outside Silesia. In response to an uprising in Hungary, the new emperor began another wave of repression directed mainly toward Upper Austria, Styria, and Carinthia. Because Lutheran books and Bibles smuggled in from Regensburg and Nuremberg were blamed for keeping Protestantism alive in these provinces, Charles ordered confiscation of Protestant books and punishment by monetary fines and imprisonments of those who possessed such works. Protests from the Corpus Evangelicorum that Charles's policy was inconsistent with the systemata Imperii Germaniae went unheeded. In 1731 the Archbishop of Salzburg learned of an impending uprising among remaining Protestant farmers in the province of Salzburg against Catholic oppression; fearing problems similar to the rebellion of 1711, he warned the Emperor. In


20 A conservative estimate of the number of Protestants in these three provinces at that time would be approximately 30,000. See Mecenseffy, Protestantismus, 199.
anticipation, Charles issued the Edict of Deportation in August 1731 and promised imperial troops to implement it. The edict, announced in Salzburg on 11 November, declared that Protestants had to leave the province in eight days. Although Charles was aware of the devastating economic conditions that resulted from the deportations of 1684, he believed that he could not risk losing Catholic support just as he was trying to obtain recognition of the Pragmatic Sanction to secure the succession of the Habsburg Monarchy for his daughter Maria Theresa. Over twenty thousand Transmigranten (deportees) left from the Province of Salzburg. Frederick Wilhelm I extended an invitation for these Protestants to settle within his Prussian territories, but only about fourteen thousand reached Koenigsberg. Others settled along the way, and some eventually joined James Oglethorpe in Rotterdam in December 1733 to sail for the American colony of Georgia. Additional deportations began in Upper Austria and Carinthia in 1734. The Emperor deported over one thousand Transmigranten from these areas to augment the population in Transylvania and other border areas in the southeastern part of the Habsburg lands.

Charles's successor, Maria Theresa (1740-1780), implemented a multifaceted program of government reforms that many historians consider to be the foundation for the all-encompassing movement for change that is named after her son and successor, Joseph II. While honoring the letter if
not the spirit of previous laws regarding non-Catholic rights, however, she carried on the religious policies of her father. The Empress feared the Protestants not only for reasons of religious differences but also because of her uncertainty about their loyalties to a Catholic dynasty with Protestant Prussia so close. The threat of Prussia seemed especially acute at the beginning of Maria Theresa's reign because of the War of Austrian Succession. Maria Theresa did enforce Charles VI's decree of 1731 prescribing a Marian Oath for public office, set severe penalties for apostasy from Catholicism, and restricted the freedom of Protestants to emigrate. For the western provinces, she established a special commission with broad powers to root out Protestant enclaves, to establish Catholic mission stations, and to publish more Catholic literature. She applied her policies against the Protestants even in Hungary, where she issued measures closing or destroying Protestant prayer houses, confiscating church and school property, prohibiting study outside Habsburg lands, and requiring Protestants in government office to attend Catholic mass.

At the Peace of Aachen (Aix-la-Chapelle) in 1748, the major European powers recognized Maria Theresa as heir to the lands of the monarchy left by Charles VI, except for Silesia and small portions of Italy. Her succession secure, the Empress could devote more of her attention to

domestic affairs and her campaign against Protestants continued. In January 1752 she ordered the forced resettlement of those "stubborn heretics" from the western lands to Transylvania. At the same time she established a Religious Commission for the purpose of producing Catholic literature, building houses of conversion to re-educate the heretics, and punishing those who were caught with non-Catholic literature. When the Corpus Evangelicorum approached the Empress with complaints it had received that the measures for resettlement and re-Catholicization were not as humane as originally promised, Maria Theresa simply turned a deaf ear and explained that her duty as a Catholic princess was to guard the faith and to punish heretics. Between 1752 and 1756 fourteen deportations were carried out, which involved the resettling of 1,022 families (c. 2,664 persons—71 from Styria, 699 from Carinthia, and 1,894 from Upper Austria).

By 1770 the Catholic Counter-Reformation was complete in the western part of the monarchy, except for remote rural areas, but the Catholics had been less successful in the eastern provinces. Non-Catholics accounted for 3,400,000 out of a total population of about 20,000,000, almost all of them in Austrian Silesia and the Kingdom of Hungary.

22 Conversion houses were built in Rottenmann, Kremsmuenster, Judenburg, and Klagenfurt to convert or re-educate in the Catholic faith those who had strayed or were confused.
Because of a secure succession, a renewed dominance of the Catholic religion, and the moderating influence of her chancellor Kaunitz, the Empress could afford to relax some parts of her reform program.23

The Urbarpatent of 1771 significantly decreased social pressures due to religious differences in some areas of the monarchy. In Hungary the decree that ordered punishment for mixed marriages between Catholic and Protestant was revoked. The religious commission was ordered to handle dissenters gently, to release those in prison, and to be more generous in licensing Protestant pastors. Despite these more lenient policies, she still believed her program of re-Catholicization had been successful in the non-Hungarian lands and so was disappointed when she received the report in 1777 from Catholic missionaries that there were an estimated ten thousand avowed Protestants in the territories of Moravia and Bohemia. Due to their proximity to Prussia and her own growing tolerance, she issued on 14 November 1777 an edict that allowed toleration for Moravian Protestants if they remained peaceful. The Empress continued to be inconsistent in her policy, however. When the Peace of Teschen (May 1779) marked the end of the War of Bavarian Succession and she could direct her attention to domestic matters again, she prohibited the building of a school for Lutherans near Teschen. Only a few weeks before

23 O’Brien, Ideas, 12.
her death in November 1780, she rejected the request to build another Protestant school for eight hundred students in Bielitz.

While the Protestants were beginning to experience a slightly more tolerant atmosphere in the hereditary lands, Maria Theresa was about to impose the most serious limitation on Catholic privilege yet seen under the Habsburgs. The War of Austrian Succession (1741-1748) and the Seven Years War (1756-1763) severely aggravated the financial crisis that Charles VI had bequeathed his daughter. Under the guidance of several capable ministers of state, the Empress introduced a series of reforms in the military, the economy, the administration of the government, and even the Church in order to make government more efficient and more productive and to make her own position as monarch more absolute over the estates. New regulations for the Catholic Church included a reduction and combination of religious holidays and processions, taxation of Church property, and stricter financial control of convents.

Events outside the monarchy (the Jesuits had been expelled from Portugal in 1759 and suppressed in France since 1764) and the influence of enlightened thinkers, Freemasons, and Jansenists, inspired the Empress to introduce additional religious measures. In 1770 Maria Theresa removed education from Church direction, put it under government control, and ordered that teaching material and methods be dictated by
national and utilitarian interests in order to meet the needs of the State. Three years later, she expelled the Jesuit Order from Austria.24

In addition to the environment of change and reform created by Maria Theresa during her reign, historians have identified a number of other sources from which ideas may have come to influence the even more radical measures introduced by her son, Joseph II (co-regent with his mother 1765-1780, sole ruler 1780-1790). Some historians agree that it is almost impossible to find specific roots for Joseph's reforms. He never wrote down the sources of his ideas or explained how he developed them. Nor is there any literature from the period of his reign devoted specifically to ideas of toleration.25 Nevertheless, several movements and persons are likely sources.

Political divisions among the Catholics themselves in many countries since the late seventeenth century not only helped prevent any unified opposition on the part of the Church but actually served to justify steps taken by Joseph to curb its power. As far back as 1682, the General Assembly of French clerics issued the Gallic Articles, which rejected the authority of the pope over secular rulers in


temporal matters, declared the State fully independent of the Church, made papal pronouncements subordinate to the General Council, and sustained the privileges of the French Church.

Although different in origin from Gallicanism, the movement called Jansenism also decried the centralization and abuse of religious power in Rome. Cornelius Jansenius, bishop of Upres in France in the early seventeenth century, stressed in his teaching a need for the Church to abandon its involvement with politics and to return to the focus of the New-Testament church, simple faith and good deeds. Jansenists of the seventeenth century, because of their emphasis on Church unity, were intolerant of non-Catholics, but due to the influence of the Enlightenment in the eighteenth century, they came to acknowledge that religious dissent did not necessarily lead to political disorder. Gerhard van Swieten, advisor and personal physician to Maria Theresa; Karl Anton Martini, professor of natural law and one of the teachers of the Empress's sons; and Propst Ignaz Mueller, the Empress's confessor were only a few of the men in influential positions in government who may have had Jansenist leanings.

A third movement within the Church that contributed to an environment conducive to change developed from the teaching of Nikolaus von Hontheim, suffragan bishop of Trier. In his work, *The State of the Church*, published in
1763 under the pseudonym Febronius, Hontheim argued that ecclesiastical appointments should be made by secular rulers, that the clergy should be taxed more heavily, that the Church should not receive any more donations of land, and that the power of the bishops should be equal to that of the pope. Febrorians were generally more interested in contemporary Protestant thought and religious freedom within the Empire than were Jansenists.

Developing theories of State from the early eighteenth century combined with ideas of the Enlightenment from later in the century to provide another major influence on Joseph for his reforms. In contrast to earlier theories, which disconnected the idea of State from the person of the prince, the Enlightenment offered ideas of equality and equal worth and required the ruler to lead his subjects into a well-being that was identified with the well-being of the State. This combination caused the sons of Maria Theresa to see themselves no longer solely as representatives of God but as servants of the people as well. Their special position by birth obligated them to work for the good of the people and to be good examples by their behavior.26 The philosophy of Cameralism provided the necessary rationalization for the changes needed in the economic structure and in administration of government

within the Habsburg lands. The Cameralists argued that the power of the State varied directly in proportion to the size and quality of its population; a large and prosperous populace could pay more taxes, supply more conscripts to the military, and thereby increase the power of the government.

Perhaps no individual gave more direction to Josephen reforms than did Count Wenzel Anton Kaunitz, State chancellor for the Habsburgs from 1753 until his death in 1794. Heavily influenced by his own reform-minded father, Maximilian Ulrich, provincial governor of Moravia during the reign of Charles VI, he experienced marked success during his tenure by transforming his philosophy of "New Systems" into government policy. In addition to weakening the nobility, a critical part of his strategy involved subjugating the Catholic Church. Borrowing from the Jansenists, Kaunitz maintained that the Church should be subordinate to the State, but he went further by arguing that the whole population of the monarchy should be restructured along commercial and social, rather than religious lines. He declared that the Protestant territories were prospering because they had no organized clergy. Through Kaunitz's influence Maria Theresa established the Giunta Economale in Milan in November 1765. Called the Magna Carta of Josephism, this secular body

27 Grete Klingenstein, Der Aufstieg Des Hauses Kaunitz (Goettingen: Vandenhoeck and Ruprecht, 1975).
decided all business of the Church in Lombardy except matters of dogma, worship, or internal discipline. It served as a model on which the Emperor would later base his own strategy for change.28

Finally, the impressions he received on his trips throughout Europe made Joseph acutely aware of the need for change and improvement within the boundaries of his own provinces. On his first trip in June 1766, he visited Herrenhut, the center of the Moravian Brethren, and was impressed that these farmers, who refused to swear allegiance to kings for reasons of pacifism, could live under toleration as valuable and productive subjects. On a trip to France in 1777, Joseph was again moved by the spirit of toleration evident in the hospital at Lyon, which accepted all the sick irrespective of religion or nationality.

The preceding are only brief descriptions of the major sources of ideas that may have influenced Joseph to introduce his radical reforms and thereby initiate the movement in this period of Austrian history known as Josephism. Of course, historians do not agree on how many years this period should include, nor do they even agree that Joseph was the originator of the movement that bears his name. However, in his recent study, Joseph Karniel

provides a very helpful review of the state of the research on Josephism, from the original studies of Joseph during his lifetime down to the present day. Contemporaries of Joseph offered sometimes interesting observations or descriptions of his reforms, but their analyses were often one-sided or incomplete.

Among the first to analyze and evaluate Joseph's reforms, Rudolph Grossing argued that it was the government bureaucrats who were responsible for formulating and implementing such legislation as the toleration patent. The Emperor simply had expressed some vague goals; government officials who worked out the details. Gerson Wolf emphasized the importance of the new measures for Protestants. His research, however, was collected in a very unsystematic fashion. Although vast in scope, Wolf's information was poorly assimilated and is of little use to historians.

During the period between Joseph's death and the revolution of 1848, some historians and officials applied the term Josephism to the Emperor's programs, mostly in domestic affairs. Others pointed specifically to the reforms and laws issued for the State church from the reign

29 Karniel, Toleranzpolitik, 14-25.

30 See Rudolph Grossing, Allgemeines Toleranz- und Religionsystem (Leipzig, 1784); Gerson Wolf, Die Verhältnisse der Protestanten in Oesterreich unter Maria Theresia und das Toleranzpatent (Leipzig, 1878).
of Maria Theresa through Leopold II (1790-1792). After the revolutions of 1848, the term became one of praise or condemnation, depending upon one’s views of Church and State. Government officials like Franz Grillparzer highly praised Joseph’s ideas because they conformed with the bureaucratic concept of keeping all aspects of society, including religion, under government supervision. The Catholic Church, on the other hand, viewed Joseph’s measures as an attack on religion, the alleged precursor of the atheistic materialism that precipitated the Kulturkampf in the second half of the nineteenth century. Liberals and liberal German nationalists saw themselves as heirs to Joseph’s policies, forgetting, however, the crucial fact that the Emperor sought to integrate the Church into the State, whereas the Liberals wanted to separate the two.31

Gustav Frank, a Protestant historian who provided a valuable account of the origin and early reaction to the Edict of Toleration by each of the major parties, gave high praise to the Emperor himself for having initiated the reform measures. The Ultramontane, Sebastian Brunner, on the other hand, minimized the religious significance of the measures of toleration and charged Joseph with playing Realpolitik at the expense of the Church.32

32 See Gustav Frank, Das Toleranzpatent Joseph II. Urkundliche Geschichte seiner Entstehung und Folgen (Vienna, 1881) and Sebastian Brunner, Die theologische Dienerschaft
Historians in the twentieth century have generally made better use of historical-critical methods in their research in an attempt to get beyond the myths that surrounded Josephism and anti-Josephism. Paul von Mitrofanov, the first serious biographer of Joseph II, argued that the Emperor was a pragmatist; the motivation behind his reforms was a combination of "acrobatics" to please different interest groups and of measures to improve the economic conditions within the monarchy. Georgine Holzknecht, one of the Emperor's sharpest critics, found his reforms rooted in the Catholic Enlightenment of the eighteenth century and in every school of thought—mercantilistic, militaristic, or demographic—which offered a theory in favor of secular rulers in the struggle against Catholic Church domination.  

Three major works, all entitled Der Josefinismus, describe different aspects of the movement. Fritz Valjavec, who tried to expand Josephism to include the events in the entire monarchy from the reign of Maria Theresa into the middle of the nineteenth century, viewed it as the development of spiritual history in an attempt to equalize political, religious, and cultural differences. Ferdinand Maass argued that State Chancellor Kaunitz, at the head of a

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33 See Paul von Mitrofanov, Joseph II. Seine politische und kulturelle Tätigkeit, 2 Bde. (Leipzig and Vienna, 1910); and Georgine Holzknecht, Ursprünge und Herkunft der Reformideen Kaiser Josephs II. auf kirchlichen Gebieten (Innsbruck, 1914).
move toward secularization as evidenced by the Giunta Economale of 1765, proved to be the source of Josephism and that it was Kaunitz who determined official government policy toward the Church between 1770 and 1790. According to Eduard Winter, Josephism, rooted in Jansenism and the Catholic Enlightenment, demonstrated the positive test of Reform Catholicism, the high point of which was the establishment of the general seminaries for training priests.34

Historians considered to be in the school of Maass include Robert Kann, who maintained that Joseph's reforms were the result of a process of secularization begun under Maria Theresa for the purpose of enhancing the authority of the sovereign over the Church. One by-product of this process resulted in a loss of privileges by the nobility. Ernst Wangermann also argued that the Emperor's motivation for issuing the toleration patent originated not for the ideal of toleration itself but for purely practical, economic reasons.35


Others in Winter's camp include Paul Bernard, who stated that Joseph's ideas for sweeping reforms in the Catholic Church originated in the movements of Jansenism and the Catholic Enlightenment during the reigns of Leopold I and Joseph I. Adam Wandruszka emphasized the role of the reforms of the Jansenist priest, Ludovico Muratori, whose writings passed into Austria from Italy in the first half of the eighteenth century and enjoyed a wide audience within the Church.36

Some look to the pressures of foreign policy as the origin of the domestic changes. Charles O'Brien highlighted the combination of influence from the Protestant powers of Great Britain and Prussia and the momentum of Reformed Catholicism as sources for reform measures. T. C. W. Blanning emphasized the economic and demographic competition between the Habsburgs and the Hohenzollerns as causes for the changes within the Austrian territories. Joseph Karniel, on the other hand, argued that the internal reforms begun during the reign of Maria Theresa signified an effort on the part of the government to minimize the attempts by foreign powers to export revolution to Austria. Elizabeth Kovacs, a contemporary Catholic historian, described Josephism as the Austrian form of an eighteenth-century

European-wide movement that developed from the crisis of European consciousness 1680-1715, a general shift in mentality. In the first of his two volumes, Joseph's most recent biographer, Derek Beales, recognizes the role of Kaunitz and Maria Theresa but contends that the sheer number and scope of the reforms made Josephism unique to Joseph alone.37

Historians are as varied in their evaluation of the man as they are of the movement. Beales offers a survey of impressions that ranges from contemporaries of Joseph to his twentieth-century biographers.38 Since he was never crowned as their king, many contemporary Hungarians considered the period of Joseph's sole rule as a usurpation, while their Belgian counterparts compared him with every "notorious villain" of history: Tiberius, Caligula, Nero, Attila, and Machiavelli. For some government officials, Catholic clergy, and high nobility, his death meant a respite from the flood of reform legislation, while others—such as Protestants, Jews, and the serfs—who benefited from these new laws mourned his passing.


38 Beales, Joseph II, 5-8.
The twentieth-century biographers Francois Fejtoe, Hans Magenschab, and Saul Padover focused on the radical nature of many of the Emperor's measures and described him as truly 'revolutionary'. Mitrofanov labeled him 'a democrat from head to toe' while A. J. P. Taylor argued that Joseph was 'the [French Revolutionary] Convention in a single man'. C. A. Macartney, author of a modern interpretation of the development of the Habsburg monarchy, has said that he was 'perhaps the completest enlightened despot in European history'.39

Although these historians appreciate Joseph's praiseworthy features, they also quickly point out his unattractive traits. Macartney said of him, "the noun in the phrase [enlightened despot] is quite as fully operative as the adjective." Joseph's "irreconcilable contradictions" made it difficult for many to categorize him. When compared with other rulers of the eighteenth century, David Ogg observed, "he was the most complicated, because he was at once militarist, absolutist, liberal and humanitarian." Blanning, in his discussion of enlightened despotism, remarked that in Joseph "The humane egalitarian is countered

by the brutal martinet, the disciple of the Enlightenment by
the crude aggressor." Edward Crankshaw's evaluation
seemed unusually cruel: "his reforms...sprang from
self-love tempered by abstract ideals of justice and from
disdain of all who differed from him...As a human being he
seems hardly to have existed."40

Many of Joseph's reforms proved to be neither as new
(beginning with his sole reign) nor as radical (unique to
him alone) as some historians have argued. A sampling of
reforms undertaken during the period of co-regency and
mentioned in Joseph's correspondence even before the joint
rule began indicates that he was both a supporter of and an
important contributor to a tradition of reform within the
Habsburg lands before his sole reign. In a memorandum of
1765 Joseph especially criticized the control the Catholic
Church exercised over schools and universities and of the
neglect of educational opportunities for women. Maria
Theresa had already begun a relatively radical program of
educational reform by founding the Theresianum (1748) for
higher education of nobles, by establishing the Oriental
Academy (1754) to train future diplomats, and by removing
education from the control of the Church and putting it
under the secular ruler (in politicum, 1770). Joseph

40 See Macartney, pp.119-120. D. Ogg, Europe of the
Ancien Regime 1715-1783 (London, 1965), 211. T. C. W.
Blanning, Joseph II and Enlightened Despotism (London,
275-292.
pushed for developing a new primary school system and emphasized again in his Bohemian Relation (1771) how critical clerical education was to the success of all reform measures.

Joseph so enthusiastically supported Kaunitz's Giunta Economale, the Magna Carta for the new State church, that he based his own ecclesiastical policy on its new measures, which called for centralized administrative offices and an economic commission placed under civil rather than religious authority. In addition to his involvement in larger projects, Joseph also had an eye for determining the possibility for change through his influence in minor matters. He may have persuaded Maria Theresa, during her serious illness in 1767, to discharge the Jesuit priest, Father Kampmiller, who had been her confessor since childhood, and to replace him with the more reform-minded Jansenist, Provost Ignaz Mueller.41

In November 1774 Joseph ordered the appropriate ministers to provide financial aid for resettling from the German hereditary lands to Hungary and Transylvania those non-Catholics who would go voluntarily, including in the offer from the government the guarantee of religious freedom. He thereby effectively ended his mother's program of deportation. Joseph indicated that the cause of the disagreement with his mother over religious toleration was

41 Beales, Joseph II, 449.
due to her misunderstanding of the term. In a letter to her
dated 20 July 1777 he wrote, "For me toleration means only
that in purely temporal matters, I would, without taking
account of religion employ and allow to own lands enter
trades and become citizens those who are competent and who
would bring advantage and industry to the [Monarchy]."42
The Emperor maintained that the Protestant states were
intolerant due to the "relative inferiority" of their
statesmen and to the "conservatism of republics as compared
with monachies."43 At this time he did not think his
policy of toleration would result in anyone's converting to
Protestantism. In 1777 without decree or fanfare, the
Emperor allowed religious toleration for the Protestants in
Moravia. In 1778 non-Catholics received official toleration
in the free port city of Trieste.

The period of co-regency proved to be a time in which
Joseph reacted to many of the policies of his mother, built
on measures already introduced by Kaunitz, and settled in
his own mind the direction he would take in expanding the
programs of reform and toleration when he became the sole
ruler. Beales observes that there is no longer any direct
evidence of Joseph's opinions of ecclesiastical questions
before he became emperor except for his well-known disgust
for useless ceremony associated with court and Church.

42 Ibid., 469.
43 Ibid., 445.
Only after the death of his father in 1765 did Joseph express in his memorandum his views on the state of the Habsburg lands. Apparently independent of his mother or Kaunitz, his position on the issues he addressed (the need for less censorship, more religious toleration, a stronger educational system, and fewer monasteries) served as the groundwork for the laws he would enact after 1780.

It is the purpose of this work to follow the unfolding of only one of Joseph's major reforms, the Edict of Toleration, as it was issued, interpreted, and enforced in the southern Austrian province of Carinthia from the year of its publication in 1781 until the death of the Emperor in 1790. Different versions of the edict were written for different parts of the Habsburg lands. For some areas the edict brought more religious freedom; for some areas it actually brought less. Contrary to what might be expected from a monarch inclined toward reform, living in the period of the Enlightenment, and surrounded by progressive secular and religious advisors, Joseph by means of this law had issued a piece of legislation which was more restrictive than many of the earlier religious decrees (e.g. the Peace of Vienna 1608, the Peace of Linz 1647, the Peace of Odenburg 1681, the Altrandstaedl Convention of 1709, and the decrees of Charles VI in 1730 and 1734). But in his interpretation of this law, the Emperor was to prove to be responsive to many of the requests and complaints of his
subjects. We must now examine in detail how the Catholics, the Protestants, and the government officials in one province worked together and against each other to adjust to only one in the flood of reforms associated with the movement of Josephism.
CHAPTER II
THE EDICT OF TOLERATION

While the aforementioned intellectual and religious movements contributed much to the impetus toward general reform, some historians argue that it was Paul Joseph Riegger (1705-1775) who laid the legal groundwork for what would become the Edict of Toleration. Riegger, professor of canon law at the University of Vienna from 1753 to 1773, maintained that it was possible to tolerate more than one religion in the State, although there could be only one true religion.1 He did not advocate toleration per se as a policy but did suggest that it was legally permissible. The basic stipulations of the toleration as promulgated by Joseph II in his edict may be found as much in the distinctions made by Riegger in his discussion of canon law as in ideas of universal natural law.2

1 Paul Joseph Riegger (1705-1775), Professor of Reichsstaatsrecht and Naturrecht in Innsbruck (1733-1749), Lehrkanzel fuer kanonisches Recht at the University of Vienna (1753-1773). Maria Theresa declared his book Institutiones juris ecclesiastici (1765) as the text for law at the university.

Riegger recognized four legal categories that should be used in dealing with different religious groups. *Religio adprobata* described those who had open and free exercise of worship and enjoyed all legal privileges and immunities. Under the Edict of Toleration this group was the Roman Catholics. The term *religio tolerata necessaria* applied to those for whom the practice of worship was permitted but for whom religious and civil rights were clearly prescribed and protected by legal limits. This term was later used for Lutherans, Reformed, and Greek Orthodox. A third category was allowed limited religious practice in private buildings and, although protected by law, possessed no independent status. This group was labelled *religio tolerata gratiosa*, a religion tolerated purely by the grace of the ruler. After 1781 this category included the Jews, who were not permitted to build synagogues until 1826. Riegger’s fourth category, *religio reprobata*, described a religious association whose members in a State would enjoy no civil rights and referred to other sects that existed during the period of toleration such as Deists and the Abrahamists.

The conception of toleration inherent in Riegger’s categories was reflected in a spate of laws that immediately preceded and eventually resulted in the issuance of the edict itself. In the first of a series of dramatic moves, Joseph on 31 December 1780 and 20 March 1781 disbanded the administrative machinery that was the
Commissions of Religions. A number of these commissions had been established—1733, 1748, and 1752—for the purpose of confiscating heretical books, of spying in markets and other places where groups of people could gather to discuss religious matters, and of controlling deviant behavior, such as dancing, that might lead to decadent living. Later in March 1781 the Emperor issued another decree that ended the forced resettlement of "hardheaded heretics" to Hungary and Transylvania, and in May he denied the validity of the papal bull, de coena domini, which had damned all heretics, schismatics, and those princes who tolerated and protected them.

With another major step in June, Joseph annulled the Religious Decree of 1778 and its predecessors of 1752 and 1758. These laws had prevented persons not registered with their local Catholic Church from getting work in lower-paying work such as domestic servants or miners, subjected those found with Protestant books to a penalty of three days in jail or a week in chains in community service, condemned persons caught in an illegal assembly to a year of hard labor, and proclaimed invalid any marriage outside of the Catholic Church. In the new law, the Emperor decreed that in civil and religious matters there would no longer be any difference between Catholics and Protestants except that Protestants were not allowed to gather for public worship. In the wake of this second notable reform, the Emperor
ordered the release of anyone imprisoned for religious reasons (9 July 1781), the settlement of religious disputes by the civil authorities (25 July), and an end to confiscation of books from private homes (29 July). In August Joseph declared that as long as heretics behaved peacefully, their return to the true faith could be left to the mercy of God and to the persuasive abilities (bound by law) of the Catholic priests. According to Frank, the decree of 28 August represented the decisive breakthrough for a legal recognition of toleration. It meant an end to the legal condition that considered a violation of a religious law to be a criminal offense against the State.3

On 3 September the Emperor ordered the Council of State to consider an unsigned report that had been submitted to him (perhaps written by Joseph himself) on aspects of religious differences.4 Stressing the divisiveness of forced religious unity and the harm it caused to the good of the State, the author recommended developing an administration in which every worker would be judged on his talent, his enthusiasm, and his diligence and not on his confessional loyalties. According to this report, it was time to grant legal recognition of privat exercitium

3 Gustav Frank, Das Toleranzpatent, 18.

4 The Staatsrat (council of state), a purely advisory body, established by Kaunitz, first met in January 1761. The Chancellor intended through this body to exercise influence in all aspects of the Habsburg government.
throughout the hereditary lands. Based on what he heard in the Council of State, Joseph issued to the imperial chancellory 13 September a resolution which contained the essential substance and, in part, the specific provisions that would be found in the Edict of Toleration. Catholicism would remain the official religion of the Monarchy, but *privat exercitium* would be granted to certain non-Catholics. These Acatholics were allowed to have the same possessions, to enjoy the same civil and professional rights, and to attain the same academic and government posts as Catholics. Finally, the Acatholics were not required to take part in any oaths, processions, or other services of the Catholic Church.

Concerned about the possibly radical nature of a forthcoming resolution on religious matters, the chancellory on 26 September issued a recommendation to Joseph in which it attempted to limit as much as possible the boundaries of toleration. The members of the chancellory wanted to define toleration as a privilege granted by the grace of the government rather than a right guaranteed by law. They suggested that the state require a

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5 *Privat exercitium* was defined in this anonymous report and in the Edict of Toleration as recognizing no legal difference between the dominant religion and tolerated religions except that the tolerated religions could use no bells, build no towers, make no entrances from a public street, and construct no building to look like a church. Otherwise the tolerated groups could administer their sacraments and hold their services as they chose.
minimum of four hundred families or six to seven hundred individuals before any the group could call an Acatholic pastor or build a prayer house and that it prohibit Acatholic school teachers.

On 6 October the Emperor asked the members of the Council of State whether he should proclaim the new policy publicly or merely notify the appropriate Church and government officials of the provinces. The Council of State advised the former because it feared that anything less than a public announcement explicitly stating the conditions of the Toleration would give rise to rumor, speculation, and exaggeration on the part of the Protestants about the Emperor's intention. One of its members, Freiherr Tobias Philipp von Gebler (d. 1786), submitted a draft for the edict to the chancellory on 13 October. Although the chancellory did not officially accept the edict until 20 October, Joseph, wanting to minimize public confusion over the rumored legislation, released the contents through the official Viennese newspaper, the Wiener Zeitung, three days earlier.6

The issuance of the Edict of Toleration marked the culmination within the Austrian Monarchy a movement toward recognizing the principle of separating civil rights from religious confession that had first been suggested in the Peace of Augsburg and reaffirmed in the Peace of Westphalia

6 Mitrofanov, Joseph II, II, 714.
as a basic part of the constitution of the Holy Roman Empire. Originally printed in German for most of the hereditary lands and in Latin for the Kingdom of Hungary, the edict eventually appeared in French, Italian, Slovak, Polish, and several other languages, and copies were sent to Bohemia, Moravia, Silesia, Upper Austria, Lower Austria, Styria, Carinthia, Carniola (these three provinces known collectively as Inner Austria), Triest, Tirol, Vorderoesterreich, and Galicia.

Each of the various versions had different provisions tailored to local conditions in individual territories. The Transylvanian copy covered sixteen items, the Hungarian, eighteen, and those for other territories, between seven and ten. There were in fact so many exceptions among the various versions that it is more convenient to discuss the individual points than to try to characterize the edict as a single whole. For example, the prescribed minimum number of non-Catholics needed to call a pastor in most provinces was one hundred families or five hundred individuals. However, in some districts of Hungary, cities with fewer than one hundred families could call a pastor, and some villages received that privilege even though the Protestants

numbered only three hundred individuals; other groups with as few as ten members could have a circuit pastor.8

The statement of policy released by Joseph for the newspaper was shorter than the edict itself, rather vague, and more confusing than earlier rumors. It contained six broad guidelines to be observed by non-Catholics, and it mentioned no specific number of persons needed to form a congregation or to call a pastor.9 The versions distributed to the provinces were more carefully constructed. The Emperor began all copies by acknowledging that forced confession in religious matters was harmful to the greater good of both Church and State, then acknowledged that toleration was only for Christians of the Augsburg and Helvetic Confessions and for the Greek Orthodox and then only in terms of privat exercitium.10 He concluded the introduction with the firm statement that Catholicism was to remain the dominant though not the State religion.11


9 Gustav Frank, Das Toleranzpatent, 37.

10 The adherents to the Greek Orthodox religion had immigrated from Bosnia and Serbia into Hungary from the time of Maximilian I. Leopold I had invited more into the Habsburg lands and had permitted freedom of worship in 1690. The Greek Orthodox religion later spread through Hungary, Croatia, Slavonia, and the military border area of Transylvania. They were tolerated under Maria Theresa.

11 Barton gives a detailed analysis of the specific points of the different editions. What follows is a condensation of the major points that were common to all of
The first item in the various versions set the minimum number of non-Catholics required to establish a prayer house and to call a pastor. In every case one hundred families or five hundred individuals could assemble and build a prayer house and a school. Included in this number could be persons who lived within one hour's walking distance from the building. In addition Acatholics could attend worship service in a neighboring province if there were no service in their area. Acatholic pastors could care for the sick and provide instruction and counseling for members of their own confession, but Catholic priests could not be denied a visit with a sick person when the person requested a priest to visit. The last stipulation defined *privat exercitium*: prayer houses were not permitted to have bells, towers, doors that opened onto the main street, or any structural features that resembled a church building, but the Acatholics were permitted to hold worship service, to administer sacraments, and to have a pastor accompany the body of a deceased person in a funeral procession without interference. By granting Protestants the right to *privat exercitium*, Joseph went one step beyond what they would have been allowed within the Habsburg lands under the terms of the versions which were issued to the provincial governors.

12 It was forbidden by law to refer to a Protestant house of assembly as a church. A Protestant building was referred to as a Bethaus (prayer house). The Protestant membership was called a Gemeinde (parish) in order to distinguish it from the Catholic Pfarre (parish).
the Peace of Westphalia, which granted only the freedom to hold home devotionals. By giving the same right to the Greek Orthodox, for whom the Peace of 1648 made no provision at all, he broke entirely new ground. 13

The second major issue addressed in the edict was education. The Emperor permitted the three tolerated religions to have their own school teachers if their assemblies could provide for the material needs of these teachers. The government-controlled school directory, not the Catholic Church, would dictate the method of teaching and the curriculum. The third item declared that when the non-Catholic subjects of a town or village were able to support a pastor themselves, they might select whom they wanted. If the civil leaders had to provide support for the Acatholic pastor, however, the choice was theirs. In either case, confirmation of the candidate could only come from the Teschen or Hungarian Consistories. 14

13 The Peace of Westphalia had given the Holy Roman Empire a complex system of religious rights. There were three levels of recognized religious practice: _Haugendacht_ (home devotionals), _privat exercitium_ (collective worship in buildings which did not look like churches), and _offentliches exercitium_ (services held in regular churches)—Peter Landau, "Zu den geistigen Grundlagen des Toleranz Patents Kaiser Joseph II." _Oesterreichisches Archiv fuer Kirchenrecht_, 32 (1982): 195.

14 Maria Theresa permitted the Lutherans in Silesia to establish a consistory in Teschen in 1749 and the Lutherans and Calvinists in Hungary to do the same in 1773 in order to administer their own affairs.
A number of other basic points were covered in most of the separate decrees. Acatholics had to continue to pay the jura stollae (essentially a tax that went toward maintenance of Church property and lay workers) to the Catholic priest of the parish in which they lived.15 The provincial government was granted the authority to settle disputes of any nature which arose within Acatholic assemblies. Children of the marriages between non-Catholics did not have to attend a Catholic school. But in a mixed marriages, the rules varied. If the father were Catholic, the children had to be raised Catholic. If the father were from one of the tolerated religions and the mother were Catholic, sons could attend a non-Catholic school, but daughters had to remain Catholic. Finally, Acatholics were permitted to buy and sell houses and goods, to enjoy civil and professional rights, and to attain academic degrees and civil offices by means of special dispensations. No oath of any kind to the Catholic Church was required in order for these requests to be considered, and either the local government within each province or the provincial governor himself could grant the dispensation. When the case involved the higher estates, the Bohemian-Austrian Chancellory would decide whether a dispensation should be granted. Their decisions were not to

15 Henceforth, the jura stollae tax will be referred to simply as Stoll tax.
be based on confession but rather on the individual's capabilities and moral way of life.

Additional instructions appeared in the edicts for Hungary and Transylvania, where the Protestants already enjoyed more rights than their brothers in the western Habsburg lands. The Emperor guaranteed that all laws, resolutions, and privileges already in effect would be maintained. In what amounted to a major setback, however, he announced that the privilege of *privat exercitium* was to apply to eastern provinces as well, replacing the right of public worship that they had previously enjoyed. In addition, Joseph ordered that parents who attempted to send their children out of the hereditary lands in order to evade the requirements for education would be arrested. Members of the Reformed Churches were not to be punished for submitting to the ordinance of baptism. 

People who lived on the land of Protestant nobles could attend worship service held by the pastor of their lord; they did not have to build a separate prayer house or call their own preacher. Also Acatholics could rebuild any churches that had been

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16 Lutherans and Calvinists traditionally had held differing views on baptism. Lutherans maintained that baptism was not only a promise for forgiveness of sins through faith but also a regenerative process that continued throughout a person's life. Calvinists argued that baptism provided a means of strengthening faith for forgiveness of sins and was an occasion during which a person could confess God before men. Both groups advocated infant baptism. See Henri Daniel-Rops, *The Protestant Reformation*. Vol. II (New York, 1963).
destroyed and could reclaim buildings appropriated earlier by the Catholics.

In view of the contents of the edicts, it is important to consider what the Emperor meant by toleration. Barton gives a useful analysis of the term within the context of this law. Toleration today, often linked in a positive way to human rights, is seen as a movement away from prejudice (social, racial, or religious) toward the equal acceptance of all people, and it is based on the idea that no one State, party, or group possesses all of the truth. This position would have been considered laughable, if not blasphemous, in the eighteenth century. Maria Theresa considered toleration to be the same as indifference and, as such, an attack on the basic value of the Church and the State. When Joseph threatened to resign as co-regent in 1777, she was forced to grant a small measure of freedom to some Moravian Protestants allowing them to hold devotional meetings at home. This decree did not mean that the Empress recognized these Acatholics as equals; rather, she considered them "unfortunate subjects who had been taken in by false religious teachings".

Toleration, as set forth in the law under Joseph, represented a freedom granted by authorities who believed

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17 Webster's New Collegiate Dictionary, Seventh ed.

18 Peter Barton, "Der lange Weg zur Toleranz," in Im Lichte der Toleranz, ed. Peter Barton (Vienna, 1981): 11-15.
that they belonged to the only true religion and who had the power to limit or forbid toleration. It did not result from a conception that many paths lead to religious truth, but from a desire to attract talented foreigners and to pacify Habsburg subjects who lived in areas bordered by potential enemies. Those who granted it also had the power to restrict it.19 By March 1783 persons who had not registered as Catholics or as members of one of the three tolerated religions were deported to Transylvania to colonize the border territory; children younger than fifteen years of age had to be left behind to be raised by friends or relatives. Even as late as 1789 the peaceable Mennonites were prohibited from moving into the hereditary lands because they did not fit into any of the legally recognized confessions. The newly established Protestant assemblies did not have the right to regulate their own affairs as purely religious matters. The civil authorities retained the right to intervene in any matter related to any Protestant practice regardless of how minor or inoffensive it was.

Protestants within the monarchy expressed skepticism the edict when it was first released. Many feared the act of registration would be a means by which the government could observe Acatholics in case further deportations were necessary. Also, for some, the local identification with an

19 Ibid.
A Catholic group could be a handicap in business relations or in getting or keeping a job. Nevertheless, within the first year after the edict was issued, over seventy-three thousand Habsburg subjects registered with the government as members of one of the tolerated religions. While not a large number in comparison to a population of twenty million for all of the hereditary lands, it was sufficient to create a whole new set of problems for which the Emperor began almost immediately to issue new instructions and new laws.

As the Protestants became more confident that the Emperor would not annul the edict, they began to release decades of pent-up hostility, which usually took the form of harassment or taunts but sometimes led to violence against the Catholics in their neighborhoods. In order to prevent such unpleasantness on the part of Acatholics, Joseph found it necessary to issue the Resolutia Augustissima on 2 January 1782 by which the civil authorities from the provincial governor to the village officials were ordered to explain to the disorderly Acatholics that they must abide by the guidelines of the edict. In order to minimize the potential for hostility, the government permitted many of

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20 From the Klagenfurt circle to the cities and villages, 16 January 1782, KLA, Landschaft Paternion, Faszikel 13, #162. Landesstellen (provincial governments) were headed by a Landeshauptmann (governor) who was chosen by the emperor. Within the province and under the authority of the governor were Kreisaemte (regional government officials) who administered over cities which were headed by Magistrates and over villages which were under the leadership of the Obrigkeiten.
those who left the Catholic Church to register for one of the tolerated religions with the village officials rather than with the Catholic priest. These village officers would report the conversions to regional authorities once a week.

The Emperor forbade Protestants from proselytizing in their own villages or in others. Just as the edict granted Acatholics freedom of conscience, so they could not now impose their beliefs on their Catholic neighbors. Acatholics could not mock the worship services of others or deface buildings, pictures, statues, or possessions of other religions. Offenders would be severely punished, although how was left unclear. Catholic subjects were likewise ordered to treat those who had "gone astray" with love and patience and to avoid quarrels, or they also would be punished. Finally, government officials at all levels were directed to show no hatred toward or rejection of members of the tolerated religions, to disturb no peaceful assembly of non-Catholics, and to explain to trouble-makers that they were being arrested not because of their religious confession but because of their disturbing the peace.

As might be expected, this first expanded commentary on the Edict of Toleration would not be the last. Indeed, provincial authorities plagued the Emperor in the next years of his reign with many requests for further interpretations, clarifications, and exceptions that he would eventually delegate much of the decision-making in matters concerning
the Protestants to the provincial authorities. For now, however, Joseph continued to pay attention to details. He issued another short decree on 25 January 1782 giving further explanations and some limitations on the previous orders.21 A verbal declaration of conversion made in the midst of a group of witnesses was not recognized as valid; persons who wanted to become Acatholics had to appear personally before the city magistrate or regional official and a Catholic priest in order to be questioned about their beliefs and to sign a written statement that covered these points. The priest, as a member of this examining commission, was to question the candidate for conversion with "good, gentle, and persuasive words and illuminating proof" with the hopes of bringing the person back to the Catholic faith.

As part of further clarification and restrictions in this same decree, Joseph ordered that, until members of a tolerated religion could support their own pastor, school teacher, and prayer house, they had to send their children to a Catholic school for reading and writing (though not for religious instruction), and they had to have their former Catholic priest perform baptisms, weddings, and burials. Government officials were not to examine the financial status of Acatholics who requested to build or to call a

21 From the Klagenfurt circle to the cities and villages, 11 February 1782, KLA, Landschaft Paternion, Faszikel 13, #166.
pastor in order to certify that they could indeed meet the necessary financial obligations. Protestants did not have to build new prayer houses but could use abandoned or dilapidated Catholic Churches. And, in a major departure from an issue discussed in the edict, as a representative of the established religion and upon his own initiative, a Catholic priest could visit a non-Catholic sick person one time, in case the patient wanted to return to Catholicism in order to die in the faith.

Elaborations and clarifications such as these did not of course solve all of the problems that continued to arise. In March 1782 Joseph found it necessary to issue his first major amplification of policy since the edict itself.22 His stated purpose in this order was to prevent damage to the Catholic religion while maintaining the peace and securing freedom of conscience. On the one hand, regional authorities were encouraged to resolve problems without deviating from the central spirit of the toleration laws. Henceforth, however, the first registration of a person to one of the tolerated religions would not be accepted as final. In the judgment of local officials, too many subjects had registered as Acatholic not from inner conviction but from external persuasion, threats, and a desire for apparent but unspecified advantages of

22 From the Gubernium to all circles, 11 March 1782, KLA, Landschaft Paternion, Faszikel 13, #175.
conversion. From now on, therefore, each candidate for conversion was to be called before the civil and religious examiners to be questioned on the certainty of his decision. A religious commissioner was to present the Catholic doctrines persuasively but not in a threatening manner, so that even the most simple could understand. In cases where only a few who wished to convert appeared at an office, it was not necessary to have a priest in attendance for the questioning. However, this new legislation did little to reduce the number of persons leaving the Church.

The fact that persons were converting to the tolerated religions with little or no knowledge of either Catholic or Acatholic doctrines disturbed the Emperor. He stated that regional clerks would soon receive prepared instructions on specific questions they were to ask those applying for permission to convert. Contrary to an earlier decree that ordered information regarding the toleration to be published within three days of the decree's arrival in the regional office, the new instructions were not to be posted for public reading. Joseph feared that potential converts would have time to prepare answers before being confronted by the examining commission with the questions. He further stated in the March decree that conversions to religions besides the three tolerated ones would not be recognized. Others would not be forced to take part in confession or to receive the Eucharist, but they must attend Catholic Mass.
and schools. Government officials were to raise no obstacles for Acatholics who were in the process of calling a pastor except that authorities had to ensure that the men called were from within the hereditary lands.23 The credentials of a prospective pastor or teacher had to be confirmed by both the regional and the provincial offices. The Emperor reiterated the principle that, where there were too few converts to call their own teacher, non-Catholics had to send their children to Catholic schools for reading, writing, and moral teaching which all religious groups had in common.

Despite the fact that many Catholics accused Joseph of being an enemy of the Church, he continued to take practical steps to ensure that the dominant religion remained strong. In another part of the March decree, he stated he did not want to make it harder for "confused believers" to return to the faith by reducing the number of priests. Therefore, he emphasized that all villages within the Holy Roman Empire continue paying the Stoll tax and the fees for baptisms, weddings, and funerals in order to sustain the Catholic Church.24 He again warned converts not to abuse their new

23 This stipulation was an attempt by Joseph to be consistent with an earlier decree he had issued which forbade foreign interference from Rome in domestic Catholic Church affairs.

24 The Protestants in some parts of the empire had to continue payment of the Stoll taxes into the nineteenth century. Generally, when a Protestant group called their own pastor, they could stop paying to the priest the taxes
freedoms by attempting to force Catholics to leave the Church and ordered officials to arrest any foreigners found trying to influence Catholics. Catholicism, as the dominant religion, should set an example for the other denominations. Therefore, Joseph decreed that Catholics who slandered or behaved inappropriately in front of an Acatholic pastor or who disturbed his worship service would be punished more severely. In addition, because trouble-making Catholics could use their political offices to give their Church more influence and to continue to foment religious friction, Joseph, in an attempt to keep Catholic officials in line, ordered provincial authorities to promote more Protestants to higher positions in government service. Finally, the Emperor promised military support from the provincial government to regional officials if it were needed to restore the peace, but he strongly discouraged such a measure.

Not even the more lengthy directions in the March decree could completely address all the new issues that arose. Village and regional authorities continued to bombard the provincial governors with questions. In April Joseph decided that, in order to prevent "evil-minded" Acatholics from registering spouses, children, and servants against their will in order to attain the legal number for baptisms, weddings, and funerals.
needed to call a pastor, each convert had to appear in
person before the authorities to register for himself.

On the other hand, the Emperor was beginning to weaken
the requirement that an Acatholic assembly had to have five
hundred members before they could call their own school
teacher. Forced attendance in Catholic schools for the
children of assemblies smaller than five hundred had met
much resistance, and the charges brought by the Catholics
that the Protestant curriculum was weak seemed generally
unsubstantiated. In another decision that obviously favored
the Protestants, Joseph decreed that the children of
Aacatholic parents would have to make two requests at
least six months apart if they wanted to become Catholic.25

Influenced by criticism that he was issuing too many
decrees in support of the tolerated religions, the Emperor
felt the need to reaffirm publically his support for
Catholicism on the occasion of a visit by Pope Pius VI to
Vienna. In a circular released in April 1782 Joseph
affirmed his wish that his subjects belong to the Catholic
Church and denied the contention that he hoped the number of
Aacatholics would increase.26 He also denied that those who
left the Catholic Church would receive certain privileges,

25 From the Klagenfurt circle to the cities and
villages, 15 April 1782, KLA, Landschaft Paternion,
Faszikel 13, #182.

26 From the Klagenfurt circle to the cities and
villages, 13 May 1782, KLA, Landschaft Paternion, Faszikel
13, #190.
that a verbal statement alone was enough to leave the Church, and that one need not join one of the tolerated religions if he or she left the Catholic Church. He stated that he remained loyal to the Church and felt it his duty to work toward the sustenance and advancement of the Catholic religion. He recommended that all subjects remain in the Catholic faith but that they do so of their own will and not because of the threat of force.

The Emperor’s statements did little to deter the growing number of Protestant registrations. As previously mentioned, within a year from the date the toleration edict was issued, over seventy-three thousand had joined one of the tolerated religions, and more were signing up daily. Both the Catholic hierarchy and Joseph's high officials believed that the Emperor needed to do something to slow the growing wave of defections from the Church. By the end of 1782, he and his advisers had selected the measure. A decree issued on 15 December and sent only to the governors of the provinces stated that after 1 January 1783 government offices would accept no more registrations of conversions by non-Catholics.27 Shortly thereafter the deadline was extended to 20 January. In February another directive to the provincial governors declared that, retroactive to 1 January, anyone desiring to register in a tolerated religion

27 From the Klagenfurt circle to the cities and villages, 20 December 1782, KLA, Archiv Ehrenegg, Faszikel 85, Fortl. Nr. 372.
would have to take a six-week course in Catholic doctrine. A decree in this form was finally made public on 23 April 1783. Those desiring to leave the Church had to travel to their nearest priest to take the course. A potential convert, who lived too far away to travel daily, had to pay half of the expenses himself, while the other half was to be paid by the priest, who had taught so poorly that the person wanted to convert. If a whole church or village fell to Protestantism, the priest at fault was to receive an unspecified punishment. The institution of the six-week instruction was the last major restriction that Joseph placed on the tolerated religions during his reign.

While Joseph and his advisers were reading their reports and issuing their decrees and explanations, the actual development of Protestantism in the provinces of the hereditary lands varied as much as the languages and the cultures that made up the monarchy. In Vienna itself, even before the first edict was issued, the imperial army, the government administration, the embassy staffs of some of the Protestant states (Holland, Sweden, and Denmark) represented at the imperial court, and the Commercial

Estates all included Protestants in their ranks. In 1781 there were an estimated sixty Protestant households in Vienna alone. Despite the large numbers of Protestants in the different embassies, the initiative for establishing a Lutheran Church in Vienna came from a group of eight businessmen who, on 6 June 1782, formed the Handelsstande A.C. (Commercial Estates of the Augsburg Confession). A decree issued on 31 December 1782 permitted the formation of a Lutheran assembly in the city, but it was not until 3 March 1783 that a committee was formed to draw up a constitution and to find a building. The preacher at the Danish embassy, Johann Georg Fock, became the first Lutheran pastor in Vienna. The first worship service was held 3 August 1783, almost two years after official toleration had begun. In 1784 the Emperor moved the joint Augsburg and Helvetic Consistory in Teschen to the city.

As early as 1774, five Lutheran leaders from Hungary had presented to Maria Theresa a petition that included a request to allow Protestants to assemble regularly for worship in that kingdom. From that time until the toleration, Acatholics in Hungary had enjoyed increasing relative freedom. When the imperial census of 1780 revealed

29 It has been estimated that in 1761 there were over two thousand people (all Protestants) associated with these three embassies alone. Gustav Reingrabner, "Gemeindeordnungen der Evangelischen Pfarrgemeinde A.B. Wien seit dem Toleranzpatent," in Im Zeichen der Toleranz, ed. Peter Barton (Vienna, 1981), 369.
that over half of the 4.5 million subjects in Hungary were non-Catholic, Joseph II was convinced he had to respond to the needs for religious freedom of the majority of the population.30 In May 1781 just a few months before the edict, he issued for Hungary the Resolutio Augustissima, which reaffirmed Catholicism as the dominant religion but brought an end to the persecution of Protestants and assured them freedom of worship. The Hungarian version of the edict, signed 25 October, provided for the restoration of burned Protestant churches and dismissal of court cases against Protestant pastors. The Hungarian estates received the news of the toleration with mixed reactions and divided along religious lines. Most feared that it would lead not to greater tolerance but to increased hostility.

Even within Hungary itself conditions for Protestants varied greatly. In Oedenburg, for example, the act of toleration meant little change for non-Catholics. As early as the Peace of Vienna in 1606, the emperor had granted Oedenburg the status of a royal free city. It remained fiercely Protestant until the 1670s. Protestant estates obtained concessions from the emperor in the provincial diet of 1681 for continued freedom of worship. By 1781 the city

30 Of the 4,502,817 subjects in Hungary: 2,974,133 were Catholics; 1,147,651 were Protestants; 334,807 were Orthodox; and 46,166 were Jews. There were 2,706 Protestant pastors and 2,381 Catholic priests in Hungary--Tibor Fabiny, "Die geschichtliche Entwicklung des Toleranzpatents in der evangelisch-lutherischen Kirche Ungarns," in Im Lichte der Toleranz, ed. Peter Barton (Vienna, 1981), 115.
had over five thousand Protestants in worship services, and in January 1782 the Emperor granted permission for a new building that would seat 939. Men were to gather for meetings in the morning; women, in the afternoon.31 By the end of 1784, Hungary had 272 non-Catholic (Lutheran, Reformed, and Greek Orthodox) mother churches and 758 preaching stations.32

The Emperor issued the version for Moravia 33 in the German and Czech languages on 27 October 1781, for Galicia in German and Polish on 10 November 1781, and for Silesia (including Bukovina) in German on 30 March 1782. After the edict was released in Moravia, congregations established three Lutheran and three Reformed Churches and large numbers of other Protestant groups, notably Hussites, neo-Utraquists, and the Brethren, registered as Lutheran or Reformed. In Bohemia between 1781 and 1785, the Czechs founded fifty-four Reformed and nineteen Lutheran assemblies, and by 1786 there were seventy-eight thousand


33 Kaunitz had recommended religious toleration and privat exercitium for Moravia in February 1780 because of a great deal of religious unrest there, but Maria Theresa and Joseph had rejected the suggestion.
members (barely two percent of the total population). In 1768 when Galicia was part of Poland, Galician Acatholics had been granted some religious freedom in the terms of the Warsaw Tract, which Maria Theresa continued to recognize after the partition of Poland in 1772. In September 1781, just a few weeks before the act of toleration was released, Joseph issued an Order for Resettlement to move over three thousand German families into Galicia and Bukovina for purposes of colonization, and he granted freedom of conscience in religion. Census figures show that by October 1785 in 101 villages in these two territories there were 895 Catholic, 962 Lutheran, and 270 Reformed families.

In Silesia the toleration edict introduced little change. The province was still under the terms of the Altrandstadter Convention of 1709, which had secured privat exercitium for not only the nobility and their subjects but for all Protestants. At the time the edict was issued, the Grace Church (Gnadenkirche) in Teschen existed as the sole

34 Amedes Molnar, "Das Toleranzpatent und der tschechische Protestantismus," in Im Zeichen der Toleranz, ed. Peter Barton (Vienna, 1981), 326.

35 The Warsaw Tract, issued in February 1768 by the Polish Sejm under pressure from Empress Catherine II of Russia and the kings of Prussia, England, Denmark, and Sweden, granted limited freedom of religion to Greek Orthodox and to Protestants in Poland.

36 Oskar Wagner, "Die evangelische Kirche in Schlesien, Maehren, Galizien und der Bukowina in der Toleranzzeit, sowie deren Superintendenzen", in Im Zeichen der Toleranz, ed. Peter Barton (Vienna, 1981), 308.
Protestant Church in the Habsburg Austrian lands with the right of public worship, its own school, and its own consistory (permitted by Maria Theresa in 1749) to serve a membership of fifty thousand.37 In February 1782 the Emperor issued a decree permitting the Silesian Acatholics not only the rights of the toleration but also all other privileges which had been granted to them in past declarations. The government rarely enforced this stipulation, however, and, as a result, those in the tolerated religions actually experienced considerable restrictions in regard to marriages and raising children.

Transylvania also essentially lost some freedom after the edict was enacted. When Transylvania became part of the Habsburg lands in 1691, the subjects of the main faiths there continued to enjoy their churches, schools, and civil administration essentially as they had before, and Lutherans, Reformed, Unitarians, and Orthodox all continued to be recognized in the provincial law. The new edict meant a reduction in power for the Protestant superintendents and for the Orthodox Synod and each new restriction, such as the Emperor’s institution of the six-week course in Catholic doctrine, met with stiff resistance from the his subjects.

While there was generally a higher proportion of Acatholics to Catholics in the eastern part of the Habsburg Monarchy and these Acatholics generally found that the edict

37 Ibid., 277.
had a rather mixed impact on their lives, for Acatholics in many of the western areas, the edict meant truly significant improvement. There the Acatholics made up a much smaller percentage of the population but had experienced considerable difficulty before the edict and continued to do so even as it was being introduced. The Vorderlaende were a conservative Catholic stronghold, and there was a storm of protest from the Church and the other estates when toleration was introduced. Even in 1790 there was only one known Protestant in Breisgau, and the Catholics, in a letter of complaint to the new Emperor Leopold II, continued to warn that the edict would have no chance in those territories.38 However, in Upper Austria, which in previous decades had lost an estimated one hundred thousand Protestants in deportations, over three hundred families registered as Acatholics three weeks after the toleration was announced and began construction of three new prayer houses.39

The Edict of Toleration was essentially meaningless for the Archbishopric of Salzburg, first, because there were practically no Protestants left after the deportation of

38 Fritz Geier, "Die Durchfuehrung der kirchliche Reformen Joseph II. im vorderosterreichischen Breisgau," Kirchenrechtliche Abhandlungen, 16 and 17 (Stuttgart, 1905), 208.

1731/32 and, second, because Salzburg did not permanently become a part of the monarchy until 1816 after the Congress of Vienna. The few Acatholics left in the territory usually crossed the border into Upper Austria for worship services, baptisms, and weddings. An important trade route had developed in the province that ran between the northern German territories and Italy and Protestants used it to smuggle literature and Bibles to the underground Protestants (Geheimprotestanten) in the Habsburg lands before 1781. Bishops in the province of Tirol, also strongly Catholic, at first refused to announce the new legislation. In the first forty-five years after the edict was issued only five Tiroleans converted to Protestantism. Strong persecution of the non-Catholics continued into the nineteenth century when, in the final deportation from Austrian soil, 427 Protestants moved out of the Zillertal in 1837.

The region of Inner Austria included the provinces of Styria, Carniola, and Carinthia. Before Joseph's sole reign, each was a separate political entity with its own provincial capital. However, as part of his reform movement, the Emperor combined the three into one administrative unit—as it had been in the sixteenth century—with the new territorial capital located in Graz. In Styria five thousand copies of the edict were distributed to government clerks and regional officials, but during Joseph's rule only three small assemblies were
organized. The head of the Catholic Church in Carniola, Bishop of Laibach, Karl Graf von Herbertstein (1772-1787), so strongly favored the Emperor's move toward toleration that many in the Church accused him of being half Protestant. Although there were never many Acatholic groups in this area, government and Church authorities generally treated them civilly.

Around the middle of the eighteenth century, the provincial governor of Carinthia reported that Lutherans made up almost half of the population of Upper Carinthia, a condition he blamed on lazy Catholic priests. Despite the large number of Protestants already there, toleration in this province did not necessarily mean peace. In three villages alone, one hundred seventy-eight Acatholic homes were burned throughout the course of the century. But within a year after the edict was announced, over nine thousand openly converted to Protestantism, and officials counted six registered pastors.

The next chapter will examine how Carinthia developed as one of the hereditary lands. What kind of effect did the Reformation and Counter-Reformation have on this province. under what conditions did the Protestants live until 1781? What influence did the early laws have on the different groups in Carinthia as they adjusted to the religious freedom?
CHAPTER III
A BRIEF HISTORY OF THE PROVINCE OF CARINTHIA

As previously mentioned, the Habsburg Monarchy had acquired the provinces of Styria, Carniola, and Carinthia by the end of the fourteenth century. By the beginning of the sixteenth century the government administration had developed so that all of these lands had a joint capital in the Styrian city of Graz. At the head of the provincial government was the governor, who was elected by and ruled with the estates in the provincial diet. Four estates had representatives in the diet: the clerics, the higher nobility, the lower nobility, and the knights and townsmen. The diet held the traditional responsibilities common to other provincial governments throughout Europe: to assure internal peace, to protect the land from invasion, and to collect taxes. Carinthian authorities also shared with other provincial governments an inability to deal effectively with the impact of the Reformation. Even before the spread of Luther's teachings, there existed a strong anti-Catholic sentiment in the hereditary lands. An estimated eighty thousand Waldensians lived in the Habsburg Monarchy, many of them in Inner Austria. By the
end of the fifteenth century, Catholics had burned to death several thousand of these heretics. In the first years of the sixteenth century, discontented priests had appeared, calling into question many Catholic practices and beliefs. Many preached sermons which contained radical doctrine—one preached that priests in the churches did not show the people true relics but horse bones, and another was excommunicated after publically rejecting papal mass, teachings on purgatory, and praying to the saints.1

But it was not only general discontent with the teachings of the Catholic Church and the presence of unorthodox groups that paved the way for Luther's teachings into Inner Austria. Several other circumstances developed coincidentally proved to be conducive to the spread of Protestantism. The geographical divisions of the Catholic bishoprics made for loose supervision of some of the parishes. Most of Carinthia, for example, was partitioned between the Archbishopric of Salzburg, whose authorities were far away on the other side of the mountains and tended to neglect those parishes on the south side of the Alps, and the Patriarchate of Aquileja (administering the territory south of the Drau River), whose leaders were more inclined toward matters of State than religious affairs. In

addition, in the course of the sixteenth century, miners from Saxony and Swabia migrated to Carinthia seeking work in the numerous mining districts there and brought Protestant beliefs with them. Another opportunity for Luther's ideas to take root arose after fire destroyed Klagenfurt, the largest city in Carinthia, in 1514. Emperor Maximilian I permitted the estates to rebuild the city (soon to become the seat of the provincial government), and by 1519 craftsmen from the Lutheran areas of Wuerttemberg, Bavaria, and Saxony were moving to find work.2

Protestantism had a long history of resistance in Carinthia. Support for the unorthodox teachings also came both indirectly and directly from the nobility. Many of the nobles, of course, had no idea in the early decades of the sixteenth century that Luther would eventually break with the Church. Some viewed his endeavors as another wave in the movement for internal reform that had been going on since the Conciliar Movement in the fourteenth century. Even though Luther was excommunicated in 1520, the provincial governor of Inner Austria, Siegmund von Dietrichstein, thought so much of his teachings that he introduced them in the church in Villach in 1526.3 Many among the nobility did become Protestant in order to oppose the Catholic Church and the Habsburgs. Nobles who

2 Mecenseffy, Protestantismus, 15.
3 Reingrabner, Protestanten, 17.
were magistrates used their rights to leave parishes without a priest, to take Church income, and to incite people against the clerics. When convents could not pay their taxes, their patron often would assume control of their property and give their duties over to Protestants. 4

The other estates also strongly supported the Lutheran movement. A number of Carinthian villages became entirely Protestant during this early period. In the 1520s Watschig-Hermagor, Dornbach, and Villach enthusiastically embraced the new doctrine, and other communities soon followed suit. Archduke Ferdinand became concerned about the increasing number of defections from the Church and between 1527 and 1548 issued a number of decrees which were designed to stop the spread of Lutheranism, but which were largely ignored by all of the estates of Inner Austria. At the provincial diet of Prague in 1541, deputies from Styria, Carniola, and Carinthia joined those from Upper and Lower Austria in appealing to Ferdinand for freedom of worship. The petition from Inner Austria was signed by the provincial governor of Styria, Hans Ungnad Freiherr zu Sonneck, and a number of other higher noblemen including representatives from the cities of Graz, St. Veit, Radkersberg, and Laibach and delegates from the provinces of Styria, Carniola, and Carinthia and the principality of

4 Alois Maier, Kirchengeschichte von Kaernten. III. Teil (Klagenfurt: Carinthia, 1956), 8.
Gorizia. Ferdinand responded unsympathetically to the deputies in January 1542. He stated his intention to rid his lands of this godless presence, to insure preaching of the pure word of God, and to continue persecution of Lutheran teachers. The Archduke of Austria was not alone in his attempt to eradicate the heretics between 1522 and 1576; the Archbishop of Salzburg convened eight provincial synods to discuss measures against the Protestants, but all proved ineffective in the long run.

Hans Freiherr von Ungnad, himself a convert to the new faith, represented one example from among the Inner Austrian nobility under whom Lutheranism continued to flourish in the middle of the sixteenth century. During his term as provincial governor of Styria, he drove Catholic priests from a number of villages, held Protestant services in his castles in Sonneck and Waldenstein, provided financial support for students from Inner Austria to study in Leipzig and Tuebingen, and set up a press to print Lutheran books, a practice expressly forbidden by the Emperor in 1551. Despite this ban, Ungnad continued to make trouble for the Catholics until he was forced from office in 1556 and exiled to Wuerttemberg. He took his printing press with him and, at great expense and considerable risk to himself,

5 Waldau, Geschichte, 85.
continued to send Protestant books into Styria, Carniola, and Carinthia.6

Because of support and initiatives from noblemen like Ungnad, Protestantism continued to grow in numbers and in influence in Inner Austria until it reached a peak at the end of the sixteenth century. At the provincial diet at Regensburg in 1556, Protestant delegates from the three provinces appealed to the Emperor for permission to receive elements of the Eucharist in both kinds and to lift the general threat of execution for those espousing Protestant beliefs. The Emperor refused both requests. When Archduke Charles assumed control of the government in Inner Austria in 1564, he found only a remnant of Catholicism: the number of Catholics in Graz had decreased from three thousand in 1545 to under two hundred in 1555; in 1562 the townsmen of Judenburg had driven out the Franciscans; by 1563 the Protestant pastor in Klagenfurt arranged to end officially mass in the Catholic Church; and by 1566 twenty-six Lutheran pastors were active in Carinthia.7

The estates under Ferdinand I (1556-1564) had only requested permission to worship as they pleased. Under Emperor Maximilian II (1564-1576), they demanded toleration guaranteed by law. In 1564 he granted free religious practice to the lords and knights of Upper and Lower

6 Ibid., 422.
7 Mecenseffy, Protestantismue, 47.
Austria, and by February 1572 the nobility of Inner Austria had forced Archduke Charles (Inner Austria 1564-1590) to sign the Styrian Act of Religious Pacification, thereby granting a similar measure of toleration in these provinces for the third estate. The nobility also requested freedom for the cities and markets since there were already Protestant preachers and schools in the cities of Graz, Judenburg, Laitbach, and Klagenfurt. Charles did not agree to this request at the time but was forced eventually (again because of need for help against the Turks) to make even this concession in the Brucker Declaration of 1578. At the provincial diet in Bruck an der Mur, he verbally consented to toleration for the fourth estate, but he never signed the document.

The Brucker Declaration was the low point for Catholicism in Inner Austria, but at that time the Church and government were beginning their efforts to regain control of these provinces. As previously mentioned, the Protestant Styrian Governor Hans Ungnad had been forced from office as early as 1556. In 1572 Archduke Charles had called the Jesuits to Graz to establish a school to educate the nobility, and after Charles was forced to give verbal consent to the Declaration in 1578, several events occurred in relatively rapid succession that intensified the Counter Reformation in these territories. First, his brother Ferdinand, Archduke of Tyrol, increased his appeals to
Charles for him to clean out the Protestants in Styria, Carniola, and Carinthia, as he, Ferdinand, had done in Tyrol. Also, upon the occasion of a visit in 1579 to his arch-Catholic Wittelsbach in-laws in Bavaria, Charles attended a conference in Munich and received assistance in setting up a thirteen-point program to eradicate Protestantism in his lands.8 Finally, Charles called a papal nuncio to Graz in 1580. Although designed to elevate the status of his territories in the eyes of the Church, the visit did not have quite the effect the archduke had intended. The nuncio, upon arriving in Graz, expressed displeasure with the pace of counter reform and threatened to excommunicate Charles if measures were not accelerated.9

After that the Counter-Reformation began to gather momentum. By December 1580 Charles officially revoked the Brucker Declaration. The cities and markets lost their religious freedom altogether, and the lords and knights were permitted only two pastors for their entire estate. In 1582 Charles ordered Protestants out of the city of Graz, and by 1587 a Catholic Religious Reformation Commission was working its way through Inner Austria chasing out Protestant pastors

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8 The Munich Conference, 13-14 October 1579, was part of an on-going process for Catholic reform begun in the Council of Trent, which met at irregular intervals between 1545 and 1565.

and replacing them with priests. At the end of 1588 townspeople throughout Carinthia had to swear an oath of loyalty to the Catholic Church or leave the community.

Archduke Charles died in 1590, and the Counter-Reformation abated until his son and successor, Archduke Ferdinand—educated by the Jesuits in Ingolstadt—reached maturity in 1596. The son intensified his father's measures to strengthen Catholicism. Historians have traditionally linked Ferdinand's name with the virtual elimination of the Protestants from Austria, both under his rule as archduke and during his reign as emperor (1619-1637). However, despite the increased activity on the part of the Catholics, at the end of the sixteenth century authorities estimated that Inner Austria was still ninety percent Protestant. In Carinthia, for example, Villach had only a few Catholic priests; only three Catholics lived in Arnoldstein; the bishop of Lavanttal removed the Catholic vicar of Wolfsberg and replaced him with a fanatical Protestant pastor; and in 1604 Klagenfurt, with a population of about four thousand, had three Catholic families in the city. But the situation had already begun to change radically.

Early in his reign over the territories of Inner Austria, Ferdinand made clear his intentions toward the Protestants. He stated that he would rather rule over a

10 Mecenseffy, Protestantismus, 78.
11 Ibid., 11.
desert, have only bread and water for nourishment, go begging with his wife and child, and have his body hacked to pieces than to tolerate one unrighteous deed against the Catholic Church or to permit one heretic to live. In 1598 he began driving out Protestant preachers from Graz, Judenburg, and the other imperial cities in Styria, and by June 1600 he had closed Lutheran schools and Churches and had ordered all preachers and teachers to leave the province. A new Religious Reformation Commission appointed in September decreed that townsmen and farmers in Styria and Carinthia had six weeks to swear an oath to the Catholic Church or to leave the province. The commission with the support of three hundred soldiers made a seventy-day march through Carinthia to enforce the order and to deport Protestants.

Although Ferdinand's severe measures against the farmers and townsmen in fact met with only moderate success, his attempts to rid his lands of Protestants in the upper estates were more effective. He issued a mandate in 1610 which stated that provincial government officials who did not attend Easter confession had to leave their posts, and in 1625 he appointed a religious commission to reaffirm the loyalty of government officials, to burn heretical books, and to expel all Protestants by Christmas of that year. In addition Ferdinand forbade all students from Inner Austria
to study in foreign non-Catholic schools or universities without his permission.

A mandate issued in August 1628 effectively eliminated the Protestant nobility in Styria, Carniola, and Carinthia. This order for emigration of the nobility stated that the lords and their subjects had to convert to Catholicism or to sell their goods and lands and to leave the province within one year. If their property was not sold within the allotted time, those having to move would have another six months in which friends or relatives could try to sell the possessions. The provincial treasury would assume responsibility for the sale of property that had not been sold at the end of the additional time. The nobles who chose to leave were forbidden to take non-Catholic children with them, but non-Catholic wives were allowed to remain in the province to care for the younger children left behind.

The estates appealed to the Emperor to allow them to remain in their homes and to continue the exercise of their religion in exchange for the services they had already rendered to him in the wars against the Turks. But even these solicitations went unheeded. Eventually over 750 nobles, among them great old names such as Amman, Gabelkofen, Gleispach, Heberstein, Khevenhueller, Saurau, Trauttmandorff, and Windischgraetz left Carinthia and Styria. Generally parts of each family remained in the province, converted to Catholicism, and retained the lands
within the family. Heinrich Wilhelm Starhemberg, who converted to Catholicism, was in time promoted to serve in the imperial court in Vienna after his Protestant brother moved to Regensburg. Franz Christoph Khevenhueller converted to Catholicism in order to retain some of the family lands in Eastern Carinthia; in contrast, his cousins Hans and Paul sold portions of their family property and, with some of their subjects, joined the Swedish King Gustavus Adolphus in the Thirty Years War to fight against the Emperor. A third group among the nobility remained in the province and simply evaded the new laws as best they could.12

The expulsion of the nobility and the resultant loss of the leadership they provided and of the money they generated caused serious economic hardship in Carinthia. Mines failed, metal smithies closed, trade and commerce suffered setbacks, and farms were taken over by convents.13 The aristocratic emigrations and the continued persecution of the townspeople had another impact on society: Lutheranism became essentially a religion of peasants. Continued suppression led to the development of underground Protestantism, which existed in the Habsburg lands until the act of toleration was issued in 1781, and which prompted

12 Ibid., 171.
numerous visitations and purges by Catholic authorities for the next 150 years. In September 1630 the government began a series of intensive searches for Acatholics among the cities and farming villages, but not even these had much impact. In 1636 a report reached Ferdinand's desk that over two thousand farmers had assembled in the west Carinthian village of Treffen to hear a Hungarian preacher, an event that prompted his son Ferdinand III (1637-1655) to renew the mandates of 1628 and 1631 which had ordered all subjects in Inner Austria either to convert to Catholicism or to leave.14 One session of hearings for persons accused of being Acatholics in another western Carinthian village, Paternion, lasted from July through September 1639. Village officials, who examined 126 members in one church parish, found it necessary to expel 3 families, but by the end of the 1640s the area around Paternion was still rumored to be strongly Lutheran.15

The last major wave of Catholic reform for Inner Austria began in 1651, but it did little to dampen the enthusiasm among the underground Protestants. The provincial governor of Carinthia reported to Graz in April 1650 that the local lords had been successful in their efforts to suppress Lutheran farmers. However, the local

14 Mecenseffy, Protestantismus, 178.

priests continued to report subjects who owned Acatholic religious books, who worked on religious holidays, and who blatantly disobeyed the decrees of the Church and the territorial authorities. The Countess Lodron had to deliver an ultimatum to the inhabitants of her village, Himmelberg, in June 1660 giving Acatholics six months to register as Catholics or to sell their possessions and leave. If they took no action within the allotted time, their goods were to be confiscated, and they physically punished. She also ordered Catholics to attend mass and to observe Sunday rest and religious holidays.16 Reports by the Catholic Visitation Commission of western Carinthia in November 1665 indicated that the priests found no more of Luther’s writings and that the majority of the people, outwardly at least, were conforming to Catholic teachings. Visitation reports from 1667, 1670, and 1672/73 continued to be encouraging for the Catholics since they made no mention of finding hidden Protestant books. But by 1677 the problem had surfaced again. Another lord in western Carinthia declared that those who did not give up their forbidden books would be subject to physical punishment and loss of personal property. The problem of smuggling and possession of illegal books persisted until the reign of Joseph II.

Inner Austria was one of the areas where Charles VI (1711-1740) experienced the most trouble with Protestants during his reign. Despite the deportations and emigrations at the beginning of the eighteenth century, there were an estimated five to six thousand Acatholics in Styria and twenty thousand in Carinthia. In 1709 in the village of Gmuend alone, officials confiscated over one thousand Lutheran books. Treatment of the Lutherans varied greatly within each province and depended upon the enthusiasm and initiative of the local authorities. A local official in Paternion appointed his own commission of inquisition in 1711 and within a year had found and burned 410 books.

At the beginning of his reign, Charles established a Religious Commission, which he instituted to take the necessary steps to control and to improve the Catholic ministries, the properties of the Church, the spiritual condition of the congregations, and the activities of the priests. The Commission was made up of both secular and religious officials including the provincial governor and several other members of the provincial diet as well as the general vicar, archpriests, and prelates. Among other measures the Commission called in various orders of monks.

17 Mecenseffy, Protestantismus, 199.

18 Essentially the caretaker of a village which was owned by a lord, the Pfleger was responsible for collecting taxes, making judgments in minor litigations, and generally keeping the peace.
and nuns from all over the Empire in order to establish new houses for the purpose of reviving the teaching and charitable ministries in Inner Austria.19 The effectiveness of the Commission in the early years was shown by the increased number of appeals for help by Protestants in Styria and Carinthia to the Corpus Evangelicorum in Regensburg. The Corpus's own appeals to the emperor generally went unheeded, but they did have an occasional minor success. In 1725, for example, the body won the release of three Protestants from imprisonment in a village in western Carinthia.

The first open rebellion on a large scale against the reforms of the Commission broke out around Salzburg in late summer, 1731. By August the Emperor found it necessary to send troops to help the Church maintain order, and at the end of October the Archbishop issued an edict to deport all Protestants. As mentioned in Chapter I, the Archbishopric of Salzburg preferred to deal with the Protestant problem by means of deportations. As early as 1582 over six hundred inhabitants of the city had to emigrate because of their Protestant confession, and deportations continued during and after the Thirty Years War. In 1684 over one thousand persons were driven from Defreggenental but had to leave their

19 Franz Reischer, Der Protestantismus in Klagenfurt von der Reformationszeit bis zur Gegenwart (Klagenfurt: Selbstverlag der evangelischen Pfarregemeinde Klagenfurt, 1964), 49.
children behind. As a result of the rebellion over the Commission, over twenty thousand farmers and miners left the territory of the archbishop.20

Charles VI opposed extending the deportation order to his own provinces neighboring Salzburg, because he did not want to lose taxpayers. However, he also wished to root out any remaining Protestant sympathies, so he authorized local officials in Inner Austria to issue a series of decrees to tighten control over Acatholics there. Officials made more frequent searches for censored books, and farmers who did not voluntarily turn in books were deported. Border guards made closer inspections to prevent smuggling of literature. Craftsmen were not allowed to leave their villages in order to visit Protestant territories outside the Habsburg lands, and, if they did leave, they were not to be allowed to return. Finally, vagrants were forbidden to pass through the provinces for fear they might be smuggling heretical literature.21

These preventive measures were soon joined by positive efforts to promote Catholic teachings. In August 1733 the Emperor issued regulations in Styria and Carinthia requiring priests to teach regular Bible lessons for adults and


21 Paul Dedic, Der Geheimprotestantismus in Kaernten wahrend der Regierung Karl VI. (1711-1740) (Klagenfurt: Geschichtsverein fuer Kaernten, 1940), 56.
children in villages suspected of having Acatholics. Priests had to hold mass in all preaching stations in these two provinces every Sunday, and the Church had to establish new preaching stations and to send out new missionaries. Spiritual leaders had not only to collect heretical books but to replace them with Catholic literature. New religious commissions were established in Graz and Klagenfurt to recall ineffective priests and teachers, to close small schools, to oversee more closely the activities of local priests, to report heretics to local officials, and to build better housing for the priests. Funding for new houses was to come from the monasteries and convents in the area.22

Additional measures also failed to root out the last vestiges of Protestantism. In September of that same year the Emperor ordered two companies of soldiers to be stationed in Carinthia to enforce the new regulations, because there continued to be periodic discoveries of underground Protestants. In fact in 1734 an estimated 700 people from Upper Austria and 350 from Carinthia were transported to Hungary and Transylvania.23 However, a bishop reporting to the government office in Graz in 1740, the year of Charles's death, indicated that there had been little change in the religious conditions since the

22 Frank Ilwof, Der Protestantismus in Steiermark, Kaernten, und Krain vom XVI. Jahrhundert bis in die Gegenwart (Graz: Verlag Leykam, 1900), 189-190.

23 Mecenseffy, Protestantismus, 205.
beginning of his episcopacy. Heretics were not only more visible, he wrote, but their numbers among the farmers in Upper Carinthia were actually increasing. Even good Catholics were reluctant to report Protestant activity for fear of reprisal.24

Austria's war with Prussia over Silesia and other problems that the Habsburgs experienced on an international level, prevented Charles's successor, Maria Theresa, from dealing with issues in Inner Austria. In 1752 she issued the Styrian Circular, which prohibited the distribution or possession of Protestant books and condemned offenders to imprisonment in a House of Conversion, where through physical labor and re-education they would be persuaded to turn to Catholicism; failing that they would be sent to Hungary to dig trenches. In the same year she ordered a reorganization of the Catholic missions in Carinthia and issued new regulations in which the local village custodian would have more authority to examine newcomers in a village and to deny them permission to settle; to check the religious beliefs of other local office holders and remove those who were not faithful Catholics; to limit dancing and stop religious discussions in taverns; and to prevent the movement of censored literature.25 The Empress, in a third major initiative of 1752, began a new

24 Dedic, Geheimprotestantismus, 175.

25 Csernak, Herrschaft Paternion, 162.
series of deportations of Protestants to Transylvania that continued into 1774. Only statistics for the fourteen transports which occurred between 1752 and 1756 are available, but these show that an estimated 1,022 families were resettled (2,664 individuals-1,894 from Upper Austria, 71 from Styria, and 699 from Carinthia).26

The last major religious unrest in Inner Austria before the Edict of Toleration occurred between 1772 and 1774. During this time Catholic priests throughout the area recorded 380 new conversions to Lutheranism. In response Maria Theresa authorized what was to be the last deportation from these provinces in 1774, but Joseph II, co-regent since 1765, ordered an end to forced emigration in November of the same year. In December instructions from the governor in Graz to the chief administrator in Klagenfurt for dealing with Acatholics contained a remarkable difference in wording from previous orders dealing with the same subject. Now priests were directed to "persuade" heretics with "physical and spiritual means" and with "gentleness" to leave their false teachings.27

Persistent missionary activity by the Catholics from 1777 through 1780 appeared to bring the desired results.


27 From the chancellory to the Inner Austrian Gubernium, 3 December 1774, AVA, Evangelisch Kultus, Karton 1.
without the threat of deportation or other forms of persecution. Local priests and members of religious commissions visited non-Catholic homes, confiscated books, and preached to non-Catholics. Apparently, Protestant activity declined in Carinthia and Styria. Reports from village priests to the Bishop of Gurk from January to June 1781 were very encouraging. During these months the priests had registered no persons who were openly heretical, none who behaved unusually, and no suspicious transients. They had discovered no secret meetings and had confiscated no censored books. No one had left the Church during this time, and most were attending mass and observing the sacraments. Either the local priests were deceived or, far more likely, they were trying to hide the extent of Protestant activity from the bishop and the government lest it reflect badly on their efforts. The Church, the government officials, and the Emperor himself were not prepared for the relatively high number of persons who would register as Lutherans within the first year after the act of toleration was issued.

Before presenting the final version of the edict issued for Inner Austria and examining some of the early interpretations and applications of it for Carinthia, I must

28 In 1781 the Bishopric of Gurk included only the eastern part of the province of Carinthia.

29 Reports from parish priests to the Bishop of Gurk, January-June 1781, ADG, Faszikel 66.
first discuss some of the provincial institutions to clarify how the government machinery worked in granting dispensations and handing down judgments in disputes between Catholics and Protestants.

Prior to the reign of Maria Theresa, the nobility in the Habsburg hereditary lands had essentially absolute authority over their provinces. The provincial estates, the institution from which the nobility exercised their power, possessed the right to issue laws and to collect taxes as well as to control generally the lives of the subjects within the territories.30

Both foreign and domestic problems forced Maria Theresa to introduce major reforms in this government. Because Carinthia had not met its financial obligations in the War of the Austrian Succession, Maria Theresa selected it for many of her more severe administrative changes, which she began implementing in the summer of 1747. Some positions in the provincial diet, which usually met three times each year, were combined, while the estates lost many of their rights to appoint government officials exempt from paying taxes. The most significant reform of this period occurred in 1763, when the Empress proclaimed, virtually uncontested by the estates, that the court had the right to

name the provincial governor.31 This man, the government's leading representative to the provincial diet and one of only three officers who could preside over this body, formerly had been nominated by the estates and appointed by the court. Henceforth, the Empress essentially controlled the Carinthian diet.32 The next major changes in administrative centralization came in 1782 under Joseph II. He dissolved the position of governor in Carinthia and Carniola and made Graz the seat of the new Inner Austrian Gubernium, one of thirteen he created throughout the hereditary lands. Instead of having its own provincial diet, Carinthia now had two representatives on the governing board in Graz.

In 1748 the Empress instituted district circles throughout the provinces to ease the burden of the government in Vienna by enforcing laws, keeping watch over the estates, collecting taxes, recruiting for the military, controlling food supply, maintaining roads and sanitary


32 Of the other two officers designated to preside over the diet, the position of Burggraf had been vacant since 1748 while that of Burggrafensamtsverwalter, a type of vice-Burggraf had been filled only temporarily by another member of the diet. Hence, there was no effective leadership to organize the opposition in Carinthia to Maria Theresa's reforms.
conditions, and protecting property. In 1782 Joseph divided Carinthia, originally three circles, into two circles with seats in Villach in the west and Klagenfurt in the east, and the circles came under the direct authority of the Gubernium in Graz. The leading figure in the circle was a director, who had oversight of village officials, local military and tax districts, local courts, and the church and school parishes. Other members of the circles represented either an independent district, or the patrimony of a noble. Both the district and the patrimony comprised subdivisions of the circle. The Klagenfurt circle included mostly patrimonial officials, the Villach circle mostly those from the district’s bureaucrats. The lowest administrative unit of the government represented the village. The village assembly was made up of representatives who either were elected or had inherited offices. As previously mentioned the village custodians, local non-nobles, administered a portion or all of a patrimony.

In implementing the laws of toleration, the administrative structure theoretically promulgated policies downward through the regular chain of command: either the Emperor or the court chancellory passed a decision down to the Gubernium, which in turn forwarded it to the circles. The circles then issued the directive to the assemblies and

to the guardians for enforcement. Reports of disputes between Catholics and Protestants in the villages or in the countryside went back to the emperor through the same route. In the early years after Joseph released the edict, rulings almost always went through each level in the chain-of-command. Later in his reign the Emperor delegated much of the decision-making to the Gubernium and even to the circles.34

In addition to changes in the government, both Maria Theresa and Joseph introduced drastic reforms for the Catholic Church administration that were to affect directly the Protestants. Since the time of Charlemagne (d. 814), most of the territory known in the eighteenth century as Inner Austria had been divided between the Archbishop of Salzburg and the Patriarch of Aquileja. In 1751 Pope Benedict XIV dissolved the patriarchate and placed the Carinthian part of the old diocese (south of the Drau River) under the newly established Archbishopric of Gorizia. The Archbishop of Salzburg administered his territories with the help of general vicars and the three suffragan bishops of Gurk (northeastern Carinthia), Lavant (southeastern Carinthia), and Seckau (western Styria).35

34 Mayrhofer, Handbuch v.1, 4.

In 1782 Joseph ordered a more rational division of the bishoprics based on geography. As a result Salzburg remained the mother church for many metropolitans, although it lost its diocesan rights in Styria and Carinthia. The archbishop continued to appoint each bishop of Seckau and Lavant but only every third bishop of Gurk. The Emperor would select the two in between. According to the new boundaries, the Bishopric of Gurk, which previously had ministered to an estimated 38,000 people, was enlarged to cover most of the province of Carinthia and now included 17 deanats, 105 chapels, 280 preaching stations, and over 285,000 communicants. The new divisions would have an effect not only on Catholics, whom they were designed to help, but also on Acatholics. The Protestants in western Carinthia had experienced relatively little persecution before the Edict of Toleration because they were in a remote part of the Archbishopric of Salzburg. The redrawing of diocesan boundaries, placed them under the Bishop of Gurk, who was much closer and who quite naturally wanted to lead as many as possible back into the Catholic Church. Consequently, Acatholics experienced more difficulty in enjoying their new religious freedom than they would have.

36 Maier, Kirchengeschichte, 65. Carinthia in 1780 had 11 cities, 26 markets, and 2,801 villages according to Karl Mayer, Statistik und Topographie des Herzogthums Käernten (Klagenfurt: Kleinmaierschen Schriften, 1796), 32.
had they remained under the jurisdiction of the more distant archbishop.

The Protestants in Carinthia were almost exclusively farmers, and the majority were very poor. Before the Edict of Toleration, which allowed them to support a pastor and a teacher and to erect a building, they had three types of financial and physical obligations. The payment-in-kind was made to their lord and to the Church. **Robot** (manual labor), owed usually just to the lord, included work in the fields or around the estate. Not all subjects were obligated to **Robot** or to the same amount, which could vary from one to three days per week.37 Finally, there were taxes of every conceivable variety owed to the government, the lord, and the Church. It is estimated that in the 1780s, in addition to all the dues to the local lord and to the Church, thirty percent of a farmer's income went to pay government taxes.38 Thus, it was at extreme personal sacrifice that a group of Protestants would commit themselves to the additional financial burden of supporting a pastor or of building a meeting house, especially since they had to continue payment of some taxes to the parish church several years after the edict was issued in order to prevent the poor parish priest from starving.

37 Linz, *Herrschaft Himmelberg*, 73, 107, 125.

The final version of the Edict of Toleration issued for Inner Austria, not published there until 29 October 1781 and distinct from other versions (discussed in Chapter II), included several usual stipulations: the first article decreed that an assembly needed at least one hundred families before it could build its own prayer house and school. Families within several hours' walking distance could be included in the count, and families living farther away from the proposed building could visit the nearest group within the hereditary lands. Only subjects of the hereditary lands could serve as pastors. The pastor could visit those in his congregation and the sick, but it was forbidden to refuse a sick person's request to see a Catholic priest. It was also forbidden for a prayer house to have bells, a steeple, or door opening onto the main street. Protestants could partake of their sacraments and could determine their order of worship, and the pastor could accompany the body of the deceased at a public funeral.

Other articles provided that Protestants could employ their own school teacher at cost to the congregation, but the government authorities would determine the teaching method and curriculum. Also, a congregation could take the responsibility to select a man when it could fully support him; otherwise the circles would select a candidate. All candidates had to be confirmed by the consistory in Vienna. Further, Protestants had to continue to pay the basic tax to
the Catholic Church for baptisms, weddings, and burials, although political officials, not the Catholic Church, would decide religious cases involving Protestants under advisement from Lutheran theologians or pastors. Concerning children of mixed marriages, when the father was Catholic, he was to raise all children as Catholics. If the father were Protestant and the mother Catholic, they were to raise sons as Protestant and daughters as Catholic.

The seventh and final point of the edict discussed civil rights. Non-Catholics were permitted to buy houses and goods, to receive civil and professional rights, and to attain academic and government offices based on consideration of individual cases and granted by dispensation. No oath or participation in a procession or ceremony was required if it were contrary to a person's beliefs. Bestowal of offices or privileges was to be based on a person's integrity and competence, not his religion. Requests and applications for these rights were processed from the circles through the Gubernium to Vienna.39

The version for Inner Austria, like all other versions, recognized only Lutheran, Reformed, and Greek Orthodox among the tolerated religions. Since its

introduction at the time of the Protestant Reformation, Lutheranism was the only one of the three that had taken root and developed in Carinthia.40

As was the case in the other hereditary lands, the new legislation in Carinthia raised many questions regarding detailed implementation and possible consequences. Almost immediately Joseph began to issue interpretations, clarifications, and warnings for this province as well. Provincial officials raised several questions. What should be done with Protestants returning from deportation? Where and before whom should the registrations of non-Catholics take place? Over which issues could political officials dictate to the bishop? Who should finance the practical measures of implementing the toleration edict? Where could the Protestants get building materials for their prayer houses? At first local officials, considerably less supportive than the Emperor of the Protestant efforts, hoped that the Protestants would soon overextend their meager resources so that those efforts would fail.41

However, the movement away from Catholicism did not collapse or even decline. On the contrary, by early July of 1782, over 8,000 people in western Carinthia had

40 Because the focus of this work is this one province, the terms Lutheran, Protestant, Acatholic, and non-Catholic will be used interchangeably, and all can be assumed to mean Lutheran unless otherwise specifically stated.

41 From the Villach circle to the Landeshauptmann in Klagenfurt, 30 June 1782, AVA, Evangelisch Kultus, Karton 1.
converted to Lutheranism, and by the end of July, the number had increased to over 9,200. Shocked by such numbers of professions, provincial officials expressed growing concern in their reports to Vienna. The chancellory began discussing options to slow or to stop the spread of Protestantism, but Joseph added a note in the communique to the Carinthian authorities that neither provincial nor circle officials were to hinder the Acatholics in any way in their efforts to build buildings or to call pastors.42

With the continued increase in the number of Protestants throughout 1782, the Emperor began to change his mind. By the end of the year, he was prepared to institute a six-week course in Catholic doctrine that had been proposed by staunch Catholics with the hope of turning the tide.

Later monitoring of events in Carinthia gradually eased the initial concern in Vienna. In addition to the priestly visitation commissions, which had the responsibility to report to the government on Catholic and Protestant matters, Joseph also introduced visitations by government officials to the provinces. Representatives from the court in Vienna traveled throughout the hereditary lands and reported on all aspects of life in the provinces and on the effects of the Emperor’s reforms in such areas as local government, schools, hospitals, postal service, churches, and convents.

42 From the chancellory to all Landeshauptmaenner, 24 July 1782, AVA, Evangelisch Kultus, Karton 1.
In one enthusiastic appraisal from mid-1784, an inspector noted that the toleration laws in Carinthia were being enforced and obeyed exactly as intended but that there were still a small number of books in circulation that slandered the Catholic Church. This report proved to be overly optimistic.43

CHAPTER IV
CATHOLIC REACTION TO THE EDICT

It is important to note that the Catholic Church had more to deal with at this time than simply adjusting to the government's recognition of the Protestants newly-granted legal status. Since the reign of Maria Theresa, the Church had become the subject of an increasing number of governmental reforms that, under Joseph, would seriously challenge the very foundation of Catholicism: the authority of the pope.

One set of reforms dealt with the calendar of church holidays. In the last major addition to an already large number of religious holidays, Pope Urban VIII in the Bull Universum per orbem (1642) declared feast days in honor of all of the apostles, John the Baptist, and a number of other saints, thereby expanding the annual number of holidays to thirty-nine, not counting Sundays. To bring in more income for the government, Maria Theresa reduced the number of free days in order to increase the work and productivity of her subjects. Following the lead of Spain and Naples, the Empress in 1754 reduced twenty-four holidays to half-day celebrations, leaving only fifteen full religious days in
the year. Problems with these half-day holidays arose immediately. Farmers grumbled that they had to go directly from morning mass to work in the fields in their church clothes. Consumers complained when businesses, allowed to open at 11 a.m. on half-days, raised their prices on those days by thirty percent, presumably to make up for business they had lost while being closed in the morning hours. Persons at mass complained of disruption caused by noise from the market places and chickens flying into the service. Maria Theresa apparently agreed. By 1770 because of "rational, religious, and moral" reasons, she restored the full holidays. However, by June 1771 Pope Clement XIV had combined a number of holidays but emphasized that the whole day of Sunday was to be dedicated to God. Government officials should not gather; coffee houses, taverns, and public gardens were to close; and farmers were not to drive their cows to pasture before the morning mass.¹

Maria Theresa also sought changes in the administration of the monasteries and religious orders throughout the Habsburg lands. Early measures raised the age of admission to a convent from twenty-one to twenty-four and decreed that a candidate would not have to pay a fine if he left the monastery. If an order demanded payment from a person contrary to law, the order itself was to be fined three thousand gulden with one third of this sum awarded to the

¹ Tomek, Kirchengeschichte, 225.
person who reported the violation. If a second violation were reported, the superior of the order would be deported from the hereditary lands, and the order itself closed. In 1768 the Empress began taxing Church property, and in 1770 she required convents to take inventory of their belongings and to report the result to provincial authorities. Members of convents were prohibited from writing wills, and superiors no longer had full control over pensions and other financial matters. Orders could no longer send money to Rome, and even correspondence with the pope had to pass through the chancellory in Vienna.

In addition Maria Theresa reduced the number of religious processions, limited the number of new brotherhoods, and ended pilgrimages to Rome, Aachen, and Cologne. She also prohibited convents from receiving income from sources outside the hereditary lands, forbade purchase of property by orders, and enjoined priests not to hold secular jobs in addition to their parish responsibilities.

The Empress delegated to the lay commissions extensive powers to supervise Catholic missionary activity in Carinthia. Missionaries were to announce to their parishioners all decrees and orders relating to religious

2 Ibid., 227-228.

matters, and patrimonial officials and subjects were to inform missionaries of any problems in religious matters. (Under Joseph, people would register their problems with the civil authorities.) Missionaries had to report popular reactions to new decrees once a month to both religious and political officials. The lay commissioners were to censor book traders closely, to arrest any trouble-makers, and to keep under surveillance anyone who continued as an Acatholic. Corporal punishment, usually hard labor, was used to bring individuals back to the Catholic Church. If someone died as a result of excessive punishment, the body of the deceased was to be prepared by a priest and buried quietly in an isolated place. Nonetheless, the lay commission was not to protect a recalcitrant missionary and was to remove anyone who was too zealous.4

Opposition to the reforms of Maria Theresa came through the years from all levels of the Church, but the men who tried to stop or at least slow the changes could never consolidate their efforts enough to make a significant difference. The papal nuncio to Vienna, Archbishop Joseph Garampi, was perhaps the sharpest critic of the reforms and later, of the Edict of Toleration. State Chancellor Kaunitz responded to his criticisms by declaring that anyone who did

4 Instructions from Maria Theresia to the secular commissioners who had oversight of Catholic missions, approximately 1752, KLA, Herrschaftsarchiv Portia, Fasz. 355/350/17.
not want to obey the new laws because doing so would violate his conscience could leave the country. Garampi did just that during Joseph II's reign, in August 1785.

Other noteworthy opponents to policies of Maria Theresa and her son included the Primate of Hungary and Archbishop of Gran, Joseph Count von Batthyani; the Archbishop of Olmuetz, Anton Theodor Count Colloredo-Melz and Wallsee; and the Bishop of Bruenn, Matthias Franz Count von Chorinsky. Because the Archbishop of Gorizia, Rudolph Joseph Count Edling, refused to publish the Edict of Toleration in his diocese, the Emperor called him to Vienna in March 1782 to explain his position, and eventually dismissed Edling from his seat.5 Perhaps the most enduring adversary of the toleration was Christoph Anton Count Migazzi, cardinal and Archbishop of Vienna, who was a faithful servant of Rome until his death in 1803.

Notwithstanding considerable opposition from higher Catholic circles to government reform of the Church, many influential religious leaders supported the new measures as being not only beneficial to society as a whole, but also good for the Church itself. Johann Nepomuk Bartholotti, professor of theology at the University of Vienna, supported religious toleration based on his reading of the Bible, the Church fathers, natural law, and his own experience. The Abbot of Braunau, Franz Stephan Rautenstrauch, head of the

5 Frank, Das Toleranzpatent, 126.
court commission on cultic affairs and theological advisor to the Emperor, also favored increased religious freedom.

Johann Leopold Hay, Bishop of Koeniggraetz, was the first bishop to defend the Edict of Toleration in writing.6 In his pastoral letter of 20 November 1781, Hay maintained that the new edict was consistent with Catholic doctrine. He further stated that the Church must be prepared to return "to teaching the universal, unconditional love of man through which the teaching of Christ had conquered the world."7 In addition, the priests in his diocese had to stop preaching inflammatory sermons, put an end to searching homes and confiscating books, and allow Protestants to be buried in Catholic cemeteries until the Protestants could obtain their own sacred ground. Hay ordered strict adherence to his instructions within his diocese.8

Another Catholic clerical supporter of the edict, the Bishop of Laibach, Johann Carl Count Heberstein, published a pastoral letter endorsing toleration on 30 May 1782. The opposition immediately labelled the "most radical representative of the Enlightenment in clerical garb";

6 Maria Theresa had sent Hay in 1777 to investigate religious unrest in Moravia; he had blamed it on incompetent Catholic clergy and had recommended persuasion rather than oppression to bring people back into the Church.


8 Ibid., 76.
considered by many of his detractors considered him to be half Lutheran.9 Joseph wanted to grant this bishop the title of archbishop in 1785, but the Pope objected strongly because Herberstein's doctrine was "infected with heresy." The bishop died in 1787 before the matter could be settled.

Joseph II had ordered Joseph von Auersperg, Bishop of Gurk and an ecclesiastical advisor to the Emperor, to redraw the diocesan boundaries in 1782. As early as September 1781, Auersperg had written to the priests in his diocese that the government's policy toward the Protestants was consistent with Christian teachings on love of fellow man. It is important to stress that, in addition to offering varying degrees of support for the new Act of Toleration, these bishops and a number of other clerics enthusiastically welcomed the radical measures Joseph proposed for the Catholic Church itself.

Although the Emperor bore the brunt of the attack from those who resisted the change, it was in fact the reform-minded bishops themselves who introduced most of the six hundred new laws for the Catholic Church between September 1780 and November 1783.10 The large number of decrees does not indicate that Joseph had no direction to his policies for the Church. On the contrary, his measures

9 O'Brien, Ideas, 42.

were comprehensive, generally rational, and designed officially to strengthen the Church. Many parishes had no priest to minister to the faithful. In order to train more men for the priesthood, Joseph founded the General Seminaries, which emphasized practical theology and service to the State rather than to Rome. To provide financial support for new priests, Joseph closed a number of convents of contemplative orders, sold their property, and put the profits into a newly created Religious Account which was used to underwrite the new institutions and their graduates.

As early as 1770 Kaunitz had written of the need for reforms among the monastic orders. Too many orders, he remarked, were a disadvantage to the State and to the Church. Catholic states, he continued, were declining in strength and influence while Protestant governments were rising. Celibacy in particular hindered population growth. Monasteries and convents had more worldly possessions than the laity but fewer obligations to society.11 It should be noted that throughout the 1770s, the weak condition of the economy in Carinthia contributed as much to the closing of some monastic communities as did the reforms of Maria Theresa and Joseph.

The first big wave of monastic closures after Joseph's assumption of sole rule lasted about a year and a half. In

11 Tomek, Kirchengeschichte, 379.
December 1781 Kaunitz informed the Church hierarchy of the Emperor's decision to close those houses that did not serve society in any practical way. Orders that did not maintain schools or care for the sick were to surrender their possessions to provincial authorities, who would in turn use the money from the sale of the property to fund a pension for clerics who came out of the disbanded cloisters. The plan meant an end in the Habsburg lands to virtually all of the contemplative societies, such as the Carthusians, the Eremites, the Carmelites, and the Claretians.12 Joseph removed the remaining orders from the authority of Rome and placed them within the administration of the local bishops. The only major concession that Pope Pius VI, in his visit to Vienna in the spring of 1782, could wring from the Emperor was to grant to the bishops rather than the provincial authorities the power to distribute the proceeds from the sale of cloister property.

The second wave of closures took place between 1783 and 1787 concurrent with the great reorganization of the dioceses and parishes. During this period the Emperor disbanded hundreds of convents and charities throughout the hereditary lands and prevented the establishment of many more parishes and counseling stations. As if it were not difficult enough for them losing their living quarters and livelihoods, the government also prohibited members of

12 Kovacs, Klosteraufhebung, 171.
dissolved orders from going to convents in other countries or from taking work in secular professions. These clerics had either to seek membership in another monastic order, or go into retirement and receive support from the Religious Account. Joseph had planned to close over four hundred more cloisters beginning in 1791, but because of his death and lack of general support within the government, this third wave never occurred. By 1787 over 730 convents had been closed, the property sold, and 32.5 million gulden deposited in the Religious Account. Throughout the Habsburg lands there remained over 1,400 cloisters with a combined membership of approximately 40,000 men and women.

Besides providing income for the retired clerics, the Church used the special fund to finance the General Seminaries. Joseph issued a decree in November 1781 in which he forbade students within the hereditary lands from studying at the Collegium Germanicum in Rome. Henceforth, to serve as a priest in the Habsburg provinces, a man had to complete a course of study at a general seminary where the emphasis fell less on the theoretical and more on the practical areas of ministry, such as preaching, teaching, and caring for the sick and the poor. The instructors also placed less importance on allegiance of the clergy to Rome and more on their usefulness and service to the State. The Church established seminaries in Vienna, Pest, Pavia, and

Loewen, with branches in Graz, Olmuetz, Hradisch, Prague, Innsbruck, Pressburg, Freiburg, Erlau, and Agram. In March 1783 the Emperor ordered theologians to attend general seminaries. At the same time he ordered that all courses in philosophy and theology be dropped from the curriculum of diocesan seminaries and monastic schools. While the idea of more practical training was sound, the general seminaries never brought the desired results. A combination of substandard texts, incompetent directors, and poorly trained teachers caused the Emperor's successor, Leopold II, to drop the program.

In addition to reforms in the cloisters and the seminaries, Joseph made some radical changes in diocesan and parish boundaries for the Catholic Church, one of which, the basic geographical realignment extending the bishopric of Gurk, has already been described. Another appeal for diocesan boundary reform came from Bishop Herberstein of Laibach. In a letter to the Emperor in October 1781 the bishop requested help in uniting his fractured parish. As a result, the Emperor began introducing changes in diocesan regulations even before the Pope's visit to Vienna in March 1782. The committee selected by Joseph to make the changes

14 Ibid., 452.

15 Like so many of his other reforms, Joseph's idea for schooling in practical ministry was simply ahead of its time. When Pope Pius X first founded general seminaries in Italy at the beginning of the twentieth century he gave credit for the concept to the emperor.
recommended establishing only a few new bishoprics, training new bishops in Austrian universities, and granting final authority to provincial officials rather than to Rome for decisions on local religious matters. All orders unassociated with a bishopric were to be dissolved and the ordinaries assigned to remaining parishes. In each province diocesan boundaries were to be drawn according to the distribution of population and language. No diocese should interfere with the work of another, but the ordinaries were to consult the provincial authorities on all non-religious matters. This was an effective tactical move to bring the Church more into the administrative structure of the State.16

The work of the Church in the local parishes had an effect on every subject in the Habsburg lands. Therefore, in the interest of the State, Joseph believed that parish-parishioner relations had to be improved. In February 1782 the government distributed through the circles in Lower Austria a questionnaire and gave the people fourteen days to respond. The following questions were typical of those in the survey: How far away was the nearest church? Are church services held every Sunday and holiday? What was the income of the church, and was it

enough to support a priest? Was payment made in money, in kind, or in labor? Using the answers as a guide, the Emperor approved different standards for parishes in cities and for those in rural areas. In cities the Church was to organize a new parish for every one thousand residents; in the villages, for every seven hundred. The Church could also establish a new parish if spiritual advisors were lacking because of there being fewer clerics in cloisters, but no priest could go to a house for visitation if he had to pass through another parish in order to get there.

The government had considerably more difficulty introducing and enforcing the new directives in the countryside. While the laws declared that a village had to have seven hundred inhabitants before the Church could form a parish, the Church was required to erect chapels anywhere that water, high mountains, snow, or bad trails would otherwise impede the arrival of worshippers and where communicants had to walk more than one hour to attend mass. If parishioners were not able to support a priest through their offerings, the Church should subsidize his income from the treasury of the diocese. Of all the holders of Church offices, it was the parish priest perhaps who had the most difficult work. He had to find the balance between

18 Ibid.
loyalty to the Church, obedience to the Emperor, and ministry to the people.

It was not long before the new changes directed at the Church came to the attention of Pope Pius VI. He had been contemplating a trip to Vienna since spring of 1781, when news of the Edict of Toleration and the dissolution of the first cloisters reached Rome, and he wrote to Joseph expressing a desire to visit him very soon. Pius arrived in the imperial capital on 22 March and remained until 21 April 1782. There was the usual amount of ceremony and sightseeing, but the Pope, in a desperate attempt to reassert the authority of Rome, also presented Joseph with a number of demands. The Emperor was to take the most expedient and effective means to prevent the Act of Toleration from harming the Church, which included revoking any measure that might lead to apostasy, returning to the Church the right to censor books, and providing at least a satisfactory explanation for his issuing the placetum regium, which declared that provincial officials had final approval of religious matters (even papal bulls) in their territories. Joseph could still require that the bishops swear an oath to the emperor, but he must change the wording so as not to contradict their oath to the pope. The Emperor should have no part in deciding what was to be done with the

property of convents, and if it were absolutely necessary for the government to intercede in monastic affairs, it had to follow Church policies for regulation. As an offer of conciliation, even though the Church had always held the right of granting dispensations for marriage, Pius was willing to share part of that right with the State. Finally, the Pope gave assurances that he would carry through with the necessary reforms in the convents that remained open.20

In his response Joseph wanted to give the appearance of being independent from Rome but at the same time to communicate his sincere fidelity to the Catholic faith. He argued that there was no way in which the Edict of Toleration could be interpreted as an open door for apostasy. Apostasy remained a forbidden and punishable offense, and all the edict did was grant legal recognition to Acatholics. The Emperor sidestepped the issue of censorship for the time being but explained that the placetum regium in no way pertained to Church dogma and was, therefore, perfectly within the bounds of governmental authority. Joseph, on the advice of Kaunitz, seemed willing to make a concession on the oath of loyalty for bishops, but the government, he continued, would retain the right to supervise the sale and redistribution of monastic property. Finally, in addition to the options of joining another

20 Tomek, Kirchengeschichte, 420.
order, merging with a sanctioned community, or retiring, the
Emperor did permit the clerics of disbanded cloisters to
emigrate. When the Pope left Vienna in April he had to
acknowledge the failure of his mission. The only tangible
concession that he was able to wring from Joseph was the
Emperor’s reaffirmation that he was a faithful son of the
Church. But the monastic closures continued.

While the Pope was less convinced of the benefits of
toleration and enlightened religious reform, some of his
bishops were more willing to recognize the need for change,
to support the Emperor’s innovative proposals, and to adapt
to sometimes confusing circumstances as the government
continued to redefine and to apply its policies for
Catholic-Protestant relations. As previously mentioned, the
Bishop of Gurk championed the Emperor’s plan to improve the
status of Acatholics. Joseph Anton Count von Auersperg, who
became Bishop in Gurk January 1773, fully supported the
Emperor’s philosophy of state control of the Catholic
Church, administered by rational principles and his
policies on toleration.22

Auersperg advocated reform within the Church in order
to protect Catholics from the perverted Protestant
teachings. In the early years of his administration, he

21 Ibid., 421.

22 Jakob Obersteiner, Die Bischoefe von Gurk 1072-1822
(Klagenfurt: Verlag des Geschichtsvereines fuer Kaernten,
1969), 476.
only passively acknowledged toleration of non-Catholics. When missionaries in Gurk had reported the names of farmers who had Lutheran books, the bishop passed on these names to the religious commission in Klagenfurt and requested the assistance of the authorities in preventing Catholic youths (contending that they were so easily influenced) from working for these farmers. He also instructed his priests not to turn their backs to the congregation during public prayer. By doing this the clerics could more readily observe who was acting suspiciously and who might, therefore, be an Acatholic. The clergy also had to keep the people from reading the Bible because this led to questions of interpretation, had to make certain that children received no instruction against the Catholic Church at school or at home, and, on a more tolerant note, had to stop paying village officials to spy on individuals.23

After Joseph had issued in June his patent on religions that recognized Protestant parity with Catholics except in the area of public worship, Auersperg circulated a pastoral letter supporting the edict and addressing potential problems that priests might encounter.24 The bishop did make one major deviation from the Emperor's decree. The bishop spoke to the issue of "civil

23 Instructions from Bishop Auersperg to the parish priests, 9 January and 17 February, ADG, Karton 63.

24 Instructions from Bishop Auersperg to the parish priests, 6 September 1781, KLA, R.Lh. CIX.
toleration," supporting Acatholic equality in commercial, governmental, and academic areas, but, he noted that if toleration included religious matters, it could be very disturbing to those with "the only blessed Catholic religion". He gave every assurance that he was not questioning the Emperor's loyalty to the Church. Auersperg acknowledged that forced conversions to Catholicism were impractical. Acatholics, having closed their hearts to God's truth, had to be treated as Christian brothers and with love and gentleness led back to the Church. A demonstration of love on the part of the Catholics might not only bring back those who had strayed; it might also make it easier for Catholics in lands under Protestant princes, and perhaps these princes themselves might return to Catholicism. However, anyone who proselytized excessively would be punished.

The bishop encouraged his priests not to view this civil toleration as a new Protestant uprising and to calm any similar fears among their congregations. When persons came into church to register as Protestants, the priests should try to persuade them to return to the Church. If persuasion did not work, the priest was to threaten that the person's name would be reported to the religious commission in Klagenfurt, where he would probably be labelled a heretic. Priests could not dispense the sacraments to a heretic but could baptize their children. They could also
superintend wedding vows but should discourage mixed marriages. Finally, priests could not bury non-Catholics in consecrated ground but could inter them in land adjoining the Catholic cemetery. The Church leadership had always to treat Protestants with the purpose of leading them back to the Church.

Auersperg support of the toleration, even if it were not from the motivation Protestants might have wished, can be appreciated all the more when compared with a message from the bishop of the neighboring diocese, the Lavant, to the Klagenfurt authorities written a few weeks before Auersperg released his pastoral letter. Regarding the Emperor's June patent, the bishop argued that the Austrian hereditary lands had been Catholic for over two hundred years and that, according to a decree in 1752, local lords were to accept no subject who was not Catholic, to allow no house to be sold without Church approval, to have priests censor all books in the area, to assign only Catholics to civil posts, and to prohibit any suspicious assemblies. The Bishop of Lavant continued that since 1600 with God's help the Church had witnessed no secret or public Protestant assemblies in the Lavant or in Styria and saw no reason to change. He was convinced that people converted to Protestantism out of hard-headedness, pride, or ignorance.

25 Letter from the Bishop of the Lavant to Klagenfurt officials, 4 August 1781, ADG, Karton 66.
rather than true knowledge, and that all of the good work of the Church in the past one hundred eighty years would be wasted if Protestants were granted parity. This legal recognition would give people the incorrect impression that they could be equally blessed in either religion.

Even though it was obvious that the Bishop of Gurk was far more enlightened than his fellow bishops, even he apparently had not quite grasped the spirit of the toleration that the Emperor had in mind. In December the provincial governor of Carinthia, in a letter to the Emperor, recommended that Auersperg’s pastoral letter be recalled, edited, and circulated again.26 The bishop should replace the term "civil toleration," which made a distinction between civil and theological toleration, with "Christian toleration." The governor further suggested that Joseph order the bishop to include in the revised letter an order that all religious discussions between Catholics and Acatholics be avoided, that the term "heretic" no longer be used by priests, and that Acatholics not have to receive religious instruction by priests before they registered as Protestants. Priests should perform weddings only when one or both parties were Catholic, and civil officials could marry non-Catholics until they had their own pastor since it was not the responsibility of the clergy to interfere in a

26 Instructions from the chancellory to Bishop Auersperg, December 1781, KLA, R.Lh. CIX.
mixed marriage. If Acatholics did not have their own pastor or cemetery, a priest must perform the burial service but should not stress exclusively Catholic doctrines. Finally, a political and not a religious commission should investigate any cases of alleged proselytizing by Protestants.

The Emperor accepted essentially all of the recommendations of the governor (with an additional comment that the bishop, not the government, was to make the final decision on all questions pertaining to doctrine) and instructed Auersperg to make the necessary changes. In February 1782 the bishop published his revised pastoral letter on "Christian toleration" and exhorted the priests in his diocese to support the new patent that the Joseph had issued in October.27 The bishop incorporated most of the changes suggested by the provincial officials but never did acknowledge that toleration implied the acceptance of a permanent co-existence of different religions. Throughout his letter he continually admonished the clergy that toleration was another method, a better way than persecution, to work for the unity of the faith in Carinthia and to win Protestants back to Catholicism.

Even though the bishop generally supported the Emperor's policies for toleration and Church reform, a

27 Auersperg's pastoral letter to the parish priests, 20 February 1782, ADG, Karton 66.
number of priests were less enthusiastic about accepting the new legal status of their wayward brothers and dealing with the additional problems that resulted from the new regulations. Reports from throughout the Bishopric of Gurk during the first year the edict was in effect indicate that many of the parish priests did not have as much confidence in the principles of toleration for dealing with the situation as their bishop did. Visitation commissions related to Auersperg that his pastoral letter had not brought the desired results. Many priests were now viewing all non-Catholics with suspicion rather than treating them with the love and gentleness that the bishop had encouraged, and some believed that they were actually doing God a service by advocating persecution from the pulpit. But the people themselves were the cause of much of the bitterness that the priests were communicating. The people, incited by libelous anti-Catholic handbills and brochures, were agitating against the clergy with verbal and sometimes physical abuse. The commissioners observed that the people were so "mean-spirited" that it would take a miracle to lead them back to the Church. The biggest problem was that so many wanted to read something on their faith, and there was nothing available except Protestant literature. Another problem was that workers and servants

28 Report from a priest in Kraig, 20 June 1782, ADG, Karton 64.
of the Catholic faith who worked in non-Catholic households were too quickly converting to Lutheranism.

The commissioners made a number of suggestions to the bishop that might have eased the tensions, including removal of unpopular priests, offering the Eucharist in both kinds, (as requested by non-Catholics and Catholics alike), hiring more teachers who supported toleration to provide good models for school children, and finally, since the people liked to read so much, using funds from the religious commission to print and distribute good Catholic literature. These measures, argued the commissioners, should encourage those weak in their faith and help the workers in Protestant households, but they concluded that it would take a "miracle" to reverse the present trend toward Lutheranism.

According to some village officials, the situation for Catholics was indeed serious. Reports from western Carinthia indicated that the populace of a whole district had overrun one parish and tried to force the parishioners to become Lutheran. The officials had requested troops from Klagenfurt to restore peace, but authorities there reminded those in the village of an earlier decree from the Emperor that declared the circles, not military detachments, would be used to settle religious questions.

In July 1782 Auersperg passed on to Joseph the observations and recommendations of his visitation
commissioners.29 The bishop remarked that it was especially regrettable so many people were leaving the Church not because of the appeal of the Lutheran doctrine but because of dissatisfaction with the Catholic priests and pressure by family members. He named several priests he planned to transfer because of their belligerent natures and several he could not move because of their poor health. The bishop reported that fifty thousand gulden had already been collected to improve the quality of Catholic literature. For Catholic domestic servants, he had granted a dispensation so that those who worked for Protestants could eat meat on religious fast days if their employers chose to disregard the traditions of the Church. Auersperg admitted the risk of losing the weak in faith to the Protestants, but the danger of losing others would increase if the period in which a person could convert remained limitless. He argued that the Emperor needed to set a date after which no more conversions would be accepted.

The Klagenfurt circle rejected the bishop’s proposal to transfer the obnoxious clerics, but Auersperg firmly believed that this step was necessary to bring peace to the area and therefore appealed directly to the Emperor.30 The bishop explained that the priests in question would be

29 Report from Auersperg to the emperor, 27 July 1782, KLA, R.Lh. CX.

30 Appeal from Auersperg to Joseph II, 23 August 1782, KLA, R.Lh. CX.
transferred to an area which had fewer problems with Protestants, and that the clergy whose places they were taking would receive other parishes. Both the Archbishop of Salzburg and the Bishop of Gorizia had objected to the transfer because the parishes in question did not officially belong to the Gurk diocese yet, but Auersperg said that was a matter to be settled within the Church.31 The transfer was explained not as a punishment for those clerics because so many in their parishes had converted to Protestantism, although he acknowledged that it certainly might be viewed as such.

Officials in the Klagenfurt circle, in part as a result of their newly granted power in publico ecclesiasticus and in part from a need to control Auersperg's zeal for reform, continued to respond to the bishop's proposals.32 They reported that the objections to the transfers by the Archbishop of Salzburg and the Bishop of Gorizia were based not on boundary disputes but on the lack of clergy qualified to replace the priests in these troubled parishes. The circle added that fifty thousand gulden did not exist in the Church account to publish new Catholic literature, and, in any case, it would not be good

31 The Catholic church had begun the discussion in 1782 on re-drawing the diocesan boundaries, but some lines would not be final until 1786.

32 Letter from officials of the Klagenfurt circle to the Emperor, 17 October 1782, KLA, R.Lh. CX.
to take that much from one local account. They suggested
instead that the Church make an initial printing of three
thousand books for distribution at a substantially lower
cost and see how they were received. While books already in
Protestant houses should not be confiscated, the circle's
report continued, the censorship commission should
henceforth control books going to non-Catholics. The
government's education commission, not the Church, would
place qualified teachers in all schools. The circle
authorities did agree with the bishop that persons left
Catholicism not because they necessarily agreed with
Lutheran doctrine but because of grievances against the
Catholic Church, such as the dogma of purgatory, prayers to
the saints, receiving only one element of the Eucharist, and
the role of priests. They also agreed that, because of the
growing number of defections from the Church, it was
necessary to set a date after which no more conversions
would be accepted.

Joseph, in deciding between the bishop's proposals and
those of the circle, diplomatically took the middle road.33
He instructed the bishop to reassign the priests and to use
whatever money was available from the Church account for new
books. It was necessary to remove the malicious Protestant
literature but not by means of house searches; the circles

33 Instructions from the emperor to the Klagenfurt
circle, 14 December 1782, KLA, R.Lh. CX.
were to order individuals to turn in inflammatory printed matter. The government would select teachers and curriculum. There was no need for the bishop to grant a dispensation that allowed Catholic workers of Acatholic masters to eat meat on fast days because most of the workers in question were servants of the provincial government. The government, not the Church, could permit them to eat meat. This issue was essentially moot since these servants usually did not receive meat at all. Finally, heeding the warning of both the bishop and the circle, the Emperor announced that 31 December 1782 was the last day on which people could convert to Protestantism by a simple declaration. Beginning in January those who wanted to leave the Church would first have to complete a six-week course of instruction in Catholic doctrine to ensure that they fully understood.

While the bishop dealt with the circles and the chancellory on matters relating to the toleration, it was the parish priest who daily encountered Protestants and who by the example of his own behavior and teaching contributed greatly to the success or failure of the new legislation. Relations between Catholic priests and their non-Catholic neighbors varied greatly from village to village, depending in part on the personality of the local clerics. Attitudes ranged from open hostility to resigned acceptance of coexistence.
Excerpts from a diary kept by the vicar in Arriach in western Carinthia provide some insights into the problems of the average clergy.34 In an entry preceding the Edict of Toleration, the vicar noted that after the Emperor issued a decree in April 1774 reducing the punishment for dissident Protestants, verbal and physical abuse against Catholics in surrounding parishes increased. In taverns, a favorite gathering place for non-Catholics, there was talk that the area would soon have more Protestants than Catholics. By June 1781 rumors of an impending toleration for non-Catholic denominations were widespread, but inhabitants had a variety of reactions to this story. Some said it was just gossip, others that it was a trap to lure Protestants out of hiding and confiscate their books, and still others that a decree of toleration was imminent but that they did not trust local officials to protect them from the Catholics. In fact, in parts of Carinthia the new law was not announced publicly until early December.

Late in December someone tried unsuccessfully to break into the vicar’s house. The vicar assumed the man wanted money until he heard later that the intruder wanted to steal a Bible. It was then that the vicar recalled a visit earlier in the month from a man who came by on the pretense

that he wanted to make a confession, only to admit after some time that he had come to ask for the return of his Protestant books. When the vicar asked if he wanted to leave the Church, the man responded that he did not, but he did enjoy reading and since the Emperor now permitted people to have such literature, he would like to have his books returned. When the vicar told him that he had either burned the books or had turned them over to the village officials, the man asked forgiveness for the disturbance and then left. Although this was a strange tale indeed, the vicar believed the explanation behind the attempted break-in to be genuine. A similar incident occurred in January when an eighty-year-old man followed the vicar home after morning mass and requested the return of his Bible. The vicar explained that there was no provision in the Edict of Toleration that allowed Catholics to own Protestant books, but he thought this man to be a non-Catholic and from that time on anticipated another attempted robbery.

After the edict was enacted, there was increasing pressure from Protestants for others to leave the Church and register as Acatholics in order to reach the legal number of communicants required to call a pastor. The vicar also recorded some of his experiences with this problem. He noted that non-Catholics would confront persons on the street, nail warnings on church bulletin boards, and
threaten to drive stubborn Catholics out of the province all in an effort to convert them to Protestantism. One day four young men came to his house to confess their part in some Protestant troublemaking. Declaring themselves loyal to the Church, they contended that they had been forced to join the crowd and claimed that they had all been reared in Protestant families to explain why the vicar had never seen them at mass. When he asked if they disliked anything about the Catholic religion, they replied that such a question no longer mattered since there were now three other equally valid religions, although one expressed a special distaste for honoring the saints. The vicar tried to show them the error of their ways, but they did not want to talk any longer.

The vicar recorded hearing of a similar incident in an adjoining parish. A man went to the cleric complaining that there were too many weaknesses in Lutheran teachings and asked for instruction from a priest until he was convinced from the Bible and from reason that the Catholic faith was the correct one. The man returned the next day; he said that he had been unable to sleep during the night and had decided that problem to be a sign for him to remain Protestant. The vicar thought that the man had been threatened. In another case the clergy were shocked to learn that eighty families who had been good Catholics suddenly registered as Protestants. After talking with some
of the families, the vicar learned that they had not left the Church at all, but someone had turned in forged conversion statements in their names.

This vicar also wrote that funerals were a major source of problems as long as the Protestants had no land for their own cemeteries. One Protestant family was caught about to break down a cemetery gate in order to bury one of their dead in sacred ground. The church caretaker had just driven two stakes behind the gate to reinforce it against the Protestants when the vicar rushed out and persuaded the family to leave without burying the deceased in a Catholic cemetery. When a man's wife died, the priest with whom he spoke about the burial was not certain whether she was a member of the Church, but he agreed to hold a Catholic service anyway. At the grave site someone began singing from a Protestant hymnal, and, when the priest turned to interrupt the singing, the son of the deceased woman attempted to attack the priest but was stopped by an unidentified man.

Of special interest were the vicar's dealings with the new Protestant pastors. One of the first in the area was born in Pressburg (now Bratislava), graduated from theological school in Goettingen, spoke German and Hungarian, could read Latin and Greek, behaved civilly, appeared pensive, enjoyed eating, and wore the latest style of wigs. On one visit the pastor asked to borrow some
books, as he had not been able to obtain any books in Hungary because they were scarce. The vicar observed that the pastor was regular in visitation but questioned whether it was merely coincidence that he seemed to make his rounds at meal times.

The peace between the vicar and the pastor was short-lived. It was not long before the vicar sent a veiled warning to the pastor and interrupted the pastor's evening prayer service to make the contents public. The letter was a reminder that the pastor had not yet officially registered with the circle, a matter of critical importance in maintaining the spirit of the toleration edict. When the pastor protested that it was illegal to disturb a Protestant service, the vicar responded that, had the pastor attended to his responsibilities, the interruption would not have been necessary. This explanation did not seem to mollify the pastor, who brought the matter before the circle in Villach. The vicar did not record how the problem was resolved, but it was not long afterward that the pastor invited him, several other clergy, and another pastor to lunch. The conversation evolved into a "polemical discourse" over the Eucharist, during which the pastor chastised his Protestant colleague for not being able to give a better defense of the Lutheran position.

The vicar's diary ends abruptly early in 1783 with no explanation. It may have been that his dealings with the
Protestants through the years continued to be almost amicable. Such was not the case with many of his brothers in the faith. Complaints continued to pour into the circles about belligerent priests who were preaching inflammatory sermons against Acatholics. One cleric railed that the teachings of Luther emanated from the devil, Lutheran authors and their works belonged in hell, and all adherents to the Augustinian Confession were recorded in the book of the devil.35

As devastating as the Edict of Toleration was for the Catholics, it had similarly profound positive effects for the Protestants. But in no way did the edict solve all of their problems. Despite an amazing degree of objectivity on the part of the government officials in settling disputes, Acatholics continued to face major obstacles from the Church and from their own faithful.

35 Order from the Gubernium to the bishop, 13 November 1784, ADG, Karton 66.
CHAPTER V

CONVERSIONS TO LUTHERANISM AND
PROBLEMS IN THE EARLY YEARS

As the contents of the Edict of Toleration became known in an increasing number of villages, not only did more Protestants come out of hiding but also more lukewarm Catholics left the Church to lead "a life of unbound immorality" in the Lutheran religion.1 Individuals registered as Acadatholics for a number of reasons. Some of course were convinced of the correctness of Protestant doctrine, some wished to maintain their family traditions or to follow the example of friends, and others were simply caught up in the excitement of a new movement. Many found the tolerated religions more "comfortable" because they imposed fewer religious duties than in Catholicism.2 While real motives are hard to discern, it appears from the conversion statements that Carinthians registered as Acatholic as much out of belief in the Lutheran doctrine as out of recognition that Lutheranism provided the only legal alternative to Catholicism.

1 Franz Hohenauer, Kurze Kirchengeschichte von Kaernten (Klagenfurt: Verlag der F. Sigmundischen Buchhandlung, 1850), 216.

2 Ibid., 222.
A catholics in the hereditary lands at the end of the eighteenth century were affected by numerous divisions that had marked the non-Catholic thought since the sixteenth century and ranged from the strictly old-fashioned Lutherans to those who had been strongly influenced by the individualism of the Pietist movement. Literature smuggled into Habsburg territories throughout the decades had come from a number of different cities, churches, and religious societies, all of which offered some variation in Protestant doctrine and thereby served only to reinforce differences. In Carinthia Lutherans were united mainly by a rejection of Catholicism that included dissatisfaction with the Church hierarchy, rejection of the doctrine of justification by works (pilgrimages, processions, honoring the saints), and the desire to partake in both elements of the Eucharist.3

By February 1782 the government had issued a set of questions that the religions commissioners were to use to examine those desiring to register as Acatholics. These hearings were apparently largely formal and brief although, according to the law, the commissioners could examine no more than four or five persons each day. A typical protocol consisted of ten questions calling for brief answers.

<table>
<thead>
<tr>
<th>Questions</th>
<th>Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What is your name, age,</td>
<td>Andrea Arrich, 53,</td>
</tr>
</tbody>
</table>

marital status, district? married, Arnoldstein.

2. What is your religion? Outside a Catholic, What was your religion? at heart a Lutheran.
3. Do you want to remain in this faith? Yes, just as I have written.
4. What are the doctrines of this religion? I believe in one God and what the apostles taught. Otherwise, I have not studied.
5. How long have you practiced this faith? From my youth.
6. Why did you not declare this publically? To have done so would have been against the law.
7. Were you led astray by someone? I learned from my mother.
8. What do you give as a second reason for falling from the Church? Because of the Eucharist. I want both elements.
9. Do you have a complaint against the essential Catholic doctrines? My main complaint is about the Eucharist.
10. Were you well-grounded in Catholic doctrine? I stand by my written statement. I believe I will be blessed in this Protestant faith.4

Given the evidence of so many forms like this one, it appears as though a person needed little more than the

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courage to stand before the commission in order to register as non-Catholic.

Persons of all ages, both married and single, registered as Lutherans. The majority were farmers or associated with farm families. When asked about the doctrines of their new religion, their answers included adherence to the Augsburg Confession, preaching from the Bible alone, believing in the ten commandments and the Apostles Creed, receiving both elements of the Eucharist, accepting only the Trinity, and simply believing whatever their spouses believed. To the question concerning who or what had influenced them to register as Acatholic, many replied either or both of their parents, their spouses, in-laws, neighbors, traveling book salesmen, or their own reading. Some even indicated that their parish priest had helped them to reach this conclusion. Complaints against the Catholic Church varied greatly, although converts almost always mentioned the desire to partake of both elements of the Eucharist. They usually included some attack on the pope, praying to the saints, the teaching regarding purgatory, and the excessive number of convents. Most acknowledged that they had not received good teaching in Catholic doctrine. By the end of 1782, six Lutheran

5 A large number of conversion statements can be found in ADG: Karton 63 and 66; KLA: Arnoldstein Faszikel XXIII/9; Portia CCCLVII; and R.Lh. CX.
pastorates had been established in western Carinthia with a collective membership of over nine thousand.6

Beginning on 1 January 1783 the district offices were not supposed to accept any more statements of conversion until those desiring to register had completed the six-week course in Catholic doctrine. The fact that persons continued to register as Protestant after the new year began without taking the course was a source of some concern among district and circle authorities, but no specific directives on how to deal with such individuals existed. An order of 20 December stated that all those who had not registered as Acatholic by 1 January would automatically be considered Catholic, and if they later wanted to convert to a tolerated religion without taking the six-week course, they would be labelled as apostate.7 This threat did little to discourage the conversions. By the end of June 1783 Carinthia had over 6,350 men and over 6,760 women who had registered as Acatholic. The spiritual commissioners had been able to

6 Franz Reischer, "Der Protestantismus in Klagenfurt und Unterkaernten im 19. und 20. Jahrhundert," Jahrbuch fuer die Geschichte des Protestantismus in Oesterreich 99/100 (1983/1984): 65. The six assemblies included Watschig with 1,230 communicants; Weissbriach-Weissensee 1,200; Zlan-Stoggenboi 1,900; Trebesing-Radel 1,430; Puch-Fresach 1,450; and Arriach 1,850.

7 Report from the Pfleger in the village of Albeck to the circle in Klagenfurt, 11 January 1783, KLA, R.Lh. CX.
persuade only 9.5 percent of those who had left the Church to return.8

Another area where the Emperor attempted to limit conversions included the military. Soldiers who wanted to register as Acatholics after December had to take the six-week instruction from the regimental priest. Soldiers on leave at the first of the year would have the freedom to choose between Catholic and non-Catholic religions, but they should be persuaded to select Catholicism. While on leave, however, they were permitted neither to visit an Acatholic service nor to register as Acatholic.9 Men who registered as non-Catholic while they were with their company had to be permitted to attend Protestant church services, but the pastor was required to send a record of the name of the soldier and the date of his visit to the local circle.10

Growing concern by the administration about the high number of conversions motivated the government to develop two forms that district officials could use to record and to classify registration activity. The first form had a vertical column for each of the following categories:

8 Franz Reischer, Der Protestantismus in Klagenfurt von der Reformationszeit bis zur Gegenwart (Klagenfurt: Selbstverlag der evangelischen Pfarrgemeinde Klagenfurt, 1964), 56.

9 Decree from the Villach circle, 23 December 1783, KLA, Paternion Patent Buch 398, #1164.

10 Decree from the Villach circle, 15 July 1784, KLA, Paternion Patent Buch 399, #1304.
married residents with property, married residents without property, singles-employed-others, children, and persons who had returned to Catholicism. Authorities were to distinguish between male and female in each column. Later in the year the government issued a second form on which local officials were to record the status of Acatholics and were to report the information to the Gubernium. Statistics on the new form were to indicate which religion the new converts had selected (e.g. Augsburg Confession, Helvetic Confession, Hussite, or other "relevant teaching"), the number who had returned to the Church under the influence of the spiritual commission or by their own desire, and other general observations such as the location of new prayer houses, the religion of any new non-Catholic pastors, and that pastor’s name and previous residence.11

During the years of transition in which the toleration was implemented, the Protestants faced many obstacles. In addition to reports of over-zealous priests who were seeking to keep individuals in the Church, clerks would hinder or confuse those who were trying to leave it. But the circles were generally ready to investigate such alleged actions and to take disciplinary measures. Even relatively minor problems were examined. One Protestant accused a clerk of sneering that it would be over three hundred years before

11 Forms issued from the circles, 27 May and 18 September 1782, KLA, Paternion Patent Buch #397.
the Lutherans would be able to afford their own pastor, and
a local commission agreed to investigate the complaint. In
his own defense the clerk declared that his statement had
been taken out of context; he had only made an observation
that in light of the poverty of most Acatholics and their
other financial obligations, it would be a very long time
before they could support a pastor. The matter was
dropped.12

Besides the obvious problems associated with
conversion registrations, the very circumstances of mixed
villages, mixed marriages, mixed schools, and mixed
employer-employee relations made confrontation and even some
conflict inevitable. Protestants particularly resented
having to continue to pay taxes to the priests for
baptisms, weddings and funerals for the Acatholics in the
early years of the toleration, and record-keeping for the
state. Protestants also had to maintain payments in kind to
the priests and Catholic lay workers for such services as
prayers for good weather and the ringing of church bells to
announce an approaching storm. The Emperor faced a dilemma
over the Stoll taxes. Mandatory payments by Acatholics
would prolong indefinitely or cancel altogether any plans
to support their own pastor or to build their own prayer
houses and schools. However, many priests were dependent

12 Protocol of the Villach circle, 27 June 1782, KLA,
R.Lh. CX.
upon this income for their livelihood. Because of continual complaints, Joseph made several attempts during his reign to reduce the tax obligations and payments in kind for the Protestants or to drop them completely, but with only marginal success.

In an attempt to reduce some expenses, A catholics requested permission of the circles to take over abandoned Catholic chapels to use for Lutheran prayer houses. Initially officials were horrified at the prospect that buildings consecrated for service by Catholics might be occupied by one of the tolerated religions. They also feared they might be accused of actually supporting the Protestants. However, by 1783 the Emperor, in order to lighten the financial burden of the A catholics, allowed them to use the empty buildings.

Other problems were rooted in regulations of the Church that still applied to non-Catholics. Protestants had to exchange vows in the presence of a priest before they could be married by a pastor. Besides paying the pastor, the newlyweds had to pay for the priest, the mass, and for ringing the bells announcing the wedding, although bells could not be rung at Lutheran ceremonies. In some villages special edicts were issued to control singing in the streets during A catholic funeral processions.13

Although they mainly submitted reports to ascertain that Protestants followed the laws related to the toleration patent, circle and district officials also noted the sacrifices some Protestants and their pastors made to establish their congregations. Reports from Villach told of how these assemblies could not support a pastor but would offer up any excuse to have someone from their congregation give public readings from the Bible so they could continue to meet. Likewise, circles received accounts of pastors who went without pay simply so they could minister to a needy village or so a prayer house or school could be built.

One official in Himmelberg advised the Villach circle against permitting Lutherans in his village to call a pastor. He related that, of the sixty-one farm families, only twenty-three owned land, thirty-three were of average means, and five were very poor. Among twenty-six families engaged in handicrafts in the same village, eight owned land, seventeen were of average means, and one was very poor. These families, he concluded, could not sustain a pastor. However, the circle eventually approved a merger of Protestants in Himmelberg with those in several nearby villages that would enable them to call their own clergyman.14 Another example of bending the rules occurred in Arriach. Although the Edict of Toleration was not

14 *Pfleger* report from Himmelberg to the Villach circle, 17 March 1783, KLA, R.Lh. CX.
officially announced in this village until April of 1782, in November of 1781 Lutherans there had already built a wooden prayer house in preparation for calling a pastor should the rumors of the toleration prove to be true.15

Many village priests were generally not optimistic that there would ever be a peaceful coexistence between the two religions. They continued to report that, even though imperial orders forbade unrest in religious matters, Acatholics persisted in causing problems almost daily. Protestants allegedly entered Catholic homes, attempted to mislead the faithful, openly propagated false teachings in taverns, went from house to house trying to incite residents, and continued to slander the Mother of God and the Church. A general upheaval similar in nature to the sixteenth-century Protestant Reformation appeared inevitable.16

The Emperor had given no specific directives in the toleration patent for disciplining troublemakers or for prosecuting those who violated its conditions. As late as the end of April 1782 officials in Klagenfurt requested guidelines from Vienna for punishing blasphemers. Joseph delegated the responsibility of assigning a penalty to the


16 Report from a priest to the Pfleger in Treppelach, 26 March 1782, KLA, R.Lh. CX.
provincial government in Graz, which would act upon advice from the circles. However, in no way, he stated, was a religious problem to be handled as a criminal case except in the instance of an unusually "wild act" or a situation where administrative officials found the case to be too important to investigate themselves.17 Troublemakers had to register with the district office or circle, check in once a week, and sometimes to receive unspecified "corporal punishment."

The six-week course of instruction instituted in January 1783 was another cause of antagonism between Catholics and Protestants. Authorities in Villach asked the Gubernium in Graz to select the priests who would teach the courses. Perhaps they hoped that the governor would select less zealous instructors than would the Bishop of Gurk and thereby reduce the possibility of further unrest. But the governor left the decision with the bishop. By the middle of the year the bishop was inundated with complaints from priests who were suffering under the added responsibilities of teaching the new courses. He described the situation to the governor: clerics were so busy instructing those who wanted to register as Acatholic that they had little time to care for their own congregations; people taking the courses were not paying their half of the costs; and in courses with

17 Decree from the chancellory to the Klagenfurt circle, 30 April 1782, KLA, R.Lh. CX.
even the best teachers, many people simply "closed their ears to the powerful grace of God." The bishop maintained that it was hard to assign blame for the large numbers who were leaving the Church because many priests had to work by themselves in some heavily populated parishes.18

In the unlikely event that the priest himself was the source of the problem, he could possibly be transferred, but several of the more obstreperous clerics had already died. The bishop conceded that there was little he could do for those who were not comfortable with their instructors, and that his attempts to bring in new priests had thus far been unsuccessful, while efforts to transfer some had been rebuffed by circle officials. He requested that he be allowed to take some initiative that would relieve overburdened clerics in his diocese. The governor in Graz passed the bishop's request on to the chancellory in Vienna, which approved Auersperg's request for more authority to deal with the situation but stipulated that he must work with the circle authorities in deciding whom to transfer and who the replacements would be.19

The Emperor expressed displeasure with the Gubernium's handling of the matter. Joseph explained that he had never intended for the course to run the whole day. Instruction

18 Letter from Auersperg to the Gubernium, 21 June 1783, KLA, R.Lh. CX.

19 Correspondence from the chancellory to the Gubernium, 14 July 1783, KLA, R.Lh. CX.
was not supposed to be difficult but a help to those who were weak in their faith, and individuals taking the course were not to be spied upon or bothered in any way during the six-week period.

Local authorities continued to be dissatisfied with the results of the course. The Klagenfurt and Villach circles recorded a combined number of 682 persons who completed the six-week course in the first six months of 1783. Additional comments from officials in Villach indicate that the count was relatively low since many did not stay for the whole course, the instruction was inferior, the sessions were tense, and many simply could not attend the lectures.20 Some priests prolonged the instruction well past the prescribed six weeks simply to delay the formal process of conversion. In other cases the teaching extended to six months or even a year before participants were allowed to register as A catholic, and it was illegal for them to attend Protestant worship services until they had done so. At times priests would use the sessions to threaten or curse those in attendance rather than to teach. Farmers might walk two or three hours, only to find that the clerics had cancelled the class for that day, or the parish might schedule a series of lectures at the peak of the harvest or in the middle of winter when it was particularly difficult.

20 Report from the Villach circle to the Gubernium 29 October 1783, KLA, R.Lh. CX.
The institution of the course did bring the desired result of reducing the number of conversions to Lutheranism, but the embarrassing statistic for the bishop was that over ninety percent of those who completed the lectures persisted in their desire to leave the Church.

It was always distressing to the bishop when laymen left the Catholic Church to become Lutheran, but it was particularly devastating when a priest or acolyte did so. One case came before the Villach circle which involved an acolyte who posed a particularly difficult problem.

In May 1782 officials in the village of Greifenburg reported to the circle in Villach that Christoph Zoehrer, who served as acolyte, singer, and assistant treasurer in the neighboring village of Weissensee, had become Lutheran but wanted to keep the house and land that had been traditionally a part of the office and to continue in his work at the Catholic Church. Having no guidelines on a matter like this one, the circle passed the case on to the governor for a decision. Two weeks later the Gubernium

21 Ilwolf, *Steiermark*, 255.

22 The duties of an acolyte varied greatly from parish to parish, ranging from those of a lay priest (e.g. assisting the priest in mass and other ministries within the parish) to general custodial work around the church.

23 The correspondence for this case between 2 May 1782 and 1 September 1784 is found in KLA, Gubernium Graz, Faszikel 268 and R.Lh. CX.
ordered that the man be absolved from his vow of service and given a minimum of severance pay, and that the house be given to a Catholic who would serve as acolyte.

The solution seemed simple enough, but by August Zoehrer remained in the house, unsatisfied with the Church's offer for financial settlement. In November officials in Greifenburg issued another order for Zoehrer to leave his office, give up the house and land, and pay forty-five gulden forty-nine krone in back taxes on the property; at the same time they named his successor. It did no good. Officials informed Villach in February 1783 that the priests had failed to evict the obstinate man. They had decided to let him, his wife, and seven children stay through the winter. Of course Zoehrer's successor was complaining by this time that he also needed a residence. The circle authorities, who did not consider it necessary that the Zoehrer family spend the remainder of the winter there, declared that the family should be moved to a house in a neighboring village but emphasized that this order was to be carried out with friendliness and love.

In March Zoehrer appealed again to officials in Greifenburg to be allowed to remain in the house. He argued that he had built the house himself with the intention of living in it for the remainder of his life, and that, according to the Edict of Toleration, he had the same legal right of ownership as a Protestant that he had had as a
Catholic. Receiving no satisfaction from local authorities Zoehrer appealed directly to the circle in Villach, and it was not until April that they first learned the facts about some of the land adjoining the house.

Zoehrer claimed that not all of the land had been given to him by the Church. After the circle ordered district officials to investigate this claim, a search of property transactions and government tax records back to 1576 revealed that some of the land had indeed been purchased by Zoehrer from the previous acolyte. Because church records, however, indicated that the Church had paid for the property, authorities recommended that the eviction order be reissued. Zoehrer was given eight days to evacuate the premises, or he would face arrest.

When soldiers finally arrived in June to escort the acolyte to prison, he informed them that he had already paid back taxes on the property amounting to over 407 gulden and had also paid an additional 100 gulden in taxes during his own period of residency. The soldiers carried this information back to Villach, where the circle, taking great care to do what was right, again requested advice from Graz. In July the governor gave the local authorities fourteen days to investigate this new claim. When they submitted the results of their research in September, somewhat past the deadline set by the Gubernium, they reported that Zoehrer's father-in-law had paid 389 of the 407 gulden whereas the
acolyte himself had paid over 13 gulden of the remaining sum. The value of movable items on the property had been set at just over 103 gulden, and Zoehrer had begun payment on that.

The chancellory had already been informed of the case earlier in the year. By November 1783 the governor sent a recommendation to Vienna that Zoehrer should be moved immediately and not allowed to remain until a replacement could be found. His continued presence was only confusing the parishioners, and the house had always been intended for use by those in the service of the Catholic Church.

The Emperor's decision was announced in February of the following year. He explained that recent changes in property laws made it now possible for persons who had assumed payment of back taxes and were paying current taxes to own the land on which they resided. Hence, Zoehrer had been right all along but for the wrong reasons because he apparently had not known about the new laws. It was April 1784 before he received the news that he did not have to move.

While problems related to cases of conversions proved to be of major concern to both the Church and the government, far more serious incidents involved theft, vandalism, or slander. Authorities in Goldenstein called a hearing in March 1783 to investigate the disappearance of
the chalice used for the Eucharist in the parish Church.24 The primary suspect in the theft, another former acolyte
named Peter Gatz, fifty-four years of age, a Lutheran, a
farmer, and married, responded to the interrogation during
the inquest with the following explanation. Eight days
after a new Protestant pastor had arrived in Tressdorf, Gatz
had discussed with that man the chalice that Gatz's father
had paid for and had given to the Catholic Church.
According to Gatz, the pastor suggested the cup would be of
more use in the Lutheran prayer house. Gatz admitted that
he had let two men use the key that he still had from his
service as acolyte to get into the church, but contended
that he did not know them personally; nor did he know where
they had taken the chalice, if it had been used, or even if
the Lutheran pastor had received the cup. Moreover, he was
not aware that the chalice had been consecrated and that,
once it had been touched by "worldly hands" or removed from
the church, it could no longer be used for anything else.
Gatz stated that, since his father had paid for it, he
believed that he should be able to take it back. He had not
been an accomplice out of meanness but out of
misunderstanding.

Another Protestant, Jacob Ganz of Tressdorf, was also
accused of having taken part in the theft. He testified

24 Testimony from the hearing in the village of
Goldenstein, 28 March-19 April 1783, KLA, R.Lh. CX,
Landgericht Goldenstein.
that Gatz had asked him to send his son to take the cup eight days after the new pastor had arrived. The younger Ganz, fifteen years of age, stated that he had taken communion from the stolen chalice but did not know where it now was. A certain Georg Herzog, also fifteen years of age, confessed that, under orders from Gatz, both he and the younger Ganz had taken the cup.

The pastor, Johann Julius Augustin Traunr, related that on his first Sunday in Tressdorf two farmers told him they knew of a man who owned an old chalice and asked him if he would be interested in having it for the prayer house. Traunr liked the suggestion and several days later two boys brought the cup to him. Gatz told the pastor that the cup had come from a Catholic chapel, but Traunr assumed the chapel had been abandoned. The chalice had been used in the Protestant service.

Based on the testimonies at hand, the Villach circle decided that Gatz had to bear the greatest guilt for the theft but also held the pastor responsible for his part in the affair. They further recommended that the parish priest be reprimanded for his careless maintenance of Church property in allowing Gatz to retain the key. The circle passed this information on to the Gubernium and asked for a decision on the punishment. The governor directed that the case did not need to be handled in criminal court. The circle could decide on a penalty for the fathers of the boys
who had taken the chalice, but Gatz was to be imprisoned for an indefinite time. Because of his decision to keep the cup and to use it, Pastor Traunr was declared unqualified to keep his office.

Besides the problems of vandalism and petty theft, authorities were plagued by recurring complaints against persons who blasphemed one religion or the other, slandered the opposing clerics, and misled their weaker neighbors. Officials in Gmuend reviewed one case in which a certain Georg Unterlerchner, was charged with blasphemy for allegedly calling the Mother of God the "first whore of the world."25 The accusation had been brought by a Roman Catholic and professional hunter named Ertl; while drinking in a tavern, he had become involved in a religious argument with Unterlechner that resulted in the blasphemous remark. The two men exchanged blows, but the fight did not last long. The accused had made the statement only one time.

Unterlerchner, thirty-seven, a soldier on leave had no particular religious affiliation. Asked if he knew why he had been arrested, he first responded that he had no idea. When pressed for an answer, he surmised that it could be because of his relationship with a certain woman by whom he had had two children. When questioned again he acknowledged that he probably had been arrested because he

25 Testimony from the hearing in the village of Gmuend, 29 April-13 June 1782, KLA, R.Lh. CX, Pflegerschaft Gmuend.
had fought with the hunter and had pulled his hair. Unterlerchner explained that he had hit Ertl because Ertl had called him a crazy hunter although he claimed never to have killed so much as a chicken.

The prosecutor continued to press the accused in order to get him to admit having made the blasphemous remark, but Unterlerchner would only concede that he had been drunk and could remember nothing more. He suggested that perhaps it was someone at a nearby table who had made the remark. Ertl was brought into the room to see if he would charge Unterlerchner to his face. When he did, Unterlerchner threatened the hunter and a shouting match ensued. Thereupon the accused was returned to jail.

The proceedings eventually came to the attention of the Emperor, who ruled that since both men had confessed to having been drunk at the time of the incident, village officials should have called other witnesses. Joseph ordered that the authorities who heard the testimonies be fined three ducats, to be paid to Unterlerchner for the time he had lost while in prison. Provincial officials, fearing that Protestants might form the wrong impression when they heard that an alleged blasphemer had received money after his trial, persuaded the Emperor to drop the fine against the local officers.

In another instance near Gmuend, a Protestant was
charged with misleading others in religious matters.26 Martin Stinig, age twenty-nine, had been arrested for performing the duties of a teacher without being certified. Stinig testified that he had only been invited to sing at a Catholic farmer's house but that a Catholic missionary had found out about the visit and had complained to village authorities that it was not legal for a Protestant to hold any sort of service in the home of a Catholic. As to further charges, the accused denied that he had spoken critically of the Catholic religion and disavowed having made a statement that the Turks were more faithful in attending their services than were the Catholics. In regard to a conversation with a Catholic woman about the improved condition of her injured foot, Stinig rejected the charge that he had attributed the improvement to the work of the devil. He acknowledged that on several occasions he had sung a song entitled "Faith Solves Everything," but he had not known it was heretical until the cleric told him so. Stinig also admitted to reading the Bible aloud for friends who had gathered at his father's house, but he explained that there was no way in which these meetings could be considered a "public gathering." In response to a final charge, he denied telling the missionary that priests must swear an oath to the pope that they will never preach the

26 Testimony from the hearing in the village of Gmuend, 10 May-4 July 1782, KLA, R.Lh. CX, Pflegerschaft Gmuend.
truth. However, the cleric who had made the accusations reiterated that Stinig was indeed guilty of propagating false teaching and inciting the area residents.

The chancellory, when asked to intercede again, declared that Stinig was not guilty of misleading others or of convening illegal assemblies merely because he had been asked to read aloud before a group of friends. The members of the chancellory ignored the other charges and stated that he should never have been imprisoned for five weeks for such superficial accusations. They ordered the Bishop of Gurk to transfer the cleric who filed the accusations from the area and to avoid further use of the title "missionary" because it evoked a bad image in the minds of the local people.

Despite the seemingly insurmountable problems with finances and with religious discord, the Edict of Toleration did provide a legal basis on which Protestants could begin to organize congregations, call pastors, and build prayer houses and schools. However, the growth of Lutheran assemblies was by no means evenly distributed throughout Carinthia. Because of its geographical proximity, the Bishopric of Gurk exerted such a pervasive influence in eastern Carinthia that only one small non-Catholic group was able to establish a congregation in the remote village of Kraig in that part of the province. However, the poor Lutheran farmers there would prove to be a thorn in the side
of the Bishop of Gurk throughout the Emperor's reign. Records indicate that a parish church had existed in Kraig as early as the fourteenth century. Like many others of their estate, the lords of Kraig became strongly Protestant during the Reformation, but by 1600 the Counter-Reformation had spread even into remote areas, and the Protestant farmers in Kraig were forced either to give up ten percent of their possessions and return to Catholicism or to emigrate. However, throughout the seventeenth century, inhabitants of this area had only minimal contact with clerics because the nearest parish church was over one hour's walking distance away.27

Because they were relatively isolated, the underground Protestant in Kraig led a double religious life rather easily. They did not mind the long walk to mass so long as they could continue to be practicing Lutherans at home. There are no records that anyone from this area was among those who were deported to Transylvania during the reigns of Charles VI or Maria Theresa. However, residents were not altogether untouched by the waves of attempted Catholic renewal. In one of the last reported instances in which the death penalty was imposed for a religious case, a farmer from Kraig was enchained for one year before being put to

death by the sword in 1741 for allegedly blaspheming a picture of the Virgin Mary.28

The Catholic Church established a mission station in Kraig in 1780 but closed it by 1782 since it made few inroads among the solidly Protestant farmers. However, a Protestant pastor, in a report several years later, indicated that Lutherans there had not begun registration as Acatholics until the end of 1783. If this date is correct, it meant that because of the fear of neighboring Catholics, the Protestants in Kraig did not come out of hiding until two years after the toleration had been announced.29

Results of early registrations indicated the presence of over one hundred sixty Lutherans in the area, but, because of the demands of farm work, only thirty-seven had attended the first worship service, which was held in a barn on 25 March 1784.30 In July ten families from Kraig sent to the Emperor a letter in which they described their desperate need for a pastor to preach, teach, and administer communion.31 They stated that the pastor closest to them had to come from St. Ruprecht near Villach, thirteen hours


29 Wadl, Kraig, 118.

30 Sakrausky, St. Ruprecht, 88.

31 Request from Protestant families in Kraig to the emperor, 19 July 1784, KLA, Gubernium Graz, Faszikel 268.
away by wagon. Because of the distance he could come only four or five times a year. The families acknowledged that the law required a count of one hundred families or five hundred individuals before an assembly could call a pastor, but they requested a special dispensation to be considered only a preaching station. In the same letter, the Protestants also reported that priests were collecting too much for the Stoll tax and were maligning Acatholics who were enrolled in the six-week courses.

Catholic village officials soon charged that the visiting pastor from St. Ruprecht had been prompting the Lutherans in Kraig to request a pastor, prayer house, and school teacher, and that the petitions had not originated among the people themselves. Orders came from the chancellory that the pastor was to stop instigating discontent, but it also granted permission for the small congregation to build their own prayer house and to hire a school teacher. As a sign of their "appreciation" for his part in getting permission to have a building, several members of the assembly did report to the authorities that the pastor had indeed been trying to foment unrest among the Acatholics.32

In a petition to the Klagenfurt circle January 1785, Lutherans in Kraig conceded that they did not have enough money to build their own prayer house and asked to take

32 Sakrausky, St. Ruprecht, 95.
over an abandoned Catholic chapel. This caused such a storm of protest from village officials and the bishop that circle officers, although they too opposed the request, appealed to Graz for a decision. The governor based his approval of the Protestants’ petition on the decree of 18 March 1782, which allowed Acatholics to use building material from abandoned Catholic buildings to construct their own meeting places, but the bishop in this instance refused to comply with the governor's order. He simply refused to sell the chapel to the Lutherans, and that was how the situation ended.33

The government finally approved a plan that allowed the congregation to build a wooden prayer house and then worked out an order of rotation whereby the pastors from the western Carinthian assemblies of St. Ruprecht, Arriach, Feffernitz, Gnesau, and Feld would take turns throughout the year traveling to Kraig for ministry. Protestants in the area were to contribute twenty to thirty gulden per year to defray travel expenses.34

As the preceding cases illustrate, the government, despite the fact that Catholicism was still the dominant religion, was by and large remarkably flexible and fair toward all parties that were involved in religious disputes. Bureaucrats, particularly in the circle and the

33 Correspondence between Protestants in Kraig, the Klagenfurt circle, and the Graz Gubernium, 27 January-24 June 1785, KLA, Gubernium Graz, Faszikel 268.

34 Sakrausky, St. Ruprecht, 134.
Gubernium, regularly went to great lengths to investigate problems relating to Acatholic affairs and tried to be fair, just, prompt, and compassionate in settling disputes. However, because the Bishop of Gurk had such a pervasive influence in eastern Carinthia until well into the nineteenth century and kept that area overwhelmingly Catholic; the Protestants in eastern Carinthia never did become well established.

Next to the toleration legislation itself, the most important step for the fledgling congregations was calling a pastor. For generations the underground Protestants of the Habsburg lands had been without any leadership, but the very men who moved into Carinthia to fill this void were to be the source of an entirely new set of problems for Protestant laymen and government authorities alike.
CHAPTER VI

PROTESTANT PASTORS MOVE INTO CARINTHIA

By the end of the eighteenth century, Protestants in the hereditary lands had become distinct from Catholics throughout the rest of the monarchy in three ways. First, they had begun to build prayer houses, schools, pastors' homes, and cemeteries without any guidance from pastors or other recognized religious authorities. Second, many congregations had already named lay leaders since it was not known how long it would be before they would receive a pastor. (This lay leadership or presbytery plays a major role in the Lutheran Church in Austria even today.) Finally, during the decades of underground Protestantism, non-Catholics in the Austrian lands had kept their faith alive on their own by means of prayer books, Protestant Bibles, and other literature, so many Lutheran assemblies in Carinthia had a great deal of difficulty submitting to the authority of men who moved from Germany and Hungary into the province to care for the new congregations.

To compound the problems, many of the arriving clerics had studied in seminaries in the German lands where they had imbibed the rationalism of the German Enlightenment. In contrast, many of the Protestants in the Austrian lands had been sustained by the song books and devotionals of the Pietist movement, popular earlier in the century. Pastors for the new assemblies came from a number of different provincial Churches and brought with them a diversity of liturgies, songs, and styles of preaching and teaching, which many Acatholics in Carinthia had never experienced before and were reluctant to accept.

The avenues by which the new clergy arrived were as varied as the men themselves. The chancellory in Vienna reviewed the qualifications of some pastoral candidates, while diplomats in service to the Emperor made recommendations. Kaunitz himself approved one man.2 Even the imperial city of Modern (Pressburg District) nominated a pastor who eventually moved to Klagenfurt.3 Sometimes inhabitants in a village might request a specific preacher about whom they had heard from traveling salesmen or through correspondence with friends or relatives in areas outside of

2 Correspondence from the chancellory to the Klagenfurt circle, 20 September 1782, KLA, R.Lh. CIX.

3 Correspondence from Modern city officials to the Klagenfurt circle, 17 September 1782, KLA, Paternion 93.
the hereditary lands. Some clerics, having read in the newspaper about the toleration in the Austrian lands, simply decided to apply for ministry there. A few villages even sent small delegations to the German territories or to Hungary to interview possible candidates. Prospects for all assemblies had to be examined by the Teschen Consistory (not yet moved to Vienna) or by the Superintendent of the Kingdom of Hungary with final approval to be given by the provincial authorities.

Arrangements for support of the new clergy by their respective congregations seemed sufficient at first. Some local officials suggested that the Lutheran assemblies establish a fund of forty thousand gulden to pay pastors and to begin work on prayer houses. This sum was completely beyond the means of the Protestants in Carinthia, but most assemblies agreed to a yearly salary of three hundred gulden, a continued payment of fifty gulden per year for taxes to the Catholic Church, additional offerings to the pastor of meat and grain, and contributions for travel expenses, a separate house, and a horse for visitation in

4 Request from the Pfleger of Paternion to the Villach circle, 5 August 1782, KLA, R.Lh. CX.


6 Ibid., 18.
remote areas. 7 To augment the money raised locally, the Emperor allowed the Acatholics to receive financial support from outside the hereditary lands. 8 By October 1784 Protestants in Frankfurt, Hamburg, Nuremberg, and a few other German cities had sent over three thousand gulden to non-Catholics in Austria. 9

The Lutheran congregation in Arriach was the first in Carinthia to receive a pastor. In July 1782, Johannes Paul Hagen of Pressburg in Habsburg Hungary accepted the position. The people offered him sixty gulden for moving expenses; they paid half before he left his home and the other half when he arrived in Arriach. The new pastor held his first service on 4 September. Visitors traveled from as far away as Villach (approximately twenty kilometers). Hagen’s decision to accept the position and to make the trip was truly an act of faith because it was not until that service that the first financial contributions came in for building and pastoral support. 10

7 Report from the Villach circle to the Gubernium, 28 May 1783, KLA, R.Lh. CX.

8 Decree from Joseph II, 6 March 1782, released by the Villach circle 21 March 1782, KLA, Paternion Patent, Buch #397.


10 Reischer, Arriach, 22.
By the end of 1782 there were six pastorates in the province, all in the western half of the territory. Besides Hagen the other five pastors included: Christoph Gottlieb Dressler, also from Pressburg, who assumed the leadership of the combined congregations of Radel, Naehring, and Trefling; Levin Friedrich Kurz, who moved from Swabia to minister in Fresach and Puch; Johann Leopold Wohlmuth from Oedenburg to Gian; Johann Georg Renner from Weissenburg in Franconia to Watschig; and Johann Gottfried Gotthardt from Hungary to Weisbriach and Weissensee.11

The demand for new pastors continued into 1783. In February Matthaeus Ferdinand Cnopf from Nuremberg received the call to St. Peter im Feld and Johann Augustin Braun moved from Bayreuth to Tresdorf.12 Not all requests for clergy came from assemblies. Prince Ferdinand von Wuerttemberg had taken his sister to Vienna in October 1782 to marry Archduke Franz; instead of returning home, he joined the Austrian army and was assigned to the garrison in Klagenfurt. Among the guests at his Christmas party in 1782 Ferdinand had invited Pastor Hagen from Arriach. The prince enjoyed the preacher so much that he invited him back to Klagenfurt several times to preach for a few friends. By January Ferdinand wanted to retain Hagen as his personal

11 Waldau, Geschichte, 508-577.

12 Report from the Villach circle to the Gubernium, 23 January and 12 February 1783, KLA, R.Lh. CIX.
pastor, but because the circumstances were outside the bounds of the toleration edict the governor in Graz denied his request.

Other appeals for clergy were more in keeping with the letter of the edict, and, with the increasing number of Protestants, it was not long before some of those assemblies which had joined together in order to reach the legal number had enough members to call their own preachers. This eventuality was not always welcomed, however, because a pastor generally expressed little joy in seeing a portion of his congregation break away to form another assembly, thereby depriving him of contributions to his already meager income. In June 1783 Pastor Hagen persuaded the Villach circle to deny an appeal by Lutherans in Landskron, Treffen, Ossiach, and Himmelberg to separate from Arriach. He argued that Arriach could not support a pastor alone and the other groups had already contributed over two hundred gulden to build a prayer house and to support a preacher.13

However, this denial in no way indicated that the government opposed Protestant growth when there was a legitimate need. Later in 1783 the Gubernium reviewed a request from Lutherans in Noering to separate from Radel, which, the inhabitants of Noering claimed, was too far away for them to share the minister. Those in Noering argued

13 Correspondence from the Gubernium to the Villach circle, 28 June 1783, KLA, R.Lh. CX.
that the 1,098 people left in the Radel assembly could easily support a pastor without assistance of the 807 communicants from Noering. After Protestants in Radel agreed to the separation, the Gubernium approved the request.  

The relative prosperity of the assemblies in Radel and Noering was by far the exception to the usual conditions faced by Protestant clergy in Carinthia. Typical were conditions in Bleiberg, where the people promised much but delivered little. In March 1783 Protestants in Bleiberg informed officials of the Villach circle that 345 Lutherans in this village wanted to join with 146 others from Pogoeriach and Arnoldstein to call their own pastor. They conceded that they were nine short of the legal number but asked the circle for a dispensation because they could pay the annual salary and provide the required living quarters and firewood. They specifically wanted to call Michail Friedrich Groessner from Wittenberg. Circle officials passed the application on to the Gubernium with the favorable comment that, although the Acatholics in the Bleiberg area were just short of the required five hundred communicants, they were far removed from other pastors, and local officials did confirm that they could support their own clergy. The chancellory in Vienna granted permission

14 Correspondence between the Villach circle and the Gubernium, 8 October-17 December 1783, KLA, R.Lh. CX.
for this group to call a pastor, but for unknown reasons it was not until November that the Villach circle submitted and received approval from Graz for Georg Karl Friedrich Steinhaeuser, rather than Groessner, to be the candidate for Bleiberg.15

A twenty-six-year-old theology student in 1781, Steinhaeuser had read about the Edict of Toleration in a Crailsheim newspaper. He waited two years before he had an interview with the Protestant superintendent in Vienna and received his assignment to Bleiberg. Steinhaeuser arrived in the village at the end of November, was enthusiastically welcomed, and received his sixty gulden traveling expenses, but was notified that the pastor's house was not quite finished. Early in 1784, he announced from the pulpit that he would not preach another sermon unless the people made some attempt to finish his house. He complained that the room in the home where he lived was deplorable. When the owner baked bread or smoked meat, the wind blew much smoke into his room; his books had gotten damp and moldy during the winter; the roof leaked badly; and the house was infested with bugs. Only after the congregation began to make minor improvements did the pastor agree to stay.16

15 Officials in Burg Villach to the Villach circle, 24 March 1783, KLA, R.Lh. CX, Bleiberg.

16 Sakrausky, Geduldet, 25.
Steinhaeuser's difficulties in Bleiberg were typical of the problems the new pastors encountered, but the Teschen Consistory and the provincial authorities faced a few as well, especially in examining pastoral candidates for doctrinal principles and for personal conduct. During interviews few problems surfaced, but after a man had been in the ministry for several months weaknesses often emerged. The case of Pastor Gabriel Wucherer exemplifies the kind of difficulty that could occasionally arise.17 Wucherer had been a successful ordained preacher in Wuerttenberg until he moved to Vienna to teach Protestant youths. In March 1784 he was called to a pastorate for the combined congregations in Himmelberg and Gnesa and received approval from the Villach circle. However, in another example of just how conscientious officials were trying to be, further checking in April revealed that Wucherer had been divorced, a situation that was considered scandalous for a pastor in that day.

The circle turned to the governor for advice. The Gubernium passed the problem on to Vienna. After obtaining a copy of the pastor's divorce certificate of 27 November 1777 from the court in Stuttgart, the chancellory judged the case according to the Marriage Decree of January 1783. According to this Edict, Wucherer's divorce was considered

17 Investigation by the Gubernium, 6 April-31 July 1784, KLA, Gubernium Graz, Faszikel 268.
valid in the eyes of the civil authorities, and he was eligible to remarry if he could prove that he could provide for any children from the previous marriage. The Protestant superintendent for Inner Austria residing in Vienna gave testimony of Wucherer's adequately supporting his children by that marriage, and, since there seemed to be no legal reason to keep him from serving, the pastor began his ministry in Himmelberg. The Wucherer case illustrates that the Protestant consistory was not in such a hurry to appoint pastors and to multiply congregations that it would lower its standards to accept just anyone as pastor.

The growth of Protestant congregations made the Emperor aware of the need for a center of Protestant administration closer to his own watchful eye than the consistory in Teschen and the superintendent in Hungary. In 1734 Charles VI had permitted each of the Acaholic religions in Hungary to organize their affairs under the supervision of four superintendents, and by 1743 the Lutherans there had created the office of district inspector to be subordinate to the superintendent, an arrangement that remained until after the Edict of Toleration was issued.18 Maria Theresa in 1744 had reactivated the Religions Commission that Ferdinand III had established in 1654 to

control the spread of Protestantism, but she also formed in Teschen a five-man consistory in 1749 to regulate Acatholic affairs in Austrian Silesia. The fact that the five even included a Protestant demonstrated a remarkably tolerant attitude on the part of the vigorously anti-Protestant Empress.19 These two bodies, the consistory in Teschen and the superintendency in Hungary (1773), were the only Protestant Church administrative units in the Habsburg lands until Joseph introduced reforms in this area as well.

In September 1783 the Emperor appointed Johann Georg Fock to be the first superintendent for Lutheran Churches in Lower Austria. As mentioned in Chapter 2, he had arrived in Vienna in 1782 to serve as preacher to the Danish ambassador, and after Joseph announced the toleration, Fock became the first Lutheran pastor in Vienna. Continued Protestant growth persuaded the Emperor in November to create a new superintendent's position for the Vorlaende and Tirol and another for Bohemia, Moravia, Silesia, and Galicia. He also gave Fock additional supervision of Inner Austria.

Ideally, each superintendent had oversight of ten seniors, who in turn were to visit regularly ten congregations. When one senior could not reconcile a particular difficulty by himself, he should seek the counsel

of another senior. These two should appeal to the superintendent and eventually the consistory in Teschen in more difficult cases. The superintendent was to examine and ordain the pastoral candidates for his area with final approval always reserved for the provincial officials. Circle officers were to ensure that superintendents were paid by the congregations for any visitations which they might have to make.20

It was not until September 1784 that the Emperor ordered the consistory in Teschen moved to Vienna.21 The new consistory, comprised of a Catholic president with two religious and two secular advisors each for the Augsburg Confession and the Helvetic Confession, had the responsibility to protect the rights of the Protestant congregations, control doctrine, settle disputes, examine pastoral candidates, check regularly the personal habits of superintendents and preachers, and regulate the liturgy and

20 Kropatschek, Verordnungen, Bd. VI, 597-599.

21 According to Barth-Barthenheim, after the emperor moved the consistory to Vienna he created more new offices of superintendents. For the Augsburg Confession, the pastor of the congregation in Vienna was also superintendent of Lutheran assemblies in Lower Austria, Illyria, Inner Austria, and Venice; the pastor in Scharten, of the Austrian lands west of the Enns River; the pastor in Prague, of Bohemia; the pastor in Bielitz, of Moravia and Silesia; and the pastor in Lemberg, of Galicia. For the Helvetic Confession, the pastor in Vienna was also superintendent of Lower Austria; the pastor in Gschell, of Bohemia; and the pastor in Ingrowitz, of Moravia.
Superintendents had to take an oath that in addition to their religious responsibilities, they would teach subjects to be loyal to the State. They were not to use the terms bishop, priest, or diocese for themselves or their organizations.

Financial support for the consistory was to come from new taxes that were to be collected from already overburdened Protestant congregations. If the assemblies together could not raise the needed funds, someone would have to visit the individual homes in order to collect the balance. The chancellory decreed that it was the responsibility of the circles, the congregation, and the pastors to work together to decide how much the Protestants would be willing to pay the members of the consistory, whether or not to establish a fund to maintain prayer houses, and who would be accountable to visit the homes when

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22 Reingrabner, Protestanten, 185.

23 Ibid., 187.

24 AEO, Faszikel 11, Zahl 55—tax payments for selected services proposed by the new Protestant consistory in Vienna 1 December 1785: ordination of a pastoral candidate-3 florins; record of the ordination being received by the consistory-30 kreuzer; certificate of installation issued from a provincial village-3 florins, from a provincial city-6 florins, from a provincial capital-12 florins; discharging a pastor within the hereditary lands-3 florins, outside of the hereditary lands-6 florins; examination of a pastoral candidate by the superintendents-12 florins; dedicating a new prayer house in a village-3 florins, in a city-6 florins, in the provincial capital-12 florins; marriages for the lower estates-30 kreuzer, for townspeople-1 florin, for upper estates-2 florins.
contributions did not meet expectations. In May 1785 Fock was elevated to full membership in the new consistory. His combined annual salary for acting as religious advisor in the consistory and superintendent with travel expenses was the substantial sum of 1177 gulden 27 kreuzer.

Throughout 1785 the chancellory continued to issue directives that further defined the responsibilities of the different levels of Protestant administration. Superintendents began submitting biannual reports in which they described unusual problems and noted the general conditions of the congregations. Church officials had to distinguish between the private papers of a deceased superintendent and papers relating to the business of the churches and turn over papers on church business to the consistory. Superintendents and seniors had to use money designated for postal service only for correspondence related to church business, not for personal letters. Finally, pastors did not have to announce every decree or decision made by the chancellory, but they did have to announce from the pulpit and to post in their prayer houses all legislation related to religious affairs.

25 Instructions issued by the Villach circle, 13 October 1784, KLA, Paternion Patente Buch 399.

26 The annual salary for a superintendent ranged from 300 to 500 florins; for a pastor, from 150 to 300 florins. AEO. Faszikel I, Zahl 5.

27 Kropatschek, Verordnungen, VIII, 713.
In addition to passing on directives issued by the chancellory, Superintendent Fock began sending instructions of his own to his charges in Lower and Inner Austria. In one of his first circulars he expressed concern that Protestants should be tolerant of Catholics. During Catholic processions or other instances where Protestants would see Church officials, the Protestants should remove their hats and maintain a humble posture or move away from the activity altogether so that they would not be suspected of intending to disturb the peace. Acatholics were to treat Catholics with all respect, were not to provoke Catholics, and were not to abuse the conditions of the toleration.28

Fock also mailed out questionnaires in order to determine the spiritual and material well-being of the new congregations.29 The contents of the surveys, which eventually formed the basis of the biannual reports, covered almost every conceivable subject related to the life of an assembly: attendance, size and condition of prayer houses, whether there were schools and teachers, and financial status. Fock and his consistory also expressed interest in the effectiveness of pastors, the time of the worship services, content of the sermons, how much singing was done, and which song books were used, and how well the persons

28 Sakrausky, St. Ruprecht, 124.

29 Selected answers to reports from 1786 and 1790 will be given in Chapter X.
were abiding by the toleration legislation. In another section of the questionnaire, Fock requested more specific information on schooling: the competency of the teacher, the content and quality of the curriculum, the level of parental support for the school, the teacher's record-keeping of student progress, and the amount of income available for salary and maintenance. Most teachers during the early years of the toleration had to take an additional job on a farm or in the village in order to support themselves. The consistory was particularly concerned lest extra work would decrease the teacher's effectiveness.

As well as his general instructions and questionnaires to the congregations, a major contribution by Fock in the early days of the new consistory was his "Instructions to the Superintendents." Approved by the Emperor in December 1785, the "Instructions" consisted of nineteen articles that rigidly set forth guidelines for the administration of the assemblies of the Augsburg Confession and essentially served as the constitution for the new Lutheran congregations until well into the nineteenth century. These articles more clearly defined the broad responsibilities for superintendents handed down by the Emperor before he moved the consistory to Vienna.

According to the new regulations, the superintendents now had oversight of all religious practice and related

30 Sakrausky, St. Ruprecht, 125-127.
activities, of public instruction in prayer houses and schools, of qualifications and styles of living of pastors and school teachers, and of administration of all Church property. They also were responsible for ordaining and installing preachers, visiting assemblies, consecrating new prayer houses, and keeping the doctrine that was taught in worship services and schools in conformity with the contents of the Bible and the Augsburg Confession. The superintendents were to see that pastors taught catechism as much as possible and to make certain not only that teachers in the schools were effective but also that students were attending. As a third method of teaching besides the catechism and the schools, superintendents had to verify that pastors were reading the Bible aloud to the congregation and were explaining the more difficult concepts. They had to confirm that teachers were not bringing in their own texts but were using those approved by the consistory and that students were learning not only by memory but also "with understanding" and "with their heart." Perhaps most importantly, the superintendents had to insure that Acatholics were abiding by the conditions set forth in the Edict of Toleration.31 Moving the consistory to Vienna had brought considerably more order into the spiritual life of the village because the Emperor had delegated much authority to the men on this highest of

31 Wagner, Mutterkirche, 134.
Protestant councils, but the government officials in the provinces still had final approval of all religious issues.

Many pastors viewed the existence and relative proximity of the consistory as something that would greatly contribute to the stability and growth of the new congregations. However, the council in Vienna could not prepare the new pastors for the primitive conditions in which they would have to work and the occasional hostility of the people to whom they would have to minister. Most of the pastors who traveled to Carinthia for ministry came from large cities and were well-educated. Their initial reaction to the new surroundings was usually one of disappointment. Some left the province after a short time.

In their correspondence with friends and family and in their reports to the consistory, the pastors graphically described all aspects of their new service. Most of the Lutherans in Carinthia were uneducated and very poor. They had very little knowledge of doctrine, they were very superstitious, and only a few could read. Many thought that farmers did not need schooling.

Pastor Gotthardt in Arriach reported to the consistory in December 1784 that he was receiving threats from many sources and that he sincerely feared for his life. For the first year he was in the village he had to hold services in a barn; for two years he had been living in one room of a farmer’s house. He had to prepare all his meals in this
room, which lacked cooking facilities. Sometimes the smell from old food or cooking would become so strong in the room that he would have to eat outside. He always had to put out his cooking and heating fire when the wind blew because he was afraid the house would burn down. There was no relief in sight because the congregation, having used its available money to help build two new prayer houses, had nothing left with which to begin work on a pastor's house or school.32

Gotthardt observed that in their traditional beliefs the people rejected the authority of the pope, the doctrine of purgatory, and prayers to the saints. A few could read the Bible. They maintained that pastors could marry and wanted to partake of both elements of the Eucharist but retained the Catholic teaching of transsubstantiation of the elements. Gotthardt commented that it would take years to convince them of the correctness of the traditional Lutheran doctrine of consubstantiation. He optimistically noted that many had abandoned their superstitious faith in the "Holy Mountain" (probably a mountain in the area to which the farmers would make pilgrimages in order to seek supernatural solutions to daily problems) to protect their houses and herds and to heal their diseases and now demonstrated great interest in the Bible lessons. Members filled the barn during catechism; however, much to Gotthardt's chagrin these

32 *Sammlung einiger Nachrichten*, 174.
same persons still filled the taverns for games and drinking on Saturday and Sunday evenings.

Despite the high rate of illiteracy, the churchgoers demanded all types of literature in the assemblies. Continual appeals to the consistory did little to relieve the chronic shortage of books in the first decade in which the edict was in effect. In 1787 one pastor reported that he had received only three books for his congregation, which numbered in the hundreds. Distance posed another problem: many pastors had to travel up to six hours from one end of their parishes to the other in order to visit all of the members of their congregations. Finally, many recent graduates of theological schools in the cities found "the crude style of living" of the Carinthian farmers particularly shocking. Gotthardt observed that because of the lack of moral teaching for generations and because of the remoteness of the farms in the mountain areas, there were an incredibly high number of illegitimate children. Most families had one or two living with them. Many couples had never been married, and some households had from twelve to thirty family members living under one roof. Still enthusiastic, he expressed the hope that, through Christian teaching, he could eradicate many superstitions and greatly improve the moral climate.33

33 Ibid., 201.
In attacking immorality among the poor farmers, the pastors preached openly and directly. However, one cleric, confronted with a situation from among the higher estates, had to handle the matter discreetly.34 One Sunday after church service in St. Ruprecht, a man and a woman came to the Pastor Sachs's home. They were dressed nicely, and the pastor assumed they were married because the woman was "great with child." The man explained that they were Protestants from Wuerttemberg, and he had moved to Carinthia to work as an engineer in the service of a count who lived near Klagenfurt. As it turned out, the pastor's wife had known the parents of the man when she had lived in Wuerttemberg, so both couples had immediately become friends. The pastor did not detect that the couple might be unmarried until he went for a walk with the man. Alone with the pastor the man related that he and the woman had fallen in love in their home city, but he was not making enough money at the time to support her. After he found work with the count (at a salary of six hundred gulden per year), he sent for his girl friend. They now wanted to be married legally because they did not want their baby to be born out of wedlock. However, they feared if the count learned of their deception, the young man would lose his job.

34 The following case is related in its entirety by Sakrausky in St. Ruprecht.
The pastor suggested that the best solution would be to appeal to the Emperor through the consistory for a special dispensation that would allow the couple to be married without having to make the public announcement through the Catholic Church that was required by law even for Protestants. The plan worked well. The Emperor granted the dispensation which was recorded in the provincial office in Graz and then with the circle in Villach. In another demonstration of compassion on the part of the Habsburg bureaucrats, circle officials were sworn to secrecy, and the pastor performed a private ceremony so the young man's employer would be none the wiser. He later recorded that one month after the ceremony the couple had a healthy baby boy.

Unfortunately for the pastors, not all problems were resolved so amicably. Lay persons in one village who had joined with the residents from other villages in order to reach the legal number required to call a pastor became impatient with having church service only once every three or four weeks in their own villages. In many instances—in violation of the stipulations of the Edict of Toleration—one layman in the assembly might lead devotions, read from the Bible, or even preach on those Sundays when the pastor led the service in another village.

Officials in a village near Villach received complaints from one pastor that when he preached in the
prayer house there, a carpenter in another village would hold a Protestant service in his own home at the same time to protest the lack of a separate preacher for his congregation. The pastor also accused the carpenter of inciting members of his congregation not to give their share of the offerings, which paid their third of the pastor's salary. The pastor urged officials to put a stop to this kind of private assembly, which not only violated the law but threatened to spread to other villages and even to jeopardize the limited right that the tolerated religions currently enjoyed.

When questioned by authorities, the carpenter countered that he had held no church service and that he had never preached. At gatherings for public readings, he had used only those books which had been approved by the government. Moreover, he denied that he had encouraged participants to withhold their contributions; he added that he had personally tried to give the pastor money on one occasion, but the pastor had refused his offer. In an attempt to clarify the confusion over finances, the carpenter explained that his village had paid over two thirds the cost for the pastor's horse, the horse's food, and the wagon but had received only half of the pastor's services in his first year. The preacher had also given the congregation

35 Hearings before officials in Arnoldstein, 4-24 February 1786, KLA, Gubernium Graz, Faszikel 268.
permission to baptize and to bury its own dead, and the villagers had taken the sixteen gulden they would have paid the pastor for these services and had used the money for their own needs. When the pastor accused the carpenter and villagers of not fulfilling their part of the bargain, they requested and received from the Villach circle permission to withdraw from their commitment to that pastor's group of villages and to join another.

One of the areas in which a confrontation between pastor and congregation was practically certain was that of doctrine. For almost two hundred years the Protestants in Carinthia had passed on their beliefs from one generation to the next by means of a great deal of oral tradition, collections of sermons, a few devotional books, even fewer Bibles or New Testaments, and virtually no trained leadership. These people quite often greatly resented better-educated, better-dressed young men who spoke German with a foreign dialect and contradicted many teachings of their ancestors, some of whom had paid for their beliefs with their possessions and their lives.

One incident in October of 1787 vividly illustrates how the faith of many in the congregation lay in the traditions of their elders rather than in the seminary education of their pastor. A Catholic priest in a small village near Paternion related to civil officials the account from a woman in his congregation, who had heard from
her Protestant landlady about Pastor Samuel Sachs, new to the Lutheran assembly in Zlan, teaching that Mary had had other children after she had given birth to Jesus. The priest was very upset because this "false teaching" was not a part of the Augsburg Confession, but it had been spread around the villages.36

It was not until January 1788 that authorities could gather witnesses in order to investigate these accusations. They examined eleven persons, ten Lutherans and one Catholic. From the outset the officials took the position that Pastor Sachs had not intended his comment about Mary to be on the level of a doctrinal statement, and they instructed the witnesses to consider this possibility when they answered the questions. Most important for the officers was whether Sachs had been talking about another woman altogether and whether the witnesses had received a list of Bible verses which they were to check at home after the sermon that day.37 The testimony of the witnesses against the pastor was considerably less than convincing. All except the Catholic had heard Sachs make the statement, but no one remembered how he got onto the subject or the

36 Hearings before the Villach circle and correspondence between the circle, the Gubernium, and chancellory, 4 October 1787-4 June 1788, KLA, Gubernium Graz, Faszikel 268.

37 The list of verses that Pastor Sachs provided to his congregation included: Gospel of Matthew 12:46,47; Gospel of Mark 3:31,32; Gospel of Luke 2:7; Gospel of John 7:3; Acts 1:14; and Galatians 1:19.
context in which his comment was made. Only one person had bothered to read the verses on the list, and he had come to the conclusion that Mary had given birth to Christ alone.38

In a brief statement before they examined Sachs, the head of the Villach circle declared that the State could not remain indifferent to what was taught in the Catholic Church or in the Protestant assemblies because of the potential for conflict between the two religions. Then he went on to pose the following questions to Sachs beginning with whether he had taught that Mary was the mother of children other than Jesus.

Sachs: I did not teach this. I only said it and let the people draw their own conclusions. I have verses to prove my position.

Examiner: The officers acknowledge that Sachs did not teach but only informed. The verses would not be admitted as evidence.

Sachs: I did not teach this because it is not an article of faith. It has no influence on blessing the Christian.

Examiner: Is this teaching that Mary is the mother of several children and the mother of Christ a doctrine of the Augsburg Confession or a private teaching?

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38 Testimony from 7 January 1788, KLA, Gubernium Graz, Faszikel 268.
Sachs: This teaching about Mary is not an official part of the Augsburg Confession. I did hear it taught at the university in Halle. I myself formulated the teaching that Mary is the mother of the human nature of Christ.

Examiner: It has been attested that this teaching on Mary comes from private study of the Bible, not a doctrine of the Augsburg Confession. The pastor confesses that it would have been better had he never mentioned this subject in his sermon. This new teaching is not particularly convincing.

Sachs: I do not hold myself responsible for what the congregation hears from what I preach.39

After Sachs had briefly answered the questions, he was permitted to give to the investigators a detailed written defense in six articles of his teaching based on his research in Church history and in the Bible.40 He had developed part of the lesson in question around the second article of the Lutheran catechism, which stated that Christ was born of the Virgin Mary. Sachs had wanted to rid his audience, made up mostly of poor farmers, of any false conceptions and to bring to it "light and truth." He had

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39 Sachs's testimony from 9 January 1788, KLA, Gubernium Graz, Faszikel 268.

40 Sachs's written defense from 9 January 1788, KLA, Gubernium Graz, Faszikel 268.
covered the subject in a teaching session rather than a sermon because the people were more likely to have their Bibles during catechism and this would allow him to use more texts.

In his first article Sachs stated that Nestorius in fifth-century Ephesus had formulated a concept of the godly nature of Christ but had rejected calling Mary-"Mother of God." As a result he was damned by the Church fathers. It was not until the Middle Ages that individuals circulated stories that Mary could perform miracles, receive worship, and provide reconciliation to God not only equal to but in some cases even better than Christ. At that time, he continued, Church authorities gave her the appellations "Queen of Heaven" and "Savior of Men" and declared that she held the keys to the gates of heaven and hell. To say ten "Hail Mary's" brought the same blessing as having said the Lord's Prayer one time; the Son of God no longer played an essential role in the salvation message. Pastors during the Reformation period, he explained, had tried to correct the confusion, and because Joseph II, as reformer and enlightened thinker who accepted the Protestant religions, had done much to clear the "fog and confusion" on this subject, Sachs looked to the Emperor for forgiveness.

Sachs further testified that his purpose in presenting this lesson had been to correct false impressions about Mary and the other saints for the uneducated farmers in his
congregation. The strategy of his presentation became more apparent in his second article as he began with a consideration of the angels. If, in all of God's creation, there were creatures besides God that could be worthy of honor and worship, the most obvious example would be an angel. However, Sachs continued, in the Bible there is not one example where anyone gave honor to or worshiped an angel.41 It follows that if no one ever worshiped these creatures, which are in every way superior to humans, then neither should anyone worship Mary or any of the saints, who were only mortal.42 In the early Churches no other object of worship was recognized except God. Origen, Athanasius, Gregory of Nazianzen, Isidore of Seville, and others found it contradictory to receive worship themselves or to worship others. Mary, like all other humans, was a sinful creature; whereas only of the Redeemer of the world is it stated that He was without sin.43 Mary said of herself only that she would be blessed, not that she would be able to bless others (Luke 1:45).

41 For proof text for this point in his argument Sachs wrote that angels do not require honor (Revelation 19:10), Christ and the apostles never considered worshipping angels, the apostles described angels as ministers to humans (Acts 5:18-23; 12:5-11; Hebrews 1:14), and there is absolutely no indication that the early church engaged in angel worship.

42 To show that the Godhead alone was worthy of worship, Sachs cited Isaiah 42:8; 45:24; Jeremiah 17:5; Matthew 4:10; Romans 1:25; I Timothy 2:5; and I John 2:1.

43 Hebrews 4:15; I Peter 2:22.
The pastor argued in his third article that the term "Mother of God" is an "unclever" expression confusing to the common man and useful only in polemical theological discussions. Jews only laugh at it, and Protestants should never use it. The eternal deity Christ could have no mother. Mary was his mother only in regard to his humanity. In article four he contended that the term "Virgin" Mary refers to the birth of the man Christ through abnormal and secret means. Mary was and remained a virgin in reference to the whole story of Christ's birth, and in this context the title is used correctly.

Sachs continued in his fifth article that there was no basis for applying the title of virgin to Mary for the remainder of her life. That Mary and Joseph had other children was highly likely. It was the purpose of marriage to have children. The term "know" in reference to sexual relations (Matthew 1:25) indicates only a certain period of time in which Joseph did not have sexual intercourse with Mary. In addition the terms "first" and "first-born" when used in the Old or New Testaments implied that other births followed. Finally, reliable accounts from many of the New

Testament authors indicate that Mary had at least six children.45

In his final article Sachs emphasized that the proof text in article five made his teaching so clear that he expected it to soon be made an article of faith in the Augsburg Confession. Because the Bible was true, correct knowledge of it was "necessary and healing" to the common man to protect him from doubt, confusion, and individual interpretation. The confused notions that Mary was without sin, and that she had to remain a virgin, and that so much ungodly trust had been placed in her were not necessary in the first-century church, nor were they necessary at that time. Lutheran pastors could not remain ambivalent. Their congregations held many contradictory beliefs about Mary, and they should no longer be left in confusion. Sachs admitted that some enlightened Catholic theologians also did not accept many of the traditional beliefs about Mary, but he avoided any direct attack on the Church. All Protestants, he concluded build their religious knowledge and judgment on the Bible. The Emperor's toleration for his Protestant subjects was a treasure that could not be taken away; freedom of conscience could not be forbidden; people had to be allowed to give testimony publically and to build themselves in the truth. Sachs's final answer to all

opponents in the Catholic faith was that solid food is for the mature (Hebrews 5:11-14).

The circle, aware that as a government institution it was not supposed to interfere in doctrinal issues, did not want to hand down a decision in the case, but its members realized the present danger of violence over this issue between the Catholics and the Lutherans in the village. They also realized that the bone of contention was not Sachs's carefully constructed arguments, but Protestant claims that Mary had had other children and was not a virgin. The circle officers appealed to the Gubernium, which in turn forwarded the case to the chancellory. Both the circle and the Gubernium had recommended that Sachs be transferred. The consistory of the Augsburg Confession advised the Emperor that the issue was theological and, since Sachs was not a trained theologian, he should not have expressed himself on this subject. The consistory recommended that the pastor remain with his congregation and that the superintendent monitor the content of his sermons at regular intervals. In June 1788 officials in Villach received the ruling that Sachs could remain because he had acknowledged his mistake in departing from the articles of the Augsburg Confession and had promised in the future to teach and preach only from those articles and to obey the superintendent.
But Sachs had had problems with a congregation before. He had served in St. Ruprecht near Villach from January 1784 to March 1787; after which he requested a transfer from the consistory because of difficulties with the members in the assembly there. In fact Sachs, in his desire to move to a new village in order to get away from trouble, provided only the first example of what became a trend of first-generation Lutheran pastors in Carinthia; many left their original assemblies. For most, the overwhelming reason to move was poor relations with their congregations. Their seminary education had made it virtually impossible for them to communicate the doctrines of their faith to the semi-literate farmers, while many of the congregation simply had not fulfilled their obligations of financial support and housing. The consensus among the preachers was that both the spiritual and economic conditions in this province were miserable. Of the six pastors who had moved to Carinthia during the first year that the Edict of Toleration was in effect, only one, Johann Georg Renner, remained with the same congregation (Watschig) by the end of the first decade. For the original six assemblies in the same period, Arriach had had three pastors; Fresach, two; Trebesing, two; Weissbriach, four; and Gian, two. The rapid turnover in pastors continued into the nineteenth century.46

46 J.K. Buenker, "Die evangelische Pfarrer in Kaernten vom Toleranzpatent bis zur Gegenwart," Jahrbuch der Gesellschaft fuer die Geschichte des Protestantismus in
The chancellory had written most of the legislation that was necessary for resolving major issues relating to the new Protestant administration and to the pastors in the villages by the middle of the first decade of the toleration. Relatively few legal problems arose in the second half of the decade that demanded the attention of the Emperor or of the government in Vienna. Consequently, the chancellory delegated even more authority to the provincial and village officials and to the consistory in Vienna for handling the affairs of the tolerated religions.

However, the Emperor continued to rule on issues which he decided demanded his attention. He ordered that widows and children of Acatholic pastors were to be cared for by the Protestant school teachers. The congregation was to pay one half of the former pastor's salary to his widow for the first year after the pastor's death, but sources of income after that first year were not specified.47 In order to avoid further unnecessary paper work, the chancellory authorized the provincial government to approval future pastoral transfers and several months later declared that only the approval of the Protestant consistory was necessary.48

Oesterreich 34 (1913): 145-158.

47 Decree from the Emperor, 5 January 1787, KLA, Gubernium Graz, Faszikel 268.

48 Decrees recorded by the Gubernium in Graz, 6 March - 21 June 1787, KLA, Gubernium Graz, Faszikel 268.
Finances continued to be a problem for the Protestants. The consistory appealed to the chancellory for legislation that would authorize village officials to make congregations pay their pastors the salary upon which they had agreed. By July 1789 the government ordered that the assemblies have a written contract with new preachers covering such items as salary and payment-in-kind. One new financial problem was that some pastors who had become dissatisfied with their ministries were leaving their congregations without having paid their taxes to the consistory. It was necessary for the government in Vienna to issue another decree imposing on the Gubernium the responsibility for preventing any pastor who had resigned his office from leaving the province until he had settled all financial matters.49

In an area the size of the Habsburg hereditary lands and with the number of levels of bureaucracy in the government, it was inevitable that problems in communication would occur. In June 1787 the Emperor had to remind the provincial officials that, although they had the authority to approve new pastoral candidates for Protestant congregations in their territories, they still had the responsibility to inform the consistory in Vienna of new placements. The members of the consistory had complained to the Emperor that because the Gubernium had failed to

49 Decree from the Emperor, 23 March 1789, KLA, Gubernium Graz, Faszikel 268.
notify them, they did not know where or even who some new pastors were. Without this information the consistory could neither check the doctrinal position of the new candidates nor collect the necessary taxes. But by the end of the first decade, Protestant growth had stabilized, much of the novelty of the toleration was gone and the initial problems addressed, and the Emperor had decided that the biannual reports from the Protestant clergy were no longer necessary. He ordered that in the future local authorities would report on the general welfare of the public without regard to religious distinctions.

Problems with new pastors exemplified only one category with which the new assemblies experienced difficulties. In addition to the need for educated spiritual leaders, the construction of prayer houses and schools in which the Lutherans could assemble for worship and for instruction was critical for the establishment and growth of the movement. These poor farmers encountered major obstacles in their search of money, material, and land to build their meeting halls and schools, as they continued to meet resistance from the Catholic Church.

50 Order from the chancellory to all provincial authorities, 21 June 1787, AVA, Evangelisch Kultus #25.

51 Order from the Villach circle, 7 September 1789, KLA, Paternion Patente Buch #405.
The Edict of Toleration set forth only general conditions under which an Acatholic congregation could build its meeting hall. Article One stated that there had to be the required legal number of worshipers (one hundred families or five hundred individuals) and that the congregations could use any type of building material; the only explicit restriction was that the house could not look like a church building: it must have no steeple, no chimes or bells that would announce services, and no entrance into the building from a public street. The Hungarian and the Silesian versions of the edict expressly stated that the Acatholics had to provide apartments or houses for their pastors and school teachers; the other versions had no directives on this point. The Emperor issued almost no more general decrees in reference to Acatholic places of worship or schools throughout the remainder of the decade. In February 1782, despite much protest from Church officials, he declared that Protestants could use material from abandoned Catholic chapels to construct their buildings, but aside from this, he handled most of these questions through
special dispensations from the chancellory, the provincial government, or the circles.1

A Catholic congregations seldom purchased outright the land on which they erected their meeting facilities. Generally a noble or a prosperous farmer would donate a piece of ground large enough to contain a prayer house and a cemetery, but it was not unusual for Protestants to submit to the government a request to build before they were certain that they would even obtain the property. In one request representatives from a group in Upper Carinthia stated that they had over two hundred families prepared to call a pastor, but that as yet they could only hope that a local lord would give some land for a prayer house and a school.2 Even after a congregation obtained the land and received permission to build, they could not assume that they were free to proceed. The prospective building site had to pass inspection by local officials, who considered such factors as proximity to the nearest Catholic Church, distance from other Protestant prayer houses, walking time of the communicants, type of soil, and nearness to water sources. As was the case in settling other types of disputes, government authorities generally sympathized with Protestant needs in handing down decisions on problem.

1 Decree from the Emperor, 11 February 1782, KLA, Landschaftliche Patente, Kat. #69.

2 Request from the Protestants in Upper Carinthia to the Emperor, 5 June 1782, KLA, R.Lh. CX.
related to construction sites. When one village officer complained to the Villach circle that a Protestant meeting hall built on a certain piece of land would contaminate his drinking water, the circle suggested that the officer dig another well.3

However, more than the enthusiastic enforcement of the toleration legislation, it was often the stiff-necked persistence of the Protestants that got results.4 Because Catholics were not permitted to refer to their place of worship as a church—a term reserved for use by the dominant Catholic religion—they would often call it a Tempel (in this case claiming it to be a transliteration of Templon, the Hungarian term for "church").5 Likewise, although the edict specifically prohibited non-Catholic meeting places from having steeples, bells, and an entry from the street—with the intention that the buildings should in no way resemble a Catholic Church—Protestants built some prayer houses with an apse on the east end of the building and with tall windows that gave the house a distinctively church-like appearance. Despite protests from the Catholics against these features, the government, for no

3 Decree from the Villach circle to Himmelberg officials, 1783, KLA, Himmelberg, Faszikel 62, Lauf. #85.

4 Request from the Villach circle to provincial authorities in Klagenfurt, 3 August 1782, KLA, R.Lh. CX.

5 Sakrausky, Geduldet, 14.
ascertainable reason, did nothing. Whatever other problems the Lutherans may have had among themselves, when it came time to build, they usually set aside their differences in order to help each other. The vicar in Arriach wrote in his diary that the frenzied activity that must have taken place in the raising of the biblical tower of Babel was similar to that of the Protestants, who resembled "many hundreds of ants," as they worked on their prayer house.

As with other types of problems, government officials were generally fair but firm when considering requests for permission to build and usually handled cases on an individual basis. In the first year of toleration, some groups were so enthusiastic about their new freedom that they began construction before they were certain of the required number of communicants or of the government's permission to build. Sometimes, they had reason to regret their haste. In the village of Einoede, twenty-three families (almost two hundred persons) commenced work on a meeting hall with the hope that the neighboring villages of Verditz, Letschenberg, and St. Ruprecht would add to their number and enable them to call their own pastor. Unfortunately for Lutherans in Einoede, those in St. Ruprecht wanted to form their own parish. This meant the people in Einoede would not have enough communicants to meet

6 Ibid.

7 Sakrausky, "Historische Beschreibung," 68.
the legal number. Since Protestants in Einoede had a prayer house under construction, they requested that the pastor in Arriach come to them every third Sunday to hold worship service. The first pastor refused because he had too many other responsibilities, and his successor suggested that Lutherans in Einoede travel to Arriach for services every fifth Sunday. They refused. In 1787 Protestants in Einoede sent a representative to Vienna to appeal again to the Emperor for permission to continue to build although they had too few members. Joseph rejected their request. Several years later, those in Einoede abandoned their prayer house and joined the congregation in St. Ruprecht.8

Lutherans in Siernitz were more successful in their efforts. In this village many of the 220 Protestants had been walking three hours one way on alternate Sundays to have a combined service with those in the village of Gnesau. They held the service in Siernitz in a barn. Village authorities confirmed to the Klagenfurt circle that, even though the number was relatively small, they could afford to build and to share the support of a pastor with other villages. Because the Edict of Toleration did not address the issue of filial assemblies (preaching stations), the circle had no guidelines by which to make a decision and forwarded the request from Siernitz to the governor in Graz. In their appeal to Graz, the Protestants in Siernitz

8 Reischer, Arriach, 27.
reminded the governor that several assemblies in the Villach circle had had fewer than the required number of communicants and had been allowed to build. The Gubernium did grant permission for these Protestants to build and to share a pastor with those in Gnesau.9

The circle in Villach rejected the first request from the Protestants in Arnoldstein to build a church. A Bleiberg pastor's having to travel over three hours one way to minister to the 177 communicants was not reason enough for the circle to bend the regulations of the edict. But when the pastor made a further appeal to the Gubernium, the governor, after consulting with the chancellory, overruled the decision by the circle and even granted the Lutherans permission to take from the Emperor's lands timber for construction and wood for heating.10

Acatholics in St. Ruprecht near Villach experienced other kinds of problems in their attempt to erect a meeting hall, problems that were resolved only at the highest level.11 For the first year and a half after the Emperor had proclaimed the toleration, Protestants in this village

9 Correspondence between Protestants in Siernitz, the Klagenfurt circle, and the Gubernium, August 1784-May 1785, KLA, Gubernium Graz 268.

10 Correspondence between Protestants in Arnoldstein, the Villach circle, the Gubernium, and the chancellory, August-December 1784, KLA, Gubernium Graz 268.

11 Sakrausky discusses the problems related to the construction of the prayer house in this village in St. Ruprecht.
had been counted together with those in Arriach in order to reach the legal number necessary for a congregation to call a pastor. In March 1783 the Villach circle refused the first request by Lutherans to build in St. Ruprecht on the grounds that they lacked the funds either for construction or to support a pastor and that they still could attend services in Arriach, which was only three hours away. Not content to enjoy a six-hour walk each Sunday come rain, shine, or snow, the Protestants in St. Ruprecht appealed to the Gubernium in October. The congregation now had the right to build a prayer house and thus, called a minister. Their first pastor, Samuel Sachs, arrived in January 1784.

A new issue arose; the problem of where the building would be constructed. A local tavern owner, Georg Moser, donated a piece of land on which the assembly could raise their meeting hall. Twice in February Pastor Sachs attempted to see the village authorities in order to get their approval of Moser's field as a building site. Both times the authorities were away from their offices and had left a message for the pastor to the effect that they regretted being unable to meet with him, but they were of the opinion that Moser's land was not the best location for the prayer house. Undaunted, Sachs forwarded his request for approval of the site to the Villach circle, but the circle officers declared this piece of land unsuitable because they knew of only one Protestant family in St.
Ruprecht; the field was only one hundred paces from the Catholic Church and Protestants at a worship service would disturb Catholics at Mass; and the location was impractical for communicants in the villages of Ossiachberg and Vorderhimmelberg, who would have to walk over three hours in order to attend service. The circle members did suggest three other possible construction sites, but Sachs and the congregation rejected all of these suggestions as being too impractical.12 Frustrated by the Villach circle, Sachs sent his next request to Graz. Members of the Gubernium met in April 1784, reviewed and agreed with the decision of the Villach circle, and also rejected the proposed location. They even commented that it might be better for Acatholics in St. Ruprecht to attend some of the other preaching stations in the area.13

The congregation at St. Ruprecht continued to press its case at the highest level. In June Georg Moser personally carried a final appeal from the Protestants to Vienna with the hope of getting an audience before the Emperor. The letter to Joseph reported the rejection of the prospective site by the village officials, the circle, and the Gubernium, but then went on to make a case for overturning the decision. An enclosed map showed that St. Ruprecht was

12 Ibid., 61.

13 Session of the Gubernium, 24 July 1784, KLA, Gubernium Graz, Faszikel 268.
in fact in the middle of a concentration of Protestant villages. The location offered in St. Ruprecht, the petition continued, was free land with a source of water; if the Protestants accepted any of the sites proposed by the circle, they would have to buy land which had very rocky soil and no water. The location in St. Ruprecht was not near a public street (this may not have been true of the other sites). They observed that being close to a street could have been part of the reason why the prayer house in a neighboring village had been burned. To avoid disturbing the Catholics, the Lutherans offered to build at the far end of Moser's property, two hundred paces away from the church; indeed, it was noted that the Catholics with their organ would be more of a distraction to the Protestants than they would be to the Catholics. As the final point in their petition, the Protestants argued for a liberal interpretation of part of the first article of the Edict of Toleration, which stated that Acatholics who lived over several hours from the nearest prayer house could build one of their own.14 Informed of the petition, the Gubernium advised the Emperor in September of the report from the circle in Villach that St. Ruprecht lacked enough Protestants to constitute a congregation and that the request for a building probably came only from the tavern

14 Petition from the St. Ruprecht Protestants to the emperor, 30 June 1784, KLA, Gubernium Graz, Faszikel 268.
owner Moser and eight other families in the area. In October Joseph denied the request.

But not even an imperial decision discouraged St. Ruprecht's Protestants. In November, to support his original claim, Sachs argued that, in addition to the land, Moser had also offered to donate building materials (wood, stone, and sand). Moser would permit the assembly to use his water well, thereby saving the group the expense of digging its own. In case of bad weather while the prayer house was under construction, Moser had offered to let the workers take shelter in his tavern; yet Sachs assured the authorities that the rumors were not true that Moser was being generous only because he needed to revive business at his establishment. Again in January 1785 the Gubernium reported to the chancellory that it had renewed their request based on the selection of a new proposed location. The members of the chancellory turned down the new appeal apparently because they were greatly annoyed by the persistence of the congregation.

The Emperor, on a trip through Carinthia in May 1785, granted audiences to his petitioners in Villach. Again Moser was able to see Joseph briefly and to present the

15 Gubernium report to the chancellory, 11 September 1784, KLA, Gubernium Graz, Faszikel 268.

16 Request from the Protestants in St. Ruprecht to the emperor, 12 November 1784, KLA, Gubernium Graz, Faszikel 268.
request to build. Joseph responded simply that Moser should be patient and continue to hold worship services in his barn. Yet, apparently, the personal plea carried more weight than letters. On 1 August the Villach circle issued a notice that the Emperor had given permission for the Lutherans in St. Ruprecht to build on the location that they had originally requested.17

Unfortunately, obstacles for St. Ruprecht's congregation continued to surface. In October 1785, Sachs wrote to the consistory in Vienna for help against the efforts of other Lutherans who were trying to undermine the plans for construction in St. Ruprecht. The assembly in Einoede had complained to circle officers that a meeting hall in St. Ruprecht would draw worshipers from the villages of Treffen, Poellan, Koettwein, and Goertschach, who had been attending and contributing to the ministry in Einoede. The result: Einoede would be left with a prayer house but no people. In his defense before the consistory, Sachs argued that St. Ruprecht and an associated preaching station, St. Joseph, had always been independent of Einoede. The A catholics in St. Ruprecht had never attended services in Einoede as a group, only as individuals, Lutherans had always considered Einoede as a preaching station of Arriach, and the pastor in Arriach had even encouraged the people in St. Ruprecht to build. Both the Villach circle and the

17 Sakrausky, St. Ruprecht, 119.
village authorities agreed that a meeting hall in St. Ruprecht would meet a need; in fact, they also noted that the Protestants in Einoede had begun their building without permission from the circle, without the legal number of communicants, and against the will of their pastor in Arriach. Sachs's letter contained twenty points in support of his position, but the consistory responded that the issue was political, not theological, and therefore, a matter for the circle to decide. By December the authorities in Villach ruled that the claim of the Lutherans in Einoede was unjust and that the congregation in St. Ruprecht could continue with its plans.18

Having submitted their first request to build in March 1783, the Lutherans in St. Ruprecht finally held their service of dedication for the new prayer house in August 1786. It was not until a month later, however, that they were able to rent chairs and benches to furnish the building. Conditions of the contract stipulated that (1) the rental price for each chair was seventeen kreuzer (presumably for one year), (2) chairs were to be used only in the prayer house, (3) a chair would be used only by the person who rented it and would be returned to the owner upon the death of the renter, and (4) if someone changed religions, the chair was to remain in the building for someone else to rent. As an expression of special thanks

18 Ibid., 138.
for having donated the land for the meeting hall, the adjoining courtyard and garden, the cemetery, and the pastor's house, the congregation gave Georg Moser and his wife their chairs free of rent in perpetuity.19

Despite strained emotions and numerous instances of slander, threats, and petty vandalism between Catholics and Protestants, only one suspected case of arson at a prayer house occurred in all of Carinthia in the first decade of the toleration. On 4 May 1784, someone set fire to the wooden prayer house and pastor's apartment in the village of Fresach north of Villach.20 At the first hearing on 6 May, officials received testimony from six witnesses to the fire, three Catholics and three Lutherans. No one had seen the fire lighted, but one woman said that by 11:30 p.m. the building had been engulfed in flames. One man speculated that the cause was negligence on the part of the pastor. Because there were no suspects, authorities concluded the hearing but declared that, if any other details surfaced, they would continue the investigation.

Early in June the Protestant superintendent for Inner Austria, Johann Fock, protested to the Emperor in Vienna that officials in the Villach circle had the names of four suspects but would not continue the investigation. Rumors

19 Ibid., 155.

20 Testimony from the hearings is found in KLA, Portia, CCCLVI.
had abounded before the fire that priests in the area had incited their people against the Lutherans, and much speculation circulated that something was about to happen. The four suspects had reputations as troublemakers and drunks and were widely known as likely culprits. Joseph ordered the circle to be more thorough in the investigation, but by July authorities had dismissed the original suspects and were questioning a farmer from a neighboring village. In August, based on an allegation from a resident of Fresach, officers called in for questioning the pastor’s maid, a woman who, after the fire, had gone to work in another village. According to the allegation, on the day of the fire the pastor’s wife had asked the maid to care for a brooding hen, which required her to leave the cooking fire in the kitchen unattended. It was during one of the trips to check the hen, authorities speculated, that the cooking fire flamed out of control and spread throughout the apartment and prayer house. They also commented that it would be a great weight off the shoulders of the Catholics if this account proved to be true. Officials drew no conclusions at the time.

It was December before the officers could interrogate the maid again. She denied that she had been careless in attending the cooking fire and also rejected a charge that she could have started the fire from a candle that she had carried with her when she went to check the hen. She stated
that she had indeed gone out to see the hen but had taken no light with her. After the maid's second testimony, officials decided that the evidence was too meager to convict her. Although the circle dismissed the case for want of other suspects, Protestants continued to maintain that Catholics had set the fire. The leading officer at the hearings, however, recorded that, based on the testimony which had been given, he was of the opinion that the pastor's maid had caused the accident through her carelessness. Lutherans in Fresach received contributions from a number of congregations outside of the hereditary lands to help them rebuild, and by spring of 1785 so much money had come from the Protestants in Nuremberg alone that they had an excess of 425 gulden which they shared with six other assemblies in Carinthia.21 Although authorities failed to reach a judgment that satisfied the Lutherans, the circle did resolve successfully the most serious Catholic-Lutheran confrontation to date.

Rising costs and increasing petitions for special dispensations such as those in St. Ruprecht and Einoede forced the Emperor in February 1785 to limit the number of

building permits issued for new prayer houses.22 In addition to more complaints that assemblies were not paying their bills for construction costs, many disgruntled laymen and pastors also charged that the workmanship on the buildings was inferior.

The pastor in Arriach wrote to the Villach circle that after almost two years his congregation still had no protection from the wind because the sides of the prayer house had not been completed. In addition the roof was poorly constructed, and it threatened to cave in with each new snowfall.23 Pastors also had problems with floors that broke through.24 In one apartment the pastor fell through three floors in three years.25 Another pastor expressed annoyance that the farmers in his congregation did not have enough foresight to build a larger meeting hall; if the congregation grew at all, he noted, the building would soon be very crowded.26 In his desperation, he took advantage of the Emperor's directive that allowed Acatholics to receive financial aid from sources outside of the hereditary lands.

22 The Emperor's decree was released by the Villach circle on 1 February 1785, KLA, Patente, Villacher Kreis, Faszikel 62.

23 Reischer, Arriach, 28.

24 Request from Arriach Protestants to the consistory, 12 August 1786, AEO, Faszikel VI, Zahl 170.

25 Mecenseffy, "Der Nuernberger Kaufmann," 52.

26 The prayer house in St. Ruprecht measured 52.9 ft. long x 27.8 ft. wide x 17.1 ft. high.
and appealed to Protestant assemblies in Stuttgart, Frankfurt, Giessen, and Brussels for money to build a larger hall.27

Despite numerous impediments from within and without their ranks, by the end of Joseph's reign the Protestants in Carinthia had erected stone prayer houses in Arriach, Bleiberg, St. Peter im Feld, St. Ruprecht, Watschig, Tressdorf, Weissbriach, Fresach, and Trebessing as well as wooden halls in Fefferniz, Stoggenboi, Gnesau, Noehring, and Kraig.28

Relatively speaking, the difficulties that the pastors and their communicants encountered in attempting to construct prayer houses were minor compared with those they experienced in trying to establish schools. In the second half of the sixteenth century, Protestants had opened a number of schools throughout the Habsburg lands. Many of them, such as those in Vienna, St. Poelten, Linz, Graz, Klagenfurt, and Laibach, were established for the nobility, but as early as 1569, there was a German public elementary school in Oedenburg.29 Throughout the early Counter-Reformation, the Catholics forced many of these

27 Sakrausky, St. Ruprecht, 124.


schools to close, but during the 1680s non-Catholics had begun to open some of them again.

Few major changes occurred in the educational system until Maria Theresa introduced her reforms. She established her own Court Commission of Education in 1760 to reform and coordinate the universities and schools throughout the monarchy and to remove education from the control of the Catholic Church, and in 1774 she decreed a mandatory public education to be implemented through a new system of elementary schools. In 1777 the Empress instituted the ratio educationis, a plan that divided the Kingdom of Hungary into nine school districts, each with a royal school inspector who had oversight of both Catholic and Protestant schools.30

More important, however, than any administrative restructuring was a change in the basic philosophy of education first introduced under Maria Theresa and continued under Joseph II. The Empress had commissioned her personal physician, Gerhard van Swieten, to begin a reform of the universities that included wresting regulation of the departments of philosophy, theology, and law from the Jesuits and placing them under government control.31 She also authorized for use in the elementary schools the new Standard Catechism, which placed more emphasis on moral

30 Ibid.
improvement and less on issues of religious authority and particular Catholic doctrines.\textsuperscript{32}

Joseph II appointed van Swieten's son Gottfried as head of the Court Commission of Education in November 1781. Heavily influenced by the rationalism of the Enlightenment and impressed by the Prussian philosophy of education which emphasized submission to the authority of the State, the younger van Swieten argued that Christian beliefs hindered advances in science and undermined the ruler's power.\textsuperscript{33} Under the leadership of the Emperor and van Swieten, the government continued to work to remove exclusively Catholic doctrine from school texts with the hope of instilling a more receptive attitude among young children toward the tolerated religions.\textsuperscript{34}

In the first and second articles of the Edict of Toleration, Joseph declared that the Acatholics included in the terms of the new law could build their own school houses and call non-Catholic teachers but that the government provincial school directorate would determine the curriculum and teaching methods. The Commission on Education decided that a teacher could only work in the province in which he had originally lived while the Lutherans in Vienna were

\textsuperscript{32} First published in 1777 and used in the Habsburg lands until 1894.

\textsuperscript{33} O'Brien, \textit{Ideas}, 31.

\textsuperscript{34} Ibid.
prohibited altogether from hiring teachers from outside the hereditary lands. Each teacher had to have a certificate of training, to belong to the Acatholic confession of the school in which he taught, and to pass an examination on his knowledge of religion. The chancellory had to issue a number of decrees in the early years of the toleration in order to emphasize or to clarify the Emperor's policy on education for non-Catholics. In January 1782 Joseph declared that until Acatholics hired their own pastor or teacher their children had to attend the nearest elementary school even though Catholic religious instruction was taught there. In August Joseph modified this decree so that Acatholic children could leave the school when Catholic religious instruction was given. In such schools it was not necessary, he continued, to hire an Acatholic teacher if there were already a qualified Catholic instructor. If there were no Catholic instructor and if the number of Acatholic children were large enough, the local Protestants could have a teacher from their own religion.

In 1783 the Emperor ordered that local lords, patrons, and villages each had to pay one-third the cost to erect new government school buildings, but no such financial aid was made available to either the exclusively Catholic or Acatholic schools. Later that year he issued another

35 Irene Lenk, Evangelisch in Oesterreich, 164.
36 Kropatschek, Handbuch, Bd. 2, 426.
decree reiterating that non-Catholic teachers had to pass the same certification as government teachers and that Acatholic assemblies had to prove that they could provide for a teacher before they actually hired one.37

Unfortunately, constant reminders from the government did little to improve education in the countryside. Qualified instructors were hard to find. The first teacher in Arriach was a farmhand selected, by the villagers, who went to Klagenfurt to attend a six-week training course for new instructors.38 Cooperation from parents was not the best either. Protestant schools were generally better than their Catholic counterparts, but it was particularly frustrating to teachers that as soon as the children could read through their prayer books, their parents did not permit them to attend anymore. The parents explained that the children did not need to be able to read more than they could. Instructors had no fixed salary. Children were supposed to bring money to school each week, and some churches had to supplement that with money from the offerings in the worship services. One teacher reported that in one six-month period he had received only twenty-five gulden, barely enough to live on.39 For the first few years of the toleration, school buildings were low

37 Ibid.
38 Reischer, Arriach, 42.
39 Ibid., 43.
on the list of financial priorities, and teachers often had to hold classes in the homes of the pastors.

The Emperor continued with his decrees on the subject of Catholic education. Catholic fathers could give religious instruction to their children, who were too young to attend school. Joseph stressed that government authorities should treat parents and their children with the same amount of respect whether they left the Catholic Church before or after the free registration date of 1 January 1783, but officers should also question children closely to determine whether they were still open to the Catholic religion.40 Protestants could use the bells in the Catholic Church for the needs of their schools, and pastors could hold catechism classes in school rooms, but that was to be the only place and the only reason Catholics were permitted to gather officially outside of their prayer houses.41

Until the establishment of the office of superintendent (the pastor who had oversight of approximately ten congregations), pastors in the village had the responsibility of reporting to the government twice a year on the conditions of the congregations and of the schools. Representatives from the circles were to visit once a year

40 Order from the Villach circle, 13 August 1783, KLA, Patenion Patente Buch 398.

41 Kropatschek, Handbuch, Bd. 6, 589.
to confirm the quality of teaching.42 Eventually older Acatholic children also were allowed to have religious instruction at home, but the chancellory emphasized that this was still the only religious activity that Protestants could hold outside of the prayer house.43

The Emperor released a detailed ordinance for schools in Hungary in 1786. Although some of the articles addressed conditions unique to this area, several of the stipulations applied to Protestant schools in Carinthia. If one village by itself could not support a school, several villages could join together in order to provide the necessary funds; Lutherans could remove from textbooks any subject matter which they found to be offensive; and finally, if for any reason Acatholics could not use texts prepared by their own superintendents, they had to use books which the Catholics used in their schools.44

As problems concerning pastors and prayer houses illustrate, general regulations written in Vienna could not resolve every difficulty that arose in the villages. Throughout the decade the Emperor delegated ever more authority to the Gubernium and to the circles. After the village of Weissensee became almost entirely Lutheran, it

42 Ibid.

43 Order from the chancellory to the Gubernium, 14 August 1784, KLA, Gubernium Graz, Faszikel 268.

44 Kropatschek, Handbuch, Bd. 10, 882.
requested a Protestant teacher to replace the Catholic instructor there. The Villach circle asked the Gubernium in Graz whether the Catholic should simply be put out of his job, to which the Gubernium responded that the Protestants should indeed have their own teacher and that the circle was responsible for finding the Catholic teacher another position.45

Nor was it uncommon for non-Catholics to experience similar treatment. One new Lutheran instructor in Hermagor wanted to take a position in the village of Watschig because, except for two other persons, all of the inhabitants of Hermagor were Catholic. The pastor in Watschig wanted the instructor in his village because, he argued before the Villach circle, his village was more centrally located for the children. Again the circle turned the case over to the Gubernium, which decided that Hermagor was in fact in a better location for most of the Acatholic children from the surrounding area and that the Protestant teacher was to remain there.46

Even if a circle approved an application for a school, it was by no means certain that a congregation would be able to build it. The villages of Teuchner and Oberwinkel won

45 Exchange between the Villach circle and the Gubernium 2-12 July, 1783, KLA, R.Lh., CX.

46 Exchange between the Villach circle and the Gubernium, 9-22 March 1785, KLA, Gubernium Graz, Faszikel 268.
approval for their own school because the one in Arriach was too far away for their forty children, but four years later increasing war taxes and poor harvests still prevented these villagers from collecting enough money to complete construction. It was understandable that farmers might have difficulty in raising enough money to finance a project on the order of a school. Usually the children met in their pastor's home or in the home of one of the members of the congregation. But the pastors who had moved into Carinthia were particularly discouraged to learn that their people were too poor to buy even chairs or slates for children to use in their class work.

Senior Gotthardt, in his report to the consistory for the year 1786, illustrated other problems that the Lutheran teachers encountered in Carinthia. The pastors were responsible for teaching two to three hours of religious instruction each week and for holding catechism class for older persons on Sunday afternoons after the morning service from the Small Luther Catechism, the New Testament, and a variety of song and prayer books. The teachers were to have twenty-two hours of regular classes and eight to ten hours per week of religious instruction. This meant that children in Protestant schools could have as many as ten hours each week of study from the Bible, catechism, and song


48 Sakrausky, *St. Ruprecht*, 79.
books alone. 49 As part of his report, the senior added that the curriculum in the Carinthian Protestant middle school included:

- **Monday:** 8-10 a.m. Bible story from a devotional book.
- **Tuesday:** 3-4 p.m. Religious instruction.
- **Wednesday:** 8-9 a.m. Bible story from a devotional book.
  - 3-4 p.m. Practice in locating Bible verses.
- **Friday:** 8-9 a.m. Reading from the Gospels and related questions.
  - 9-10 a.m. Reading from the Epistles and related questions.
  - 3-4 p.m. Repetition of the Catechism. 50

However, not even the advantages of improved administrative oversight provided by the consistory could solve many of the fundamental difficulties that the teachers encountered. Of course the teachers themselves were often significant problems. Training for certification in Klagenfurt usually lasted only six weeks, and this was not enough time to turn a farmhand into a good instructor. The senior reported that most could not clearly express their thoughts in a paragraph, their handwriting was often illegible, and they were usually very limited in their

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50 Ibid.
ability to read or to do arithmetic. But, he observed, the Catholic teachers were worse.51

Even when a congregation could pay the amount that had been arranged before the instructor began his term, he often had to seek other work in order to provide for his family. The Lutherans in Arriach paid their teacher fifty gulden per year and provided an apartment and firewood. Each child was supposed to bring an additional three kreuzer per week to supplement the teacher's income. However, the teacher still had to serve as acolyte for the assembly, and his wife, as part of the duties that went with the position, had to go to another village once a week to pick up the mail for residents of Arriach. He also had a part-time job as a bookbinder.52 Some instructors supplemented their income by working as house servants or field hands in the summer, others as shoemakers, miners, or tailors. Still others made extra money by helping to build prayer houses.

As reluctant as the parents were to contribute to salaries for the teachers, they were often even less willing to send their children to classes at all. Gotthardt commented that many prevented their children from attending instruction because of meanness, prejudice, old traditions, distance to the school, malnourishment, or poverty.53 Many

51 Sakrausky, Geduldet, 31.
52 Sakrausky, "Toleranzpatent und Schule," 355.
53 Ibid., 359.
of the parents disliked the new textbooks because they could not read the print; they had memorized their prayers from their parents' books, which had had a different font. The difficulty with reading the new print resulted in many Lutherans' rejecting all of the new song, prayer, and devotional books, a problem discussed in the next chapter. The weather and the season of the year also influenced school participation. Most schools met in the winter between the times of peak agricultural activity, which lasted from late spring through early fall, when children were needed for farm work. Regular attendance usually began when the snow came; when the snow was gone in the spring so were the students.

By the end of the decade, the chancellory had passed significant legislation for issues related to Acatholic schools than it had for prayer houses. The Emperor finally decreed that, when Acatholics had their own teacher, they no longer had to help support the Catholic teacher in their village. This freed Protestants from any financial obligation to the Catholic Church in matters regarding schools.54

In a resolution that must have been very upsetting to the Catholic hierarchy, the Emperor decided that Catholic children could attend classes in a Protestant school if it were closer than a Catholic school. The same exemption

54 Kropatschek, Handbuch, Bd. 15, 855.
enjoyed by the Protestants in the Catholic school was also valid for the Catholics in the A catholic school; they could leave class during religious instruction. The priest would be responsible for seeing that these children received religious instruction at home or in the parish church.55

Joseph reaffirmed an earlier order in which he had declared that children of parents who had become A catholic after 1 January 1783, upon reaching an age at which they had appropriate "ability to make a mature decision," could convert to Catholicism if they so desired. This law again warned that parents and A catholic clergy against harassing the children before their decision.56

Other laws added new responsibilities to religious and to civil authorities. Seniors now had to include in their reports on the general conditions of the Protestants, information about the birth, growth, and promotion of the children in the schools.57 Local officials were charged with providing at least half of the wood needed for heating the schools, and forest workers and transporters were responsible for moving the wood to the schools. Businesses in commercial districts had to pay for the schooling of poor children while well-to-do parents had to provide textbooks

55 Order from the Villach circle, 4 February 1788, KLA, Patente Villach Kreis, Faszikel 62, #11.
56 Kropatschek, Handbuch, Bd. 15, 965.
57 Ibid., 966.
to the schools.58 In an effort to improve the parental support of the educational policies, circle officers were ordered to arrest for twenty-four hours and to fine twelve kreuzer adults whose children missed too much school.59 Finally, the chancellory instructed the Gubernium and the circles to ensure that Acatholics did not assume the responsibility for educating poor Catholic children. Because children were easily influenced, there was the danger that they would take up Protestant ways of thinking. The circles were to encourage parish priests to improve their teaching in order to improve the morals of the people.60

Within two decades after Joseph announced the Edict of Toleration, there were thirty-two Protestant schools in Carinthia, but the number of students was far from constant and teachers moved often because teaching positions were viewed as a first step to a higher post in the parish religious administration or to a pastorate.61 Equally as controversial as the reliability of the Acatholic instructors was the subject of which books to use in the schools and in the churches. The pastors and teachers who

58 Linz, Himmelberg, 324.

59 Sakrausky, Geduldet, 32. Mandatory schooling in modern terms did not begin in the Habsburg lands until 1869.

60 Order from the chancellory to the Gubernium, 20 August 1789, KLA, Gubernium Graz, Faszikel 268.

61 Reingrabner, Protestanten, 204.
immigrated in order to minister in Carinthia encountered a Protestant population whose faith had been sustained for generations almost exclusively by literature alone without pastoral guidance. The new leadership met with much opposition from their congregations as they sought to introduce uniformity into the liturgical and intellectual life of their communities and still adhere to the code of censorship dictated by the Emperor.
CHAPTER VIII
ACATHOLIC LITERATURE

Throughout the period of the Catholic Counter-Reformation and during the years of underground Protestantism, literature proved to be the lifeblood of Protestantism in the Habsburg lands. From time-to-time Catholic officials had limited success in searching out and destroying caches of these "heretical" books, but it was impossible for them to examine every person who crossed the border or to check every house in each remote valley within the hereditary provinces. In 1600 Catholics were particularly effective in their attempts to uncover "Luther" books in Inner Austria; they confiscated over 200 in Bruck, over 400 in Knittelfeld, over 1,000 in Neumarkt, and in August, they burned over 10,000 books in Graz.1 It was in September that the provincial governor Ortenburg led 300 soldiers on a seventy-day crusade through Carinthia in order to drive out the Acatholics. They burned books in twenty-eight cities and markets throughout the province.

The Habsburg emperors issued a number of decrees during the seventeenth and eighteenth centuries in which

1 Mecenseffy, Protestantismus, 80.
they prohibited the import of any type of literature that smacked of Protestant doctrine, ordered all sorts of punishment ranging from heavy monetary fines to physical torture for those who owned or smuggled such works, and supported the "visitation" by members of the Catholic spiritual commission to the homes of persons who were suspected of having these books.

From the time of the Reformation, Protestants in the cities of Nuremberg and Regensburg had been major suppliers of literature to Acatholics in the hereditary lands. During the seventeenth century, the government had been able to seize many shipments of books at customs stations in border areas, and "visitation" commissioners, with disturbing regularity, had uncovered many works in the homes of farmers and nobles alike. Yet none of the measures which the Catholics implemented proved successful in cutting off the Protestants in the Habsburg provinces from their suppliers, and officials in Carinthia continued to uncover large caches of books in the early years of the eighteenth century. In 1709 commissioners confiscated over one thousand pieces of literature in the village of Gmuend alone.2 A newly appointed village custodian to Paternion ordered a fine of eighteen gulden for each illegal book found, and in 1712

2 Ibid., 199.
priests discovered over four hundred works among the residents of this village.3

However, in the remote alpine valleys of Upper Carinthia such finds by the Catholics were often the exception. In the villages of Treffen, Spital, Afritz, Himmelberg, Reichenau, and Gnesau, and on the estates of the counts of Portia and Lodron, heretical books were often distributed without any interference by authorities. Books were brought in by masons and woodworkers from German territories who came to the province for work in the summer and who would return to their homes during the winter months. Merchants and even beggars would hide books in the rocks near border stations and then return to collect them after passing through the customs check.4

One of the best-known smugglers of Protestant books was Johann Tobias Kiessling, a wealthy merchant from Nuernberg. For almost fifty years during the reigns of both Maria Theresa and Joseph II, he traveled the market circuit through the Austrian cities of Wels, Linz, Graz, Klagenfurt, and Villach bringing literature and money from German Protestants to the underground Protestants. After Joseph issued the Edict of Toleration, Kiessling, as a representative of the "German Society for the Active Promotion of Pure Teaching and True Godliness," continued to

3 Csernak, Paternion, 123.
4 Hohenauer, Kirchengeschichte von Kaernten, 212.
visit the new prayer houses and schools, bringing books and money to support the fledgling assemblies.5 Kiessling began visiting the smaller Carinthian villages in 1772.6

At the beginning of Maria Theresa's reign the Catholic Church controlled censorship in the Habsburg lands. University professors of the Jesuit Order were in charge of maintaining the catalog of forbidden books and were committed to preserving Catholic orthodoxy. By 1752, however, the Empress established, under the direction of her personal physician, Gerhard van Swieten, the Court Censorship Commission, which replaced the censors at the university and which was fully accountable to the government.

Even though the Church no longer directly supervised censorship throughout the monarchy, government officials continued to appoint priests to serve on visitation committees in order to check the tide of undesirable literature. When authorities arrested someone for possession or trade of illegal works, they held a simple inquisition during which they asked the suspect such questions as the names and number of books, which were hand-copied and which were printed, the city in which the

5 This society was established 25 December 1779 in London by Johann August U尔斯perger. The mystical-pietistic teachings advanced by this group were a reaction to the influence of rationalism that had permeated the German Protestant universities in the eighteenth century.

6 Link, Evangelisch in Oesterreich, 138.
printed books had been published, and whether the suspect knew that the works in question were on the list of censored books. For those who were found guilty, punishment ranged from monetary fines to varying degrees of physical torture.7

Besides the numerous editions of Luther’s catechism, a variety of sermon collections, devotionals, and song books had been in illegal circulation throughout the monarchy from the seventeenth century. According to the censorship commission, there remained a cause of tension between Catholics and Protestants during the Empress’s reign. The most widespread collection of songs, first edited by Matthias Lang in 1670, contained 134 hymns and prayers;8 the sixth edition, published in 1700, had 526 songs plus 736 pages of prayers. The edition of 1752, although very popular among laymen, was criticized by officials and by 1780 still was considered illegal for being "un-German, confusing, and offensive."9

Whereas the Empress held that the role of the censor was to maintain religious doctrinal purity and to aid in upholding internal security, her son loosened regulations in order to encourage the publishing industry in the monarchy. Joseph argued that a major contribution of the censor should

7 Questions at a hearing on illegal books, 10 March 1777, KLA, Portia, CCCL.
8 Spiegel-Schmidt, "Die evangelische Gemeinde Oedenburg," 164.
9 Ibid.
be to enhance the climate of toleration by restraining the expression of religious animosity, by permitting enlightened authors to justify reforms, and by allowing these authors to defend their own writings from conservative attack.10

Beginning in 1781, the Emperor introduced radical changes in the administration of the censorship. He removed the conservative Count Leopold von Clary as head of the censorship commission and appointed in his place the more liberal Count Johann Rudolf Chotek. Under Chotek's leadership the court commission dominated the provincial commissions. In a move toward further centralization, in April 1782, Joseph put the censorship commission under the direction of the newly formed Commission of Education.11 Under the auspices of this new commission, the censor, by controlling the material that was available for public reading, was responsible for raising the standards of public morality and literary taste and for fostering enlightenment among the population.12 While commission members reduced the index of forbidden books from 5,000 titles to 900, they did add some works, such as J. Christian Pannich's pro-Catholic book, Luther's Catechism

10 O’Brien, Ideas, 35.

11 Joseph established the Commission on Education 29 November 1781 and appointed Baron Gottfried van Swieten, son of Gerhard, as its head.

12 O’Brien, Ideas, 35-36.
for the Misguided, to the list because of his allegedly malicious treatment of the Protestants.

Even before he issued the Edict of Toleration in October 1781, Joseph had permitted shipments of books to areas where Protestants were unofficially tolerated. After the edict, he announced that Acatholic literature could be brought into all parts of the monarchy but discouraged its reading by Catholics. The Emperor ordered customs officials to continue to search commercial shipments for books but a check of private libraries was no longer necessary.13

Although there were no stipulations regarding books in the October edict itself, the Emperor had begun to issue ordinances earlier in 1781 that were to influence significantly the circulation of questionable literature. In May Joseph approved for use by Acatholics in Hungary a list of over ninety-five titles, but it would be over two years before he would consent to only eleven works for Lutherans in the western provinces.14 By July he had determined that provincial authorities in Bohemia could decide which books might mislead the people in their area, and that it was no longer necessary to send titles to the court censorship commission in Vienna. Priests were admonished to confiscate books with "gentleness" and to

13 Ibid., 37.
14 Wagner, Mutterkirche, 108.
avoid the appearance of force. They were to replace heretical books with good Catholic literature.15

In an ordinance published in August, Joseph made it legal for anyone to own a non-Catholic Bible, and he also put an end to the seizure of books in homes by visitation committees. Persons could no longer be punished for owning books not specifically listed by the court censors.16

Immediately preceding the release of the toleration legislation, the Emperor ordered local authorities to return to the owners all Acatholic Bibles, devotionals, prayer, and song books which had not been burned.17

It was not until January 1782 that Joseph found it necessary to make further declarations on the subject of Protestant books. He granted the consistory in Teschen the authority to approve and to order for printing the literature which was to be used by the Acatholics in the western provinces, always contingent, of course, upon final authorization by provincial officials.18 The Emperor further ordered that customs officers were not to punish travelers who were found to have Acatholic literature in their possession.19

15 Kropatschek, Handbuch, Bd. 1, 534.
16 Ibid., 535.
17 Ibid., 536.
18 Wagner, Mutterkirche, 139.
19 Kropatschek, Handbuch, Bd. 1, 536.
For reasons that were not entirely clear, Joseph had to issue more instructions for Bohemia regarding customs checks. To avoid any further confusion, merchants carrying Protestant literature had to present to officers a receipt which indicated they had paid the duty for the books they were importing. Any of the titles not listed were not to be seized but should be reported to the provincial authorities. In instances when it was necessary to appropriate certain works, customs officers must explain to the merchant that the books were not taken for religious reasons but because they had not been registered properly nor the duty paid.20

In his most extensive legislation for the hereditary lands to date, Joseph decreed in April that clerks in the governmental auditor's office were to register the titles of all works that passed through border stations. Any merchants who behaved suspiciously were to be kept under observation. Importers who did not have all of their titles properly registered with the auditor's office would have their goods seized at the border. Book shops in cities and villages throughout the monarchy were allowed to stock any books used by the three tolerated religions that did not slander the dominant religion or the State or in any other way violate the provisions of the censorship. Book shops were permitted to sell these imported books until existing publishers could take on the extra work or new publishing

20 Ibid.
firms could be established within the monarchy to print the Acatholic literature.21

This decree also ruled that neither civil nor religious officials would be authorized ever again to hold an inquisition for any subject of the monarchy. No subjects would be issued passes for the purpose of crossing the border to pick up books. Individuals were to present lists of the desired books to village, circle, and provincial officers, and then order the books through the nearest book dealer. Joseph reiterated in this order that traveling merchants were not permitted to transport any titles which were not listed on the duty receipts and that receipts must be recorded with the provincial office.22

By June 1782 Joseph had to extend an earlier decree allowing the import of both Lutheran and Reformed song books. He announced that he was suspending an order to prohibit the shipping of these books into the monarchy until a greater number could be printed by local publishers. The Emperor also extended the order to permit the continued "open and orderly" import of Bibles and prayer books without holding the Acatholics within the monarchy responsible for the contents. For the time being, Trattner in Vienna and other printers throughout the hereditary lands were free to publish these Acatholic song and devotional books, but they

21 Ibid., 537.
22 Ibid.
would soon be restricted to a list that would be forthcoming that would contain those works specifically approved by the Teschen Consistory and the court censor.23

When the censorship commission published its selections in July 1783, the list contained only eleven titles:

1. the Halle or Lemgoe translation of the Bible
2. the small Luther Catechism
3. the large Luther Catechism
4. the Heidelberg Catechism
5. the Church agenda for the Augsburg Confession
6. the Church agenda for the Helvetic Confession
7. the Arndt Prayer Book
8. a collection of songs from Weise and Zolhkofer
9. the Cythara Sanctorum, a devotional published in 1737
10. the new edition of the song book already in use in Hanau, Wurttemberg, Hanover, Braunschweig, Hesse-Darmstadt, Holstein, Bremen, and Dortmund
11. the song book used in the Prussian lands since 1780.24

The Emperor still did not include Lang's song book on the list and specifically prohibited the importation or possession of either the Regensburg or Ortenburg Protestant hymnals. He contended that these books were indecent and offensive to the dominant religion, used poor language and

23 Ibid., 539.
24 Ibid., 540.
poor selection of songs with unclear meanings, and could easily be replaced by other works of higher quality. Provincial officials were to inform pastors in the villages to announce to their congregations the titles of the censored books and the reasons they were banned.25

In what was to be the last of his relatively major laws dealing with books during the decade, Joseph had to issue an ordinance in December 1783 in which he again forbade the use of the Regensburg and Ortenburg song books in the hereditary lands. He emphasized that these works contained much material hostile to the Catholics and contrary to the spirit of toleration and that some of the songs were simply "foolish." Further, there was no need to send the money used to purchase these books to foreign publishers. Better Acatholic books, he argued, could be printed more inexpensively within the Habsburg provinces. Finally, the Emperor informed the Gubernium that the Teschen Consistory had agreed to stop the sale of yet another hymnal, the Saxon Sorauer, for the same reasons.26

Despite the efforts by the Emperor to regulate the quality of religious literature through his own decrees and through the supervision which he delegated to the consistory and to the censorship commission, it took several years

25 Ibid., 541.
26 Decree from the Emperor, 12 December 1783, KLA, R.Lh., CIX.
before the pastors in the villages could even begin to persuade their congregations to give up the old books and to accept the newer ones. Over the previous century during the time of underground Protestantism, all kinds of Acatholic literature had found its way into the Habsburg lands from Protestant assemblies in Nuernberg, Leipzig, Lueneburg, Frankfurt am Main, Regensburg, Halle, and Basel.27 Smugglers had also brought books into the western provinces from Wuerttemberg, Ortenburg, Teschen, and Pressburg.28 As a result, by the time the Edict of Toleration was published, over fifty different Protestant hymnals were in use in the hereditary lands (over thirty different books in the German language).29 The faithful were quite reluctant to give up their anti-Catholic and mystical hymnals and devotionals for the more tolerant and rational liturgies and commentaries offered by the government and the consistory.

Even though officials within the Catholic Church were aware of the government's measures to improve the quality of Protestant literature, the inflammatory nature of the older works continued to be a source of concern to village priests. The relatively tolerant Bishop of Gurk complained repeatedly to the Emperor about both the problems which

27 Lenk, Evangelisch in Oesterreich, 147.
28 Reingrabner, Protestanten, 196.
arose due to A catholic books and the failure of Catholic measures to distribute literature of their own throughout the province. In a letter from July 1782, one of the six points that the bishop suggested to improve Catholic-Protestant relations was a more thorough effort by government officials to remove slanderous Lutheran books that fed hatred for Catholics.30 The bishop had to appeal to the Archbishop of Salzburg for financial help to pay for three thousand new Catholic books that he wanted to distribute in Carinthia in an attempt to counter the increasing numbers of Protestant works.31

The bishop continued to express his misgivings about the Emperor's measures to keep Catholicism as the dominant religion. The provincial nobles, the bishop related, were not protecting the interests of the Church, and many weak Catholics were being led astray by the flood of A catholic literature that was coming into the area both in open and in secret shipments. In a tone of desperation, he added that "all" Protestant books should be seized because "all" were filled with bitter words against the Catholics.32 By the end of 1784 the Catholic consistory in Carinthia vainly recommended again that all Protestant books be confiscated

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30 Fresacher, "Duldungsgesetz," 23.

31 Request from the Bishop of Gurk to the Archbishop of Salzburg, 1 March 1783, ADG, Faszikel 63.

32 Letter from the Bishop of Gurk to Joseph II, no date, ADG, Faszikel 66.
because they were harmful to Catholic children and to Catholic servants who worked in Protestant homes and because Lutheran preachers were using this material to incite their congregations against the Catholics.33

Because of the success of the Emperor's reforms in reducing the power and influence of the Church, complaints such as these were virtually ignored by the court in Vienna. The indifference of the court could be critical because the final decision on many religious issues lay there. Government officials at the provincial and circle levels had the authority to hand down decisions on matters related to literature in their own regions or to refer the problems to Vienna. As was the case with other issues, Protestants also had the right to appeal beyond the circle to the Gubernium and to the Emperor for decisions they considered unfair.

One example illustrates the forbearance of the court in dealing with the dissemination of literature. In June 1782, officers in the Villach circle interrogated Joseph Slatinger, a tailor's apprentice, who had been charged with illegally storing and selling books not approved by the censor.34 Although the authorities released Slatinger


34 Correspondence between the Villach circle, the Gubernium, and the chancellory, 21 June 1782-13 December 1783, KLA, R.Lh., CIX.
without punishment on the condition that he refrain from any such activities in the future, the young man appealed to the court. In his request, the tailor's apprentice stated that he had been in prison for three weeks while awaiting his hearing and that he now hoped to secure the return of his books and financial compensation for the sales which he had lost during incarceration. He argued that the act of importing song and prayer books was no reason to have them seized, much less to have himself punished. Further, none of the books contained subject matter that could be considered defamatory of the dominant religion. Finally, "all" customs officials throughout the monarchy from Pressburg to Carinthia had permitted free and unrestricted movement of these books.

Based on the evidence he had received, the Emperor decided to grant Slatinger's appeal; he ordered that the books be returned and that the circle compensate the young man twelve gulden and ten kreuzer for any sales he might have missed while in jail. But in the meantime authorities had continued their investigation and had discovered that Slatinger had neither sold as many books nor had been imprisoned as long as he had originally claimed. He was apparently trying to make more money from the circumstances of his arrest than he would have made through sales. Upon hearing these new details, the court ordered the circle to return Slatinger's books but to explain to him that the
money initially designated for his compensation was to be
used to pay for the storage of his books and the cost of his
arrest.

After the toleration patent was issued, book
publishers in Carinthia soon realized that there would be an
increased demand for reading material from the newly
recognized religions. In 1782, Lorenz Rauter, a
bookbinder in Villach, forwarded to provincial authorities
in Klagenfurt a list of books from Protestant farmers in his
area and sought permission to print them. Of the
twenty-one titles that the farmers had requested, only
Luther's small and large catechisms and Arndt's prayer book
would appear among the eleven works approved by the Emperor
the following year. Rauter reported that between 40 and 120
orders had been placed for each work. Although the
government officers had the final approval of the Acatholic
literature circulating in their province, they referred
Rauter's list to a priest in Klagenfurt to tell them if the
contents of these works slandered the Church. After
reviewing the books, the priest reported that they contained
no direct blasphemy but that he had found what he considered
to be some major doctrinal errors. He complained

35 In Protestanten in Oesterreich, Reingrabner records
that Jacob Glatz, a preacher and advisor to the Protestant
consistory in Vienna, edited a nine-volume set of sermons
and devotional material and sold 20,000 copies.

36 Request to publish Protestant books, 30 March-25
July 1782, KLA, R.Lh., CIX.
essentially about what was really traditional Lutheran theology: that most of the authors taught salvation was through faith alone, not by works, and that in his small catechism Dr. Luther excessively criticized of the sacraments and the priesthood and especially the practice of confessing sins. Likewise, the priest was understandably disturbed by the presentation of the doctrine of consubstantiation and argued that simple people would be misled by these "metaphorical, allegorical, and oratorical" terms. Finally, the song books allegedly contained many false teachings which promised that, even if the sinner continued to sin, he could still have assurance of forgiveness of sins and admission into heaven. In the end the priest strongly recommended—as one might expect—that the provincial officers return the administration of the censorship commission to the Church, which was better qualified to judge the Protestant literature.

The court in Vienna expressed its thanks to the priest for his evaluation of the literature in question, but concluded that, since the books contained no material offensive to the Church, Rauter could indeed publish and sell them. However, he was allowed to print only twenty copies of each until the government censor in Klagenfurt could check them. In an attempt to avoid any charges of favoritism, the Emperor granted the Catholics permission to issue three new prayer books of their own in Carinthia.
Upon learning of the Emperor's dispensation in the middle of June, Rauter sent copies of some of the books to the censor in Klagenfurt. In the middle of July, he sent an urgent plea to the censor asking for a decision on whether or not to print the books. Because of the large influx of literature from foreign sources, he stressed that, unless he could begin printing soon, he would lose sales. It was not until the end of July that the censor consented to Rauter's request.

Not all of Rauter's competition came from publishers outside the Habsburg lands. He observed "his" area in western Carinthia for any incursion by book dealers from Klagenfurt in the eastern half of the province. In August 1782, Rauter complained to village officials in Wasserleubnburg that a man in the service of a Klagenfurt printer had stored some Protestant books (Bibles, song and prayer books) in the neighboring village of Hermagor. He demanded that officials seize the goods on the grounds that they were illegally stored.

Officers in Wasserleubnburg discovered that an employee of Walisser and Korn, a bookbinder in Klagenfurt, had indeed stored a shipment of books in Hermagor for a charge of ten kreuzer. The officers seized the property because the man had no authorization for the storage from any officials.

37 Controversy over stored Protestant books, 26 August-28 November 1782, KLA, R.Lh., CIX.
Walisser and Korn protested this action to provincial officers in Klagenfurt and requested that officials in Wasserleonburg pay for the return of the books to Klagenfurt within three days and that they compensate the book dealers 8 gulden 52 kreuzer for lost sales. Walisser and Korn contended that the books stored in the village were remains from a sale in Gruenburg and that the law prohibiting the storage of literature applied only to personal libraries, not to books for sale.

When Klagenfurt officials ordered the authorities in Wasserleonburg to release the books and to return them to Walisser and Korn, the village officers countered that the printers had disobeyed the law by storing the books. The officers continued that the publishers had the responsibility to know the law and thereby to protect the public. Walisser and Korn would receive their books but should pay a fine of six gulden to help the poor in Wasserleonburg. By the end of November, authorities in Klagenfurt ruled that, since this was their first violation, the printers could have their books but must pay a fine of three gulden to the poor in this village.

Book dealers were soon receiving requests from Protestants for many more titles than the eleven that had appeared on the Emperor's list in July 1783. This proved to be another issue on which Joseph was considerably less than rigid. By December the consistory in Vienna, with the
approval of the court, passed on to the pastors in Carinthia recommendations of new titles which could be used in the ministry and in the schools there.

Most of the elementary schools throughout the monarchy, both those run by the Church and those provided by the government, already had two required texts. The Little Name Book, received its title from the fact that the child's name and calendar page with his birth date were placed in the front of the book. This primer, according to a description of its contents, served as a "short but good preparation to enable the youth to appreciate the truth of the catechism and the best way to present religion [to them]." Primer for Students in the German Schools of the Imperial and Royal Territories had been in the schools since 1774. Both books placed much emphasis on religious subjects: the Lord's prayer, morning and evening prayers, Bible stories, Christian behavior before and after school, but they gave very little attention to the subjects of arithmetic or writing.38

After December 1783 the Protestants could supplement these two required texts with information from three other books written especially for Lutherans. The consistory recommended that Instructions to Teachers of Lower Schools on the Requirements to Fulfill the Responsibilities of Their Office, Rosenmueller's Prayer Book, and Assorted Discourses

on Pastoral Theology be added to the teachers' required reading and that the materials in them be offered to the students. The consistory also informed the pastors that the Emperor had approved more titles for the lending library of each congregation, including the Journal for Preachers (published in Halle), Seiler's Meditations, the Nuernberg Scholarly Newspaper, and Schloezzeners Diarium.39

Publishers were beginning to experience some success in both adhering to the stipulations of the censorship commission while at the same time increasing their output to meet the Protestant demands for more literature. The people in the villages, however, were not always pleased with the material. In December 1783, Lutherans in Bleiberg received a shipment of the new Holstein song books from Philipp Wucherer, a Viennese publisher. The pastor enthusiastically reported that he had immediately sold sixty copies of the new Christian Song Book for Use in the Assemblies of the Augsburg Confession in the Imperial and Royal Hereditary Lands, which he intended to use in the first worship service of the new year.40 But the reputation of the book had preceded its arrival. Residents of Bleiberg had already heard that their co-religionists in Feld, Gnesau, and Fresach were bitterly disappointed with the contents and that some Lutherans in Arriach had already taken the books

39 Reischer, Visitationsbericht, 18.
40 Sakrausky, Geduldet, 23.
back to their pastor and demanded a refund.41 Some illiterate persons in the congregation, having already memorized large portions from their old books, disliked the new works. Others had trouble reading the new type or understanding the syntax of a German dialect, different from their local one. Still others complained that the books were just too expensive.

Pastors in Carinthia wrote to the consistory that the people wanted a book that was a convenient size to carry between church and home, contained three hundred to five hundred songs, and was reasonably priced, thirty to forty kreuzer. The Holstein and Teschen hymnals, members of the congregation argued, had too many songs, were too big and too expensive, and had too many printing errors and too many incomprehensible songs. From both personal experience and word-of-mouth, it was not long before discontentment with the new hymnals had spread throughout western Carinthia. Lutherans felt compelled to preserve traditional literature and teaching against the influx of foreign pastors with their new books and new doctrine.

A confrontation between the pastor and his congregation in St. Ruprecht, although unusually tense, may well exemplify the problems that arose as the consistory in Vienna tried to introduce new hymnals and practices to the

41 Ibid.
worship services throughout the monarchy. It began in December of 1783. The Protestants in the St. Ruprecht assembly made certain that the pastor understood how important their old hymnals were to them. They related to him that, during the years of the underground Protestants, many of their ancestors had been caught with "Luther" books in their possession and had had to pay fines in excess of fifty or a hundred gulden. Many had been made to wear leg or wrist irons or were beaten until they were permanently disfigured or suffered brain damage. Members of the congregation also described how individuals could hide their books so well that even friends would not know where to find them. Protestants would tear out the title pages and replace them with those from Catholic works. When a family would gather for devotionals, their children would usually keep watch at the door. But the members also conceded to the new pastor that many of the older faithful had simply learned the songs from memory with no understanding of the text's meaning. Some of the old hymnals (e.g. from Ortenburg, Regensburg, or Pressburg), they conceded, had songs that slandered the pope or papal teachings and even attacked the emperor. They recognized such works to be offensive to the Emperor, who had introduced the toleration.

Despite the deeply felt sentiments revealed in these

42 The following case is described in detail in Sakrausky, St. Ruprecht, 101-112.
tales, the pastor announced from the pulpit one Sunday that he very much favored the new hymnal because the songs were much clearer and more forceful, and that he would be very pleased to see the new books in every Lutheran home and prayer house. But the groundswell of protest was already growing. News reached St. Ruprecht that persons in other villages were trying to sell their new hymnals for pocket change, twenty to fifty kreuzer.43

Not even the offer from the consistory in Vienna of twenty-five free books for the poorer members in each congregation was attractive enough for people to accept these works. The pastor recorded that one day while he was holding a reading class for some of the illiterate adults in his assembly, an angry group of about forty men, women, and children burst into the room, started throwing the new books, and demanded the return of their Pressburger hymnals. They screamed that their old book was a "thousand" times better than the newer works and informed the pastor that other groups of Lutherans were making the same demands that very day in neighboring villages. The pastor showed the group a copy of the imperial order from 27 June 1782 that exclusively prohibited further use of the Pressburger hymnal, but someone from the group grabbed the order from the pastor's hand and threw it down. The pastor recorded that he then became so angry that he did not know what

43 Ibid., 105.
happened next; he only realized that the crowd had dispersed when everything became still.

Upon further investigation, the pastor uncovered more reasons why his congregation felt such animosity toward the new hymnals. In addition to the objections already stated, the Lutherans in St. Ruprecht argued that no doctor (apparently referring to Luther) had compiled the new book but only a salesman (Wucherer). Further, the songs in the new work were more poetical and presumably spoke only to poets; there was no index to help readers select their favorite songs; there were no prayers for holidays; the lyrics were not worded strongly enough against the Catholics; and there was nothing against the tyranny, brutality, and bloodshedding of the Turks or the pope. Therefore, it obviously could not be a good Protestant song book. Finally, the parishioners testified that well-educated Lutheran pastors in surrounding villages did not use the new book.44

The theme of the pastor's sermon on the following Sunday was "How to be a Good Christian." He applied the principles from the message to the controversy over the new hymnal. He preached that the assembly should have one book in order for all to sing in unison and suggested that the members reserve the old books at home for private devotions. Moreover, the congregation would enjoy the new songs if they

44 Ibid., 109.
would only sing them more often. Further, nothing in the new songs suggested Catholic or pagan teachings as some had charged. Many of the lyrics of the old songs, he concluded, were critical of the pope and the emperor, which were now entirely inappropriate in light of what the new emperor had done by granting the toleration. No one, the pastor emphasized, would be forced to use the new books, but he recommended them highly.45

Not fully persuaded by his argument, the people of St. Ruprecht complained to the Lutheran senior in Arriach that their pastor compared them to Jews and tried to force them to take the new literature. The senior did nothing about the charges; the pastor remained with his flock, and apparently some sort of compromise or acceptance was worked out later.

The preceding cases revealed a trend that the Emperor had established for matters related to Acatholic works during the remainder of the decade. Rather than issue a decree to address a particular issue, he delegated ever more authority to the Gubernium, the circles, and the Protestant consistory. Only a few exceptions to this trend from the middle to the end of Joseph's lone rule can be found. He did have to remind circle officers that they were no longer permitted to seize Acatholic books which were not in the censor's catalog of forbidden books; nor could they have it

45 Ibid., 110.
done.46 The Emperor also had to prohibit printers in the hereditary lands from buying one copy of a foreign book and then reprinting it, thereby earning enormous profits for themselves. Provincial authorities were ordered to warn local publishers to abide by this law or face an unspecified but presumably severe punishment.47

By far the most significant new legislation in this later period was the Emperor's further reduction of the censorship administration in April 1787. Joseph, by this time, had restricted the jurisdiction of the censors and set the number of clerks at a level where it was not possible to enforce even the most important regulations. In contrast to the toleration he displayed for most types of literature, however, the Emperor continued to control tightly papal documents and the contents of Catholic sermons.48

Many of the problems regarding books that arose in the second half of the decade involved either unpaid bills or unsettled arguments over the old books. In June 1786 one of the printers in service to the imperial court, Joseph Edle von Kurzbeck, notified the consistory of the Augsburg Confession that he had filled an order for new Protestant

46 Kropatschek, Handbuch, Bd. 8, 707.

47 Circular issued by the Gubernium, 24 May 1786, KLA, Grazer Patente, Faszikel 70, #29.

48 O’Brien, Ideas, 36.
song books but over a thousand copies valued at five hundred gulden remained unclaimed. Kurzbeck warned that if he did not receive his money he would appeal to the Emperor. The consistory noted that the congregations had alleged the books to be full of misprints and doctrinal errors but, upon checking, found that not to be the case and ordered the assemblies to take delivery of the books and to pay their bill.49

The obstinacy displayed by the laity in retaining their old hymnals and devotionals continued to be a major embarrassment for the pastors and the Protestant consistory well past Joseph's reign. The consistory reported to the chancellory in October 1787 that, according to the latest report from the Superintendent of Inner Austria, the congregations in Feld, Noehring, Gnesau, and Arriach were still using books published outside of the monarchy even though other assemblies had changed to the works published by domestic firms. At the same time the consistory recommended that the chancellory issue a decree for Carinthia and Styria similar to an order for Upper Austria that set a time limit for the Protestant groups to stop using the old books.50 The controversy over the song books was upsetting enough to have been a major factor in the

49 Sakrausky, St. Ruprecht, 153.

50 Report from the consistory to the chancellory, 23 October 1787, AEO, Faszikel XV, Zahl 169.
resignation of one pastor in Carinthia because his congregation persisted in using the older works even after the deadline set by the chancellory.51

Based upon the recommendation of the consistory, the chancellory decided to enforce more rigidly the regulations on this issue for Inner Austria. Because the pastor of Arriach served as senior for the assemblies in western Carinthia, members of the chancellory decided in December to make the Lutherans in this village serve as an example to others in the area and ordered this assembly to stop using their old song books within four weeks.52

In January 1788 the pastor in Arriach and senior of the Lutheran congregations in western Carinthia, Johann Gottfried Gotthardt, wrote to the Villach circle for clarification on this latest decree from Vienna. Gotthardt stated that he had already introduced the new hymnals from the Viennese publishers, Trattner, Wucherer, and Kurzbeck over three years earlier and continued that authorities in Vienna were overreacting to the situation. He related how some Catholic priests in his area had used Lutheran songs from the Regensburg, Nuremberg, and Pressburg books at Catholic weddings and funerals and how he knew of some local publishers who continued to print and distribute other

51 Letter from Pastor Cnopf to the consistory, 6 January 1788, AEO, Faszikel XVII, Zahl 11.

52 The files on this case are found in KLA, Gubernium Graz, Faszikel 268, 24 January 1788-24 May 1788.
literature with questionable teachings. But it was not the purpose of the Augsburg Consistory, he argued, to prohibit the private use of old hymnals but to unify the congregations through select songs that were in agreement with Lutheran doctrine and to give communicants time to get accustomed to them. Neither the Edict of Toleration nor any other general decree prohibited the use of many of these books. Gotthardt cited the ordinance of 22 June 1782 that allowed Acatholics to continue to import books from foreign publishers until the demand for such works could be met by domestic dealers and the order of 21 October 1782 that permitted Protestants to retain books already in their possession. The pastor concluded that, since Protestants had purchased the older works with their own money, officials had no right to seize them. The importation of books from foreign sources should be forbidden only when the merchants undersold domestic printers. The consistory should regulate only the books used in public services; it had no reason to extend its authority into the privacy of a person's home. Gotthardt stated that if he were to work with government officers to confiscate these works, he would lose credibility with his congregation.

Gotthardt raised many issues which the officials decided to pursue. When questioned by the circle, priests in a nearby village denied that they had used "Luther" songs in any wedding or funeral or in any mass and suggested that
songs they had sung from the Psalms may have been mistaken for Protestant lyrics. In a hearing held to take the testimony of Catholics from the village church, the congregation also denied having sung Catholic hymns. Another priest was equally firm in rejecting the suggestion of having sung Lutheran songs but did display an amazingly tolerant attitude about the possibility that it could happen in a Catholic Church. He personally would not allow such hymns to be sung in his church, but some lyrics might have been copied, without his knowledge, from Protestant hymnals. The time was past, the priest continued, when the origin of a song should make a difference in its message. He knew of some Protestants who had copied and sung Catholic hymns, and he personally was not against using any good song regardless of the religion of its author. He expressed the desire to see officials sanction more Catholic literature in order to reduce the amount of smuggling.

In February Gotthardt reported to the Villach circle that the Lutheran superintendent in Vienna had ordered him to disobey a recent decision by a local official that the pastor collect all of the old books from members in his congregation. Gotthardt reemphasized that domestic publishers continued to print the old books and contended that faithful should, therefore, be allowed to use them both at public services and at home. While offering to concede
the right of public use, he wanted absolutely to secure the right of Protestants to have old books in their homes.

The officers of the Villach circle forwarded the files of this case with their recommendations to Graz for adjudication in March 1788, noting particularly that the A catholic pastors had allowed their congregations to retain old books for too long. The circle recommended that the Gubernium set a new four-week period within which all of the old literature would be handed over to government authorities and this time really enforce the order— including punishing those who protested. Finally, local officials and pastors should be held accountable for the collection of the books. The circle believed that Gotthardt was trying to weaken the dominant religion by arguing in favor of keeping the old books, and suggested that he be encouraged to set a good example for Protestants by being the first to call upon his congregation to hand in their books. The governor referred the case to the chancellory, which in May reiterated the order of 21 December 1787 banning the use of the old hymnals in public services and calling for dismissal of any pastor who allowed their continued use. Any books taken from homes would be returned.

In February 1788, the Augsburg Consistory approved a new liturgy for use in the Lutheran congregations, which
encountered little opposition from the laity. They had no traditional service which they felt compelled to preserve as they had fought to preserve traditional literature and traditional teachings against the influx of foreign pastors with their new books and their new doctrines. As previously stated, after decades of meeting secretly in their homes, the experience of public worship was entirely new for the Carinthian farmers.

Problems for the government continued for many years with Acatholics who would not surrender their old books, but there was another area of daily life to which the Emperor, in the Edict of Toleration, made reference only in the most general terms and for which he would have to issue a number of successive laws in order to handle the difficulties which were to arise. Marriages, baptisms, and burials had been the exclusive domain of the Catholic Church since the seventeenth century, and at the beginning of his reign, Joseph, with his radical idea that marriage should be a civil contract, was not only about to invade yet another Catholic dominion, but he was bringing the "hardheaded" Protestants with him.

53 Order from the A.C. consistory, 25 February 1788, AEO, Faszikel XVII, Zahl 45.
CHAPTER IX

TRANSMIGRANTS, BAPTISMS,
WEDDINGS, AND FUNERALS

The very general terms that Joseph had set forth in the Edict of Toleration proved to be a source of aggravation for him in the years that followed. Complaints, appeals, and requests for further explanations poured into Vienna from all of the provinces. Some dealt with radically new issues raised by pastors and prayer houses. Others concerned the more routine matters of life in the villages such as weddings, baptisms, and funerals. Still others were prompted by one subject to which the Emperor in the edict made no reference at all: the rights of descendants of the Transmigrants-Protestants deported to Hungary and Transylvania during the reigns of Charles VI and Maria Theresa—who now were permitted to return to the homes of their ancestors. The Emperor’s handling of these latter problems requires attention here.

In the first article of the toleration patent, the Emperor permitted an Acatholic pastor to be present for administering the sacraments, holding worship service, ministering to a member of the assembly who was bedridden, and accompanying the body of a deceased person to the grave.
site. It further stated in Article Five that the provincial authorities in consultation with the pastors and theologians of the Acaholic religions would be responsible for handing down decisions on problems which arose among non-Catholic communicants.1 These very broad statements were the only references in the edict to the subjects of weddings, baptisms, and funerals, issues which were potentially more emotionally charged than the controversy over the song books.

By January 1782 Joseph released the first of a number of decrees in which he further defined the procedures in these matters for his non-Catholic subjects. Adherents of the tolerated religions could participate in weddings, baptisms, or funerals only when those certified by the state or provincial officials officiated at the services.2 Only priests were permitted to keep the Matrikelbuecher (books in which each service was recorded).3 Non-Catholic preachers could perform any of these rites for members of their own religions and in a prayer house of his own religion, but if there were no prayer house, the service would have to be carried out in a Catholic Church. In the latter case the priests would have to be paid both for performing the service and for recording the occasion in

1 Barton, "Toleranzpatent von 1781," 200.
2 Kropatschek, Handbuch, Bd. 2, 468.
3 Ibid.
the Matrikelbuch. Throughout the remainder of the decade, the Emperor issued decrees treating all three ceremonies jointly. It was far more typical, however, for him to deal separately with each rite by means of a law or dispensation.

For example, he promulgated repeated legislation on marriage. In September 1781, Joseph announced that requests for special dispensations to marry no longer had to be granted from Rome but could henceforth come from the local bishop. By December he had simplified the process even more by requiring only a public announcement and a valid registration with the local authorities. The last of the early rulings before the Marriage Decree of 1783 declared that until there was a Protestant consistory, dispensations and divorces for Acatholics would be handled by the provincial officers. Couples seeking separations had to turn in a list of all of their possessions to the officers before a decision could be made.

4 Order from the Villach circle, 10 April 1782, KLA, Paternion Patente, Buch #397.

5 The Emperor's order was released through the Villach circle on 13 September 1781, KLA, Landschaft Patente, Faszikel 13.

6 Circular released by the Klagenfurt circle, 10 December 1781, KLA, Herrschaft Paternion, Book Fortlauf. #396.

7 Kropatschek, Handbuch, Bd.2, 327.
One of the major blows to the authority of the pope within the Habsburg lands came in January 1783, when the Emperor released the Marriage Decree. This decree declared marriage no longer a religious sacrament but a civil contract and, therefore, subject to the jurisdiction of civil laws. Thereafter, the State alone had the right to dictate matters related to everything from the wedding ceremony to the divorce settlement. Of the fifty-seven articles that comprised this piece of legislation, Cardinal Migazzi of Vienna stated that twenty-three clearly violated the rights of the Church.8 In an interesting aside, several enlightened thinkers around the Emperor suggested that he include an article in the Marriage Decree allowing priests to marry in order to minister better to their parishioners, but Joseph was not persuaded.9

When the decree reached the local authorities, the court of appeal in Klagenfurt issued a statement of clarification regarding Article Thirty-three of the Marriage Decree. This article provided that, when any couple encountered difficulties with a priest over a wedding announcement, they were to appeal to the "civil authorities."10 As part of its statement, the court

8 Tomek, Kirchengeschichte, 471.
9 Ibid., 474.
10 Article Thirty-one of the Marriage Decree declared that a couple had to have their wedding announced three times from the pulpit of a Catholic church in order to give
declared that the term "civil authorities" referred to political officers, not legal officials. The court further emphasized that, in addition to the announcements which were to be made from the pulpit, registration of the marriage still had to take place at the respective circle office. Circle officials were reminded that they had the authority to override the objection of any priest and to grant a couple the permission to marry.11

After an Acatheolic pastor made the three-fold announcement in his congregation for a couple planning to marry, he next had to pass the information on to the parish priest who also had to make known the couple's intentions. Usually after a waiting period of about three weeks, during which anyone might raise objections to the ceremony, the priest would grant his permission.12 A wedding between two persons of different religions had to be performed by a cleric of the "dominant religion". An Acatheolic clergyman could take part in the ceremony if the non-Catholic party requested it and if the Catholic party did not object. If there were any objection on the part of the Church, the wedding would be cancelled.13

anyone opportunity to raise objections to the marriage.

11 Order from the Klagenfurt circle, 1 August 1783, KLA, Patente Appellationsgerichte, Faszikel 89.
12 Reischer, Arriach, 39.
13 Kropatschek, Handbuch, Bd. 2, 327.
By 1784 the Emperor, for reasons that are not clear, placed another limitation on the announcement of Acatholic weddings. The notice that was given by the pastor to the priest for proclamation from the pulpit of the Catholic Church could not be merely verbally communicated. The couple had to have a circular with the details of their plans printed and distributed throughout the entire province. This measure was added to ensure that Protestants "would not enter into marriage too lightly." Joseph also decided that the imperial court in Vienna, not the circle or the Gubernium, would review a request and grant a dispensation to any A catholic who wanted to marry his cousin.

In what appeared to be a new trend toward restricting Protestant rights, the Emperor at the beginning of 1785 placed another limitation on the Acatholics by declaring that if a bride were Catholic, the ceremony would have to take place in a Catholic Church and would be performed by the bride's parish priest without having to have a Protestant pastor present for the groom. But Joseph lifted one major limitation in April when he declared it no longer necessary for a Protestant couple to announce their engagement in person before the parish priest. Thereafter,

14 Kropatschek, Handbuch, Bd. 6, 538.
15 Kropatschek, Handbuch, Bd. 10, 792.
16 Ibid., 892.
the couple only had to inform their pastor, who in turn would notify the priest so he could enter the event in the Matrikelbuch.17

From the beginning the civil authorities showed consideration for the needs of the Protestants and worked to simplify the many legal procedures to which they had to adhere. The head of the Villach circle, for example, ordered a priest who officiated at mixed marriages to report to the pastor of the non-Catholic spouse the details of the ceremony for the congregation's records.18 Later in 1786 the same circle officer released another circular, in which he reminded village authorities that according to the Marriage Decree, marriage remained a civil contract with rights and responsibilities defined by the State alone. He reiterated that all earlier regulations which had required engaged couples to register their wedding plans with authorities that were not part of the government (i.e. officials of the Catholic Church) had been rescinded.19 The circle also increased the number of days on which the Lutheran couples could issue their three-fold announcement in their own prayer houses. Authorities declared that, in

17 Order from the Villach circle, 20 April 1785, KLA, Patente Villach Kreis, Faszikel 62, #41.

18 Order from the Villach circle, 16 February 1786, KLA, Paternion, Buch 402.

19 Circular from the Villach circle, 22 June 1786, KLA, Patente Villach Kreis, Faszikel 62.
addition to Sundays, a Protestant pastor could also make known plans for a wedding on Catholic holidays, but officers specified that the couple still had to inform the priest so that the announcement could be made in both the Protestant and the Catholic parish.20

It is not known how many mixed weddings took place in Carinthia. Nor is it known how the divorce rate in mixed marriages compared with that in marriages between couples of the same religion. However, by 1787 the Emperor did find it necessary to address several problems for such marriages that he had not covered in the Marriage Decree. Joseph decreed that in cases where the Catholic party wanted an annulment, he could appeal on legal grounds defined in the Marriage Decree or in subsequent laws. If it were the Catholic party (male or female) who was seeking the divorce, he could justify his request based on laws that already existed within the Catholic Church.21 The Emperor also decreed that the Catholic spouse (male or female) had legitimate grounds for divorce if the partner, at any time after the wedding, converted to Catholicism, even if the Catholic partner protested the divorce. According to civil

20 Circular from the Villach circle, 27 July 1787, KLA, Paternion Patente, Buch 403.

21 Order from the Gubernium, 15 February 1787, KLA, Grazer Patente, Faszikel 70.
law, both parties were free to marry again as soon as the divorce proceedings were final.22

Relatively few amendments to the Marriage Decree were forthcoming. Indeed, not until August 1794 did Emperor Francis II issue another general order on the subject of marriage, and this, only in the form of a reminder that the announcement of an Acatholic wedding still had to be made both in the Protestant prayer house and in the Catholic Church.23

Baptism, although very important in the lives of Protestants, evoked relatively little tension between Catholics and Acatholics.24 Pastors encountered the most serious problems regarding baptism not with Catholic interpretations but with the many superstitions held by the farmers. Parents, underway to have their infant baptized, would not feed the child during the journey for fear that the baby would not grow to full size or would not have good fortune during his lifetime. Parents also tied coins to the godfather with the hope that, if the parents encountered financial difficulty in raising the child, the godfather

22 Kropatschek, Handbuch, Bd. 15, 701.
24 Lutherans, as well as Catholics, practiced infant baptism.
could come to their aid. Mothers would often request that a pastor say a special prayer over the infant’s bed and leave a piece of the baby’s clothing in the bed while the family was at the baptism service in order to prevent invisible forces from casting a spell on the bed in the child’s absence.25

It was not until almost three years after the Emperor released the Edict of Toleration that a question about essentially personal matters arose on the subject of baptism. In March 1784, a priest in Carinthia wrote to the Bishop of Gurk asking if a Catholic infant about to be baptized in a parish church could have an Acatholic godfather. The priest also inquired as to how he should alter the ritual of baptism in such an instance and further questioned which ritual he should use in the event that he had to baptize a Protestant child.26 Based on these questions, over a year later the Emperor ruled that Catholic parents could have Acatholic godparents for their children but only if the Acatholics complied with laws already in effect which prohibited non-Catholics from trying to mislead Catholics from their religion. The government

25 Reischer, Arriach, 38.

26 Request to the Bishop of Gurk, 16 March 1784, ADG, Faszikel 66.
expected the godparents to raise the child in the religion in which he had been baptized.27

Despite the fact that in many regulations the Emperor showed himself to be more than fair in his treatment of the Protestants, he paid strict attention to implementing the details of the reforms. Examples of his penchant for regulations were seen in every aspect of these ceremonies. In addition to the parents, he ordered that godparents and witnesses at Acatholic baptisms and weddings also must register with the parish priest even if the ceremony did not take place in the Catholic Church.28 However, Joseph demonstrated how reasonable he could be when he declared that registrations of A catholic baptisms with the Catholic priests did not have to occur within a certain time period. Often the child's health would not permit the baptism of the infant immediately after birth.29

The Acatholics, however, did experience other difficulties in matters related to baptism. According to Article Six of the Edict of Toleration, the Acatholic father in a mixed marriage could baptized and raise only his sons in a non-Catholic religion. If the mother were Catholic, she could raise any daughters as Catholic. However, in

27 Instructions from the chancellory to the Bishop of Gurk, 12 May 1785, ADG, Faszikel 66.

28 Kropatschek, Handbuch, Bd. 6, 542.

29 Order from the Villach circle, 29 December 1784, KLA, Paternion Patente, Buch 399.
December 1785 the Emperor declared that Catholic mothers of mixed marriages had the right to have all of her children male and female baptized in the Catholic Church. After Joseph ended the payment of the baptism tax to the Catholic Church for the Protestants, Acatholics in Carinthia continued to complain about having to pay a tax of twenty kreuzer to the Catholic Church for registering the baptism of illegitimate children born of non-Catholic parents. The Emperor eventually dropped this payment as well, but he was less compromising in other areas. He never allowed lay men, Catholic or Acatholic, to perform an emergency baptism, a ceremony in which the parents could have baptized an infant who was likely to die before an ordained minister could hold a formal service of baptism.

As was the case in legislation regarding marriage, little changed in the second half of Joseph's reign or in the years after his death for laws related to baptism. His successor, Leopold II, in one decree reiterated that Acatholics no longer had to pay the baptism tax to the Catholic Church. Neither, he added, did Protestants have to register the baptism with the parish priest before the

30 Order from the Villach circle, 15 December 1785, KLA, Paternion Patente, Buch 401.

31 Order from the chancellory to the Gubernium, 25 October 1787, KLA, Gubernium Graz, Faszikel 268.

32 Kropatschek, Handbuch, Bd. 15, 943.
event, but they should do so afterwards in order to keep
government records up-to-date.33

The only other ruling on baptism for the remainder of
the eighteenth century came from Francis II. He decreed
that if the Protestant father of an illegitimate child was
no longer active in his religion, then beginning with the
baptism the child was to have a Catholic education.34 In an
addendum, he clarified that if the Acatholic father of an
illegitimate child did not claim the right to religious
instruction at the time of the baptism, he would lose this
right. When the Acatholic mother of an illegitimate child
was judged by the State to be in no condition to nurture or
raise the child, the State would assume responsibility for
the infant and raise it in the Catholic religion.35

The subject of funerals for communicants of the newly
tolerated religions proved to be far more complicated than
either their weddings or their baptisms. Before he issued
the Edict of Toleration, Joseph had ordered the Catholic
Church to provide a decent funeral for everyone except
those who, upon personal declaration to their bishop, had

33 Joseph Kropatschek, Sammlung des Gesetze welche
unter der glorreichsten Regierung des Kaisers Leopold des II
in den saemmentlichen k.k. Erblaenden erschienen sind in
einer chronologischen Ordnung, Bd. 5 (Vienna: Joh. Georg
Moesel, k.k. privil. Buchhaendler, 1790-1792), 229.

34 Franz des Zweyten, Bd. 8, 85.

35 Franz des Zweyten, Bd. 9, 1.
declared themselves not to be Catholic. The edict itself stated only that the Acatholic clergy could accompany the body of the deceased to the burial site.

As early as March 1782, however, the Emperor found it necessary to release the first specific regulations addressing the increasing problems related to Protestant burials. Catholics and Protestants, he decreed, could be buried in the same cemetery. As stated in the toleration patent, an Acatholic pastor could accompany the body of the deceased, and the non-Catholics could have the bells of the Catholic Church rung during their procession, providing, of course, that they paid for the privilege. The Acatholic school teacher was permitted to sing a funeral dirge outside with the procession but not in the church if part of the service were to take place there. If no Protestant preacher or prayer house was available, the service could be performed by a priest as long as there were no objections from the family. A Catholic priest should be present at the grave site to ensure that nothing was said or sung against the Church, but he could not say a blessing on the grave or take up an offering. If relatives or friends of the deceased requested that no priest attend, they still had to pay the burial tax to the Church.

36 Order from the Villach circle, 14 April 1781, KLA, Paternion Patente, Buch 396.

37 Kropatschek, Handbuch, Ed. 2, 469.
An issue closely related to funerals was the visitation by a member of the clergy to someone who was seriously ill. As was the case with other stipulations, the Emperor was necessarily broad in his treatment of this subject in the toleration patent. He stated that Catholic ministers should provide instruction and spiritual and bodily comfort for those of their religion who were sick but that no one should deny the request of a sick person to see a priest.

In a decree released in January 1782, Joseph acknowledged that the sick could easily be dissuaded by an Catholic or relative from talking to a priest. Therefore, the priest should not wait until called but should go to visit as soon as he heard that someone was ill. The priest should speak "humbly and gently," but, if the sick person did not want the priest, he should leave. If complaints arose over the priest's handling of the matter, the circle authorities would investigate to determine whether the priest had caused the sick person to misunderstand Catholic doctrine.

The questions raised in correspondence between the pastor in a village near Hermagor and the Villach circle revealed only some of the uncertainties that confronted the Lutherans. The pastor there asked whether Protestants

38 Ibid., 467.
39 Correspondence between the pastor, the circle, and the Gubernium, 14 October 1782-29 January 1783, KLA, R.Lh. CX.
could dispense with the use of Latin when a priest took part in an Acatholic funeral. He inquired further whether Lutheran parents whose child died before age seven could have a Protestant service. Finally, it was still not clear if Acatholic clergy could visit the sick members of their congregation in order to serve communion.

The circle referred the pastor's questions to the Gubernium which ruled that a grave side devotional and blessing by a priest were no longer necessary. Children, regardless of age, who had Acatholic parents could have a Protestant funeral. The parents could decide whether they wanted a priest to follow the procession at a distance. Pastors who visited sick persons who had not registered as Acatholics with the government officials would have to give an explanation to the officers as to why they had done so.40

As was the case with many other issues, the Emperor increasingly relaxed his regulations for visiting the sick and for burials. In July 1783 he ordered that an Acatholic minister could not visit a sick person who was enrolled in the six-week course of Catholic doctrine which had been designed to stem the tide of people leaving the Church.41 By August the circle in Villach had received instructions that someone on his deathbed, despite the fact that he had

40 The Villach circle sought advice from the Gubernium, 22 January 1783, KLA, R.Lh. CX.
41 Kropatschek, Handbuch, Bd. 2, 468.
registered as a Catholic after the deadline of 1 January 1783, would be permitted to see a pastor. There still existed the hope, Joseph observed, that even though a person had taken only part of the course, he could return to the Church before his death. In those cases in which a person was actually dying, authorities should not prevent a pastor from visiting. In another instance, the Emperor initially restricted the Protestant ministers to giving communion only in a private home and then only to the sick person himself. Eventually, he permitted pastors to hold a full service in the home of a person who was ill, but under no other circumstances could they routinely hold service in private homes.

The burial tax collected by the Church continued to be a financial burden to the Protestants and as a source of income exploited by some priests. The pastor in St. Ruprecht complained to his senior that the Catholics were

42 Order from the Emperor released by the Villach circle, 6 August 1783, KLA, Paternion Patente, Buch 398.

43 Immediately after he issued the Edict of Toleration, the Emperor forbade any sermon or other part of the liturgy from being read in a private home.

44 Order from the Emperor released by the Villach circle, 15 June 1784, KLA, Paternion Patente, Buch 399.

45 People in Vienna and the suburbs could pay up to 115 gulden for a first-class funeral. In Lower Austria a small service for adults cost nine gulden and a child's service, less. In many provinces an expensive funeral cost forty gulden, but the average price was around six gulden. Gutkas, "Kirchlich-Sozialen Reformen," 174.
charging twice as much as they should to officiate or to register funerals. This tax continued to be a problem for the Acatholics until the Emperor abolished it at the end of the decade.

Joseph issued another law which affected both Catholics and Protestants in matters related to funerals, but he reversed his decision on this legislation far more quickly than he had on the grievances about taxes. In August 1784 he ordered the use of Sparsaerge (reuseable coffins) in an attempt to reduce the manpower, money, and material used to produce a coffin for each body. Protestants expressed dissatisfaction almost immediately with the new measure, for the quite practical reason that, when pastors had to transport a corpse to a cemetery several hours away, the odor of the decaying body became unbearable. The Lutheran senior, however, wrote a pastoral letter to the assemblies in Carinthia in which he expressed his support for the Emperor's order, arguing that there was no instance in either the Old or the New Testament in which the dead were buried in coffins and advising the Lutherans not to appear disobedient in this matter and thus risk losing their

46 Sakrausky, St. Ruprecht, 68.

47 A Sparsaerge was built in the shape of a normal coffin but had a moveable end or bottom. The body of the deceased could be dropped through the end or the bottom and the coffin reused almost indefinitely.

48 Sakrausky, St. Ruprecht, 68.
newly-won religious freedom.49 The senior need not have wasted his effort: there was such a great outcry against the Sparsaerge from all religious quarters that the Emperor was forced to revoke this measure in January 1785.50

Contrary to his experience with problems related to weddings and baptisms which tended to decrease by the end of the decade, the Emperor found it necessary to issue more instructions during this period to provincial officials on the subject of Acatholic burials. When asked for a ruling in March 1785 on where to bury a stillborn fetus or an infant who had died before its baptism, Joseph stated that he would not comment on the theological aspects of whether such an infant went to heaven or into limbo, but he was putting an end to the practice of marking off part of a Catholic cemetery in which to bury unbaptized Acatholic babies. Henceforth, non-Catholics could bury their newly born children in any available space of the cemetery.51

In August 1788 Joseph released another major directive on the subject of funerals for members of different religious confessions.52 Wherever a religious group had its own cemetery, it could continue to keep it reserved for

49 Reischer, Arriach, 32.
50 Tomek, Kirchengeschichte, 471.
51 Kropatschek, Handbuch, Bd. 8, 676.
52 Kropatschek, Handbuch, Bd. 15, 945.
private use. Where a common graveyard had already been used by members of several religions, it had to remain open to all religions. When inhabitants of a village who did not belong to the dominant religion did not have their own ground, they would be permitted to use the village cemetery without special arrangements from the Catholic Church.

The Emperor stated further that the local spiritual leader of each religion should officiate at the burial service for members of his faith. If for any reason he could not be present, the minister closest to the grave site, regardless of religion, should perform the service. Any family could have the bells of the Catholic Church rung during a funeral procession and could use the religious symbol of their choice on the tombstone. The leaders of the church to which the cemetery belonged should in no way hinder these rights.

Joseph ordered circle authorities to make the selection of property when a new graveyard was needed in a village which had adherents of different religions. When two or more religious groups shared a cemetery, they had the freedom to decide how they wanted to bury their members, either by dividing the property into sections or simply by burying the deceased next to each other in the order in which they had died. If the people could not decide, the circle officials would order that the people be buried next to each other irrespective of their religion.
In the conclusion of this piece of legislation, the Emperor decreed that a person could choose to be buried in the cemetery of his own religion. Travelers who were members of religions other than the tolerated faiths, except Jews and Moslems, were to be buried in the nearest available plot in a service performed by the nearest clergy. Joseph emphasized that new graveyards must always conform to modern health standards (e.g. sites where bodies would not contaminate a source of water), and he prohibited any new private family plots.

For matters involving decisions on weddings, baptisms, or funerals the Emperor had made some reference, however broad, in the Edict of Toleration. But he had given no instructions whatsoever on how to deal with the descendents of the Transmigrants who would return to Carinthia and lay claim to the property of ancestors deported during the reigns of Charles VI and Maria Theresa.

The term Transmigranten had originated in the Austrian chancellory around the middle of the eighteenth century and referred to a forced movement of subjects and/or their families from their homes to distant parts of the Empire.53 The great deportations of the eighteenth century had begun in October 1731 when the Archbishop of Salzburg issued the Emigration Edict decreeing that all Protestants in his lands had to leave within eight days. The term Emigranten

was applied both to these Protestants and to the persons who were deported from the monarchy between 1734-1737 during the reign of Charles VI. Acatholics exiled between 1752 and 1776 were labelled Transmigranten or Sectaerer.54

The conditions under which the Emigranten and Transmigranten left their homes violated the terms granted to Protestants in the seventeenth century by the Peace of Westphalia. At that time a person who wanted to emigrate from one part of the Holy Roman Empire to another because of religious reasons was guaranteed that he alone could decide whether to move and where to move. He also had the right to take his wife and children and any moveable possessions with him and had up to three years in which to sell property or possessions left behind.55

The Acatholics who were deported in the eighteenth century enjoyed none of these guarantees. The series of transports that occurred between 1734 and 1776 were forced moves against the will of these subjects, characterized by separation from their children (who were placed in Catholic orphanages or with Catholic families) and for many by hard labor in chains on Hungarian border posts. Deportees were forbidden to leave the settlement to which the government assigned them or to correspond with children and relatives. They were coerced into liquidating possessions at prices far

54 Ibid.
55 Ibid., 22.
below actual worth and into accepting terms of payment which
extended so far into the future that many of the deportees
never received their money. Finally, the costs of the
deporation and the building of new houses were placed on
the Protestants themselves.56

Even though the Emperor made no mention of the
Transmigranten in the Edict of Toleration, he soon addressed
some of these past injustices. In September 1781 he
circulated an order that the descendants of Protestant
emigrants who had lost possessions under the auspices of the
Decree of Confiscation henceforth had the right to inherit
what was legally theirs.57 Again in October, shortly after
he released the edict, Joseph sent instructions to the
circles that subjects who had emigrated because of religious
persecution but who now wanted to return to their homes
should not be hindered in any way.58 In December the
Emperor, by means of another decree, reiterated that
subjects who had left the hereditary lands for religious
reasons be permitted to return to their villages
without any punishment formerly decreed for such persons.59

56 Buchinger relates that as late as 1788 the k.k.
Aerarium was still trying to collect overdue bills of
deporation from descendants of the Transmigranten.

57 Circular from the emperor to the circles, 28
September 1781, KLA, Landschaftliche Patente, Faszikel 13,
#146.

58 Ibid.

59 Kropatschek, Handbuch, Bd. 2, 474.
At the end of December, Joseph released a notice for the newspapers with essentially the same message but added that the emigrants would be exempt from punishment only if they returned within a period of one year.60

Despite Joseph's extending this amnesty in 1781, it was over a year before the first claims by returnees were filed with circle authorities in Carinthia. By April 1783 a returned emigrant named Georg Hochkofler had exhausted attempts with the Villach circle to reclaim a house in Afritz and had sent an appeal to the Emperor.61 Hochkofler related how thirty years before he had been forced to leave the principality of Portia. Because of religious differences, he had been deported in chains to Hermannstadt and had left behind a wife and children. Under duress he had agreed to sell his house and other possessions for a total of 400 gulden, of which to date he had received only 37 gulden 27 kreuzer. He was requesting from the Emperor either the return of his house and possessions or the payment of the remainder of the sale price. Joseph eventually ruled in support of the circle officials. Neither of the requests, he decided, was valid. Hochkofler could have kept his property if he had converted to

60 Advertisement in the newspaper, 22 December 1781, KLA, Paternion Buch 397.

61 Appeal by Georg Hochkofler to the government, 10 April-5 July 1783, KLA, R.Lh. CXI.
Catholicism. "Times were different then," and his claim now was "highly exaggerated."

Most of the claims, however, were filed not by the original deportees themselves but by their children or other relatives. In June 1783 Maria Hohenwartern submitted a request for the remainder of a sum of 109 gulden 12 kreuzer owed to an aunt, Maria Clairus, who had been deported to Transylvania. Clairus had died in 1758 and, according to provincial records of 1762, had received only 32 gulden. A certain Hanns Mayr, who claimed to be Hohenwartern's stepfather, reported to officials that Hohenwartern had three half brothers and sisters who wanted to share the remaining 77 gulden 12 kreuzer. Mayr acknowledged that Clairus had had a brother, Mathias Hohenwartern, the father of Maria, who had been deported with her and who was the rightful heir to the money. However, Mathias was presumed dead by this time, and since he (Mayr) had married Mathias's divorced spouse, Kristina, and had taken Mathias's daughter, Maria, as his own child, he argued that the three children he and Kristina had raised should be equal heirs with Maria.

Local officials, in their comments to the circle, maintained that Mayr's claim was not legitimate. Since the siblings were not blood relations of Clairus, they had no

62 Appeal to the government by Maria Hohenwartern, 23 June-29 November 1783, KLA, R.Lh. CXI.
claim to the inheritance. Further, there was no evidence to support the assumption that Mathias was really dead. The Villach circle requested the help of the Gubernium in Graz to determine whether Mathias was indeed dead and whether Maria Hohenwarterin should receive the entire sum or divide the money with the other children.

The Gubernium ordered officials in the Klagenfurt circle to check their files on the Transmigranten to see if they had any record of the whereabouts of Mathias or of what had happened to the rest of the money. In October clerks in the Klagenfurt circle reported to the governor that, according to the laws in effect at the time of the deportations, Maria Clairus's brother, Mathias, was the only legitimate heir. His daughter, Maria Hohenwarterin, was not eligible. They further reported that the remaining 77 gulden 12 kreuzer had been transferred to the clerk in Mathias's village, who was to hold it until Mathias returned from deportation. They were presently trying to find the clerk in order to determine where the money was. One month later the Klagenfurt circle informed the governor that the clerk in question, in the years that had elapsed, had given up hope that Mathias would ever return and had used the money for his own needs. That closed the case.

In another instance, Andre Daebringer, a tailor from a village north of Villach, related to circle officials in June 1783 that ten years earlier he had appealed to the
Emperor for the return of his property in Kirchbach. An investigation had been ordered at that time but nothing had resulted from it. Daebringer told authorities that he was very sick now, could no longer work, and needed the money he might get from the sale of the property just to buy food. Although circle officers referred this case to the Gubernium, the governor ordered the circle to investigate further. If they could prove that Daebringer's father had sold the land before he had been deported, the son's claim would be groundless. Village officers related in September that all they had been able to find was an inventory of Daebringer senior's possessions before he was deported that included one pair of pants worth 18 kreuzer; one jacket, 36 kreuzer; one hat, 15 kreuzer; and a piece of land valued at 100 gulden. Their first report indicated that 16 gulden 17 kreuzer had gone to pay his debts. A second report indicated that after Daebringer junior had paid the deportation expenses for his wife and himself, there remained 51 gulden 4 kreuzer. Further investigation revealed a different version of the events. Officers learned that Daebringer senior had arranged for the disposition of his possessions before he died. The son was supposed to have taken the 100 gulden from the sale of the property and divided it among the father's siblings and his

63 Appeal to the government by Andre Daebringer, 14 June-29 November 1783, KLA, R.Lh., CXI.
children. The son, after settling the father's debts, apparently had kept the rest of the money for his own use, and nothing more was done about the matter.

Even though there were a significant number of claims in the first years after the Emperor released the toleration patent, during the remainder of his reign he issued only a few directives related to the Transmigranten and others who had emigrated. Earlier ordinances issued under Charles VI and Maria Theresa had stated that parents who emigrated or were deported from the Habsburg lands because of their religious convictions had to leave their children behind to be raised in the Catholic Church. In July 1783, in a move that appeared contradictory to the prevailing atmosphere of enlightenment and toleration he had created, Joseph ordered that those returning to their homes after exile could not take custody of their children. He feared upsetting children who had been raised in one religion and were suddenly placed in a home with persons of a different one even if the persons were the children's natural parents. It would be better if the children were not led astray from the Catholic Church. He warned government authorities to be watchful of abductions by Acatholic parents.

Not all of the new laws, however, were so unfavorable in their treatment of the Protestants. In a step toward

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64 Order from the Emperor released through the Villach circle, 13 August 1783, KLA, Paternion Patente, Buch 398.
decentralization in matters related to the Acatholics, the Emperor in August 1784 decreed that the chancellory would no longer be involved in questions involving the Transmigranten. Henceforth, the Gubernium in Graz could correspond directly with the Gubernium in Transylvania to settle problems that arose,65 and the Transylvanian Gubernium became actively involved through correspondence in seeking to ensure the fair settlement of property disputes which involved Acatholics in Carinthia.66

As was the case with other issues related to the toleration, support for the Transmigranten also came from the nobility and the provincial government when claims of the returnees were justifiable. In January 1784 the governor in Graz went so far as to order circle officials to facilitate the handling of such claims so that the claimants either would get the money paid for the property before the relatives had been deported or would get rightful ownership of the property itself.67

Even though the Emperor had delegated authority to the provincial governors for dealing with the affairs of the returnees, the number and complexity of some claims

65 Instruction from the chancellory to the Gubernium, 30 August 1784, KLA, Gubernium Graz, Faszikel 268.

66 Order from the Villach circle, 6 September 1784, KLA, Paternion Patente, Buch 399.

67 Order from the Villach circle, 1 February 1785, KLA, Herrschaft Paternion, Faszikel 88.
eventually forced the chancellory to formulate a more orderly policy for settling disputes than simply having the Gubernium make decisions on an individual basis. In December 1789, shortly before Joseph’s death, the chancellory ordered the governor of Inner Austria to collect the records of all transactions undertaken by those who had emigrated from Carinthia for religious reasons so that the Gubernium could be better informed for the cases it had to judge. By January 1790 the provincial bookkeepers had had little success to report for their labors. Many receipts, they related, had not been kept since most of the transactions that had been registered were from the estates and not the farms whose records had been sent to Vienna.68

Two test cases arose in January in which the Gubernium had the opportunity to apply the new policy of examining the validity of the claimants’ appeals. Both illustrate not only the almost hopeless task confronting provincial officials but also the relatively insignificant amounts which officers were willing to consider in their efforts to reach a just settlement.

In one instance, the governor ordered clerks to investigate the request of two returnees from the village of Koetschach for the payment of an outstanding bill of 37

Provincial clerks reported that many of their records were missing and that the files they had had from the period 1760-1782 had already been sent to Vienna. It may well have been that clerks in the archives in Vienna also had lost the transactions. When the governor asked the chancellory to return the files from the time in question, he was told that he would have to rely on the private archives of the surrounding principalities for the information needed to decide the claims.

The second case involved a request by the village custodian of the Himmelberg estate on behalf of a Protestant family who lived there. This family was trying to claim 70 gulden from a bill of a transaction that had taken place in 1772. Clerks in the Villach circle reported that the money had been transferred at that time via Vienna to the Transylvanian Emigrants' Fund for a relative who had been deported and could not be transferred back to Himmelberg. When the circle showed little interest in further appeals from Himmelberg, the Gubernium responded that it would deal directly with the Transylvanian Gubernium and carry out its own investigation in the archives of the

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69 Request from the Gubernium, 20 January-17 July 1790, KLA, Gubernium Graz, Faszikel 268.

70 Request from the Pfleger in Himmelberg to the Gubernium, 6 February-16 December 1790, KLA, Gubernium Graz, Faszikel 268.
estates. The necessary records for this case were missing also.

By and large, government authorities heard very few cases in which they decided that claimants were entitled to more than a small financial compensation. Either the records did not exist by which persons could substantiate their appeals, or officials refused to contravene the laws of an earlier regime and possibly open themselves to counterclaims. Of all the different themes which the Emperor addressed in the Edict of Toleration, the problem related to returning Transmigrants was the only one over which many Acatholics complained that they had been unfairly treated by the government.

Most of the Protestants who attempted either to get fair settlement for past injustices (or to exploit for personal gain the flood of demands upon government officials) received little satisfaction. However, according to reports by seniors to the superintendent in Vienna from both the middle and the end of the decade, the general mood among Lutherans in Carinthia was one of guarded optimism about growth and of continued gratitude to the Emperor for creating an environment of toleration in which they could worship free from Catholicism.
CHAPTER X
ANNUAL REPORTS FROM CARINTHIA--1786 AND 1790

The idea that pastors should submit reports on the state of their congregations apparently originated with the Protestant leadership, not the government. One month after his appointment as superintendent of Inner Austria in 1783, Johann Fock circulated a questionnaire to the seniors under his administration inquiring about conditions in the newly formed assemblies. Compared with later reports, this first survey contained only a brief list of questions:

1. How many churches had already been built?
2. How strong were they?
3. Were the people poor or relatively well-off?
4. How much was each pastor paid?
5. What was the source of his salary?
6. Did each congregation have lay leaders to administer the assets?
7. Did each assembly have a prayer house and especially a pastor's house?
8. How was the relation of the congregations to the local Catholic Churches?
9. Which liturgy did the pastor use in the worship service?
10. How much could each congregation contribute to the
support of the superintendent without being financially overburdened?

11. In case a personal visit by the superintendent was necessary, could the assemblies contribute to the cost?1

Fock received no answers to his first questionnaires because the seniors in 1783 had not had time to visit all of the new assemblies in their jurisdictions and to collect even the small amount of information requested.

Over three years after the release of the Edict of Toleration, in April 1785 orders finally came from the government for pastors to turn in semiannual reports to the circle officers and to the consistory, but the information that the Emperor required was more general than that solicited earlier by the superintendent. Even though the system of reporting by local pastors was established then, it was not until July 1786 that Senior Gotthardt, pastor in Arriach and the only senior in Carinthia, received a commission from the Augsburg Consistory in Vienna to compose a visitation report on the congregations in his area.2

In September Gotthardt sent a notice of the forthcoming visitation to the pastors for whom he had oversight. He related to them that he had been given broad guidelines by the consistory to view the conditions and to hear the

1 Reischer, Visitationsbericht, 16.

2 The senior’s entire report has been transcribed verbatim in Reischer’s monograph, Die Toleranzgemeinden Kaerntens nach einem Visitationsbericht vom Jahre 1786. Only a synopsis is presented in this chapter.
complaints of pastors, teachers, and lay leaders. Gotthardt had developed the specific categories himself. The senior, in the course of the visit, was to meet in the prayer house at 8 a.m. with the whole congregation. If that were not possible, then at least one lay leader and two members were to be present. The pastor was to preach a sermon in the senior’s presence not longer than thirty minutes and then have a period of instruction for the youth.3 The senior was also to inspect the records of weddings, baptisms, and deaths, files of circle and consistory orders and circulars, financial records, and membership roles. In addition Gotthardt was to note details of worship services, schools, conditions of all buildings, and pastor-parish relations.4

Gotthardt conducted the visitation of the congregations in Carinthia and Styria between September and October 1786.5 His report to the consistory included an analysis of seven broad topics with a number of pertinent questions for each one. The first subject dealt with the number of communicants, preachers, and prayer houses, their stability, their increase or decrease in membership and the possessions (e.g. land, buildings, furniture, communion service pieces) of the congregations. The senior related

3 Ibid., 26.

4 Ibid.

5 Although reports from the three Inner Austrian assemblies in Styria were included, only reports from the congregations in Carinthia will be discussed here.
that at the time of his visitation there were thirteen
mother assemblies and eight daughter assemblies in
Carinthia and that there had been no new congregations
established in 1786. The other points he would address at
other places throughout the report.

For the second topic, Gotthardt described the public
expression of worship as it was practiced in the services.
The questions posed on this topic alone indicated that the
consistory’s need for information had gone far beyond that
as suggested in the simple survey of 1783. He first
questioned whether the preacher remained true to the
teachings of the Holy Scriptures and to the doctrines of the
Lutheran Church in the worship service? Did he communicate
clearly and without confusing “terminology,” the articles of
the faith and instructions for Christian living? The senior
responded in his report that all pastors and members whom he
interviewed affirmed their loyalty to the Augsburg
Confession, and there seemed no reason to doubt those
affirmations.

6 The mother churches were Arriach, St. Peter auf dem
Felde, St. Ruprecht, Gnessau, Bleiberg, Fresach, Feffernitz,
Stoggenboi, Weissbriach, Watschig, Tressdorf, Trebessing,
and Noehring. The daughter churches included Agoritschach,
Einoed, St. Joseph, Kraigberg, Siernitz, Fuch, and
Weissensee.

7 Although the term “church” was reserved for use by
the dominant Catholic religion and was expressly forbidden
for use by the Acatholic religions in reference to their
buildings or congregations, the senior did include this term
throughout his report.
The second question relating to the worship service consisted of three parts: the time and order of the worship service, the texts which the pastors used, and whether the services of baptism and communion were conducted according to accepted Church standards. Gotthardt replied that the pastors used a variety of liturgies. They were supposed to begin summer services at 8 a.m. and winter services at 9 a.m.; services usually lasted no longer than two hours because some participants had to walk four hours in order to get back home. Not all preachers held to this schedule, of course. The senior reported that some began late and preached longer than one hour. Most preached from the Gospels and sometimes from the Epistles. Several pastors, to the dismay of the priests, held no service on holidays, and some lay men even worked on holidays intentionally to antagonize their Catholic neighbors. Almost all Protestant clergy led their services according to the following order: song and prayer, Gospel or Epistle reading, explanation of the text and examples from daily life, song and prayer, "synthetic or analytic" sermon, prayer for the church and for the sick, Lord's Prayer, song and communion.

The senior also wanted to know how the pastors administered the sacraments of baptism and communion and how they handled confession and absolution. Specific questions included: Which liturgy was used for the service?
Was the pastor dressed in clerical robes or normal clothes? Was the baptism performed in the church or in the pastor's apartment? Did the preacher make the sign of the cross and on which occasions? Were there other witnesses and how many? How did the pastor view a Nottaufe (emergency baptism), especially if it had been performed by a midwife? Finally, on what part of the body did the preacher pour the water?

To these questions Gotthardt responded that, as was customary, preachers used a number of different liturgies for baptism. All of the pastors dressed in robes to perform the service. Most baptized the infants in the pastor's homes because it was warmer there in winter, and they made the sign of the cross as designated in the liturgy. Usually there was only one witness, a man for a male and a woman for a female infant. The father and midwife were always present, but there were seldom other witnesses because the service often lasted an entire day and few persons could take the time from their work. If the midwife had performed the emergency baptism correctly, most preachers were satisfied to pray for the baby and to confirm the act. All but one pastor poured the water over the head; he put water on the baby's chest.

Regarding communion, the Senior questioned whether the clergy made any preparatory comments before administering the sacrament, how they handled confessions, and which form
of absolution they used (laying hands on the head or simply pronouncing the forgiveness of sins). The Senior related that, before they distributed the communion elements, the pastors delivered short devotionals on the importance of confession with an emphasis on atonement and justification. Most did not lay on hands but only pronounced the person’s sins as forgiven. Preachers heard confessions either before the worship service began or immediately after the sermon. They served the communion elements to the men first, then the women. Often worshipers would kneel all the way around the table on which the altar stood, but occasionally they would kneel in groups of three both on the left and on the right side of the table in order to receive the elements. When a pastor administered communion to a sick person at his or her home, he would simply read a prayer of penance and distribute the elements in the presence of other family members.

The final set of questions under the general category of public worship dealt with weddings, funerals, and the blessing of new mothers and their babies. The Senior wanted to know whether the preachers had a special blessing for mothers who had recently delivered babies. Did the new mother have the infant and were other female witnesses present when the pastor gave the blessing? Did the service take place in the pastor’s home or in the church? Did the
pastor use a special prayer for stillborn fetuses and infants who had died before baptism?

Gotthardt learned from the pastors that almost all of the new mothers came for the special blessing without their babies (usually the distances were too great to carry a newborn) but with several female companions. The preachers usually held the services in their homes (also because of weather conditions), where the women would kneel before a house altar to receive the blessing and prayer. The clergy did make a distinction in their services between infants whose parents were married and those who were illegitimate or stillborn.

Weddings especially interested the consistory because of the law that required the three-fold announcement from the Catholic pulpit. Gotthardt had to investigate whether pastors encouraged couples to notify the parish priest and whether pastors had the receipts to prove that the newlyweds had paid the taxes. Had the couple taken their vows in the presence of a minister, and had the pastor given premarital counseling? What kind of celebration did the congregation sponsor, and did the preacher have a sermon at the ceremony? The pastors reported that for each service they had performed, the couples had complied with all of the stipulations of the Marriage Decree of 1783 regarding announcements and tax payments and that the grooms were required to present the receipt to the pastor on the day of
the wedding. It was typical for both the engaged couple and their parents to go to the pastor for premarital counseling. Finally, there was always a short sermon during each ceremony.8

Regarding funerals, the Senior inquired as to how the Lutherans buried their dead, whether the preacher delivered the sermon in the prayer house or at the cemetery, and whether people of both sexes held watch over the deceased during the night before the funeral. Gotthardt related that the laity usually carried the deceased to a Catholic cemetery, where they might sing and have a short prayer; Protestants were not allowed to have a lengthy prayer or a sermon while they were on Catholic property. Pastors would hold the service in the prayer house unless the Lutherans had their own burial ground. It was common for both men and women to sing and pray and, for those who were literate, to read from the Bible when they sat with a body through the night before the burial.

The Senior included, under the topic of public worship, a number of other questions on several issues that apparently raised no problems. All pastors stated that their congregations were adhering closely to the Edict of Toleration, and in only a few instances did they report illegal assemblies. In light of evidence to the contrary, 8 In his report Gotthardt related the full details of a typical celebration which was sponsored by a congregation
however, pastors may have attempted to cover up inter-faith hostilities and to minimize the excessive behavior of members (who experienced the usual problems with excessive "eating, drinking, and whoring" but seldom adultery) in order to avoid losing the freedom of worship.9

However, the subjects of song books and attendance at catechism continued to be a source of irritation for the pastors. Because the worshipers had memorized many of the old songs and because illiteracy was such a problem, many congregations still had not accepted the new hymnals at the time of the visitation. When ministers in Arriach, Gnesau, Noering, and St. Peter began a song, their whole congregations remained silent. When parents continued to argue that they could not send their children to catechism because of the amount of work on the farm and the distance to the prayer house, some pastors decided to shorten their sermons in order to hold a period of instruction immediately after the worship service.

A third major subject that the consistory requested the senior to investigate included the work habits and personal example of Christian living which the preachers presented to their congregations. Gotthardt questioned the pastors on how they prepared their sermons and whether the delivery was a verbatim reading of the prepared sermon or whether the pastor wandered off into subject matter that

9 Reischer, *Visitation*, 44.
perhaps he should have avoided. Among other things, he also had to determine who was gifted at teaching, how long they prepared their parishioners for confirmation, whether they kept accurate records of finances and other church business, what kind of study habits each man had, and how much of their salary they actually received. Based on conversations with lay leaders and members of the congregations, the senior rated all of the pastors from average to exemplary. None proved to be an embarrassment to the consistory.

Although they dealt with important matters, Gotthardt gave relatively superficial treatment to the remainder of the seven categories. Schools and teachers continued to be a problem for the Lutherans in Carinthia. Teachers remained poorly trained and, as was the case with the catechism, parents simply would not let their children take the time from work to attend classes. Comments on the role of the senior, the administration of church property, and miscellaneous cases comprised the remainder of the visitation report that Gotthardt submitted to the consistory in January 1787.

10 In section six of his visitation report of 1786, Gotthardt recorded the attendance in the Lutheran churches in Carinthia as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>People</th>
<th>Families</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arriach</td>
<td>1,850</td>
<td>275</td>
</tr>
<tr>
<td>Bleiberg</td>
<td>700</td>
<td>139</td>
</tr>
<tr>
<td>St. Peter</td>
<td>1,700</td>
<td>211</td>
</tr>
<tr>
<td>Feffernitz</td>
<td>515</td>
<td>103</td>
</tr>
</tbody>
</table>

10
In the introduction of his report on the state of the Lutheran Church in Carinthia for the year 1786, Gotthardt enthusiastically indicated that the Protestants experienced a phenomenal beginning, growing from no legal members before the Edict of Toleration to thirteen bustling congregations. These ranged from the smallest with 515 (Feffernitz) to the largest with 1,900 communicants (Stoggenboi), an average of over 1,230 members per assembly. In the remainder of his report, the senior was much less positive in describing the realities facing the new congregations. Pastors had encountered individuals who were largely illiterate, immoral, and entrenched in traditions and un-Christian superstitions. To many of the faithful, it appeared as though they had been saddled with more financial responsibilities on their already overburdened resources and with strange men from other countries who spoke with accents

<table>
<thead>
<tr>
<th>Place</th>
<th>Members</th>
<th>Pres.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fresach</td>
<td>1,450</td>
<td>209</td>
</tr>
<tr>
<td>Gnesau</td>
<td>1,100</td>
<td>176</td>
</tr>
<tr>
<td>Noehring</td>
<td>1,480</td>
<td>186</td>
</tr>
<tr>
<td>St. Ruprecht</td>
<td>700</td>
<td>108</td>
</tr>
<tr>
<td>Stoggenboi</td>
<td>1,900</td>
<td>257</td>
</tr>
<tr>
<td>Trebessing</td>
<td>1,430</td>
<td>200</td>
</tr>
<tr>
<td>Tressdorfl</td>
<td>753</td>
<td>107</td>
</tr>
<tr>
<td>Watschig</td>
<td>1,230</td>
<td>159</td>
</tr>
<tr>
<td>Weissbriach</td>
<td>1,200</td>
<td>166</td>
</tr>
</tbody>
</table>
that were hard to understand and tried to convey often unwanted teachings that contradicted the "truths" passed on to them by their fathers. The strong underground movement of secret Protestantism that had sustained itself among the people for over a century was suddenly being forced to conform to dictates from a hierarchy outside of the local communities, a practice for which many had rebelled against the Catholic Church. Only at the end of his annual report did Gotthardt refer to the taxes that the Lutherans had to pay to the priests along with their regular dues to State and lord and their contributions to their own Lutheran establishments. These financial obligations, he argued, hindered them from becoming more productive subjects.11

It is also interesting to note the narrow focus of the questions: the attention strictly to the life of the assembly with only the vaguest reference to interaction of the A catholics with other inhabitants of their villages. For example, there were no questions as to whether Lutherans were harassed by government officials, priests, or Catholic

11 While enlightened principles may have been a major motivation behind the Emperor's decision to issue the Edict of Toleration, these principles seemed to have had little part in the routine decision-making necessary to interpret the edict in Carinthia. Joseph, in his instructions to his subordinates, and the subordinates themselves, in their admonitions to parish priests, ordered Catholics to respond to the A catholics with gentleness and patience on the basis of Christian love, not for the sake of economic growth or loyalty to the state. Gotthardt's comment on creating more "productive subjects" marked the only direct reference in the correspondence of the period that made any mention to the principles or goals of the Enlightenment.
laity or as to how Lutherans were treated in the markets, during travel in the province, or in any other areas of community living. It appears as though the senior was trying to keep his questions broad and vague and to avoid even the slightest possibility of provoking the Protestants and beginning any incident that could result in the loss of the newly gained religious freedom.

Although the visitation report of 1786 provided the consistory and the government with far more information on the state of the Acatholics than the much shorter prototype of 1783, the Emperor was not satisfied. He wanted the pastors to give more details on some questions and to address other issues that they had neglected altogether. Future reports, he insisted, should also include an account of Protestants who emigrated, those who remained behind, and those who returned to the Catholic Church. Seniors were to comment on the condition of every pastor and prayer house within their jurisdictions and to report on the growth and status of the Lutheran children in school.

By no means had the senior or the pastors been able to redress all of the Protestant grievances in the first years after the toleration edict appeared. One glaring example

12 The emperor’s order released through the Villach circle, 12 February 1787, KLA, Paternion Patente, Buch 403. The seniors eventually incorporated in their reports statistics on how many people returned to Catholicism, but no reports were found that contained information on emigration.
was the taxes and payment-in-kind due the priests, a financial obligation that was still a burden to the Protestants. This was an issue which Gotthardt emphasized in his report to the consistory and which the congregations continued to bring before the Emperor.

In February 1787 one Protestant farmer, overwhelmed by demands from the Catholic Church for more money, eggs, and grain, refused to make any more payments.13 The parish priest decided to make an example of the farmer by having him put in jail. The plan backfired, however, when after a night of subfreezing temperature, one of the farmer's feet froze. This incident stirred the Lutherans in Carinthia to make a united appeal to the Emperor to put an end to all dues to the Catholic Church. In their petition the congregations stated that the financial strain was so great that they soon would be unfit subjects unable to fulfill their duties to the Emperor. The construction of their own prayer houses and schools and the payment of salaries to their pastors and teachers had emptied their coffers, while some priests continued to collect taxes that had been abolished four years before. The consistory could only counsel the pastors that it was doing everything possible to improve conditions by informally petitioning the chancellory for change. It was not until October that the consistory, after receiving the approval of the chancellory, issued its

13 Sakrausky, *St. Ruprecht*, 162.
evaluation, suggestions, and instructions to the assemblies based on the senior's report. Problems with parish priests were to be handled by provincial and circle authorities. However, it was not possible at that time for Protestants to stop making the traditional tax payments to the Catholic Church. The consistory did suggest that seniors make a visitation only every third year in order to reduce the expenses to the churches.

The consistory continued its recommendations for improvements based on the senior's report with the instructions that pastors spend more time in sermon preparation and occasionally submit sermons to the superintendents for evaluation: that preachers display more enthusiasm in catechism classes which they could now hold in the government office in the village as well as in their prayer houses; that they preach more from the Gospels and the Epistles; and that they be more "regular and sincere" in the observance of religious holidays, and adhere strictly to the prescribed ceremonies for weddings, baptisms, and burials. Pastors should also submit more detailed reports on confessions, maintain an up-to-date collection of all circulars and orders from the consistory and the chancellory, and keep accurate financial records. Finally,

14 Instructions from the consistory to the superintendent, 23 October 1787, AEO, Faszikel XV, Zahl 169.
the consistory urged the congregations to be more regular in paying the salaries of the preachers.15

The report of the visitation that took place in 1790 after Joseph’s death addressed the same general questions and offered more statistics.16 The new senior Gabriel Wucherer, pastor to the Lutheran congregation in Himmelberg, divided his report into only three sections: an account of three particular churches, the general report on all of the assemblies, and a collection of statistics from five of the representative groups in the province.17

In the first section, Wucherer related conditions at his new church in Himmelberg and discussed ongoing problems in the daughter assemblies at Einoed and Kraig. The Lutherans in Himmelberg had established an assembly in 1783 but had been meeting with Protestants in Gnesau. There was now a prayer house in Himmelberg with 800 members (140 families), and a daughter church in Siernitz with 200 communicants. Members who made up the congregations came from six different Catholic parishes (Himmelberg, Gensau, Weissbriach (Weissensee), Watschig, Zlan (formerly Stoggenboi), Feffernitz, Trebessing (Treffling), Eisentratten (Arnbach), Tressdorf, Fresach (Puch), Bleiberg (Agoritschach), and Himmelberg.

15 Ibid.

16 AEO, Faszikel XXX, Zahl 139--The general visitation report of 19 October 1790 listed the Lutheran mother (daughter) churches in Carinthia as: Arriach, St. Ruprecht (St. Joseph), St. Peter (Widweg), Weissbriach (Weissensee), Watschig, Zlan (formerly Stoggenboi), Feffernitz, Trebessing (Treffling), Eisentratten (Arnbach), Tressdorf, Fresach (Puch), Bleiberg (Agoritschach), and Himmelberg.

17 Visitation report of 1790, AEO, Faszikel XXXII, Zahl 16.
The church supported its own pastor, Wucherer himself, who then was sixty-four years old, born in Wuerttemberg and educated at the seminary in Tuebingen. The members also supported three teachers from the area who had received training at the school for teachers in Villach. Revenues came from individual contributions collected twice a year by the church treasurer, extra offerings, rent for chairs, and sources outside of the Habsburg hereditary lands.18

Wucherer reported that things were going well at the church in matters regarding public worship. He drew material for his sermons from both the Bible and devotional books, and he did follow the proscribed liturgy for the remainder of the service. The members came for catechism on Sunday and holiday afternoons and carefully observed the limits of the toleration patent involving submission to the government's school directory in educational matters and to the circle officials in legal affairs. The singing during the service was good and the worshipers appeared to be more satisfied with the new hymnals by this time. They did have a collection of circulars and orders from the consistory.

18 Foreign contributions to Catholics in the Habsburg lands up to 1791 totaled over 96,705 gulden. Some amounts by province or country included: Saxony-1746 gulden; Hanover-982; Wuerttemberg-526; Hungary and Transylvania-1,705; Holland-7,252; Switzerland-6,034; France-721; Poland-626—source: Darstellung der durch Kaiser Joseph den Zweiten entstandenen Grundlage der kirchlichen Verfassung der Protestanten (Regensburg: Montag-und Weissischen Buchhandlung, 1799), 114-118.
and the chancellory, but it was not complete. There was little significant information under the subject of evaluation of the pastor except that he did keep accurate records of weddings, baptisms, and funerals and that he was receiving his salary.

Parents, reportedly "with enthusiasm," sent their children to school during the winter months but seldom during the summer. Based on the senior's observations the teachers held school regularly and taught doctrine well. They received money for their salary in the winter and produce in the summer. No one had complained about the personal habits of the teachers.

The Lutheran Church in Himmelberg had two treasurers elected by the members of the congregation, who kept separate books for the pastor and the school and took care of all financial transactions. Both the church and the school were in sound financial condition at the time of the report. Each member who could afford it bought his chair for life, which was sold again only upon the death of that person. Local government officials audited the records once each year for a fee of three gulden.19

19 Although the Protestant church at Himmelberg was financially sound, the situation was more the exception than the rule. The financial conditions at the Fresach assembly were more typical of what the other Protestant congregations experienced. KLA, Portia CCCLVI--

<table>
<thead>
<tr>
<th>Year</th>
<th>Income (gulden)</th>
<th>Expenses (gulden)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1785-1786</td>
<td>190</td>
<td>291</td>
</tr>
</tbody>
</table>
Also in his special report Wucherer described briefly for the consistory the ongoing problems in the churches in Einoed and Kraig. Two hundred persons (thirty-five families) had started an assembly in Einoed in 1782 as a daughter church of Arriach, but the Lutherans in Einoed had made so many demands on the pastor in Arriach that the Arriach Lutherans no longer wanted any association with their brethren in the neighboring villages. The senior recommended that several pastors in the area rotate the preaching duties in Einoed, and his recommendation was followed.  

<table>
<thead>
<tr>
<th>Year</th>
<th>Income</th>
<th>Expenses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1787</td>
<td>60</td>
<td>129</td>
</tr>
<tr>
<td>1788</td>
<td>29</td>
<td>97</td>
</tr>
<tr>
<td>1789</td>
<td>35</td>
<td>90</td>
</tr>
<tr>
<td>1790</td>
<td>56</td>
<td>150</td>
</tr>
<tr>
<td>1791</td>
<td>39</td>
<td>143</td>
</tr>
<tr>
<td>1792</td>
<td>500</td>
<td>595</td>
</tr>
<tr>
<td>1793</td>
<td>506</td>
<td>599</td>
</tr>
<tr>
<td>1794</td>
<td>537</td>
<td>636</td>
</tr>
</tbody>
</table>

Although nothing specific could be found to indicate why the income and expenses at Fresach increased dramatically between 1791 and 1792, the explanation may have been that Leopold ordered and enforced the cessation of all financial dues paid by the Protestants to the Catholics and, perhaps, some obligations that they paid to the government. This would have permitted the Lutherans to channel more funds to their own assemblies. Such an explanation is plausible because this period was apparently the heyday of Protestantism within the Habsburg lands in the eighteenth century. Leopold had granted virtual autonomy to the Protestants in Hungary during the Hungarian diet of 1790/1791 and had approved the establishment of the first Lutheran assembly in the Styrian capital of Graz, a former Jesuit stronghold.

20 Special report from Senior Wucherer, 1790, AEO, Faszikel XXXII, Zahl 16.
The two-fold difficulty in Kraig had existed ever since the assembly was established in 1784: the Lutherans there were too poor and too far away from the concentration of Protestants in the western part of the province, the nearest congregation being over nine hours away by wagon. The three hundred members had erected a prayer house in 1785 for the substantial sum of 300 gulden and had purchased an abandoned Catholic chapel in 1788 for 200 gulden to convert into a school. They had their own school teacher who had been trained in Klagenfurt, but they had no resources to pay a pastor. This did not mean that the congregation considered having a teacher more important than a pastor; it was simply a financial consideration. They would have little difficulty providing the meager wages for a teacher--generally a local farmer anyway--if they paid him at all, but would find it harder to raise the higher salary (300 gulden annually) for a pastor. Wucherer suggested that the Lutherans in Kraig hold service only six times per year, thus allowing six of the thirteen pastors from the Villach circle to make the journey once a year to lead the worship service. The congregation would pay the pastor four gulden for travel expenses. The senior did not consider it an insurmountable problem that the assembly still numbered only 200, far below the minimum of 500 required by the Edict of Toleration.
In the second major section of his visitation report, Wucherer described the general conditions in the other twelve mother churches in Carinthia. There had been no new mother churches founded that year. Although Lutherans had thirty schools in the province by this time, they had built no new school buildings that year either.

21 Status of the Lutheran churches in Carinthia, 1790—
Source: AEO, Faszikel XXXII, Zahl 161.

<table>
<thead>
<tr>
<th>Mother church</th>
<th>Daughter</th>
<th>Pastor</th>
<th>Pastor's Annual Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arriach</td>
<td>Einoed</td>
<td>Kaltenstein</td>
<td>400 gulden</td>
</tr>
<tr>
<td>St. Peter</td>
<td>Widweg</td>
<td>Tiefbrunner</td>
<td>350</td>
</tr>
<tr>
<td>St. Ruprecht</td>
<td>St. Joseph</td>
<td>Keller</td>
<td>300</td>
</tr>
<tr>
<td>Bleiburg</td>
<td>Agoritschach</td>
<td>Cnopf</td>
<td>450</td>
</tr>
<tr>
<td>Feffernitz</td>
<td>---</td>
<td>Clarner</td>
<td>400+wood</td>
</tr>
<tr>
<td>Fresach</td>
<td>Puch</td>
<td>Woch</td>
<td>300+wood</td>
</tr>
<tr>
<td>Watschig</td>
<td>---</td>
<td>Renner</td>
<td>400+wood</td>
</tr>
<tr>
<td>Tressdorf</td>
<td>---</td>
<td>Scharrer</td>
<td>330+wood</td>
</tr>
<tr>
<td>Zlan</td>
<td>---</td>
<td>Sachs</td>
<td>350+produce</td>
</tr>
<tr>
<td>Weissbriach</td>
<td>Weissensee</td>
<td>Strompf</td>
<td>360</td>
</tr>
<tr>
<td>Trebessing</td>
<td>Trefling</td>
<td>Dressler</td>
<td>400</td>
</tr>
<tr>
<td>Eisentratten</td>
<td>Dornbach</td>
<td>Steinhauser</td>
<td>350</td>
</tr>
<tr>
<td>Himmelberg</td>
<td>Siernitz</td>
<td>Wucherer</td>
<td>400</td>
</tr>
</tbody>
</table>

22 Status of the Lutheran schools in Carinthia, 1790—
Source: AEO, Faszikel XXXII, Zahl 16.

<table>
<thead>
<tr>
<th>Church</th>
<th>Villages with schools</th>
<th>School buildings</th>
<th>Students</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
public services among the twelve all had a similar order of worship. The pastors held services on Sunday and holiday mornings and read from the Bible and consistorial liturgy. Wucherer did stress the need for even more uniformity in

<table>
<thead>
<tr>
<th>Location</th>
<th>Town</th>
<th>Attendance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gnesau</td>
<td>1</td>
<td>20</td>
</tr>
<tr>
<td>Sedlitz</td>
<td>1</td>
<td>35</td>
</tr>
<tr>
<td>Siernitz</td>
<td>1</td>
<td>25</td>
</tr>
<tr>
<td>Himmelberg</td>
<td>0</td>
<td>40</td>
</tr>
<tr>
<td>Arriach</td>
<td>Arriach</td>
<td>1</td>
</tr>
<tr>
<td>Teichen</td>
<td>1</td>
<td>30</td>
</tr>
<tr>
<td>Einoed</td>
<td>0</td>
<td>24</td>
</tr>
<tr>
<td>Feld</td>
<td>Feld</td>
<td>1</td>
</tr>
<tr>
<td>Kraa</td>
<td>1</td>
<td>40</td>
</tr>
<tr>
<td>Widweg</td>
<td>0</td>
<td>30</td>
</tr>
<tr>
<td>St. Ruprecht</td>
<td>St. Ruprecht</td>
<td>1</td>
</tr>
<tr>
<td>St. Joseph</td>
<td>0</td>
<td>20</td>
</tr>
<tr>
<td>Bleiberg</td>
<td>Bleiberg</td>
<td>1</td>
</tr>
<tr>
<td>Feffernitz</td>
<td>Feffernitz</td>
<td>1</td>
</tr>
<tr>
<td>Fresach</td>
<td>Fresach</td>
<td>1</td>
</tr>
<tr>
<td>Puch</td>
<td>0</td>
<td>30</td>
</tr>
<tr>
<td>Melanig</td>
<td>0</td>
<td>30</td>
</tr>
<tr>
<td>Watschig</td>
<td>Trepelau</td>
<td>0</td>
</tr>
<tr>
<td>Rattendorf</td>
<td>0</td>
<td>50</td>
</tr>
<tr>
<td>Tressdorf</td>
<td>Tessdorf</td>
<td>1</td>
</tr>
<tr>
<td>Godrschach</td>
<td>0</td>
<td>61</td>
</tr>
<tr>
<td>Zlan</td>
<td>Zlan</td>
<td>1</td>
</tr>
<tr>
<td>Weissbriach</td>
<td>Weissbriach</td>
<td>1</td>
</tr>
<tr>
<td>Weissensee</td>
<td>1</td>
<td>55</td>
</tr>
<tr>
<td>Trebesing</td>
<td>Trebesing</td>
<td>1</td>
</tr>
<tr>
<td>Trefling</td>
<td>0</td>
<td>62</td>
</tr>
<tr>
<td>Eisentratten</td>
<td>Eisentratten</td>
<td>1</td>
</tr>
<tr>
<td>Dornbach</td>
<td>1</td>
<td>58</td>
</tr>
<tr>
<td>Altersperg</td>
<td>0</td>
<td>30</td>
</tr>
<tr>
<td>Kraig</td>
<td>Kraig</td>
<td>1</td>
</tr>
</tbody>
</table>
song, prayer, and school books and suggested that Protestants could place their orders for books with the Walliser firm in Klagenfurt in order to assure that uniformity. The worshipers were finally beginning to accept the new song books in Himmelberg, Gnesau, and Arriach, but there was still considerable resistance in St. Peter and Eisentratten.

Wucherer also recommended that congregations build tanks for baptism inside the prayer houses. It was too cold for preachers to continue baptizing in the water troughs by the local taverns. The assembly also needed far more doctrinal teaching on baptisms in order to dispel old superstitions. Believing that baptism saved or at least postponed in some way God's judgment on newborns, many still performed the Catholic emergency baptism before the pastor could hold a Lutheran service. In extreme examples of this, midwives, hoping to influence their eternal destinies, continued to administer the emergency baptism to stillborn fetuses. The Senior insisted that this practice, based on superstition and contrary to Lutheran doctrine, must stop. Weddings should be held on Mondays in accordance with Catholic tradition in order to keep Sundays as a special day reserved only for worship services.

In addition, the senior related to the consistory that most of the pastors were doing well in their ministries. Apparently possessing a rebellious nature, Pastor Keller in
St. Ruprecht, he noted, posed somewhat of a problem since he stubbornly refused to sing from the new hymnals, would not encourage his congregation to contribute to the government sponsored institute for the poor, and persisted in demanding his salary and payment-in-kind. There had been no formal complaints from preachers about their salaries, but there was room for improvement, and Wucherer recommended that the contracts under which congregations hired pastors be enforced by the local authorities. To date there still had been no case in which a preacher had died and left a wife and children so the provisions for pensions had yet to be tested. If that were to happen, the church members were to provide for them according to the law. The pastoral Reading Club had failed because the ministers were too scattered to make the exchange of books practical. Despite a high rate of illiteracy among the farmers, Wucherer suggested that each congregation begin a library of fifty books, which would be especially helpful to the pastor and allow members to have access to the books as well.

The conditions of the schools had changed little since the visitation report of 1786, and the report described them as essentially the same as for the school in Himmelberg, Wucherer's own establishment. The Lutherans did adhere to the method and curriculum dictated by the government's education commission. Parents continued to be generally enthusiastic in their support of the schools but still kept
their children home in the summer to work on the farms. Teachers had consistently turned in their biannual reports to the school commission at the circle office. Teachers received their salary and payment-in-kind more regularly by 1790, but the pay supplement promised by the school commission in 1786 had never materialized.

As was the case in the Himmelberg church, financial matters in the other assemblies were handled by two treasurers elected from among the members. None the less, payments of salaries and bills were usually irregular. The senior did request that the churches use the same forms when reporting to the circle office, and he reminded the treasurers that all financial transactions should be entered into the books. Income such as spontaneous love offerings and expenses such as small pieces of furniture also should be recorded. Wucherer also encouraged the pastors to be consistent in paying their war taxes; he noted that only a few had not paid and that one of these had been unable to do so because he had been robbed.

The final section of Wucherer's report consisted of statistics from five representative churches in Carinthia.23 Some of the assemblies showed an increase in membership and some experienced a decrease, indicating that the growth of

23 Wucherer gave no indication as to why he had selected these five.
the Lutheran movement in Carinthia had virtually stopped.24 But while the comparison of statistics between the reports of 1786 and 1790 revealed little change, other sections of the two reports indicated some favorable trends for the Protestant assemblies: there was a marked increase in uniformity of worship services among the Lutheran congregations in the province; many of the assemblies had accepted the new song books by now; most of the pastors had a good relationship with their congregations (It is important to remember that this is the second generation of pastors in Carinthia by the end of the decade.) and were receiving a more regular salary; and there were thirty Lutheran schools established, all of which had successfully integrated the curriculum and teaching methods that had been issued from the governmental commission of education. Even though the growth had leveled off, a much-needed stability


<table>
<thead>
<tr>
<th>Church</th>
<th>Number of Members</th>
<th>Born</th>
<th>Died</th>
<th>Confirmed</th>
<th>Married: both Prot/ mixed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male-Female</td>
<td>M--F</td>
<td>M--F</td>
<td></td>
<td></td>
</tr>
<tr>
<td>St. Ruprecht</td>
<td>356-393</td>
<td>4--9</td>
<td>2--2</td>
<td>4--9</td>
<td>3/8</td>
</tr>
<tr>
<td>Tressdorf</td>
<td>368-384</td>
<td>5--7</td>
<td>5--3</td>
<td>12--13</td>
<td>7/1</td>
</tr>
<tr>
<td>Watschig</td>
<td>1219</td>
<td>7--6</td>
<td>10--24</td>
<td>52</td>
<td>17/0</td>
</tr>
<tr>
<td>Trebesing</td>
<td>810-792</td>
<td>18--14</td>
<td>14--16</td>
<td>8--9</td>
<td>9/0</td>
</tr>
</tbody>
</table>

Only nine people from all five churches had returned to Catholicism.
had settled in as a new set of traditions took shape. Lutheranism was becoming institutionalized.

Of course, the state of the Protestant churches in Carinthia could not be described by statistics alone; nor were the Protestants able to resolve within the first decade every challenge which they confronted in the early years of the toleration. While the annual reports were helpful to the consistory as a barometer for measuring the general status of the Lutherans in Carinthia, neither time nor space permitted the senior to describe fully the complications related to ongoing problems for which there were no solutions. For example, the needs of the assembly in Kraig continued to weigh heavily on his mind. Protestants there were still too far below the legal number of five hundred members required before a congregation could call their own pastor and still too poor to pay him anyway. In June 1792 Senior Wucherer was still appealing to the chancellory through the consistory to allow the Lutherans in Kraig to call their own pastor.25 He argued that neither the governor in Graz nor the local nobility had raised any objection to this proposal. A pastor in Kraig, Wucherer reasoned, really would not be a violation of the toleration edict or a new position at all because preachers from western Carinthia had been traveling there to preach for a

25 Appeal from Senior Wucherer to the chancellory, 6 June-20 July 1792, AVA. Evangelisches Kultus, in genere-Inner Oesterreiche, Faszikel 3.
number of years. The senior pleaded that, for the good of
the church, the members needed a resident pastor. The
officials of the Klagenfurt circle responded to Wucherer's
request. They wrote to the chancellory that Protestants in
Kraig should continue as a daughter church being served by
rotating pastors from the western part of the province. The
number of two hundred members was too far below the legal
limit. The people in Kraig did not have already, as they
had claimed, facilities in which the pastor could live, nor
would they be able to meet any further financial obligations
posed by a resident minister. Finally, there had been cases
in which a Catholic diocese had refused the request from a
group of petitioners for a new priest because there were not
enough communicants, and it would be "embarrassing" if the
circle permitted the Protestants to do what was forbidden to
Catholics. When the members of the Lutheran consistory in
Vienna read the objections from the circle officials, they
withdrew their support from the senior and agreed that the
Kraig church should not have its own pastor. In July the
chancellory issued its official rejection of the request
based on the reasons set forth by the Klagenfurt circle.

The primitive living conditions, strained relations
with neighboring Catholics, and constant infighting among
members in their congregations represented another challenge
which Lutheran leadership had not mastered by the time the
Emperor died. This environment contributed not only to the
high turnover of the pastors in the villages but also to the early retirement of the seniors and the superintendents.

Senior Gotthardt, pastor in Arriach, notified the consistory in Vienna that he was retiring effective March 1789.26 As to his reasons, he submitted that he had become overwhelmed by the constant bickering in his own assembly, the conflict with the daughter church in Einoed, and the stress brought on by visiting other pastors who were always "undertaking conspiracies" against him. Gotthardt was also very sick. After five years of serving as senior, he was exhausted and wanted to return to his home in Pressburg. Both the consistory and Superintendent Fock expressed their regret over his departure but allowed him to go.

However, three years later in 1793, Fock himself submitted a request to the consistory for a lighter workload.27 He stated that he was seeking a better position because, after ten years in his office, the duties of preaching, advising other pastors, and serving as superintendent to both Lower and Inner Austria were too strenuous. In addition, the long distances between churches made it impossible to travel the whole territory in the three years prescribed by law. Fock suggested that the consistory divide the area presently under his jurisdiction

26 Reischer, Visitation, 107.

and promote Senior Gabriel Wucherer to the position of Superintendent of Inner Austria.

Both the consistory and the chancellory already had approved Fock's recommendations to divide the area and to promote Wucherer when the objections to these actions arrived from the Villach circle in March. Circle officials argued that a consistory closer to the congregations in Carinthia would not be able to solve difficulties any better than the circle was doing already and would probably only complicate administration. A new office of superintendent might also give Catholics the false impression about the numbers of the Protestants.

The new emperor, Francis II, approved the argument advanced by the circle and revoked his decision to divide the duties of the superintendent. Rather than lose his office and perhaps a great deal of influence in Vienna for the Protestant cause, Fock withdrew his request for fewer responsibilities and asked to stay on in his position. The Emperor granted his appeal.

Such was the state of the Protestants in Carinthia immediately after Joseph's death. A strong conservative reaction to his reforms in all areas took place under the emperors who succeeded Joseph, and many of his initiatives were altered or revoked. Although the Protestants did not win any significant new rights or privileges under these monarchs, however, neither did they lose any. Their
position as a legally recognized religion remained secure. The final chapter will discuss new rulings affecting the Protestants in the Habsburg lands during the remainder of the eighteenth century and will draw some conclusions about the interaction between the government, the Catholics, and the Protestants that resulted from the Edict of Toleration and from succeeding legislation dealing with issues related to religious toleration.
CHAPTER XI

PROTESTANTS IN THE HABSBURG LANDS IN THE NINETEENTH AND TWENTIETH CENTURIES

--CONCLUSION--

"Joseph Premier, aimable et charmant
Joseph second, scorpion et tyran." 1

This graffito found scribbled on the wall of the Augarten Palace succinctly expressed the sentiments of many Habsburg subjects toward their Emperor. This was far from being true, however, for most of those who experienced the new spirit of religious toleration. A short prayer that was part of the memorial service which the Lutherans held each year to commemorate the issuance of the Edict of Toleration clearly displayed their appreciation to Joseph.

Our fathers waited to see what we have seen but saw it not; to hear what we have heard but heard it not. You, great God and Father, have stored up this salvation for us, their children and posterity. You gave to your servant the desire in his heart to dissolve the bands that held our fathers captive, to free the conscience from coercion, and according to your godly example, to be kind to all. Protect and bless Joseph II. Crown him with praise and honor, and repay him with

eternal blessings for this great deed that he has done for us and our children. 2

Protestants did not have much time to eulogize or to mourn Joseph's passing on 20 February 1790. News of the Emperor's death raised a great deal of fear and uncertainty in Carinthia as to whether his successor would enforce the conditions of the toleration. The Protestant consistory in Vienna ordered the congregations in Carinthia to hold a memorial service, but it was the end of March before some congregations received the notice. 3 When Leopold II began his reign in March, he immediately assured the consistory that he would uphold the toleration patent, but this news did not reach some of the more remote villages in Carinthia until May. 4

For twenty-five years Leopold had presided over a successful reign in Tuscany. He was clever, a good tactician, had a good sense of what was possible, was successful with Church affairs in Tuscany, and had read much of Montesquieu and the Physiocrats. 5 Because of the revolution in France and the many problems Joseph had created with his reforms, Leopold took a decidedly more

2 Frank, Das Toleranzpatent, 129.

3 Reischer, Arriach, 48.

4 Ibid. The reign of Leopold began 12 March 1790.

conservative direction with his policies when he became emperor. He closed the general seminaries, reopened many convents and monasteries, ended some of the extreme administrative measures (e.g. the Central Court Commission), and restored some privileges to the estates, such as exemptions from taxes and military services. But Leopold left in force many of the reforms Joseph had enacted for the farmers, many of the new laws for the schools, and the Edict of Toleration.6

After Joseph's death, public debate over religious dissent precipitated by the edict quickly came to an end, mainly because fear of the French Revolution caused the government to restrict political or religious discussion in any context.7 Throughout 1790 and 1791 Cardinal Migazzi and a number of bishops urged Leopold to revoke the edict on the grounds that, despite the six-week course of doctrine, it was still too easy for Catholics to convert to the Protestant Church, but Leopold refused to do so.8

While Leopold promised to maintain the toleration patent in the western provinces, that was not enough to satisfy the more politically influential Protestants in Hungary. They put such great pressure on the Emperor to

8 Leopold did reinstitute the Grundsteuer (basic taxes owed by the farmers to the lords) and some of the Robot regulations.

7 O'Brien, Ideas, 69.

8 Ibid.
grant full religious rights to Acatholics that he finally
issued a decree in November 1790 through the Hungarian
imperial diet extending full legal equality to Lutherans and
Calvinists living in that part of the monarchy. These
Protestants now had completely free exercise of worship:
the use of steeples, bells, schools, and cemeteries; the
authority to decide all of their own church business; and
the right to apply for any public office (a stipulation of
the original toleration edict seldom enforced because there
were relatively few qualified non-Catholics). 9

In the Austrian lands conservative Catholics had more
cause for concern that Leopold might follow too closely in
his brother’s footsteps when they learned that he was
considering suspending the six-week course required for
those who wanted to leave the Church. Members of the
Catholic consistory in Carinthia sent a report to the
chancellory stating their view that the government, in
considering the elimination of the six-week instruction,
was bowing to pressure from foreign governments, presumably
Prussia and Britain. 10 From their analysis of reports from
priests throughout the province, this Catholic consistory
maintained that very few of their members converted to

9 Gustav Reingrabner, "Kirchenviisitationen wahrend des
Toleranzjahrzehntes im Obereisenburger evangelischen
Seniorat A.B. (heute suedliches Burgenland)," in Im Lichte
der Toleranz, ed. Peter Barton (Vienna, 1981), 205.

10 Protocol of the Gurk Catholic consistory, 4 December
1790, ADG, Faszikel 66.
Protestantism of their own convictions. Most who left the Church did so because they were misled by Protestants, not because they believed Lutheran doctrine. There was also a danger, they continued, that without this instruction people would fall away from religion altogether. Finally, because the priests in Carinthia teaching these courses were overworked, the consistory requested three hundred gulden from the government for the purpose of hiring additional personnel.

Leopold left the six-week course intact and added other restrictions to the tolerated religions to satisfy the Catholic lobbyists: Protestant soldiers on leave could not attend worship service without special permission from the circle; no worship service could take place outside of the prayer house; and there was to be no communal Bible study in a private home. Even after a person had completed a six-week period of instruction, he could not attend a Protestant service until he received a certificate of completion from the priest. Leopold also renewed the censorship laws on some Aatholic books and ordered that all mixed marriages had to be consecrated by a priest.11

The Emperor also reaffirmed Catholicism remained the dominant religion, that the toleration of the Aatholic religions depended upon the good will of the monarch, and that he was uncertain how long the toleration could be

11 Reischer, Arriach, 49.
accepted under "constitutional guidelines." For Hungary, Leopold did reiterate that Protestants should not have their beliefs dictated but added that, henceforth, some inter-religious conflicts would need to be handled by the pope and that each conversion statement would be checked and approved by the monarch.

When Leopold died unexpectedly in March 1792, his first son Francis (1792-1835) succeeded to the throne. Although more conservative than his father in many respects, Francis left virtually untouched most of the rights that Joseph had granted to the Acatholics in the Edict of Toleration. In the cities the police had orders to investigate radicals and masonic lodges, but Protestants and Jews were usually left in peace because the government did not consider them to be troublemakers. In the countryside the number of Protestants remained stable, relations with the Catholics continued to smolder, and government officials continued to follow the more restrictive policies set in place by Leopold II.

After a time, Francis did introduce a few of his own rules. In January 1796 the government in Vienna ordered

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12 Wagner, Mutterkirche, 121.

13 Tibor Fabiny, "Die geschichtliche Entwicklung des Toleranzpatentes in der evangelisch-lutherischen Kirche Ungarns," in Im Lichte der Toleranz, ed. Peter Barton (Vienna, 1981), 120.

14 O'Brien, Ideas, 70.
that, if a Protestant father did not acknowledge an illegitimate child at the baptismal service, the father relinquished the right to have his child raised in the Protestant faith.15 This act precipitated a number of requests for clarification from the provincial authorities and the Protestant consistory on various circumstances that might arise. In April the government issued some clarifications: if the Protestant father of an illegitimate child appeared at the baptism, the infant should be educated in the Protestant faith; if the Protestant father did not appear at the ceremony, but the mother was Protestant and could support the infant, the child should be raised in the religion of the mother; if the father did not come to the service and the Acatholic mother could not care for the infant, the State would provide for the child, and it would be raised a Catholic. By 1798 the Emperor ordered Acatholics to begin paying the church taxes to the Catholic acolyte again even in villages where the Acatholics had their own schools and teachers.16

The only important measure Francis took in support of the Protestants was to approve their long-standing request

15 Decree from the Hofkommission, 30 April 1796, AVA, Evangelisches Kultus, Faszikel 12.

16 Order from the Klagenfurt Landesstelle, 6 June 1798, KLA, Portia, Faszikel CCCLVII. This order contravened the decree of 13 May 1782 which stated that when Acatholics had their own school and teacher, they no longer had to pay the Catholic teacher.
for a school of theology. This institution, opened in 1821, became a part of the faculty of the University of Vienna in 1850. However, Acatholics experienced another setback when the Emperor decreed in 1829 that in mixed marriages non-Catholic husbands had to raise all children in the Catholic religion.

It is noteworthy that none of the seeds of the French revolution took root in Carinthian soil. There is no evidence that Lutheran pastors or lay leaders tried to inspire their congregations to advance the cause of "liberty, equality, fraternity" either within the province or throughout the monarchy. Protestant gratitude to the Habsburg monarch for having issued the Edict of Toleration and the antirevolutionary tenets of Lutheran theology preclude the threat of an uprising from the Protestant population. And although Carinthian Lutherans received full legal equality with the Catholics during the French occupation, the entire population of the province suffered so much poverty and disease as a result of the French presence that the Protestants remained indifferent to French political principles.17

Francis's son and successor to the throne, Ferdinand I (1837-1848), showed little concern for the needs of the Acatholics. He refused to intervene during another low point in the nineteenth century for the Protestants in the

17 Sakrausky, St. Ruprecht, 170-174.
Habsburg lands in 1837: in what was to be the last deportation, Catholics in the province of Salzburg forced approximately 460 Protestants to move from the Ziller Valley to Silesia rather than let them establish a church.

Initially, it appeared that conditions for Acatholics would improve after the revolution of 1848. In January 1849 the new emperor Francis Joseph I (1848-1916) ordered an end to the use of the term "Acatholic"—considered a pejorative word—and stopped all tax payments by Protestants to Catholics. He also gave eighteen-year-olds free choice of religious confession and stated that engaged Protestant couples no longer needed the approval of a priest in order to be married. The upheaval throughout the Monarchy in 1848 forced the Emperor, in the March Constitution of 1849, to concede full freedom of public worship to every recognized religion.

The Protestant euphoria in response to these decrees did not last long, however. Within two months Francis

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18 The number of Protestants in Carinthia had stopped growing by the middle of the nineteenth century. A scarcity of finances, failed attempts at self-administration, overworked pastors trying to minister to several congregations, problems with foreign pastors, and bickering within the assemblies caused many either to return to the Catholic church or to give up on religion altogether.

Protestants in Carinthia:
- 1783—13,120
- 1805—17,771
- 1816—17,242
- 1847—16,707

19 Mecenseffy, Protestantismus, 212.
Joseph moved quickly to restore the pre-revolutionary absolutism and repealed the March Constitution. Laws for the Protestants would henceforth be made only through imperial decree. Equally dramatic was his repeal in 1850 of the placetum regium that had given provincial authorities final approval of all decrees issued by the pope; the same year he ruled that only the Catholic Church could officially teach religion in the Austrian lands. Bishops could again dictate what was to be taught and could censor books contrary to Catholic teaching. In an additional setback for non-Catholics, the Emperor declared that all marriages were henceforth recognized by the State only when performed under canon law and the Tridentine Decree, in other words by a Catholic priest.20

The war with Italy in 1859 brought an end to absolutism in Austria and the beginning of constitutional government. After the Emperor accepted the February Patent of 1861, he was persuaded by the Minister of Religions, Anton Freiherr von Schmerling, also to pass the Protestant Patent on 9 April 1861. The Protestant Patent protected the rights and privileges of non-Catholics, but also made clear how closely the churches were bound to the State. It was the Emperor who approved the superintendents, who appointed leaders and advisors to the consistory, and who affirmed Church laws passed by the General Synod. The Ministry of

20 Ibid., 214.
Religions reviewed the background of all foreigners who taught in non-Catholic schools and reserved the right to hold an inspection at any time. The government did provide financial subsidies to the Protestant Church.  

At the end of the nineteenth century, the Protestant Church experienced a surge in membership due to the Los-von-Rom (Away from Rome) movement, one of several political groups established in response to the climate of general instability in Austria during this period. The increased popularity also brought new problems for Protestant leaders, who denounced those leaving the Catholic Church for political reasons alone. In January 1899 the Protestant advisory council in Vienna ordered pastors to examine thoroughly all new converts as to their motivation because it did not want those who signed up out of love of imperial Germany or who believed Catholicism to be "Latin" or non-Aryan. The council at that time also criticized Catholics for renewed attacks on Protestantism, Luther, and the Reformation.  

The dissolution of the Habsburg monarchy at the end of World War I in 1918 brought an end to centrally directed Protestantism in the Austrian lands. The independence of Czechoslovakia and Poland meant the loss to the consistory in Vienna of most of its members. Statistics from 1912

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21 Ibid., 215.
22 Ibid., 218.
reveal that members of the Augsburg Confession in Vienna, Upper, and Inner (including Carinthia) Austria numbered 164,854 and those in the Reformed Church, 14,626. Bohemia, Moravia, Silesia, and Galicia counted 286,363 Lutherans and 128,354 in the Reformed Church. Protestantism survived in Austria with financial help primarily from Protestants in Germany and the former Austrian territories.23

At the end of the war, the Treaty of St. Germain recognized the existence of religious minorities in Austria, and the addition of Burgenland to the republic in 1921 brought a significant number of Protestants into the Austrian Lutheran Church.24 Austrian Chancellor Engelbert Dollfuss signed a concordat with the pope in June 1933 as part of a plan to unite Austria with Italy and Hungary to resist the growing threat of Hitlerian Germany; Catholicism again became the dominant religion in Austria and Protestants encountered various degrees of persecution.

23 Ibid., 219.

24 Members of the Augsburg and Helvetic Confessions in Austria 1897-1934—source: Reingrabner, Protestanten.

1897--100,763
1905--130,474
1913--172,138
1918--177,188
1921--202,122
1922--242,252 (Burgenland added)
1931--278,025
1933--284,600
1934--308,957

Included in the above numbers are members of the Helvetic Confession 1931--14,013; 1934--15,534.
Despite the ongoing strength of the Catholic Church, by the end of 1934 there were twenty-one Lutheran churches, ten daughter churches, and twenty-nine preaching stations in Carinthia. Ten percent of the province's population or 32,000 people were Lutherans, twice the percentage of Protestants in the province after the first decade that the Edict of Toleration was in effect.25 The year after the Anschluss with Germany, in April 1939, the State ended financial support to both the Catholic and Protestant Churches. The oversight of Protestant churches was given to Church officials, and in June Austrian Protestants were joined administratively to those in Germany.26

After World War II the Austrian State extended limited control over Protestant affairs again, and teachers of Protestant religion in public schools were paid by the State. Finally, on 6 July 1961 a decision by the national parliament, granted for the first time ever to the Austrian Protestant Church, Augsburg and Helvetic Confessions, full legal equality with the Catholic Church as a body with public rights independently to administer its own affairs.27

The evaluations by church historians of Joseph's Edict of Toleration have generally been divided along


26 Mecenseffy Protestantismus, 221.

27 Reingruber, Protestanten, 282.
denominational lines. Some researchers have maintained that the Emperor's measures to establish a State church were an attempt to return Christianity to the status of a New Testament church and to purge the faith of false traditions and superstitions. Ernst Tomek speaks for many Catholic historians when he contends that Joseph's reforms had some beneficial results but that these measures really revealed the Emperor's despotic nature and precipitated "a retreat of inner religious life and a paralysis of religious impulse."28

On the other hand, Peter Landau summarizes the position of many Protestant Church historians when he asserts that the Toleration Patent prepared the ground for the principles of natural law which appeared in the Habsburg legislation of the nineteenth century. By 1791 the climate of the Enlightenment as it had developed in Austria required the recognition of a universal religious freedom with the exception of teachings which would provoke crowds to unrest. There was a need to separate religious confession from civil rights. Because of this development, Landau agrees with those historians (e.g. Hajo Holborn, et.al.) who view Joseph II as the "Forefather of Liberalism."29

28 Tomek, Kirchengeschichte, 370.

The purpose of this research has been to go beyond the legal and philosophical discussion that has developed around the Edict of Toleration and its place in the broader context of the Enlightenment in Austria, and to discuss the practical consequences of the Edict, essentially in one province in which government authorities had to interpret and apply the principles contained in this legislation. The reaction to the toleration by both the Catholic leadership and people in Carinthia was generally one of uncertainty and apprehension. Most feared that, as soon as the contents of the edict became widely known, the result would be something on the order of a second Protestant Reformation. Even the relatively liberal Bishop of Gurk was willing to concede to Protestants only a form of civil toleration until the Emperor persuaded him that actual religious toleration would be in the best interest of the State. In each village the response of the Catholics to their Protestant neighbors depended largely upon the personality and inclinations of the parish priest, who worked in remote areas largely independently of the bishop, and usually ranged from reluctant acceptance to open hostility.

The treatment of Protestants by government officials in Vienna, in the Gubernium in Graz, and in the circle offices is one of the biggest surprises of this study. For many of the Protestant cases which they handled, authorities, who were all Catholics themselves, tended to be fair, kind, and
compassionate. Often, even when they denied a request from a congregation to call a pastor or to build a prayer house or school, it was usually to save the applicants from placing themselves under an additional financial obligation that they could not possibly have met, rather than to thwart Protestant efforts to take advantage of the edict. Even though non-Catholics were still second-class citizens under the toleration patent, their legal status was vastly improved over the conditions which had existed before the edict was released. It should also be noted that the conduct of the bureaucrats toward the A catholics, in all areas related to the implementation of the Emperor's policies, was usually good, particularly after Joseph had introduced the use of Konduitenlisten (leadership lists) in January 1783. By means of these files he could keep track not only of the quality of service but also of the personal behavior of the bureaucrats employed by the government. 30 Nonetheless, there seemed to be no effort on the part of any level of the bureaucracy to sabotage the toleration or to promote Catholicism unduly but a serious effort both to apply the edict somewhat equitably and to keep the peace in the process.

Most surprising and at the same time very disturbing was the response of the Lutherans themselves to the terms of

the toleration edict. It was not unexpected that they would release generations of pent-up frustration on their Catholic neighbors by means of petty vandalism, libel, slander, and blasphemy against the Church. It was unfortunate that Protestants did not work together more to attract and to keep communicants and to ease the almost impossible task of building prayer houses and schools with extremely limited resources. The grinding poverty, the low level of education, the internal pettiness and bickering, and the obstacles of government regulations (e.g. the six-week course and continued payment of taxes to the Catholic Church) were all responsible for keeping growth to minimum or discouraging conversion. On the other hand, the extreme personal sacrifice and commitment made by the early pastors and the equally great offering of time, material, and money from many of the communicants enabled the Lutheran Church to take root in Carinthia permanently.31

When viewed in the light of the Edict of Toleration and its application to a small percentage of the population of the monarchy both in the major cities and in the countryside, Josephism can be described as the establishment of a police state within the Habsburg lands in the eighteenth-century sense of the term.31 Even though the

31 According to Raeff, the term "police" in the Habsburg monarchy during Joseph's reign had the connotation of administration in the broadest sense: "institutional means and procedures necessary to secure peaceful and orderly existence for the population of the land." By the
Emperor proved to be responsive to appeals from his Protestant subjects and flexible in stretching the boundaries of the law to accommodate many needs which arose in respect to pastors, prayer houses, and schools, he also wanted his subjects to know that the officers in the circles, Gubernium, and chancellory were the ultimate authorities on matters related not only to religion but also to any other area of life and to be assured that those officers would act responsibly. This is seen most clearly in the granting to the government offices rather than to the churches or local nobility the power to arbitrate any dispute that arose and in the requirement for the Protestant assemblies to have a copy of every law issued by the government. To Joseph’s way of thinking, the State was the only legitimate form of public authority, and any social or political organization that came between the State and the individual obstructed to the proper function of government.32 As regards the Edict of Toleration, one cannot say that Josephism was characterized by centralization. Throughout the decade after he announced the toleration, the Emperor delegated ever more

end of the eighteenth century, the term had acquired a more specialized meaning related to control of crime and maintenance of law and order similar to its usage today. Marc Raeff, The Well-Ordered Police State (New Haven and London: Yale University Press, 1983), 5.

responsibility to the Gubernium and to the circles to settle problems that developed in religious matters.

Protestants throughout the Monarchy did not benefit equally from the provisions of the toleration. Those in the western provinces received much more religious freedom than they had experienced before Joseph released the edict, but non-Catholics in the eastern regions such as Bohemia, Galicia, Transylvania, and Hungary actually lost some privileges they had enjoyed under previous regimes. Nor was the Edict of Toleration especially tolerant in relation to earlier decrees (e.g. the Peace of Vienna-1608, the Peace of Linz-1647, the Treaty of Oedenburg-1681, and the Altrandstaedler Convention-1709) which were less specific in the terms they set forth for Protestants within the Monarchy.

Just as the edict was not as liberating as the Lutherans had hoped, so too it did not bring the devastation predicted by the Catholics. The worst fears of some Catholic bishops that the Edict of Toleration would open the door for a mass defection from the Catholic Church did not materialize. The regulations involved in converting to a tolerated religion were cumbersome enough to prevent all but the most persistent from leaving the Church, but undoubtedly the vast majority felt comfortable with or satisfied by the faith they practiced or at least to which they belonged. By the beginning of the nineteenth century, three out of every
four cases of conversion within the Monarchy were actually to the Catholic Church.33

Although Protestantism did not spread through the Habsburg lands as it had in the time of the Reformation, neither did it completely die out nor were the dissenters reassimilated into the Church—contrary to the sentiments expressed by an unknown priest writing to a friend from Klagenfurt shortly before the death of Joseph II.34 The priest related that he was certain the Emperor's intentions (as expressed in the edict) for the "brethren who had gone astray" were well-meaning, but there was no threat to his faith; he felt assured that Catholic gentleness, hard work, and love for their fellow man could conquer the enemies of the Church. Neither the power of traitors nor the tampering by the State, he continued, would hurt Catholicism. Enthusiasm, love, and goodness could overcome misunderstanding and win back brothers who had gone astray. The State should intervene only if peace were threatened. He viewed the freedom for the Protestants as merely a test of the enthusiasm of the Catholic Church. The time for fighting and mocking each other was over, and only persuasion should be used now. The Catholic Church, he concluded, possessed the only true teaching.

33 O’Brien, Ideas, 70.

34 Erich Nussbaumer, Geistiges Kärnten (Klagenfurt: Verlag Ferd. Kleinmayr, 1956), 263.
As events were to demonstrate, the priest was wrong on both counts. Neither the State nor the Catholic Church from that time forward relied exclusively on love and gentleness to lead back the brothers who had strayed from the "true teaching" (e.g. the Protestant deportation from the Ziller Valley in 1837). Nor did the Lutheran movement in the Austrian lands come to an end. In 1981 Lutherans in Carinthia alone numbered 54,000 communicants in 31 parishes.35

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