ABSTRACT

Title of Dissertation:	"GOD RATHER THAN MEN": AUSTRIAN CATHOLIC THEOLOGY AND THE ORIGINS OF THE CHRISTIAN SOCIAL PARTY, 1848-1893
	Thomas Martin Messersmith, Doctor of Philosophy, 2024
Dissertation directed by:	Professor Marsha L. Rozenblit Department of History

This dissertation examines the changes in Austrian Catholic theology from 1848 to 1893 and the role these changes played in the foundation of the Christian Social Party. Due to a series of crises after 1848, the theology of the Austrian Catholic Church underwent several shifts, ultimately settling on the belief that, in a modern world, direct political action from the Church was not only permissible, but imperative to defend the Church against those who would destroy it. This shift in political theology, which allowed for informal and unofficial theological participation in the realm of politics, was necessary to allow for the development of the Christian Social Party. This dissertation focuses primarily on the German-speaking areas of the Habsburg Monarchy, drawing on a variety of sources, including letters, diaries, meeting notes, legal records, newspapers, theological treatises, and contemporary academic journals to track the theological and political discussions that took place in this portion of the monarchy. The first chapter defines "political theology" as it is used in this dissertation (i.e., as a broader concept,

positioned in opposition to the more limited and problematic definition of Carl Schmitt) as "the study of the divine as it relates to politics," and provides an overview of the state of political theology in both Austria and the Catholic Church as a whole before 1848. Chapter two focuses on the shifts in political theology that occurred as a result of the Revolutions of 1848, with the paradigm of political theology ultimately coalescing around the leadership of Joseph Othmar Rauscher and the notion of a negotiated legalistic political compromise. Chapter three examines the Habsburg Concordat with Rome of 1855 and its subsequent undoing through the May Laws of 1868, which tested the new paradigm of political theology. Chapter four follows the arrest, trial, and conviction of Bishop Rudigier of Linz for "disturbing the peace," following his attempted publication of a pastoral letter that called for Catholics to disobey laws that went against the Concordat and Church teachings. This proved to be a pivot point in the development of political theology of the Habsburg Monarchy, leading now-Cardinal Rauscher to reassess the political theological paradigm. Chapter five follows the proceedings of the First Ecumenical Council of the Vatican and the *Kulturkampf* in Germany, both of which resulted in the development of a more aggressive political theological paradigm in Austria. Finally, chapter six examines the completion of the shift from the *Vormärz* political theological paradigm to the paradigm of popular public political theology employed by Karl von Vogelsang in the ideological creation of the Christian Social Party. Ultimately, this dissertation argues that while other factors, such as antisemitism and the dissatisfaction of the lower clergy, as argued by John Boyer, helped to create the Christian Social Party in Austria, a shift in political theology in the Austrian Church and in the Catholic Church as a whole was necessary before the various ideologies of the Christian Social Party could coalesce.

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by

Thomas Martin Messersmith

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Advisory Committee:
Professor Marsha L. Rozenblit, Chair
Associate Professor Maxine L. Grossman
Professor Jeffrey C. Herf
Associate Professor Piotr H. Kosicki
Professor Philip M. Soergel

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Introduction

In 1981, John Boyer opened his book, *Political Radicalism in Late Imperial Vienna,* by stating that "the political history of Central European cities in the nineteenth century is as yet a largely unexplored area."[1] Boyer's work, the first of two volumes, sought to remedy this deficiency by examining the origins of the Christian Social Party, focusing on the years 1848 to 1897, when the party's leader, Karl Lueger, became mayor of Vienna. This party, which used antisemitic invective and an ostensibly Catholic Christian platform to gain power, was one of the most infamous parties of the nineteenth and early twentieth centuries, influencing countless antisemitic actors, including a young Adolf Hitler. Following World War II, the remnants of the Christian Social Party formed the basis of what later became the Austrian People's Party (ÖVP). Boyer's overarching thesis that the economic backlash to liberalism in Austria, a lingering resentment of the lower clergy, and the charismatic leadership of the antisemitic Karl Lueger coalesced into the Christian Social Party in the late nineteenth century is a masterpiece of historical scholarship. In the forty-three years since Boyer's work appeared, however, his assertion that political history in Central Europe is largely unexplored is perhaps no longer true. Habsburg Central Europe, Vienna in particular, and the Christian Social Party itself have been the subject of many historical monographs focused on its political history, including its long-reaching effects in twentieth century.[2] Nevertheless, despite the Christian Social Party's

[1] John W. Boyer, *Political Radicalism in Late Imperial Vienna: Origins of the Christian Social Movement, 1848-1897* (Chicago: University of Chicago Press, 1981), ix.

[2] Some of the most important works dealing with these issues include Erwin Bader, *Karl v. Vogelsang: die geistige Grundlage der Christlichen Sozialreform* (Freiburg: Herder, 1990); William David Bowman, *Priest and Parish in Vienna, 1780-1880* (Boston: Humanities Press, 1990); Adam Bunnell, *Before Infallibility: Liberal Catholicism in Biedermeier Vienna* (London: Associated University Presses, 1990); Richard S. Karl Geehr, *Lueger: Mayor of Fin de Siècle*

continued reliance on the Church as a means of legitimacy, these works ignore the significance of the transformations in political theology that made the rise of the party possible. This dissertation will focus on this crucial issue.

For the purposes of this dissertation, political theology is defined in chapter one as "the study of the divine as it relates to politics." This is a purposefully broad definition that allows for the inclusion of informal and unofficial theological works. Since its publication in 1922, however, scholars of political theology, by necessity, must differentiate their understanding of political theology from that of the Nazi jurist, Carl Schmitt. Schmitt's idea of political theology, which he first developed in 1922 and revised throughout his life, is primarily a means to justify sovereignty of an overarching authority figure. For Schmitt, all modern political ideas are

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Vienna (Detroit: Wayne State University Press, 1990); Pieter M. Judson, *Exclusive Revolutionaries: Liberal Politics, Social Experience, and National Identity in the Austrian Empire, 1848-1914* (Ann Arbor: University of Michigan Press, 1996); Paula Sutter Fichtner, *The Habsburg Empire: From Dynasticism to Multinationalism* (Malabar, FL: Krieger Publishing Company, 1997); Ellen Lovell Evans, *The Cross and the Ballot: Catholic Political Parties in Germany, Switzerland, Austria, Belgium and the Netherlands, 1785-1985* (Boston: Humanities Press, 1999); Laurence Cole, *"Für Gott, Kaiser Und Vaterland": Nationale Identität Der Deutschsprächigen Bevölkerung Tirols 1860-1914* (Frankfurt: Campus Verlag, 2000); Steven Beller, ed., *Rethinking Vienna 1900* (New York: Berghahn Books, 2001); Maria Bucur and Nancy M. Wingfield, eds., *Staging the Past: The Politics of Commemoration in Habsburg Central Europe, 1848 to the Present* (West Lafayette, IN: Purdue University Press, 2001); Robin Okey, *The Habsburg Monarchy: From Enlightenment to Eclipse* (New York: St. Martin's Press, 2001); Marsha L. Rozenblit, *Reconstructing a National Identity: The Jews of Habsburg Austria During World War I* (New York: Oxford University Press, 2001); Jeremy King, *Budweisers into Czechs and Germans: A Local History of Bohemian Politics, 1848-1948* (Princeton: Princeton University Press, 2002); Pieter M. Judson and Marsha L. Rozenblit, eds., *Constructing Nationalities in East Central Europe* (New York: Berghahn Books, 2005); Daniel L. Unowsky, *The Pomp and Politics of Patriotism: Imperial Celebrations in Habsburg Austria, 1848-1916* (West Lafayette: Purdue University Press, 2005); Gary Cohen, *The Politics of Ethnic Survival: Germans in Prague, 1861-1914*, 2nd Edition (West Lafayette: Purdue University Press, 2006); Pieter M. Judson, *Guardians of the Nation: Activists on the Language Frontiers of Imperial Austria* (Cambridge, Mass: Harvard University Press, 2006); John Deak, *Forging a Multinational State: Statemaking in Imperial Austria from the Enlightenment to the First World War* (Stanford University Press, 2015); Pieter M. Judson, *The Habsburg Empire: A New History* (Cambridge, MA: The Belknap Press of Harvard University Press, 2016).

essentially secularized versions of theological ideas. Thus, the concept of the sovereign is, like a god, the one who can determine the state of exception to the rules.[3] For Schmitt, the shift of the question of sovereignty to that of an article of faith rather than logic justifies the later developments of his philosophy in *The Concept of the Political*. While some historians have sought to disentangle their understading of political theology from the legacy of Carl Schmitt by employing the term "political philosophy," this dissertation argues that the concepts of "political theology" and "political philosophy," while related, are separate entities.[4] Thus, dispensing with the implications of Schmitt in the study of political theology and using the broader definition provided above is not only possible but necessary to create a clear historical analysis.

Between 1848 and 1893, when the Christian Social Party coalesced under the leadership of Karl Lueger, the Austrian Catholic Church experienced a shift in its political theology from encouraging passivity in political matters and advocating a strict separation of powers between the Church and the state (as elucidated by Pope Gelasius in 494) to a theology that encouraged active participation in and ultimate control of governmental affairs through modern organized political parties.[5] This shift both mirrored and modeled a new political theological paradigm in

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[3] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Cambridge, MA: MIT Press, 1934), 13.

[4] For more on the separation of Schmitt's political theology from a more general understanding of political theology and the separation of political theology from political philosophy, see Heinrich Meier, *The Lesson of Carl Schmitt: Four Chapters on the Distinction between Political Theology and Political Philosophy*, trans. Marcus Brainard (Chicago: Univeristy of Chicago Press, 1998); Heinrich Meier, "What Is Political Theology?," *Interpretation: A Journal of Political Philosophy* 30, no. 1 (Fall 2002): 79–91.

[5] Gelasius's metaphor of two swords, one for the temporal power and one for the spiritual power, is discussed in Chapter 5, as the First Vatican Council seemingly opposed this idea altogether. The concept itself can be found in Gelasius's letter, *Famuli vestrae pietatis*, reprinted in Heinrich Denzinger, *Compendium of Creeds, Definitions, and Declarations on Matters of Faith and Morals* (San Francisco: Ignatius Press, 2012), 347.

the Catholic Church as a whole. Although it had arguably been in crisis since the French Revolution and before with the advent of Josephinism, the Austrian Church felt the need to respond to political matters beginning with the Revolutions of 1848, the fear of encroaching liberalism in the Austrian government, and the shifting political realities of the Habsburg Monarchy in this period. Between 1848 and 1888, the Austrian Church experienced a series of crises that necessitated a shift in thinking about the proper role of the Church in society. By negotiating its political theology with priests, bishops, and lay thinkers both in Austria and abroad, the Austrian Church helped to create a new paradigm for political theology. Ultimately, the shift in political theology in the Austrian Church, led by Cardinal Joseph Othmar Rauscher following the downfall of his predecessor, Archbishop Vincenz Eduard Milde, opened up the possibility of a new Catholic political sphere in Austria and ultimately facilitated the creation of the Christian Social Party.

While Boyer argues convincingly that much of the shifting politics in the Habsburg Church that led to the rise of the Christian Social Party came from the radical lower clergy, he and others have discounted the role of formal (and informal) theology in its development.[6] To these historians, the theological position was, at best, a pragmatic justification for the antisemitism rampant in the lower clergy and the Christian Social Party. While it is certainly true that theology provided an ideological cover for the party, this view nonetheless overlooks the shifts in political theological thinking that needed to occur in the Catholic Church over the course of four decades in order for the Christian Social Party to be able to use Catholic theology

[6] Boyer discusses theology in this book, but he viewed it merely as a means of legitimizing non-religious goals. I think it is far more important. By "informal" theology, I mean theology undertaken outside the auspices of academic discussions and outside the Church itself. This concept is discussed in-depth in Chapter 6.

without Church opposition. By 1895, the shift in theology in the Catholic Church was so complete that, when moderate Austrian Catholics asked Pope Leo XIII to intervene in the appointment of the Christian Social mayor of Vienna, Karl Lueger, the pope refused on the grounds that Lueger's ideology aligned with the ideological goals of the Church.[7] While it is impossible to guess whether or not the pope would have intervened had this shift in political theology not occurred, it is clear that the political theology of Leo XIII in 1895 certainly tolerated Lueger's brand of politics more than the writings of a pre-1848 Pius IX, his predecessor, would suggest.[8]

This dissertation seeks to understand the shift in political theology from 1848 to the beginning of the Christian Social Party 1893 by examining the strains of political theological thought and the ways that Church officials and lay politicians discussed and negotiated them in the face of political crises in the Habsburg Monarchy. The revolutions of 1848, the Concordat of 1855, the arrest and trial of the bishop of Linz in 1868, the First Vatican Council of 1869-71, and the *Kulturkampf* in Germany beginning in 1871 all placed pressure on the political theological paradigm of the Austrian Church. This dissertation will analyze how the Church adjusted its views in the face of these challenges.

The history of the Church in Austria is immense, spanning almost 1400 years prior to 1848. According to Catholic teachings, Christianity had already infiltrated the area of Noricum, which would later include Austria, since at least the year 453 with the evangelization of St.

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[7] Geehr, *Lueger*, 89.

[8] For more on the work of Pius IX before 1848, see E. E. Y. Hales, *Pio Nono: A Study in European Politics and Religion in the Nineteenth Century* (New York: P.J. Kennedy and Sons, 1954), 55-100.

Severinus of Noricum.[9] Countless monographs deal with the early days of the Church in Austria since the time of St. Severinus.[10] By the time the Habsburg Monarchs took control of the area that would become Austria, the Church had been well established for centuries, and the Habsburgs used the legitimacy of the Church to gain control of the area.

Historians generally trace the founding of the Habsburg dynasty in Austria to Rudolf I in 1273 following the death of Holy Roman Emperor Frederick II of the Hohenstaufen family in 1250. From the beginning of Rudolf's dynasty, the Church played a crucial role in the cohesion of his empire.[11] Though he eventually developed a rift with some of the Church leadership, most notably the bishop of Speyer, Rudolf nonetheless utilized Christian belief to help unify his

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[9] For more on St. Severinus, see Eugippius, *The Life of Saint Severinus*, trans. George W. Robinson (Cambridge: Harvard University Press, 1914); Veit Rosenberger, "The Saint and the Bishop: Severinus of Noricum," in *Episcopal Elections in Late Antiquity*, ed. Johan Leemans (Walter de Gruyter, 2011), 203–16.

[10] Though it would be impossible to list all of the works published on the ancient history of the Church in Noricum, a few notable examples from the twentieth and twenty-first centuries are Ignaz Zibermayr, *Noricum, Baiern und Österreich; Lorch als Hauptstadt und die Einführung des Christentums* (Munich: R. Oldenbourg, 1944); Otto Schlippschuh, *Die Händler im römischen Kaiserreich in Gallien, Germanien und den Donauprovinzen Rätion, Noricum und Pannonien* (Amsterdam: Hakkert, 1974); Hartmut Wolff, "Über die Rolle der christlichen Kirche in den administrationsfernen Gebieten von Noricum im 5. Jh. n.Chr.," in *Religion und Gesellschaft in der Römischen Kaiserzeit: Kolloqium zu Ehren*, ed. Friedrich Vittinghoff and Werner Eck (Cologne: Bohlau, 1989), 265–93; Peter Friedrich Barton, *Frühes Christentum in Österreich und Südmitteleuropa: bis zur Reichsteilung 395* (Vienna: Böhlau, 1992); Peter Scherrer, *Grabbau, Wohnbau, Turmburg, Praetorium: angeblich römerzeitliche Sakralbauten und behauptete heidnisch-christliche Kultkontinuitäten in Noricum, Berichte und Materialien* (Vienna: Österreichisches Archäologisches Institut, 1992); Gabrielle Kremer, *Antike Grabbauten in Noricum: Katalog und Auswertung von Werkstücken als Beitrag zur Rekonstruktion und Typologie* (Vienna: Österreichisches Archäologisches Institut, 2001).

[11] For the piety of Rudolf I and the role it played following his death, see Chapter 1. For more on the Christian founding of the Habsburg dynasty, see Anna Coreth, *Pietas Austriaca*, trans. William D. Bowman and Anna Maria Leitgeb (West Lafayette, IN: Purdue University Press, 2004).

empire following the tumultuous "interregnum" period after the death of Frederick II.[12] The Habsburg dynasty ruled the Holy Roman Empire almost continuously from 1440 until the Empire's dissolution in 1806, after which they continued to rule their dynastic lands in the Habsburg Monarchy. The dynasty reached its height under Charles V, who was born from the union of his father, Philip the Fair of Habsburg, and Joanna, the heir to Castille and Aragon. Following Charles's abdication in 1556, the Habsburg house split into the Spanish and Austrian branches. With Charles's abdication, Ferdinand I became the head of the Austrian branch of the family, inheriting the titles of King of Bohemia, Hungary, and Croatia; Archduke of Austria; and, following formal election, Holy Roman Emperor. By the nineteenth century, the Habsburgs had become one of the most important Catholic monarchs in Europe, continuing to derive their authority and pledging their unending allegiance to the Church.[13]

Since the dissolution of the Habsburg Monarchy following World War I, the Christian Social Party in Austria has been the subject of much scholarship. Historians have often pointed

[12] Though the entire volume is useful for understanding the history of Rudolf I, for Rudolf's relationship to the Church, see Gerhard Fouquet, "Königliche Klienten - die Speyerer Kirche in der Zeit Rudolfs von Habsburg," in *König Rudolf I. und der Aufstieg des Hauses Habsburg im Mittelalter*, ed. Bernd Schneidmüller, (Darmstadt: Wissenschaftliche Buchgesellschaft, 2019), 295–318.

[13] On the development of the Habsburgs as a Catholic power in Europe between Rudolf I and the nineteenth century, see Elisabeth Kovács, *Ultramontanismus und Staatskirchentum im theresianish-josephinischen Staat: Der Kampf der Kardinale Migazzi und Franckenburg gegen den Wiener Professor der Kirchengeschichte Ferdinand Stoger* (Vienna: Wiener Dom-Verlag, 1975); Alan J. Reinerman, *Austria and the Papacy in the Age of Metternich* (Washington, D.C: Catholic University of America Press, 1979); Franz Loidl, *Geschichte des Erzbisthums Wien* (Vienna: Herold, 1983); Mack Walker, *The Salzburg Transaction: Expulsion and Redemption in Eighteenth-Century Germany* (Ithaca: Cornell University Press, 1992); Laurence Cole, "The Counter-Reformation's Last Stand: Austria," in *Culture Wars: Secular-Catholic Conflict in Nineteenth-Century Europe*, ed. Christopher Clark and Wolfram Kaiser (New York: Cambridge University Press, 2003), 285–312; Alison Frank, "The Pleasant and the Useful: Pilgrimage and Tourism in Habsburg Mariazell," *Austrian History Yearbook* 40 (April 2009): 157–82.

to this party, which formed the basis of the later Austrian People's Party (ÖVP), as a source of antisemitism in late imperial and interwar Austria. The party and its most famous leader, Karl Lueger, who served as mayor of Vienna from 1897 until his death in 1910, utilized antisemitic rhetoric as a means of gaining and maintaining control in Vienna (and to some degree elsewhere in the monarchy) in an era of increasing mass politics. John Boyer's seminal two-volume examination of the Christian Social Party argues effectively that the discontent of the lower clergy helped lead to the rise of the party and that Lueger's shrewd use of both antisemitism and antiliberalism helped mobilize support.[14] Though some have argued that Lueger was not himself antisemitic, citing his phrase, "I decide who is a Jew," as proof that he merely used antisemitism when it was convenient for him, most scholars agree that he was personally antisemitic, but more importantly used antisemitism effectively to build and sustain his party.[15]

While the antisemitism of the party and those who articulated it is not the primary object of this study, this dissertation's assertion that the party could only gain support through a shift in political theology in the Austrian Catholic Church cannot overlook the inherent antisemitism in both the party and Catholic theology of the time. Many of the principal figures in the Church studied here – Cardinal Joseph Othmar Rauscher, Bishop Franz Joseph Rudigier, Sebastian Brunner, Karl von Vogelsang, and others – expressed anti-Jewish views, whether overtly or

[14] Though published fourteen years apart, the two volumes should be seen as one complete work studying the rise and impact of the Christian Social Party in Austria from 1848 to the end of the Habsburg Monarchy in 1918. Boyer, *Political Radicalism*; John W. Boyer, *Culture and Political Crisis in Vienna: Christian Socialism in Power, 1897-1918* (Chicago: University of Chicago Press, 1995).

[15] The tension in the literature between those who argue Lueger was not a "true antisemite" and those who recognize the deep antisemitism in his politics can be seen clearly in the excellent biography written by Richard S. Geehr. Still, Geehr rightly notes that Lueger's antisemitism was not racial — a point that discounted Lueger in the mind of a young Adolf Hitler. Geehr, *Lueger*, 13-17.

not.[16] Many theological discussions in Habsburg Austria betrayed an inherent anti-Judaism (i.e., an opposition to the Jewish religion that may still, in theory, allow for the possibility of conversion rather than being an immutable aspect of their being), and often their writings veered into outright antisemitic tropes. Moreover, the economic works of Karl von Vogelsang, whose writing formed the link between Catholic political theology and the popular political theology that allowed for the rise of the Christian Social Party, expressed the antisemitic ideas of Jewish control of industry and government. As he got older, this antisemitism only became more prevalent and overt in Vogelsang's work, despite having existed from some of his very first articles.[17]

Much has been written about religious, political, and later racial antisemitism in the Habsburg monarchy. As the primary focus here is on internal issues in the Church and the ideological shifts that resulted from these issues, this dissertation will not examine antisemitism in great detail, although a short discussion of the antisemitism of Lueger and the Christian Social Party can be found in chapter six and the conclusion.[18]

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[16] While some, such as Cardinal Rauscher and Bishop Rudigier were careful not to wade too far into overt antisemitism, their writings are nonetheless steeped with antisemitic tropes. Others, such as Sebastian Brunner and Karl von Vogelsang were much more overt in their antisemitism. For egregious examples, see Sebastian Brunner, "Volk, Adel, Juden," *Wiener Kirchenzeitung Für Glauben, Wissen, Freiheit Und Gesetz in Der Katholischen Kirche*, January 25, 1860, 809-12; Karl von Vogelsang, "Die Juden," *Das Vaterland*, October 10, 1875.

[17] Vague references to usury and the importance of the guild system littered Vogelsang's writing, going back to the first issue of the *ÖMGV*. "Das Zweck im Recht," *Österreichisches Monatsschrift für Gesellschaftswissenschaft und Volkswirthschaft* 1, no. 1 (January 15, 1879): 36–43.

[18] Of particular use to my understanding in this area are the following works: Marsha L. Rozenblit, *The Jews of Vienna, 1867-1914: Assimilation and Identity* (Albany: State University of New York Press, 1983); Steven Beller, *Vienna and the Jews, 1867-1938: A Cultural History* (Cambridge: Cambridge University Press, 1989); Marsha L. Rozenblit, *Reconstructing a National Identity: The Jews of Habsburg Austria During World War I* (New York: Oxford University Press, 2001); Daniel M. Vyleta, *Crime Jews and News: Vienna 1895-1914* (New

Though recent historians have done an excellent job examining political ideologies in the Habsburg Monarchy, they have largely neglected the important history of political theology.[19] John Boyer, for example, focused primarily on the Christian Social Party's antisemitic and antiliberal activities, with only a brief examination of the party's theological origins. In his first volume, Boyer dealt directly with the theological ideals of political Catholicism in a handful of pages, but this examination pointed mostly to the feud between theologians Cardinal Joseph von Rauscher and Anton Günther.[20] While this feud was very important and forms a portion of chapter two of this dissertation, Boyer only provides a cursory overview. Furthermore, Boyer grounds his argument in non-theological issues, rather than taking the religious ideals seriously in their own right.

While Boyer is certainly correct that, by the time the party was founded in 1893, leaders such as Lueger used theology as a mere rhetorical device to support their non-religious goals, the theological shifts that allowed Catholic priests and others to support the party were very important and had dominated Catholic thinking during the four decades before Lueger gained power. The theological discussions within the Austrian Church and the broader Catholic turn which enabled the development of popular political theology as articulated by Karl von

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York: Berghahn Books, 2007); Joshua Shanes, *Diaspora Nationalism and Jewish Identity in Habsburg Galicia* (Cambridge: Cambridge University Press, 2012); Christian Wiese, "The Political Dimensions of Theology: Christianity and Antisemitism," in *Antisemitism Before and Since the Holocaust*, ed. Anthony McElligott and Jeffrey Herf (Cham, Switzerland: Palgrave Macmillan, 2017), 53–113.

[19] Two recent volumes that have examined the complex political history of the monarchy are Deak, *Forging a Multinational State*; Judson, *Habsburg Empire*.

[20] Boyer, *Political Radicalism*, 122-183.

Vogelsang were crucial to the success of the Christian Social Party.[21] This dissertation argues that theology was very important for the development of the Christian Social Party. This dissertation does not take issue with the bulk of Boyer's work, and, indeed, would argue that it is a masterpiece central to our understanding of politics in late imperial Vienna. However, a deeper understanding of the theological underpinnings of the Christian Social movement and thus the role the Catholic Church played in its development is necessary to truly understand the history of the Habsburg Monarchy in the nineteenth century.

In addition to the specific contributions to the field of Habsburg History mentioned above, this dissertation hopes to engender a discussion about the use of sincere religious belief and political theology as categories of historical analysis. Though religion has long been an object of analysis in history and has, in the last decade, become a much more prominent lens of analysis, when discussing notions of power and governance, modern European history tends to examine religion (and, in this case, Christianity) as a cynical means to an end rather than a sincerely held belief. Religion was, of course, often used to gain power, but focusing primarily on that usage in political discussions can overlook the necessity of inwardly-focused theological conversations in a given religious community. Political theology must be understood in its own right, not to excuse any cynical power grabs, but in order to gain a greater understanding of this history.

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[21] Vogelsang has long been regarded as the intellectual progenitor of the Christian Social Party, but his interaction with the Church itself and the broader understanding of the political theological shifts necessary to produce his work has largely been overlooked. For Vogelsang's impact on the Christian Social Movement, see Alfred Stachelberger, *Karl von Vogelsang, Wegbereiter einer christlichen Gesellschafts- und Sozialreform* (Vienna: Wiener Kath. Akad., 1986); Ludwig Reichhold, *Karl von Vogelsang: die Grundlegung der osterreichischen Sozialpolitik* (Vienna: Karl von Vogelsang-Institut, Politische Akademie, 1987); Bader, *Karl v. Vogelsang*; Alexander Egger, *Die Staatslehre des Karl von Vogelsang: eine Darstellung an ihren ideengeschichtlichen Wurzeln* (Vienna: VWGÖ, 1991).

This dissertation is divided into six chapters, each focusing on a particular point in the development of political theology in the Habsburg Monarchy. Chapter one examines the state of Catholic political theology in both Austria and the Catholic Church as a whole before 1848. The chapter starts with a discussion of political theology as a concept and its place in the history of the Church, arguing that political theology, which it defines as "the study of divine nature as it relates to politics," should be used as a discrete lens through which to analyze political history.[22] The chapter then continues with a discussion of the development of political theology in the Catholic Church from the Council of Trent (1545-1563) to the Napoleonic Era (1799-1815). It examines the particular beliefs regarding political theology in Austria from the founding of the Habsburg dynasty to the French Revolution in 1789, a particular point of crisis in the Church.[23] The final two sections of the chapter discuss political theology in the *Vormärz* (the period immediately preceding the Revolutions of 1848) and the paradigm of political theology established by Archbishop Vincenz Eduard Milde in Austria in the years before the revolutions.

[22] This definition is explored in chapter one, but is essentially a modification of the classic definition of theology as posed in St. Augustine, *The City of God*, Books VIII-XVI, trans. Gerald C. Walsh and Grace Monahan (Washington, DC: Catholic University of America Press, 1952), 8.1.

[23] For more on the crisis that 1789 presented for the Catholic Church, see Hans Maier, *Revolution and Church: The Early History of Christian Democracy, 1789-1901*, trans. Emily M. Schossberger (Notre Dame, IN: University of Notre Dame Press, 1969); Dale van Kley, *The Religious Origins of the French Revolution: From Calvin to the Civil Constitution, 1560-1791* (New Haven: Yale University Press, 1996); A. D. Wright, *The Early Modern Papacy: From the Council of Trent to the French Revolution, 1564-1789* (New York: Longman, 2000); Michael Burleigh, *Earthly Powers: The Clash of Religion and Politics in Europe from the French Revolution to the Great War* (New York: Harper-Collins, 2005); Joseph F. Byrnes, *Priests of the French Revolution: Saints and Renegades in a New Political Era* (University Park: Pennsylvania State University Press, 2014).

Chapter two focuses on the challenges to the Austrian Catholic political theological paradigm during the Revolutions of 1848.[24] Throughout the course of those revolutions, four distinct political theological types emerged in Austria. Priests, bishops, and archbishops argued over the correct way to handle the revolutions and what they saw as challenges to their authority in the Monarchy. Archbishop Milde embodied the first type, which espoused an overall political apathy and deference to authority as a means of protecting the Church. Future Bishops Rudigier and Feßler of Linz and St. Pölten, respectively, embodied the second type, which sought to merge liberal ideals with Catholicism in particular. The third type, which theologian Anton Günther and his followers, the Güntherians, advocated, sought a formal decoupling of the Church from all state structures while encouraging individual Catholics to use their Catholicism

[24] For more on the revolutions of 1848 and the influence of ideologies in the period immediately preceding it, known as the *Vormärz*, see Frank Eyck, *The Frankfurt Parliament 1848-1849* (London: Macmillan and Co., 1968); Priscilla Robertson, "Students on the Barricades: Germany and Austria, 1848," *The Academy of Political Science* 84, no. 2 (June 1969): 367–79; István Deák, *The Lawful Revolution: Louis Kossuth and the Hungarians, 1848-1849* (New York: Columbia University Press, 1979); H. A. C. Collingham, *The July Monarchy: A Political History of France, 1830-1848* (New York: Longman, 1988); Jonathan Sperber, *The European Revolutions, 1848-1851* (New York: Cambridge University Press, 1994); Judson, *Exclusive Revolutionaries*; Lothar Höbelt, "The Austrians in the German National Assembly in 1848," *Parliaments, Estates and Representation* 18, no. 1 (January 1, 1998): 91–101; Timothy J. Clark, *Image of the People: Gustav Courbet and the 1848 Revolution* (Berkeley: University of California Press, 1999); R. J. W. Evans and Hartmut Pogge von Strandmann, eds., *The Revolutions in Europe, 1848-1849: From Reform to Reaction* (New York: Oxford University Press, 2000); Helge Berger and Mark Spoerer, "Economic Crises and the European Revolutions of 1848," *The Journal of Economic History* 61, no. 2 (2001): 293–326; Dieter Dowe et al., eds., *Europe in 1848: Revolution and Reform* (New York: Berghahn Books, 2001); King, *Budweisers*; Mark Cornwall, "The Construction of National Identities in the Northern Bohemian Borderland, 1848-71," in *Different Paths to the Nation: Regional and National Identities in Central Europe and Italy, 1830-70*, ed. Laurence Cole (Basingstoke, England: Palgrave Macmillan, 2007), 144–56; Mike Rapport, *1848: Year of Revolution* (New York: Basic Books, 2009).

to influence their political actions.[25] The fourth, and final type, which Milde's successor, Cardinal Joseph Othmar Rauscher, advocated, engendered a spirit of legalism and compromise negotiated through a conscious process between the pope and the emperor. In the end, Rauscher was able to consolidate support in the monarchy for his new type of political theology, which guided the Monarchy in negotiations with the Church in 1855.

The third chapter examines the Concordat with Rome of 1855 and its aftermath.[26] Rauscher led the process of negotiating the Concordat, utilizing the political theological paradigm that emerged after 1848. Although the Concordat of 1855 was not the first Concordat in the modern era, it nonetheless formed a model that other Concordats in Europe could follow. In short, the Concordat of 1855 guaranteed various rights to the Church in Austria, such as the right to administer education and to communicate with Rome, while also outlining its obligations and specific rights reserved for the Monarchy, such as the need to take a personal oath of loyalty to the emperor. The liberal backlash to the Concordat was swift, however, and following the rise of liberal power in the Monarchy in 1867, most of the provisions of the Concordat were reversed with the so-called "May Laws" (*Maigesetze*) of 1868, which created an institution of civil marriage, pared back Catholic control of education in the Monarchy, and adjusted the ways that children produced from mixed Catholic and Protestant marriages were to be raised.[27]

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[25] For an overview of Güntherian thought, see Thomas W. Simons, "Vienna's First Catholic Political Movement: The Güntherians, 1848-1857," *The Catholic Historical Review* 55, no. 2 (July 1969): 173–94.

[26] A basic overview of the Concordat of 1855 can be found in Erika Weinzierl-Fischer, *Die Österreichischen Konkordate von 1855 und 1933* (Munich: R. Oldenbourg Verlag, 1960). A more recent treatment can be found in Judson, *Habsburg Empire*, 219-252.

[27] The *Maigesetze* were a series of laws aimed at imposing liberal ideals on government, but, to Catholics, seemed to limit Catholic participation in governance. They are typically understood as the three laws regarding civil marriage, education, and the rights of Protestants in a mixed Protestant/Catholic marriage. "Gesetz vom 25. Mai 1868, wodurch die Vorschriften des zweiten

Chapter four focuses on the arrest and trial of Bishop Rudigier of Linz from 1868 to 1869 following his publication of a pastoral letter, which was intended to be read from the pulpit throughout his diocese.[28] According to the government, which by this point was under liberal control, the letter advocated for Austrian Catholics to disobey the laws of the Monarchy. The charge of "Disturbing the Peace," a charge generally reserved for revolutionary activities, carried a potential sentence of one to five years in jail.[29] Despite Rudigier's insistence that the government did not have the authority to try him due to provisions of the largely defunct Concordat of 1855, he was nonetheless arrested, tried, and found guilty. Emperor Franz Joseph pardoned Rudigier and commuted the sentence, but many, such as now-Cardinal Rauscher and the conservative Catholic press, saw the arrest as the beginning of a new persecution of Catholics. For Rauscher, the political theological paradigm that he had helped usher into the Austrian Church following 1848 was no longer sufficient. Thus, he began to advocate for a greater degree of political activism in the Austrian Church.[30]

Hauptstückes des allg. bürgerl. Gesetzbuches über das Eherecht für Katholiken wieder hergestellt, die Gerichtsbarkeit in Ehesachen der Katholiken den weltlichen Gerichtsbehörden überwiesen und Bestimmungen über die bedingte Zulässigkeit der Eheschließung vor weltlichen Behörden erlassen werden," *RGB* 19 (26 May 1868): 93-97; "Gesetz vom 25. Mai 1868, wodurch grundsätzliche Bestimmungen über das Verhältniß der Schule zur Kirche erlassen werden," *RGB* 19 (26 May 1868): 97-99; "Gesetz vom 25. Mai 1868, wodurch die interconfessionellen Verhältnisse der Staatsbürger in den darin angegebenen Beziehungen geregelt werden," *RGB* 19 (26 May 1868): 99-102.

[28] For the use of pastoral letters as a means of disseminating political ideals, see Albert Ettmayer, "Die Hirtenbriefe des Wiener Fürst-Erzbischofs Joseph Othmar Kardinal Rauscher: ein Beitrag zur österreichischen Kirchenpublizistik in der zweiten Hälfte des 19. Jahrhunderts" (unpublished PhD dissertation, University of Vienna, 1982).

[29] *Das Strafgesetz über Verbrechen, Vergehen und Uebertretungen, die Strafgerichts-Competenz-Verordnungen und die Preß-Ordnung vom 27. Mai 1852 für das Kaiserthum Österreich* (Vienna: Hof- und Staatsdruckerei, 1852), 35-36.

[30] As noted in chapter 4, the first real elucidation of this new political activism can be seen in Rauscher's speech to the St. Severinusverein. *Gedenkblätter zur Jubel-Feier des*

Chapter five argues that the First Vatican Council from 1869-1870 marked the beginning of a more aggressive political theology in the Catholic Church, responding to challenges of liberalism and socialism throughout Europe.[31] The situation in Austria, in particular the May Laws, formed a part of this discussion. The issue of papal infallibility, which was, ostensibly, the reason Pope Pius IX called the council, was itself an elucidation of political theology.[32] The reactions to this council in Europe varied, but in the newly-unified Germany, it partially influenced the *Kulturkampf*, a period during which German chancellor Otto von Bismarck used limitations on Catholics as a means of gaining and maintaining his own political power.[33] Austrian Catholics watched the events across the border in Germany, fearing that developments

fünfundzwanzigjährigen Bestehens des Severinus-Vereines in Wien (Vienna: F. Eipeldauer, 1873).

[31] Pius IX, "Allocutio habita in Congregatione Generali Ante Primam Sessionem Concilii Vaticani" (December 2, 1869), Conc. Vat. I, Box 1, Folder 1, "1865, 69," Bischofsakten Rauscher, DAW.

[32] For more on papal infallibility, its particular political dimensions, and the progression of Vatican I, see Richard F. Costigan, *The Consensus of the Church and Papal Infallibility: A Study in the Background of Vatican I* (Washington, DC: Catholic University of America Press, 2005); John W. O'Malley, *Vatican I: The Council and the Making of the Ultramontane Church* (Cambridge, MA: Harvard University Press, 2018).

[33] For the Kulturkampf and Bismarck's motivations behind endorsing it, see Gordon R Mork, "Bismarck and the 'Capitulation' of German Liberalism," *Journal of Modern History* 43, no. 1 (March 1971): 59–75; Ronald J Ross, "Enforcing the Kulturkampf in the Bismarckian State and the Limits of Coercion in Imperial Germany," *Journal of Modern History* 56, no. 3 (September 1984): 456–82; Lech Trzeciakowski and Katarzyna Kretkowska, *The Kulturkampf in Prussian Poland* (New York: East European Monographs, 1990); Bascom Barry Hayes, *Bismarck and Mitteleuropa* (Rutherford N.J.: Fairleigh Dickinson University Press ; 1994); Ronald J. Ross, *The Failure of Bismarck's Kulturkampf: Catholicism and State Power in Imperial Germany, 1871-1887* (Washington, D.C.: Catholic University of America Press, 1998); Hubert Weitensfelder, *"Römlinge" und "Preußenseuchler": Konservativ-Christlichsoziale, Liberal-Deutschnationale und der Kulturkampf in Vorarlberg, 1860 bis 1914* (Wien: Verlag für Geschichte und Politik, 2008); Robert W. Lougee, "The Kulturkampf and Historical Positivism," *Church History* 23, no. 3 (2009): 219–35.

in Germany were merely the beginning of a larger persecution of Catholics throughout the world, including in German-speaking Austria. Rauscher and other Catholic leaders used this fear to help promote greater Catholic political activism in Austria, appealing to the ideals of Vatican I, which were directly opposed to liberalism and socialism, for both theological and political legitimacy.

The sixth and final chapter examines the completion of the shift from the *Vormärz* political theological paradigm to the paradigm of popular political theology employed by Karl von Vogelsang in the ideological creation of the Christian Social Party.[34] This chapter begins following the death of Cardinal Rauscher and the beginning of Karl von Vogelsang's political influence in the Monarchy. Following the decline of liberal power in the government in 1879, due mostly to the liberals' own political blunders and a worsening economic situation in Austria, conservative Catholics such as Karl von Vogelsang popularized a message of Christian Socialism, which was initially a Christian anticaptialist alternative to atheistic socialism, which sought to blend Christian social teachings with modern economic ideals.[35] In this case, we can conceive of Karl von Vogelsang as a "popular public theologian," engaging in theological discussions not just with Church figures, but with the larger public using his newspapers the *Österreichisches Monatsschrift für Gesellschaftswissenschaft und Volkswirtschaft* (*ÖMGV*) and *Das Vaterland*.[36] The former fostered an academic discussion of economics as a branch of

[34] For a basic overview of the Christian Social Party and its various forms throughout Europe, see Evans, *Cross and the Ballot*.

[35] For decline of liberal power and the conservative (though not necessarily explicitly Catholic) government that replaced it, see William A. Jenks, *Austria under the Iron Ring: 1879-1893* (Charlottesville: University Press of Virginia, 1965).

[36] Popular public theology is generally associated today with movements such as "liberation theology" that arose as a reaction to colonialism in Latin America in the late 1960s. See Graeme Smith, "A Popular Public Theology," *Political Theology* 16, no. 1 (January 2015): 20–32.

pastoral theology using deep analyses of both economics and theology to create a new understanding of Christian social morality. *Das Vaterland*, on the other hand, was a popular daily newspaper that had existed in Austria since 1860. Following Vogelsang's appointment as editor in 1875, the paper increasingly utilized the ideological backing of the *ÖMGV* in order to present Vogelsang's theology in a way that would be more accessible to the Austrian people. Vogelsang's work and later the beginning of the Christian Social Party were both only possible through the new political theological paradigm established in the Habsburg Monarchy after 1848.

A brief conclusion examines the development of the Christian Social Party following its formation. The antisemitism of the party and its most well-known leader, Karl Lueger, was enabled by Catholic belief.[37] The conclusion briefly discusses this antisemitism, the role the Church played in its spread, and further avenues of discussion using an analysis of political theology. The primary assumption underpinning this dissertation is that political theology is a necessary topic of examination that can help unlock a broader understanding of the past. Historians can and should use the political theological discussions in any given area as a means of understanding the motivations of historical actors and the consequences of their actions. Boyer's argument that "the political history of Central European cities in the nineteenth century is as yet a largely unexplored area," may no longer be true, but the history of *political theology* in Central Europe in the nineteenth century could nonetheless use some greater exploration.[38]

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[37] While historians have written many volumes on Karl Lueger, perhaps the best single volume his biography in Geehr, *Lueger*.

[38] Boyer, *Political Radicalism*, ix.

Chapter 1: The Development of Modern Political Theology in *Vormärz* Austria

On October 20, 1842, Vinzenz Eduard Milde, the Prince-archbishop of Vienna, stood on the steps of St. Stephen's Cathedral (*Stephansdom*) to deliver a sermon to the crowd. His sermon was part of a larger ceremony to remove for repair the cross from the top of the cathedral's tower that had been damaged by French bombardment in 1809 during the Napoleonic wars. In his sermon, Milde spoke of the particular situation of the Habsburg Monarchy and its role as the defender of the Catholic Church. He used the foil of the atheistic French Revolution to show how good and benevolent the Habsburg dynasty had been for the Church. The *Stephansdom*, situated just a short walk from the imperial palace, was a shining testament to the proper order of society, he noted. Building on the complex ideology that had dominated the Church throughout its history, Milde argued that Catholic piety was the "single most firm foundation of the state." So long as the emperor was a pious man who believed in God and the unity of the Church, his Catholic subjects owed him their love and devotion, no matter their differences.[1] To Milde, as with many theologians before him, the idea that the ruler was consecrated by God meant that to disobey the regent was to disobey the rule of God itself. And thankfully, to Milde, the people of the Habsburg Monarchy knew and respected their monarch.

Six years after his speech at the *Stephansdom*, however, Milde found his political theological paradigm under siege from two different directions. The revolutions of 1848 saw not only the ascendency of liberal politicians in the Monarchy, who challenged the validity of a Church-state partnership, but also challenges to Milde's political theology from within the

[1] J. A. Ginzel, *Reliquien von Vincenz Eduard Milde, Weiland Fürsten-Erzbischofe der Kirche von Wien: Nebst einem Abrisse seines Lebens* (Prague: Wenzel Heß, 1853), 77.

Church itself. Priests and bishops throughout Austria began to question the deference the Church gave to the state in earthly affairs, arguing that they should not sit idly by and watch their faith be swept away by liberals and socialists. While Milde certainly did not favor liberal ideology, he feared that using the political theology of the Church in a more active way could allow the laity to use the Church as a means of legitimacy for their own views, whether they conformed to Church teachings or not. Caught between liberal reform on the one hand and greater political action on the other, Milde's decision to do nothing led him to fall out of favor in the Monarchy. He never quite recovered his standing, and, in 1853, nine years after his speech in front of the *Stephansdom*, he died. His replacement, Joseph Othmar Rauscher, however, was a younger bishop who was much more likely to take some sort of political action. Under his leadership, the monarchy began to move toward a new political theological paradigm.

In 1860, finding that the damage was too great to repair, the conservators of the *Stephansdom* decided to completely remove and rebuild the tower. Then, in 1864, a new cross was placed atop the newly-rebuilt tower. In a metaphor for the passing of the Mildean paradigm of political theology in the Habsburg Monarchy, the cross that Milde removed and consecrated in his ceremony proclaiming the eternal and inseparable partnership of the Church and the state, never again sat atop the cathedral. With time, Rauscher slowly began to shape not only the Church in Austria, but its political system as well. He eschewed the older "apolitical" ideas of Milde and those who came before him and, instead, ushered in a view of legalism and compromise in which the Church should actively work to preserve its rights within the state.

The theological system supported by Milde was the product of a long development of political theology in Europe, and this system, like many political theological paradigms before it, came under fire from both the outside and from within. Throughout the first half of the

nineteenth century, the political standing of the Church in the Habsburg Monarchy went through a period of instability, owing, in part to the discontents that led to the revolution of 1848.[2] During the period before the revolutions of 1848, later known as the *Vormärz* (as it occurred before the outbreak of revolution in March), the political theology that developed after the death of Joseph II in 1780 experienced its first test.[3] At that time, it became apparent that the post-Tridentine conceptions of the nature of Church and State — ideas that were formed in the crucible of the Reformation and solidified through the period of Early Modern Catholicism — could perhaps not withstand the pressures of modernity.

In response to these modern pressures, new theological ideas began to spread, and the very idea of a "political theology" as a discrete branch of theology — separate from the classic branches of systematic, practical, and pastoral theology (all of which contained views that related to political theology) — began to evolve. Such evolution changed the theological and political norms of Europe forever.

Though the Church did not officially recognize the concept of "political theology" as a separate field of theological study until the early twentieth century, the tenets that formed this separate branch of theology (and led to the virtual exile of Milde within his own Church), began to ferment in the early nineteenth century.[4] For this reason, it is necessary to examine the history of political theology in the *Vormärz* period as well as its history within the Church, which has

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[2] The revolutions of 1848 and the instability they created for the Church in the Habsburg Monarchy forms the subject of chapter two.

[3] For the religious reforms of Joseph II and the Catholic reaction to them, see Eduard Winter, *Der Josefinismus: die Geschichte des österreichischen Reformkatholizismus, 1740-1848* (Berlin: Rütten and Loening, 1962).

[4] As will be shown in chapter two, by the end of the revolutions of 1848, Milde was completely sidelined in the Bishops' Conference. Ginzel, *Reliquien*, 161-168.

roots going back to the patristic period (ca.100-451).[5] The development of the study of political theology had far-reaching consequences both within and outside of the Habsburg Monarchy throughout the nineteenth century, coming to a head after the revolutions in 1848. As such, the doctrinal development and the transnational elements of theology in the *Vormärz* period must first be examined before we can begin to understand the fruits of these developments that were borne over the next half century.

Historians and theologians have thoroughly explored the ideas of political theology and political Catholicism that developed in the immediate aftermath of the Council of Trent, held between 1545 and 1563.[6] Unfortunately, few scholars have examined these ideas in the Habsburg Monarchy, especially in the *Vormärz* period, or even the international Catholic networks which developed these ideas. This chapter seeks to understand the ways that Catholic doctrinal development in the Council of Trent related to the transnational revolutionary

[5] The specific dates of the "patristic period" are a matter of debate, but it is generally recognized to be from about the years 100 to 451, ending with the Council of Chalcedon. See Alister E. McGrath, *Historical Theology: An Introduction to the History of Christian Thought* (Malden, MA: Blackwell Books, 1998).

[6] The literature on Trent is vast, but most important for this discussion, see John W. O'Malley, *Trent and All That: Renaming Catholicism in the Early Modern Era* (Cambridge, MA: Harvard University Press, 2000); R. Po-Chia Hsia, *The World of Catholic Renewal, 1540-1770* (Cambridge: Cambridge University Press, 1998); Trevor Johnson, "The Catholic Reformation," in *Palgrave Advances in the European Reformations*, ed. Alec Ryrie (New York: Palgrave Macmillan, 2006); Bernd Moeller, "Problems of Reformation Research," in *Imperial Cities and the Reformation*, ed. H.C. Erik Midelfort, and Mark U. Edwards, Jr. (Durham: Labyrinth Press, 1972); Diarmaid MacCulloch, *Christianity: The First Three Thousand Years* (New York: Penguin, 2009); A.D. Wright, *The Early Modern Papacy: From the Council of Trent to the French Revolution, 1564-1789* (New York: Longman, 2000); John W. O'Malley, *Trent: What Happened at the Council* (Cambridge, MA: Harvard University Press, 2013); E. Christian Brugger, *The Indissolubility of Marriage at the Council of Trent* (Washington, DC: Catholic University of America Press, 2017); Raymond F. Bulman and Frederick J. Parrella, eds., *From Trent to Vatican II: Historical and Theological Investigations* (New York: Oxford University Press, 2006).

development of the revolutions of 1848. The theological ideas of the council, set forth almost three hundred years before the revolutions, were insufficient to deal with the modern challenges to the Church. While the ideas of the council were certainly useful in fending off Protestant heresies, they were less adept at navigating the new political ideologies of liberalism and socialism. The interplay of the doctrines of Trent and the new politics can provide insight into the beginning of the new phase of political theology in nineteenth century Austria. In short, this development can teach us not only the impact of revolutionary political ideologies on theology, but also the influence of political theology on the revolutions.

Theological developments after the French Revolutionary period and into the first half of the nineteenth century were subject to all manner of disagreements, and theologians (both formally within the Church and informally outside of it) often disagreed on a number of basic doctrinal issues, including the proper place of the Church within the larger state.[7] But despite these disagreements, a transnational conversation formed about the proper role for the Church both within society and, more importantly, within the state's political structure. This conversation shaped theological ideas for a generation as the Church wrestled with the rise of liberalism, socialism, and (on a larger scale) modernity itself. By 1848, the test posed by modernity to the theology that developed out of the Council of Trent proved too much for the antiquated system to overcome, causing many within the Church to believe that change was not only necessary, but inescapable.[8]

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[7] For an overview of this shift, with a particular focus on the ideals that helped form the basis of Christian Democracy in the late-nineteenth and early twentieth century, see Hans Maier, *Revolution and Church: The Early History of Christian Democracy, 1789-1901*, trans. Emily M. Schossberger (Notre Dame, IN: University of Notre Dame Press, 1969).

[8] Indeed, Hans Maier argues that the Tridentine reforms had been insufficient to deal with political challenges as early as the French Revolution in 1789. Ad hoc attempts to assert a greater degree of Church power to combat the French Revolution and other political challenges presaged

This chapter will examine not only the theoretical and practical structures that formed the bases of political theology in the early nineteenth century, but it will also examine the particular situation in Austria during the *Vormärz* period. The political theology in *Vormärz* is necessary to understand how this theology shifted both during and after the revolutions of 1848 — the subject of Chapter 2. Therefore, it is necessary to describe Catholic political theology in the early nineteenth century in order to understand how it developed in the Habsburg Monarchy between 1848 and 1893, which was the year that the Christian Social Party coalesced around the leadership of Karl Lueger.

What is Political Theology?

In order to understand political theology, it is important to first understand theology itself. A modern and non-Christian-specific definition holds that theology deals "with questions of meaning, truth, beauty, and practice raised in relation to religions and pursued through a range of academic disciplines."[9] Although this definition does not address the particular Catholic context, it nonetheless raises many of the issues inherent in theology. Perhaps the best definition of Catholic theology comes from St. Augustine around the year 426, even though the term "theology" itself only gained popularity after its use by Peter Abelard in his 1120 book, *Theological Christiana.*[10] St. Augustine's *City of God*, which sought, in part, to utilize Platonic systems of thought to understand the dogma of Christianity, defined theology as simply "the

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the reforms undertaken in Vatican I, the subject of chapter five. Maier, *Revolution and Church*, 154-155.

[9] David Ford, *Theology: A Very Short Introduction*, 2nd ed. (Oxford: Oxford University Press, 2013), 14.

[10] MacColloch, *Christianity*, 397-398.

study of divine nature."[11] Centuries later, St. Thomas Aquinas, in the first question of his *Summa Theologica*, added that theology was a "sacred Science" that could be used to understand the nature of the sacred beyond that which has been revealed by God to be truth.[12]

Whether defined by Augustine as the "study of divine nature," or by Aquinas's belief that it was a "sacred science," the history of theology within the Catholic Church began shortly after the time of Christ. Most of the books of the New Testament are, in fact, explications of theology, in that they not only explore the nature of God, but also the nature of Christian religious doctrine itself and its proper application to everyday life by a devout follower of Christ.[13]

Some of the most well-known of the early exegetical commentaries about Christian doctrine and theology are the Pauline epistles. These epistles, which were, according to Christian tradition, written by St. Paul to churches and individuals just a few decades after the death of Christ, form 14 of the 27 books of the canonical New Testament (as established or confirmed by the Council of Trent). These books often highlighted contentious issues of belief and practice within the early Church, and offered explanations for how to deal with these issues following an examination of the religious doctrines and teachings of Christ as Paul saw them. The Pauline epistles represent a break from the four gospels and the book of the Acts of the Apostles that preceded them, both in language and style and in some of the ways Jesus' teachings were applied to practical issues.[14] The gospels, which are stories of the life of Christ, were often more

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[11] St. Augustine, *The City of God, Books VIII-XVI*, trans. Gerald C. Walsh and Grace Monahan (Washington, DC: Catholic University of America Press, 1952), 8.1.

[12] Thomas Aquinas, *Summa Theologica*, trans. Fathers of the English Dominican Province (Claremont, CA: Coyote Canyon Press, 2018), 1.1.

[13] MacColloch, *Christianity*, 97-102.

[14] MacColloch, *Christianity*, 112-121.

theoretical and allegorical in their teachings, but Paul used much more concrete language to take the theoretical and directly apply it to the lives of early Christians.

After Paul, in the so-called "patristic period" of the Church, other prominent theologians emerged. These theologians, who are often called the "Church Fathers" to distinguish them from the apostles, the followers of Christ in his own time, sought to establish not only the theology of the Catholic Church as it should be practiced, but also the formal means by which that theology could be explored as an academic discipline. One of the most famous of the early Church fathers in this regard was the aforementioned Augustine of Hippo.

Though perhaps most famous for his *Confessions*, St. Augustine is also notable for creating the "Rule of St. Augustine," which governs the monastic life of the Augustinian order. In addition, his works were invaluable for developing early patristic theology. While all of St. Augustine's works were foundational to the study of theology, *City of God*, *On Christian Doctrine*, and *On the Trinity* — written between about 397 and 428 — are perhaps the most important for understanding the ways theological study developed in the patristic period. These works not only delineate a number of Christian doctrines that later scholars would rely upon in their own theological works, but also gave an example of how Christian theologians should examine doctrine while still living the faith as established through the revealed truths of God.

Perhaps the most important development of Augustine in his own time was his attempt to merge Platonism and classical Greek philosophy with the theological truths of the burgeoning Christian faith. Augustine's new system of Platonic Christian theology was, in some ways, an example of an early application of political theology. His attempt to mold Christian theological beliefs to suit their particular political circumstances in the Roman empire helped to market Christianity to the Roman elite and make it more palatable to those who had formerly been

pagan. In some way the political theology of St. Augustine was that of political realism, as he sought to gain favor and position in the larger geopolitical world.[15]

Augustine's works remained popular within the Catholic Church through the next several centuries, and some even remain extremely popular today — especially the *Confessions*.[16] In the thirteenth century, however, another theologian, St. Thomas Aquinas, became perhaps even more important for the understanding of nineteenth century Catholic thought. Aquinas's *Summa Theologica* formed the basis of the "scholastic" or "thomist" conception of theology, which sought to use reason to understand the metaphysical world, blending Church teachings with those of Aristotle. Though thomism went in and out of vogue, by the nineteenth century it had made an impressive revival in theological circles. Its focus on reason seemed to be a counterbalance to the ideas of the Enlightenment and modernity more generally. But the path from St. Thomas Aquinas's theology to the thomistic theology of the nineteenth century was long and meandering, and the later versions were quite different than the original, owing to the vastly different contexts in which they existed.[17]

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[15] Jean Bethke Elshtain, "Augustine and Political Theology," in *Augustine Our Contemporary: Examining the Self in Past and Present*, ed. Willemien Otten and Susan E. Schreiner (Notre Dame, IN: University of Notre Dame Press, 2018), 293-295.

[16] The *Confessions* of St. Augustine remains one of the most popular texts for Christians and non-Christians alike for understanding the nature of faith both in early Christianity and today. New editions and translations are published fairly regularly, including the edition consulted for this dissertation. St. Augustine, *Confessions*, ed. and trans. by Carolyn J.B. Hammond (Cambridge, MA: Harvard University Press, 2014).

[17] Emiel Lamberts, "Religious, Political, and Social Settings of the Revival of Thomism, 1870-1960," in *Neo-Thomism in Action: Law and Society Reshaped by Neo-Scholastic Philosophy, 1880-1960*, ed. Wim Decock, Bart Raymaekers, and Peter Heyrman (Leuven: Leuven University Press, 2021), 29–39

St. Thomas Aquinas was a Dominican friar and scholar in the mid thirteenth century.[18] What earned Aquinas recognition both in his own time and afterwards was the way in which he was able to blend the ideas of the Greek philosophers like Aristotle, patristic theologians such as Augustine, contemporary Arab theologians, and his own particular understanding of biblical reason to help develop and elucidate the doctrines underpinning Catholic faith.[19]

Although he was well-respected in his own time, Aquinas was, nonetheless, an occasionally contentious figure to his contemporaries. At the time, his theology seemed to challenge several of his contemporaries, directly refuting popular theological texts such as those written by the Averroists and Aristotelian lay philosophers, who disagreed with Aquinas's particular platonic interpretation of Aristotelianism.[20] After Aquinas died in 1274, theologians such as William of Okham continued to disagree with him, establishing rival schools of theology that also went in and out of popularity over the centuries.[21] But despite these disagreements, Aquinas's theological ideas such as the nature of the Trinity in man, his philosophical approach to speculative theology, and above all his analysis of the concept of "natural law," remained extremely important to Catholic theologians, influencing their ideas and resurfacing from time to

[18] The Dominicans were still a rather young order when Aquinas joined. At the time, they were known as the Order of Preachers.

[19] An in-depth biography of Aquinas and his relation to theologians at the time can be found in Aidan Nichols, *Discovering Aquinas: An Introduction to His Life, Work, and Influence* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 2002).

[20] Nichols, *Discovering Aquinas*, 12-15.

[21] For an overview on the differing views of Aquinas and Okham and how they affected conversations about the power of the pope and the sovereignty of monarchs in the years after Aquinas, see Jürgen Miethke, *De Potestatae Papae: Die päpstliche Amtskopetenz im Widerstreit der politischen Theorie von Thomas Aquinas bis William von Okham* (Tübingen: Mohr, 2000).

time, particularly in periods of unrest.[22] Nevertheless, Catholic theologians largely saw themselves as divorced from politics, despite often writing about themes that related to political issues.

By the sixteenth century, Aquinas's influence had resurfaced as a part of the opposition to the theological writings of the Protestants during the Reformation. The Reformation, which began in earnest in 1517 with the promulgation of Martin Luther's Ninety-Five Theses, fundamentally challenged many of the Church's doctrines. As time went on, every aspect of Catholic doctrine came under question and wars were fought in order to "defend the Catholic faith" against the "heretics" of Protestantism. In the face of the conflict, in 1545, the Catholic Church called the Council of Trent to solidify Catholic doctrine and respond to the challenges of the Protestants. As Church leaders sought how to best examine Church doctrine, they held up Aquinas's ideas and methods of academic theological inquiry as the ideal way to approach issues of the faith. Aquinas became so important to the reforms of the Council of Trent, that he was posthumously named a "Doctor of the Church," and, during sessions of the council, his *Summa Theologica* was placed on the altar beside the Bible.[23]

Aquinas's popularity waxed and waned throughout the next three centuries. At times his ideas were popular. At other times, Okhamism became more important. At still other times, a call for a return to the Church Fathers and Augustine took primacy. But by the mid nineteenth

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[22] Nichols, *Discovering Aquinas*, 130-143.

[23] Pope Leo's 1879 encyclical, *Aeterni Patris*, which advocated a return to Thomism in school instruction, referred to this placement of Aquinas's work. See Leo XIII, "Aeterni Patris: On the Restoration of Christian Philosophy," 4 August 1879, https://www.papalencyclicals.net/leo13/l13cph.htm.

century, many figures within the Church began to revere Aquinas again, and his theological ideas experienced a massive revival within the Church.[24]

The primary reason for Aquinas's revival in the nineteenth century rests on the ways his views about law and reason provided a useful refutation of the charges of liberalism and modernity against the Catholic Church. It was for this reason that, by 1879, Pope Leo XIII sought to restore the teaching of Thomas Aquinas in all Catholic schools to combat the "false conclusions concerning divine and human things, which originated in the schools of philosophy, [that] have now crept into all the orders of the State, and have been accepted by the common consent of the masses."[25] However, thomism itself ultimately failed to accomplish Leo's lofty goals, possibly due to the great power granted to the pope within Leo's interpretation of thomist ideas.

Prior to the nineteenth century, the Catholic Church largely interpreted Aquinas as in line with other Church thinkers such as Eusebius of Caesarea in his *Vita Constantini* (written sometime between 260 to 340) and, later, Pope Gelasius in 494.[26] They and other Church thinkers maintained a doctrine of neutrality in political matters, arguing that the spiritual authority and the civil authority were separate. However, political scientist Shadia B. Drury argues that the political theology of Aquinas, far from being the Church's main justification for the preservation of a separation of powers between the Church and the state, in fact maintains the

[24] Lamberts, "Thomism, 1870-1960," 29–39.

[25] Leo XIII, "Aeterni Patris."

[26] Eusebius of Caesarea, *Life of Constantine*, trans. Averil Cameron and Stuart George Hall (Oxford: Clarendon Press, 1999); Gelasius, "Famuli vestrae pietatis," reprinted in Heinrich Denzinger, *Compendium of Creeds, Definitions, and Declarations on Matters of Faith and Morals* (San Francisco: Ignatius Press, 2012), 347.

supremacy of the pope in all aspects of civil life. “There is absolutely no conflict,” Drury argues, “between papal supremacy and the claim that the civil ruler is subject to the spiritual authority only in spiritual matters.” Drury maintains that within the worldview of Aquinas and the Church, “spiritual matters are so far-reaching that there are no limits to what they may require.”[27]

Drury argues that the concept of natural law “became a mere ornament to render the faith more attractive in the emerging age of reason.”[28] Of course, achieving such legitimacy was exactly what Leo XIII was attempting to do by restoring Aquinas. In responding to the problems that modernity created for the Church, Leo attempted to make the Church more attractive and show that the Church had its own valid form of reason. This reason, unlike the way it was conceived by some in the Enlightenment, was perfectly compatible with the idea of faith. Holding up Aquinas’s works allowed Leo to argue that reason and faith not only worked together but each was necessary to truly comprehend the other.[29]

Aquinas’s theological concepts, and particularly those concepts that formed what we may today consider “political theology,” had immense influence on the doctrines and political stances of the Church for centuries. Although his theology would not have been called “political theology” at the time, Aquinas nonetheless began a process of understanding how theology and theological philosophy could and should be applied to the political realm by examining the roles of political entities and the proper place of the Church in relation to those entities through the

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[27] Shadia B. Drury, *Aquinas and Modernity: The Lost Promise of Natural Law* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 2008), 52.

[28] Drury, *Aquinas and Modernity*, 8.

[29] James Hennesy, “Leo XIII's Thomistic Revival: A Political and Philosophical Event,” *The Journal of Religion* 58 (1978): 185-197.

concept of subsidiarity.[30] By the nineteenth century, theologians were beginning to finally understand how Aquinas's ideas and theology in general could apply to their own political realities. Furthermore, they began to see how political realities also shaped their theology. This understanding helped lead the development of political theology beyond 1848 and into the second half of the century.

In the historiography today, the term "political theology," tends to be bound up in the ideas of Carl Schmitt. Schmitt's examination of the idea was an oppositional philosophy meant to ground the power of the sovereign in a state of faith rather than rationalism as a means of achieving domination over a liberal democracy.[31] Examining this dynamic of political theology as an idea that is opposed to the rationalism of political philosophy, Heinrich Meier defined political theology as "a political theory, political doctrine, or a political position for which, according to the self-understanding of the political theologian, divine revelation is the supreme authority and the ultimate ground."[32] While this definition is useful to understand the relationship between authority, politics, and the divine, it is nonetheless limited in scope to the Schmittian ideal of political theology as bound by notions of oppositional authority. Furthermore, the tautological use of "political theologian" in the definition of "political theology" belies the fact that political theology can and should exist outside the Schmittian context. Thus, a broader definition that can encompass many different ideas of theology through politics is necessary.

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[30] Nicholas Aroney, "Subsidiarity, Federalism and the Best Constitution: Thomas Aquinas on City, Province and Empire," *Law and Philosophy* 26, no. 2 (2007): 161–228.

[31] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Cambridge, MA: MIT Press, 1934), 13.

[32] Heinrich Meier, "What Is Political Theology?," *Interpretation: A Journal of Political Philosophy* 30, no. 1 (Fall 2002): 86.

Like St. Augustine's definition of theology as "the study of divine nature," political theology can likewise be defined as "the study of divine nature as it relates to politics." This broad definition opens up the idea of political theology as not just an exercise in defining authority or as an object for academic study, but rather a realm in which the Church and lay political actors together gain a broader understanding of the relationship of the divine to politics.

In this sense, political theology and, perhaps more importantly, its application to everyday life, is developed by the Church and the laity through a dialogue that explores the boundaries between the two and the level of permeability that these boundaries maintain. To what degree does religious ideology and dogma affect and inform politics, and to what degree do political ideas affect the religion? Is the realm of politics merely a temporal manifestation of the power of the divine (i.e., pertaining to matters on earth in a way that mimics spiritual matters while not actually being related to spiritual matters at all) or is it something wholly separate? Is the monarch or other head of government chosen by God? What form of government is the most appropriate to a Christian ideology? Should the Church even have a say at all in the form of a state's government? And more importantly, what should a Christian do when political ideas overstep the boundaries as set by the Church? Should Christians obey the earthly authorities? Should they rebel? Should they invoke an idea of civil disobedience? These questions and more form the basis of inquiry for political theology.[33]

While, theoretically, political theology is solely the provenance of the Church, in reality it constitutes a conversation between the Church and laity, especially in modern times. When the Church issued dogma that concerned the state, there were often those in the laity who pushed

[33] For an excellent overview on what political theology is, what it entails, and how it should be analyzed in a modern and historical context, see William T. Cavanaugh and Peter Scott, eds., *The Wiley Blackwell Companion to Political Theology*, 2nd ed. (Hoboken: Wiley-Blackwell, 2019).

back. Whether at the highest levels of governance or among "the masses," this pushback helped define the borders of propriety that the Church could not cross.[34] As such, it was not just the Church that crafted dogma, but the people. Any understanding of political theology without understanding such a dialogue is ahistorical and merely preserves the idea that theology and dogma simply come from above rather than being embedded in a particular context.

Because of this push and pull of historical forces centered around theological ideas and enmeshed within a historical context, theology itself can and should be seen as a category of historical analysis. That is to say, it should be analyzed not only in the abstract, metaphysical, and academic contexts, but also within its own particular historical context. Sometimes the influence of a particular theology on a historical reality is readily apparent, as is the case in papal proclamations and pastoral letters, when the Church explicitly articulates its theology and disseminates it to the public. However, it is more common that the theology, through both conscious and unconscious personal development, is applied implicitly rather than explicitly, making it much more difficult to explore this influence.

Over the course of the twentieth century, several historians and political scientists have tried to understand the relationship between history, politics, and theology, and they have defined political theology beyond what we have outlined here (i.e., the study of divine nature as it relates to politics). One of the most commonly cited explications of political theology is that of Carl Schmitt.[35] Historians and theologians often point to Schmitt as the beginning of political theology, arguing, in some cases, that it was only after the pain of the Holocaust and the

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[34] This will form one of the most basic points of the conflict in Chapter 2.

[35] Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Cambridge, MA: MIT Press, 1934).

complicity of Christians in it (including Schmitt, himself, who was a prominent member of the Nazi Party and served as Nazi Germany's chief jurist) that political theology truly came into existence. As Jürgen Moltmann notes, in the shadow of the Holocaust, "we found two patterns of behavior in the Catholic and Protestant political traditions" that allowed the Holocaust to occur. First "was the widespread opinion of the middle class that religion is a private matter and has nothing to do with public life and politics," and second was the idea that there should be "a separation between spiritual and worldly powers that asserts that Christians are free in their faith but obedient to the given political power (Rom. 13)."[36]

This view of political theology as only a post-Holocaust modern invention (an idea that is often contradicted within the same works that advocate for it, as they often refer to the influence of theologians since the Romans) not only ignores the nineteenth century influence of political theology (or, indeed, any context beyond the twentieth century), but also paradoxically exculpates Christians of the Third Reich from their sins in the Holocaust while also theoretically placing blame on them. If Christians were merely the victims of the absence of political identity due to a failure of theology, it is much easier to wipe their hands of the whole situation rather than acknowledge that such a political theology was present long before the Holocaust. Recognizing this fact necessitates a reckoning with the failure of that theology or of the organizational structures of the Church to deal with the cataclysm and, perhaps, a recognition of the ways that antisemitism was inherent in such theology and structures.[37]

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[36] Jürgen Moltmann, "European Political Theology," in *The Cambridge Companion to Political Theology*, eds. Craig Hovey and Elizabeth Phillips (New York: Cambridge University Press, 2015), 8-9.

[37] Similar issues have been explored extensively in the historiography. For example, the contrasting of antisemitism and anti-Judaism, which, while useful for specificity within historical narratives — an argument that is present within this dissertation — can be used to provide cover for the Catholic Church itself and allow the Church and its officials to avoid accepting their own

Theology must be examined within its actual context as integrated in other branches of theology such as dogmatics, ethics, and practical pastoral theology. Long before Schmitt attempted to clarify his particular understanding of theology, the concept of political theology existed within the various branches of theology. During the centuries between the Council of Trent and 1848, political theology developed all over Europe, reaching a consensus in the face of the looming challenges of revolution.

History of Political Theology from Trent to the Vormärz

Broadly speaking, the story of political theology in nineteenth century Europe began with the Counter-Reformation and the Council of Trent.[38] Through an examination of the limits of Church authority in a secular world, the Council of Trent established a basic political theological paradigm of the twin authorities of the Church, which derived its authority from divine law, and of a Catholic monarch, who derived his authority from divine sanction to protect the people. This understanding was remarkably adept at combatting heresy, including Protestantism, through a thomist view of the authority of the Church while also preserving the autonomy of Catholic monarchs in a realistic bid to ensure lasting cooperation between the Church and those monarchs.[39] Though the Council of Trent lasted only from 1545 to 1563, its impact on the

responsibility in stoking antisemitic hatred based upon anti-Judaist tropes. See Christian Wiese, "The Political Dimensions of Theology: Christianity and Antisemitism," in *Antisemitism Before and Since the Holocaust*, eds. Anthony McElligott and Jeffrey Herf (Cham, Switzerland: Palgrave Macmillan, 2017).

[38] While this dissertation will examine Tridentine reform in general, for an excellent discussion of the Council of Trent, see O'Malley, *Trent*.

[39] For an excellent study exploring the development of political theology from the high Middle Ages to the Council of Trent and the use of the new Jesuit order as a means of promoting that authority, see Rivka Feldhay, "Authority, Political Theology, and the Politics of Knowledge in

Catholic world lasted for centuries. That there would be no other major ecumenical council until Vatican I in 1869 is a testament both to the lasting legacy of the Tridentine reforms in the following three centuries, the relative flexibility afforded by those reforms, and, taken another way, the lack of change in the face of new political circumstances.

By the nineteenth century, despite the relative flexibility of Church dogma, it seemed to many that the Church's means of coping with new situations simply did not keep up with modern political and economic developments that had changed the face of Europe over the past three hundred years.[40] Tridentine political theology was excellent at combatting heresy in states that were not Catholic. Its ability to deftly maneuver around the pressures of the Reformation and the threat of religious extinction allowed the Catholic Church to survive. However, political movements within an avowedly Catholic monarchy were more difficult to combat, leading many to an almost apathetic response to such movements throughout Europe and in the Habsburg Monarchy in particular.

Though the doctrinal developments at Trent responded to the context of the wars of the Reformation in Europe, such as the Schmalkaldic War of 1546-1547, and therefore had far-reaching political implications, Trent was primarily intended to introduce religious reform and not function as a statement of politics. The "twin problems facing the Council" at Trent were simply, as R. Po-Chia Hsia notes, "reform and heresy."[41] The proclamations of the Council of

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the Transition from Medieval to Early Modern Catholicism," *Social Research* 73, no. 4 (2006): 1065–92.

[40] The Church's failure to grapple with the changing nature of Europe's political and economic situation would become one of the major critiques against it and its response to the revolutions after 1848 by the lower clergy and the laity in Austria and elsewhere in Europe. This issue will be explored in-depth in Chapter 2.

[41] Hsia, *World of Catholic Renewal*, 12.

Trent served both to confirm and clarify the Catholic dogma that had been at issue since the Reformation and to help the Church root out any heresy that developed both within and outside of the Church. By the end of the council it was clear that despite some theoretically moderate reforms, the face of the Church had changed considerably.

The most basic reforms undertaken at Trent merely affirmed traditional dogma. For example, the Council affirmed the validity of the Apostles' Creed and the seven sacraments.[42] These had been called into question by some Protestant reformers, who argued either that they were not necessary for salvation or that they should be continued but in a different form. Even within the Reformation movement, however, most still believed in the sacraments and the creeds of the Church to an extent, if not completely. Thus, this reform was not ground-breaking. Other reforms responded to and argued directly against the challenges from the Reformation — the deuterocanonical texts were affirmed, arguing against the idea coming from Luther and other reformers that only the New Testament was valid; the Vulgate was confirmed as the official translation of the Bible, arguing against a growing movement for vernacular translations (a movement that would eventually be incorporated in the Second Vatican Council in 1962); justification, after much debate, was ruled to be based on human cooperation with divine grace, not grace alone; and the dogma of transubstantiation (as opposed to consubstantiation from the earlier Lollard heresy or the *sacramentlische Einigkeit* of Luther) was affirmed as true, arguing

[42] The profession of the faith through the Apostles' Creed was affirmed in the third session of the Council of Trent, and the seven sacraments of baptism, confirmation, the eucharist, penance, extreme unction, order, and matrimony were confirmed in the seventh session. Norman P. Tanner, ed., *Decrees of the Ecumenical Councils*, vol. 2, *Trent - Vatican II* (Washington, DC: Georgetown University Press, 1990), 662-663.

that Christ was "really, truly, and substantially present" in the eucharist and not merely symbolically or immaterially present.[43]

Other reforms, however, reconciled issues arising from the Reformation and also areas of ambiguity that had been a cause of contention within the Church for years. Perhaps the most famous issue arising from the Reformation was the selling and utilization of indulgences. Although the council, in the end, affirmed the use of indulgences as being in line with the teachings of the Church fathers, Trent essentially banned "all base gain for securing indulgences," and a few years later, the selling of indulgences was banned altogether through a papal bull.[44] Through this decree, the Council addressed one of the most vehement and persistent charges against the Church from Martin Luther and his followers.[45] The council also settled many other issues that arose from the Reformation theologians, such as the practice of withholding the chalice from the laity during communion and the question of whether or not celibacy was mandatory for the clergy, both of which had been points of great disagreement outside of and within the Church.[46]

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[43] Luther delineates his ideas of *sacramentlische Einigkeit*, as opposed to the unity of man with God in Christ, in his "*Vom Abendmahl Christi*," which can be found in: Martin Luther, *Martin Luthers Werke: Kritische Gesamtausgabe*, vol. 26 (Weimar: Hermann Böhlaus, 1909), 442. The full text of the decrees of the Council of Trent can be found collected in Tanner, *Ecumenical Councils*, 660-799.

[44] The complete ban on indulgences would come with Pius V's papal bull "Etsi Dominici Gregis" in 1567. Pius V, "118. S. Pius V, const. Etsi Dominici, 8 Febr. 1567," in Pietro Gasparri, ed., *Codicis Iuris Canonici Fontes* (Rome: Typis Polyglottis Vaticanis, 1926), 209-211.

[45] The decree on indulgences in the 25th session of the Council of Trent even acknowledged that this practice was rife for abuse and was one of the charges against them from the "heretics" of the Reformation, partly because of this potential for abuse; Tanner, *Ecumenical Councils*, 796-797.

[46] Withholding the cup during the sacrament of the Eucharist (communion) was affirmed in the 21st session of the Council as a means of combatting Utraquist heresy, which argued that you must partake both species (wine and bread) to fulfill the sacrament. The doctrine of withholding

Trent remained the only major Church council until Vatican I in 1869. While the three centuries between the two councils would suggest a level of intransigence within the Church, this view overlooks the remarkable flexibility that was afforded by the Council. Beyond just the reforms of Trent, many of which were fairly modest, the very convocation of the council within the context of the Reformation and its aftermath established an exciting feeling of reform in the Church. After years of conflict, the Church began a period of renewal, partly through the development of one of the most important and consequential religious orders to come out of Europe — the Society of Jesus, or Jesuits.[47]

Over the course of the next several centuries, the Jesuits, who were dedicated to science and education and who saw themselves as the front-line in the fight for the Church, became the primary antagonists for those who opposed Church authority. Their personal devotion to the power of the pope led to accusations that they were not loyal to the temporal powers of any given state and, perhaps, worked to undermine the authority of states to ensure the power of the pope.[48] Long after their power had waned, they were the "boogey men" of Protestants and liberals alike, so that during the *Kulturkampf* in Germany in 1870, many in the press referred to the anti-

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the cup was instituted as a part of the affirmation of transubstantiation. Clerical celibacy was also affirmed, despite some calls to loosen the notion to allow for married men to become ordained if their wives gave their assent. Tanner, *Ecumenical Councils*, 726-741.

[47] Hsia, *World of Catholic Renewal*, 26-27.

[48] For a basic overview of the Jesuits and the charges against them since the eighteenth century, see Jonathan Wright, "From Immolation to Restoration: The Jesuits, 1773–1814," *Theological Studies* 75, no. 4 (December 1, 2014): 729–45.

Catholic laws as the *Jesuitengesetze*.[49] In the nineteenth century, liberals continued to fear that the Jesuits worked to undermine the authority and stability of the states in which they resided.

After the Reformation, one of the greatest challenges to Church authority was the French Revolution. Historian René Rémond regards the French Revolution as an inflection point in the history of the Church not just in France, but in all of Europe from the late eighteenth century to the present. For Rémond, the very idea of a dichotomy between church and state developed at this time, although his view ignores the long history of that very dichotomy. According to Rémond, while there were certainly differences between the secular and spiritual authorities in Europe before the French Revolution, the two were intertwined in such a way as to be inseparable. Questions of Church and state were merely ones of degree; the idea of a state without religion could not possibly exist.[50]

Perhaps the best way to understand this inseparability within a system that was separable in the view of both politicians and the Church due to the Tridentine political theology is to understand the European religious context immediately before and after the French Revolution. Before the French Revolution, the French monarch was similar to other monarchs throughout Europe, including Austria. The king of France legitimized his power through the idea of the "King's Two Bodies." These two bodies — the "natural body" and the "body politic" — justified the king's rule through a theoretical framework that could support the king even through the slow deterioration of body and mind (the natural body) and a way to understand the underlying

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[49] Anti-Catholic legislation during the *Kulturkampf* in Germany had a major impact on Austria. Chapter 5 will focus on this issue.

[50] While Rémond was certainly not the first to examine the French Revolution as a point of rupture for the Catholic Church, he is nonetheless an excellent source to understand the political theology that developed out of this inflection point. René Rémond, *Religion and Society in Modern Europe*, trans. Antonia Nevill (Oxford: Blackwell, 1999).

theological basis for rule that could continue after the body's death (the body politic). Thus, even if the king became old and senile, the body politic represented the indestructible body of France itself, which was divinely ordained.[51] The idea of the king having two bodies (one able to be destroyed and the other indestructible) follows the example of Christ himself, as he was also of two bodies — destructible man and eternal God — in one (or three if you count the trinitarian "holy spirit").[52] This idea is exemplified in the concept of the Royal Touch for monarchs throughout Europe.[53]

As Rémond shows, in the *ancien régime,* the political system that existed in France from the Middle Ages to the French Revolution, "the state was confessional; just like individuals it had a religion," which was, of course, Catholicism. To conceive otherwise "would be to profess atheism."[54] But this system was built around a much looser idea of Catholic hierarchy than what came to dominate in the nineteenth century. At this point, the French Church was, indeed, a *French* Church, built on the ideas of religious Gallicanism. In a Gallican Church structure, the Church had a remarkable degree of freedom from the control of the pope, allowing for the intervention of the monarch within the doctrinal workings of the Church itself.[55] This

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[51] Ernst Kantorowicz, *The King's Two Bodies: A Study in Medieval Political Theology* (Princeton, NJ: Princeton University Press, 1957), 7-9.

[52] Kantorowicz, *King's Two Bodies*, 270-271.

[53] Historians have examined this phenomenon throughout Europe, including France, England, and the Habsburg Monarchy (just to name a few); Marc Bloch, *The Royal Touch: Sacred Monarchy and Scrofula in England and France* (London: Routledge, 1973).

[54] Rémond, *Religion and Society*, 30-31.

[55] For the development of French Gallican church (a term which belies the French nature of the concept, as "Gallican" is a reference to the church of Gaul in the area that would eventually become France), its negotiated freedoms, and the ways that both Gallicanism and the Church itself helped to structure French political as well as religious life, see Jotham Parsons, *The Church in the Republic: Gallicanism and Political Ideology in Renaissance France*

understanding, in part, came out of the belief that the state and Church were inseparable as both required the legitimacy of the other. The Church required the protection of the monarch, and the monarch required the legitimization provided through the appearance of being chosen by divine will.

The French Revolution, however, upended both the idea that the state and the Church were inseparable and the idea (necessary to the peace established after the Reformation), that one had to adhere to the religion that was professed by the monarch under whom one lived. Suddenly, as Rémond shows, through the tenth article of the Declaration of the Rights of Man and Citizen, one had the right to choose the religion to which one belonged. Thus, through the separation of the society into three parts — religion, state, and civil society — the entire system of belief that had relied on the unitary nature of all three crumbled.[56]

Of course, it is worth noting that the collapse of the old system did not occur overnight, and, in fact, many French priests played a role in the early days of the Revolution. From the very beginning of the Revolution, several clerics in the first estate sided with the revolutionary demands of the third estate. Some of these more reform-minded priests, like the famous Abbé Seiyés, not only wanted to reform the Church, but were integral to the revolution itself, aligning their ideals with that of the third estate in the estates general.[57] As time went on, some priests

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(Washington, DC: Catholic University of America Press, 2004); Tyler Lange, *The First French Reformation: Church Reform and the Origins of the Old Regime* (New York: Cambridge University Press, 2014).

[56] Rémond, *Religion and Society*, 38. Of course, it is worth noting that even in the *ancien régime*, the Church, state, and civil society were never completely unitary, not just for political reasons but because France contained non-Christians in the form of Jews. Nevertheless, the ideal was that of a unitary state, religion, and civil society.

[57] Seiyés became an indispensable figure in the beginning of the French Revolution and its continuance afterward. His work, *What is the Third Estate?* formed the backbone for much of the

even argued that shifting the care of the Church over to the people was functionally no different than the Gallican order that placed the monarch as the head of the Church.[58] And throughout the revolutionary period, priests struggled to maintain their legitimacy and the legitimacy of the Church in the face of the new reality that saw the destruction of monasteries, liquidation of Church property, institution of civil marriage and divorce, and countless other changes that directly challenged Church authority.[59]

Still some priests, while similarly reform-minded, rejected the more revolutionary aspects of the Revolution. They tried to find a middle path through the Revolution that would allow the Church to move in a new direction. This was an attempt to preserve the Gallican tradition of the French Church, as it, like the ideals coming out of the Revolution, allowed for the long-held belief that the French state should have some control over the role the Church played in society. The old Gallican tradition, however, remained predicated on an idea of a monarch who had been ordained by God heading the state. Absent that concept and the legitimacy provided to both the monarch and the Church through that arrangement, the idea of the Revolutionary Gallican Church fell apart.

The "Civil Constitution of the Clergy," which nationalized the Catholic Church in France, required all clergy to swear an oath of loyalty to the state, devalued the authority of the

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early revolutionary ideology in the French Revolution. Emmanuel Joseph Sieyès, *What Is the Third Estate?*, trans. M. Blondel (New York: Praeger, 1964).

[58] Michael Burleigh, *Earthly Powers: The Clash of Religion and Politics in Europe from the French Revolution to the Great War* (New York: Harper-Collins, 2005), 48-50, 59.

[59] For an in-depth examination of the ways that priests tried to navigate the path through the French Revolution and the differing ideologies that they tried to incorporate into this path forward, see Joseph F. Byrnes, *Priests of the French Revolution: Saints and Renegades in a New Political Era* (University Park: Pennsylvania State University Press, 2014).

pope, and made bishop and archbishop elected positions, was adopted on July 12, 1790. The Civil Constitution of the Clergy was, in essence, the last chance to preserve the Church in France in the face calls to rid the state of religious superstition altogether. More than half of the priests who were obligated in 1791 to take an oath of loyalty to the state and accept the reforms of the Civil Constitution did so. But while Rome had accepted the Gallican Church despite the authority it ceded to the monarch, it rejected outright the so-called "Constitutional Church," especially after the institution of the deistic "Cult of the Supreme Being."[60] It was not until Napoleon established a concordat with the Church in 1801 that relations between the Church and France began to thaw.[61] Regardless of the Concordat, after the French Revolution, many members of the clergy began to question the political theology of the Church in Europe

In Austria, questions about the proper place of the Church within the state had been present since even before the French Revolution. The reforms of Emperor Joseph II between 1781 and 1784 had limited the power of the Church and led to a greater degree of control in Church affairs by the monarch. While Joseph II certainly maintained the primacy of the Catholic Church in the monarchy, he effectively created a pseudo-gallican state-run Church by controlling the activities of monasteries, overseeing clerical education, and limiting contact between bishops and the pope or other international religious organizations.[62] By the nineteenth century, however,

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[60] Pope Pius VI rejected the Civil Constitution and the oath of loyalty in his briefs, *Quod Aliquantum* and *Charitas Quae*. Pius VI, *Quod Aliquantum*, March 10, 1791; Pius VI, *Charitas Quae*, April 13, 1791.

[61] For more on the Concordat of 1801, see chapter three.

[62] John W. Boyer, *Political Radicalism in Late Imperial Vienna: Origins of the Christian Social Movement, 1848-1897* (Chicago: University of Chicago Press, 1981), 123-8; Pieter M. Judson, *The Habsburg Empire: A New History* (Cambridge, MA: The Belknap Press of Harvard University Press, 2016), 69-70.

the prevailing sentiment of the role of the Church in Austrian politics (and many of Josephs reforms) reversed, trending toward ultramontanism, or a belief in the primacy of the pope in all things, including the secular world.[63] This reversal paradoxically legitimized the French Revolution's paradigm shift regarding the separation between Church and state. The very question of the degree of influence the Church should play in the state assumes that there is not an immutable answer to that question. Even more, shifting the paradigm confirms its mutability. In other words, questioning and revising the role of the Church in the state implies the potential for a state in which religion plays no role in governance at all. This very potential was, according to Rémond, not only atheistic, but essentially an invention of the nineteenth century.[64] Of course, this assertion overlooks the centuries of discourse on this issue. Nevertheless, an argument can be made that the acceptance of this potentiality in the nineteenth century demonstrates the fact that a true separation of Church and State did not exist previously. Thus, from 1781 through the nineteenth century, the political theology of the Church in the Habsburg Monarchy was continuously in flux.

As time went on from their initial adoption in 1563, it became clear that the Tridentine Reforms, though certainly flexible enough to navigate three centuries of conflicts, were not equipped to deal with the modern era. The complete political rupture that ensued from the French Revolution upended the concepts that underpinned the very fabric of European governance, requiring a new conception of the relationship between the church and the state. Despite the attempt to restore the Bourbon dynasty and, thus, the basis of Catholic legitimacy in France and beyond, Church leaders felt the need to formulate a new political theology at the beginning of the

[63] Boyer, *Political Radicalism*, 127.

[64] Rémond, *Religion and Society*, 53-55, 77-79.

nineteenth century.[65] As French revolutionary sentiment spread throughout Europe, the Habsburg clergy felt the existential threat posed by political and religious ideologies. As the basis of the Habsburgs' power was religious and (at least since the Reformation) the defense of the Church seemed to be their *raison d'être*, defending against attacks on the Church became their priority.[66] And, thus, the Habsburgs sought to defend the Church against one more enemy — modernity, itself.

Austrian Catholic Political History

Throughout its history, the Habsburg Monarchy maintained a special relationship to the Catholic Church. The mythology surrounding the Habsburg Monarchy's founding and the fact that the Habsburgs were one of the most important families in the whole of Europe, ruling both the Habsburg hereditary lands and the Holy Roman Empire, firmly demonstrated its continued reliance on and defense of the Church. Though the monarchy sometimes found its own goals at odds with the Church hierarchy and would certainly work around the Church when necessary, its reliance on the legitimacy that the Catholic Church necessitated a degree of deference to the Church. By the nineteenth century, the Church not only was a source of legitimacy for the monarchy, but the monarchy also attempted to use it as a force for unification in an increasingly

[65] For more on the Bourbon restoration, the attempts to restore Catholic legitimacy in France, and the views of this movement from other European powers, see Guillaume de Bertier de Sauvigny, *The Bourbon Restoration*, trans. Lynn Marshall Case (Philadelphia: University of Pennsylvania Press, 1967); Sudhir Hazareesingh, *The Saint-Napoleon: Celebrations of Sovereignty in Nineteenth-Century France* (Cambridge, MA: Harvard University Press, 2004).

[66] For more on the religious origins of the Habsburg dynasty, see below.

fractious nationalist landscape.[67] This project, however, was not entirely successful, as not all in the monarchy were Catholic, and nationalists increasingly attached national significance to confessional identity.[68]

Oscar Jászi famously listed the Catholic Church as one of the two most solid pillars of stability in the monarchy (along with the army). More recent historians, however, have shied away from seeing the Church as monolithic. Like nationalism, local identity, and other markers of loyalty, the Church was an ever-changing concept, not the simple pillar of stability that Jászi presented in 1929.[69] As seen in the case of the Czechs, Habsburg association with Catholicism could, in actuality, be a disintegrating force. Czech nationalists viewed the Catholic Church as the personification of the Habsburg Monarchy itself, a symbol of Habsburg (and thus German) oppression.[70] Nevertheless, the monarchy still clung to its association with the Church.

One of the founding myths of the Habsburg dynasty began with Rudolf I in 1273, the first Habsburg to hold a royal title and the first ruler of the Holy Roman Empire after the "Great

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[67] Oscar Jászi, *The Dissolution of the Habsburg Monarchy* (Chicago: University of Chicago Press, 1929); Judson, *Habsburg Empire*, 40-41, 280.

[68] While the overwhelming majority of Habsburg subjects were Catholic by birth (78.85% at its lowest point in 1910), there remained a sizable portion of non-Catholics, including Protestants, Orthodox Christians, Jews, and other confessions; *Die Hasburgermonarchie, 1848-1918*, vol. 4, *Die Konfessionen,* ed. Adam Wandruszka and Peter Urbanitsch (Vienna: Verlag der Österreichischen Akademie der Wissenschaft, 1985), Table 3.

[69] In recent years, Habsburg historians have begun to chip away at Jászi's paradigm, showing how Jászi's centripetal and centrifugal forces were not nearly as neat as he assumed. The first of these arguments to fall was that of nationalism, with historians such as István Deák calling the very idea of nationalism in the Habsburg Monarchy into question as early as 1967; István Deák, "Comments," *Austrian History Yearbook* 3, no. 1 (January 1967): 303-308.

[70] For more on the dynamics of Catholicism as a disintegrating force, see the discussion of the Marian column in Prague's Old Town Square in Nancy M. Wingfield, *Flag Wars and Stone Saints: How the Bohemian Lands Became Czech* (Cambridge, MA: Harvard University Press, 2007), 145-150.

Interregnum."[71] In the myth, Rudolf was riding his horse and encountered a priest bearing the eucharist. Being a pious Christian, he jumped off of his horse and offered the animal to the priest so that he could continue to bear the eucharist forward. This act, so the myth goes, was a test by God that allowed Rudolf to be the favored leader who could carry Christ forward to all the world, just as he had allowed the eucharist (i.e., the body of Christ) to be carried forward by the priest. As such, Rudolf was blessed to become a mighty ruler, and his family would continue on to be rulers of Europe through divine grace.[72]

The Habsburg myth proved to be a guiding religious principle for the members of the dynasty.[73] The eucharistic piety announced in this myth became not only a justification for Habsburg rule, but also an obligation for the family to continue to spread Christianity throughout Europe. When the Reformation threatened to upend or possibly destroy the religious order in Europe and the world, this obligation shifted from merely spreading Christianity to defending it against heretics who would pull the Church asunder, threatening the very soul of all the world.

The *Pietas Austriaca*, or Austrian piety, was in many ways always an expression of a political theology. On a geopolitical scale, the defense of Christianity through this eucharistic

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[71] The term "Great Interregnum" refers to the period between the deposition of the Frederick II, the Hohenstaufen emperor, in 1245 and the election of Rudolf I in 1273, during which there was no consensus on the true leader of the Holy Roman Empire. For more on this issue, see Martin Kaufhold, *Deutsches Interregnum und europäische Politik: Konfliktlösungen und Entscheidungsstrukturen, 1230-1280* (Hannover: Hahnsche Buchhandlung, 2000).

[72] Anna Coreth, *Pietas Austriaca*, trans. William D. Bowman, and Anna Maria Leitgeb (West Lafayette, IN: Purdue University Press, 2004), 14-15.

[73] It is worth noting, as Karin Schneider shows, that the founding myth of the Habsburg Monarchy became much more prevalent in the early nineteenth century, partly due to the necessity for the monarchy to legitimize its hegemony in Central Europe after the dissolution of the Holy Roman Empire. Karin Schneider, "King Rudolf I in Austrian Literature around 1820: Historical Reversion and Legitimization of Rule," *Austrian History Yearbook* 51 (May 2020): 134–51.

piety allowed for the continued rule and consolidation of power of the Habsburgs in the Holy Roman Emperor and beyond. At the Battle of White Mountain in 1620, for example, Emperor Ferdinand not only dealt a decisive blow against Protestants in the Bohemian lands, he also managed to consolidate his power there, effectively annexing the lands to the Habsburg realm where they remained until the dissolution of the monarchy in 1918.[74]

Austrian piety shifted over time from the eucharistic belief tied to the spread and defense of Christianity to that of a Marian piety devoted to the blessed virgin as a means of protecting the people and the Church through her role as an interlocutor between mankind and the divine.[75] This shift arose partly due to the continued need for political legitimization in the face of non-religious political struggles, in particular, with the accession of Maria Theresa through the Pragmatic Sanction in 1713, which made her empress of Austria but not empress of the Holy Roman Empire (which did not allow female sovereigns). In order to combat the political pressures of the wars that began after Maria Theresa's succession and the fear that they could lead to her deposition or even the dissolution of the empire altogether, the Habsburg dynasty relied on the promulgation of a Marian-centered piety that emphasized Maria Theresa's ability, like Mary, to protect her people in the face of all dangers.[76] Maria Theresa thus began her reign,

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[74] The Battle of White Mountain would hold a special place in the world of Czech nationalists, becoming the main symbol ro them of the German Habsburg domination of the Czech nation. In that world, nationalist symbols assumed an odd religious dimension, with Catholicism associated with Habsburg oppression. As a result, after World War I, Czech nationalists destroyed Catholic symbols, including the Marian column in Prague's Old Town Square in 1918, shortly after Czech independence. See Wingfield, *Flag Wars*, 144-148; Judson, *Habsburg Empire*, 435.

[75] Coreth, *Pietas Austriaca*, 47.

[76] Coreth, *Pietas Austriaca*, 65-66; Judson, *Habsburg Empire*, 22-29. The idea of gendered dimensions of piety and piety's general fluidity in the face of political and gendered spaces have been explored both in the Catholic Church and beyond. For a survey of these ideas in the European Christian world, see Catherine M. Mooney, ed., *Gendered Voices: Medieval Saints and Their Interpreters* (Philadelphia: University of Pennsylvania Press, 1999); Anders Jarlert, ed.

which lasted from 1740 to her death in 1780, with a pilgrimage to one of the Monarchy's most important religious sites — Mariazell.[77] The hope was that Marian piety would help to legitimize her political power by assuming a gendered idea of faith rather than resisting the gender dynamics altogether.[78]

While religious legitimizations of political power were by no means unique to the Habsburgs, having been used by many other monarchies in Europe during the Middle Ages and beyond, few utilized them to such a great effect. And through their continued struggles with non-Catholics during the Reformation and afterwards, the Habsburgs established themselves as one of the greatest and last bastions of Church power in Europe.

For the last fifteen years of Maria Theresa's reign until her death in 1780, her son, Joseph II, ascended the throne as co-regent. Beginning in the co-regency and strengthening after he became the sole ruler of the empire, Joseph II hoped to usher in new a period of reform in the monarchy through his use of "enlightened absolutism" or, as it would later be known, Josephinism. Joseph followed the project of his mother in an attempt to solve the problems of

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Piety and Modernity (Leuven, Belgium: Leuven University Press, 2015); Femke Molekamp, "Seventeenth-Century Funeral Sermons and Exemplary Female Devotion: Gendered Spaces and Histories," *Renaissance and Reformation / Renaissance et Réforme* 35, no. 1 (Winter 2012).

[77] Mariazell was a site of Marian devotion for centuries. Though it experienced a period of decline in the late eighteenth century due to religious reforms in the Monarchy, it would nonetheless make a resurgence in the nineteenth century. See Alison Frank, "The Pleasant and the Useful: Pilgrimage and Tourism in Habsburg Mariazell," *Austrian History Yearbook* 40 (April 2009): 157-182.

[78] Marian devotion has a long history in the Catholic Church. During the Counter Reformation, a militant Mary became one theme in Catholic struggles against Protestantism. Following the Tridentine reforms, this devotion fell out of favor, but it nonetheless continued, including in the Habsburg Monarchy. For more, see Bridget Heal, *The Cult of the Virgin Mary in Early Modern Germany: Protestant and Catholic Piety, 1500-1648* (Cambridge, UK: Cambridge University Press, 2007).

ruling such a vast and diverse state in as efficient a manner as possible. Under Joseph II, "The bureaucracy," according to John Deak, "would become a pillar of Austrian statecraft," and a means by which the Habsburgs could assert their control in a modern world.[79] Joseph's modernization efforts, while earning him the admiration of some, also earned him the ire of others.[80] Joseph II's attempt to make German the administrative language in the monarchy as a means of making the bureaucracy more efficient was later intentionally misinterpreted as a nationalistic act favoring Germans over other national groups.[81] In his own time his reputation was that of a reformer and the "people's emperor" or *Volkskaiser* due to his travels throughout the monarchy and his abolition of so-called *Leibeigentum* for serfs, which allowed peasants to marry, relocate, and choose an occupation without having to first consult their lord.[82] However, by the nineteenth century, German nationalists tried to rebrand Joseph II as the "German Emperor," or *Deutschkaiser*.[83] But it was not just bureaucratic reforms that characterized Josephinism. He also changed the relationship of the Habsburg state to the Austrian Church.[84]

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[79] John Deak, *Forging a Multinational State: Statemaking in Imperial Austria from the Enlightenment to the First World War* (Stanford: Stanford University Press, 2015), 16.

[80] For more on Joseph II's bureaucratic reforms and their legacy in the Habsburg Monarchy, see Winter, *Josefinismus*; Deak, *Forging a Multinational State*.

[81] Judson, *Habsburg Empire*, 55.

[82] Many of the peasant duties that make up "serfdom," such as the labor due to the lord, the *Robot*, remained until 1848, but the freedom afforded by Joseph II's reforms nonetheless changed the relations between lord and peasant. Judson, *Habsburg Empire*, 70.

[83] Wingfield, *Flag Wars*, 17-47.

[84] Though some of the Josephinist reforms are discussed below, it is beyond the purview of this dissertation to discuss all of the changes in the relationship between the Habsburg state and the Austrian Church here. For more, see Georgine Holzknecht, *Ursprung und Herrkunft der Reformideen Kaiser Josefs II. auf kirchlichem Gebiete* (Innsbruck: Wagner, 1914); Ferdinand Maaß, "Maria Theresia und der Josephinismus," *Zeitschrift für katholische Theologie* 79, no. 2 (1957): 201–13; Winter, *Josefinismus*; Elisabeth Kovács, *Ultramontanismus und*

During the co-regency, Joseph II was largely limited by his pious mother in actions affecting the Catholic Church. After her death, however, he attempted to exert greater governmental control over the Catholic Church by limiting the Church. He hoped to create an Austrian state Church along the lines of the French Gallican model, going so far as to create state-run seminaries, limit the ability of Austrian bishops to directly contact the Pope, and regulate almost all aspects of Catholic piety.[85] In addition, Joseph II also granted more rights to non-Catholic Christians with the Patent of Tolerance in 1781, which allowed them to practice their religion freely. The next year, the Edict of Tolerance of 1782 granted the same rights to Jews. Through these programs, Joseph sought to help unify his subjects and gain their loyalty, even if they were not unified in religious confession.[86]

Joseph II remained acutely aware of the role the Church played in the legitimization of the Habsburg family. The two institutions co-existed within a circular framework in which the Monarchy recognized that it theoretically obtained its authority from the Church (and was thus beholden to the Church's authority), while simultaneously asserting that the Church itself could only act with the consent of the sovereign monarch, owing to the monarch's temporal authority in that land, an authority that, in turn, was granted by the Church. In this way, the Monarchy under Joseph could utilize Catholic rhetoric for monarchistic purposes, forming an implicit

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Staatskirchentum im theresianish-josephinischen Staat: Der Kampf der Kardinale Migazzi und Franckenburg gegen den Wiener Professor der Kirchengeschichte Ferdinand Stoger (Vienna: Wiener Dom-Verlag, 1975); Derek Edward Dawson Beales, *Joseph II* (Cambridge: Cambridge University Press, 1987); Helmut Reinalter, *Josephinismus als Aufgeklärter Absolutismus* (Wien: Böhlau, 2008).

[85] Judson, *Habsburg Empire*, 69-70. More on Joseph II's reforms of the Church can be found in Winter, *Josefinismus*, 100-203.

[86] Judson, *Habsburg Empire*, 66-67.

statement of the inherent and indivisible position of the Church within the political system, while also attempting to limit the Church's authority when Church leaders were not in agreement with the monarch.[87]

While some of Joseph's contemporaries suggested these steps only slightly overstepped his authority, other conservatives charged him with Protestantism and, thus, outright heresy, citing his toleration of Protestants with the Patent of Toleration as further evidence.[88] Pope Pius VI even visited Joseph II in admonition for his behavior and as an attempt to correct the wrongs of the monarch. Despite the high profile of the visit and Joseph II's continued assertion of a Catholic identity and deference to the Pope, this visit did not materially change Joseph's behavior. He continued to pursue the subjugation of the Church's power within his lands until his death — a move that had devastating consequences for the Pope's power in Europe.[89]

Though Josephinist reforms certainly took the Habsburg Church into a more Gallican direction, the Monarchy as a whole and Joseph II himself still claimed to advocate for and promote the Catholic Church. Joseph's reforms ostensibly always had the Church's best interest at heart, attempting to root out corruption in the clergy and monastic orders and expand access to quality education for the laity.[90] Despite charges otherwise, Joseph II was not a secret Protestant. He continued to be a devout Catholic until his death with an especial pietistic devotion to the

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[87] Maaß, "Maria Theresia," 201–13.

[88] Though the exact origins of these charges is unknown, it is clear that this was a charge being levied against Joseph. Winter, *Josefinismus*, 100-1.

[89] Although focused on art, Jeffrey Collins does an excellent job of showing how the political issues surrounding Pius VI, including the snub of Joseph II, hindered his abilities to achieve everything he hoped during his papal tenure; Jeffrey Collins, *Papacy and Politics in Eighteenth-Century Rome: Pius VI and the Arts* (New York: Cambridge University Press, 2004), 23, 51-54.

[90] Winter, *Josefinismus*, 103.

eucharist, still believing in the Church, even if his ideas of that institution differed from that of the Church itself.[91]

After Joseph II's death in 1790, his successors had to grapple with a seemingly apocalyptic event gripping Europe and ensnaring the Church — the French Revolution. Whether or not this was the sole cause, the trajectory of Joseph II's religious reforms after his death quickly shifted to meet the challenge of the Revolution head on, turning the Habsburg Monarchy once again into the "Last Defender of Catholicism."[92]

The idea that the Habsburg Monarchy was the last bastion of the Church against the forces of evil was not a new one. Since the Reformation and the Thirty Years' War, the Habsburgs had battled against anti-Catholic forces. By the time of Francis II (1792-1806; called Francis I after dissolving the Holy Roman Empire and assuming the title of "Emperor of Austria," 1804-1835), the idea of the Habsburgs as the true defenders of the faith had been baked into their mythology.[93] The idea that the Monarchy was destined to protect the Church from the vicissitudes of heresy and revolution made up the core of who the Habsburgs were as much as the story of Rudolph and the Eucharist had helped spread the idea of how they came to be.

Following the tumultuous years of the French Revolution, in which Francis II became Francis I, losing the title of Holy Roman Emperor and gaining the title of Emperor of Austria, the Habsburg Monarchy underwent several shifts, ultimately culminating in the Revolutions of

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[91] Coreth, *Pietas Austriaca*, 24-25.

[92] As John Deak notes, Josephinism did not die out after the death of Joseph II, but rather continued through the bureaucracy. His religious reforms, however, took on a different hue after the French Revolution. Deak, *Forging a Multinational State;* RJW Evans, "Communicating Empire: The Habsburgs and Their Critics, 1700-1919, the Prothero Lecture," *Transactions of the Royal Historical Society* 6, no. 19 (2009),129.

[93] Coreth, *Pietas Austriaca*, 25, 67.

1848. Though historians have extensively explored the broad political link between the Revolutions of 1848 and the French Revolution, the political-theological link between the two revolutions has received relatively little attention. Nevertheless, the development of the political theology that began to dominate in Europe after 1848 took much of its initial inspiration from the ways that Catholics had navigated the French Revolution. Though dated, Hans Maier's 1965 book, *Revolution und Kirche: Studien zur Frühgeschichte der christlichen Demokratie 1789-1901*, does an excellent job delineating the ways the experience of Catholics in France during and after the French Revolution influenced political ideology and, in some ways, political theology in Europe.[94]

Maier's overarching point is that French revolutionary ideas led the Church to come to terms with its own views of the role it played in the state. The works of such authors as French priest and political theorist, Félicité de La Mennais (popularly known as Lamennais) formed the intellectual basis for a liberal Catholicism. Although Lamennais saw his ideas, which advocated extending the suffrage to more people, strengthening the divisions between the church and the state, and loosening other societal restrictions, as a remedy for the issues raised by the French Revolution, many Church leaders, such as Pope Gregory XVI (1831-1846) himself, who condemned Lamennais in his papal encyclical *Singulari Nos*, believed that his brand of liberal Catholicism threatened the current Catholic order.[95] Although the reaction against this liberal Catholicism defeated the ideology for a time, it nonetheless formed a dialectical synthesis with

[94] Maier, *Revolution and Church*.

[95] For an excellent treatment on the ways that Lamennais's works reflected both the changing political landscape in Europe and the changing ideas of Lamennais himself as he eventually left the Catholic Church, see Thomas Kselman, "God and Liberty?: Lamennais, Catholicism, and Freedom of Conscience," in *Conscience and Conversion, Religious Liberty in Post-Revolutionary France* (Yale University Press, 2018), 157–91.

the more conservative ideologies in order to create the political theological basis that dominated the last half of the nineteenth century.[96] This liberal Catholicism played a role in the development of Catholic political theological paradigms in Austria during 1848.[97]

Though Maier focuses mainly on France and his ideas are rather teleological, focused as he is on the late twentieth century, his dialectical model of political theological ideologies in the nineteenth century nonetheless provides an interesting basis from which the examination of Austrian political theology can begin. The characterization of the *Vormärz* period as one of ideological transition (and not simply structural transition) in the Church is important in order to understand developments after 1848. Let us begin by analyzing the political landscape in the *Vormärz* era in Europe as a whole.

European Political Theology in the Vormärz

The fall of Napoleon in 1815 ushered in the *Vormärz*, the period before the Revolutions of 1848, which began in March of that year. For much of Europe, but especially Austria and Prussia, this was a period of state censorship and the oppression of liberalism.[98] In Austria,

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[96] Gregory denounced the works of Lamenais in his encyclical, "Singluari Nos," which directly attacked Lamenais's pamphlet, "Paroles d'un croyant," as igniting the "torch of treason," saying that once that happens, "it ruins public order, fosters contempt of government, and stimulates lawlessness." Gregory XVI, *Singulari Nos (On the Errors of Lamenais)*, June 25, 1834, encyclical letter, Papal Encyclicals Online, https://www.papalencyclicals.net/greg16/g16singu.htm.

[97] See Chapter 2.

[98] For an overview of the conservative order in *Vormärz* Austria and how it helped contribute to the formation of a "liberal" movement in Austria, which was often paradoxically illiberal and "exclusionary," see Otto Rommel, *Der österreichische Vormärz, 1816-1847* (Leipzig: P. Reclam, 1931); Pieter M. Judson, *Exclusive Revolutionaries: Liberal Politics, Social Experience, and National Identity in the Austrian Empire, 1848-1914* (Ann Arbor: University of Michigan Press, 1996).

Prince Klemens von Metternich also sought to create a balance of power in Europe. Opposition to the conservative order that he oversaw in Austria, and his alliance with the papacy in creating the "Concert of Europe" led to the revolutions throughout Europe in 1848.[99]

While the so-called "Four Great Powers" — Austria, Great Britain, Prussia, and Russia — struggled with how to curb liberalism in the face of the general discontent with the repeal of popular laws that Napoleon had established throughout Europe, the Church also attempted to usher in a new era of belief and piety on the continent. The revolutionary moment in Europe that developed after 1830, the transnational spread of ideas, and the Church's new leadership both in and out of the Vatican combined to produce a renewed discourse about the nature of the Church and State. Though 1848 had profound implications to this discourse in Austria and throughout Europe (see Chapter 2), the stage for this discussion was set in the *Vormärz*.[100]

In some ways, the Church, by critiquing liberalism, actually helped the movement gain support. As Raymond Grew notes in his chapter "Liberty and the Catholic Church in Nineteenth-Century Europe," liberals were often able to articulate their own ideas both through the foil of the Church and by emulating the particular structures and rhetorical strategies of the Church as a means of maintaining support.[101] The Church's opposition to liberalism's emphasis on reason and democratization rather than the divine truth of the Church and the authority of its hierarchy

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[99] For the Concert of Europe and the ways in which Metternich and the papacy found a political balance after the French Revolution, see Alan J. Reinerman, *Austria and the Papacy in the Age of Metternich* (Washington, D.C: Catholic University of America Press, 1979).

[100] Maier, *Revolution and Church*, 29.

[101] A similar idea of an ideology consciously or unconsciously utilizing the symbols and language of the Church as a means of advancing their ideology can be seen with the French Revolution in Dale van Kley, *The Religious Origins of the French Revolution: From Calvin to the Civil Constitution, 1560-1791* (New Haven: Yale University Press, 1996).

often manifested itself in public criticism of liberalism's "hypocrisies." Liberals were able to clarify and strengthen their arguments through the Church's opposition and, in this way, strengthen their own support. However, despite the Church's opposition to liberalism, Grew rightly notes that the Church's association with conservatism was not quite inevitable, and that the Church in the beginning of the nineteenth century was actually quite divided on every aspect of Church life, including its compatibility with liberalism.[102]

Although we often conceive of the Church as a monolithic structure (a view that the Church perpetuates), individuals within the Church had their own views, which varied from place to place and person to person. The discourse about even small issues led to heated debates in the press, at mass, and even in an increasing number of pastoral letters and papal encyclicals.[103] But even this antagonism can be misleading, as focusing on the loud, public debates obscures the quiet arguments and passive reconciliations in all corners of the Church. As Grew notes, within the larger society, "the Catholic Church was an engaged participant, institutionally active, socially creative, full of opinions noisily promulgated, and a source of immensely varied responses."[104] And just as the Church participated in the discussions of the secular world, affecting how liberals saw themselves, the secular political ideologies of the time

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[102] Raymond Grew, "Liberty and the Catholic Church in Nineteenth-Century Europe," in *Freedom and Religion in the Nineteenth Century*, ed. Richard Helmstadter (Stanford: Stanford University Press, 1997), 200.

[103] Though papal encyclicals have been used at least since the Middle Ages, the modern use of encyclicals as a means of settling theological debate first arose in 1740 under Benedict XIV and would be used more extensively under Pius IX. Likewise, bishops in Austria would begin using their pastoral letters as their primary means of communicating with the laity (an issue which will be explored extensively in Chapter 4). Herbert Thurston, "Encyclical," in *Catholic Encyclopedia*, vol. 5 (New York: Robert Appleton Company, 1909), https://www.newadvent.org/cathen/05413a.htm.

[104] Grew, "Liberty and the Catholic Church," 200.

likewise affected the Church. This back and forth forced the Church to adapt throughout the nineteenth century, just as the Church had forced the liberals to do the same. In the end, liberal factions of Catholicism developed out of the discourse, with some advocating that a more democratic structure of government was, in fact, the best way forward.[105]

Perhaps one of the important points for the rise of liberalism within the Church in 1848 was the influence of transnational political and theological thought. For the Catholic Church in Europe and elsewhere in the nineteenth century, religion formed a crucial transnational and non-national linking structure that allowed for many different views to circulate among the priests and bishops. Certain Church structures within different borders maintained their own national character through the personal influence of the monarch (such as the French Gallican Church discussed previously) or simply their own local customs (through syncretic religious ideas such as those emerging from the blend of indigenous religions with Catholicism). Nevertheless, there existed a paradoxical notion by which the Catholics within any given space, with their own national idiosyncrasies, were separate from the rest of the Church while, at the same time, being completely and wholly linked to all other Catholics through their union with the Catholic Church.[106] This concept is embodied in the so-called "Four Marks of the Church," expressed throughout the Catholic (and non-Catholic) liturgy, which holds that Catholics believe in "one,

[105] See chapter two; Vincenz Eduard Milde, "Nachdem die Constitution des Staates von Sr. k.k. Majestät am 25. April" (Vienna, 1848).

[106] This paradox is often associated with the Christian syncretism necessary in order to spread Christianity in Europe in the early days of its existence, but such syncretism and the notion of competing catholicisms within the larger Catholic Church continued to exist long after the Middle Ages and persisting well into the nineteenth century. An example of this syncretism can be found in the apparition, subsequent controversy, and later adoption of "Our Lady of Guadalupe" in Mexico in 1895; D. A. Brading, *Mexican Phoenix: Our Lady of Guadalupe* (New York: Cambridge University Press, 2001).

holy, catholic, and apostolic Church."[107] Through this belief, the Churches, though having their own character, are not (and indeed cannot possibly be) separate, as they are all completely and unequivocally indivisible through the singular body of Christ.

In the early modern period, the Catholic Church itself expressed this idea through the Catechism of the Council of Trent, which continued to be in use well into the nineteenth century. In explaining Article IX of the Apostles' Creed, the catechism focused on the statement of belief in "the Holy Catholic Church." It maintained the idea that the Church was composed of many parts, but out of those many, was one universal Church, united in spirit, hope, and faith. This unity was in opposition to heresy that would claim that the Church was not unified.[108]

The Church, however, afforded a degree of flexibility to the distinction between heresy/schism and orthodoxy. The Church understood that there would inevitably be certain differences in belief and allowed for people to maintain those differences, as long as they maintain the ideas as presented in the Apostles' Creed — especially that of the belief in the oneness of the Church.[109] Furthermore, the catechism takes great pains to relate the differing individual parts of the Church to what Paul said in his epistles to the Corinthians and Ephesians,

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[107] This is expressed multiple places in the Catholic liturgy, but it was first established in the First Council of Constantinople in 381AD, with the misleadingly-named Nicene Creed; MacCulloch, *Christianity*, 219.

[108] It may be worth noting that there are two versions of the word "catholic." The first, signified with a lower-case "c," is a more generalized term meaning, "all embracing," or "universal," while the other, signified with a capital "C," refers to the Catholic Church itself. While the latter is more common, the former is still utilized in many respects, especially in the case of Protestant churches, who may borrow the liturgy of the Catholic Church, but have shifted the meaning to include all Christians.

[109] Pius V, *The Roman Catechism: The Catechism of the Council of Trent for Parish Priests* (n.p.: Veritatis Splendor Publications, 2013), 143; For more on the reality of the unity of the Church in the face of real-world challenges, see Eric J. DeMeuse, *Unity and Catholicity in Christ: The Ecclesiology of Francisco Suárez, S.J.* (New York: Oxford University Press, 2022).

that the Church of Christ is like the human body.[110] This body consists of many different parts, each with their own functions, but all are unified through the animation of the holy spirit.[111]

In 1835, Pope Gregory XVI confirmed the belief in one unified Church, which stretched across borders in his encyclical, *Commissum Divinitus (On Church and State)*. In this encyclical, Gregory argued forcefully for the unity of the Church in divine matters, separate from the political machinations of states due to the belief in separate but linked spheres of influence, backed by the scriptures.[112] This idea, which built on his earlier 1832 encyclical, *Singulari Nos*, that condemned the works of Lamennais and denounced liberalism, paradoxically both *opposed* the separation of the Church from the State and *embraced* the notion of a Church governed transnationally by the ecclesiastical authority alone.[113] In this formulation, the Church and the state were inseparable by virtue of their relationship to the divine and, thus, the Church and the state should work together for their own mutual benefit. At the same time, the Church and the state were separable, with the Church needing to govern its own affairs and having limited intervention in the affairs of the state, and only when those affairs directly affected the Church. By advocating for this relationship, which I call separative inseparability, Gregory illuminated the paradox that formed the basis of the Catholic Church's ideal of transnationalism, that is that it was both wholly national and wholly transnational at the same time.

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[110] Ephesians 1:15-23.

[111] Pius V, *Catechism of the Council of Trent*, 152.

[112] Gregory XVI, *Commissum Divinitus (On Church and State)*, May 17, 1835, encyclical letter, Papal Encyclicals Online, https://www.papalencyclicals.net/greg16/g16commi.htm.

[113] Gregory XVI, *Mirari Vos (On Liberalism and Religious Indifferentism)*, August 15, 1832, encyclical letter, Papal Encyclicals Online, https://www.papalencyclicals.net/greg16/g16mirar.htm.

Singulari Nos was essentially the beginning of the Church's nineteenth century acceptance of ultramontanism: an idea predicated on the belief in the supreme authority of the pope in all matters, both spiritual and temporal. Although, in this idea, the pope did not have the right to interfere in the affairs of states, Catholics should, nonetheless, follow his advice and act accordingly in their own locales. Although the revival of ultramontanism in the nineteenth century is usually associated with Pius IX due to his championing of the dogma of papal infallibility in the First Vatican Council from 1869-1871, a dogma that was often either misunderstood or cynically used as a political tool to cast doubt on the loyalty of Catholics, ultramontane ideas could be found within the Church for quite some time, having moments of popularity and moments of unpopularity, depending on the circumstances.[114]

Austrian Political Theology in the Vormärz

Though the transformation of political theology in Austria began during the *Vormärz,* the leaders who would eventually drive the theology — the warring theologians, Anton Günther and future Cardinal Joseph Othmar Rauscher — were not yet the dominant powers in the Habsburg Church. It was Archbishop Milde who dominated. Milde held a deep and unending respect for the both the office of the emperor and the emperor himself, which shaped his views of the role of Church and state. Though he seemed to profess an "apolitical" political theology, which sought to eschew political discourse in the interest of stability, his politics nonetheless manifested as a *Habsburgtreu* Gallican-esque anti-ultramontanism that sought to obey the emperor as a means of

[114] The fight over ultramontanism was used as a justification for the *Kulturkampf* in Germany in 1870, (see Chapter five). For an overview of ultramontanism, see Wolfram Kaiser, "'Clericalism – That Is Our Enemy!': European Anticlericalism and the Culture Wars," in *Culture Wars: Secular-Catholic Conflict in Nineteenth-Century Europe*, ed. Wolfram Kaiser and Christopher M. Clark (Cambridge: Cambridge University Press, 2003).

promoting that stability. By the time of the revolutions of 1848, his *Habsburgtreu* stance became his primary political identification, while he continued to advocate an apolitical attitude toward political theology.

Born in 1777, Milde was the son of a bookbinder in Brünn (Brno), Moravia. He entered the seminary in Vienna at age 17 after studying philosophy in Vienna. After his studies, he quickly rose through the ranks of priests and became court chaplain at Schönbrunn, the Habsburg summer palace in Vienna, in 1805.[115] Prominent even earlier as the first chair of pedagogical studies at the University of Vienna, it was at Schönbrunn that his life would completely change. While walking the grounds one night, Milde saw that Emperor Francis was extraordinarily distraught because of a defeat at the hands of Napoleon.[116] Milde tried to comfort the emperor in his time of need. Francis was indeed comforted by Milde's words, and he vowed that he would never forget the help that Milde had extended to him. Milde's quick rise through the ranks of the Austrian Church and his distinction as the first non-noble to be appointed archbishop of Vienna certainly attests to the fact that the emperor favored him from this point forward. Thus, in 1823, Milde became bishop of Leitmeritz (Litoměřice), Bohemia, on the recommendation of Emperor Francis, and, just nine years later, was appointed as prince-archbishop of Vienna.[117]

Before 1848, Milde was most known for his achievements in the domain of Catholic education and pedagogy in the Monarchy. His most famous work was the *Lehrbuch der*

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[115] Karl Wotke, *Vinzenz Eduard Milde als Pädagoge und sein Verhältnis zu den geistigen Strömungen seiner Zeit* (Vienna: W. Braumüller, 1902), 12.

[116] It is unknown what specific battle Milde's biographer referred to.

[117] Ginzel, *Reliquien*, xxiv. Two of the most-cited sources for this event are the biographical introduction to a collection of Milde's works written by J.A. Ginzel immediately after Milde's death and the examination of his pedagogical innovations in Austria, written by Karl Wotke in 1902.

allgemeine Erziehungskunde, a massive two-volume treatise on the most effective methods of teaching within the strictures of a Catholic education. Though educational issues eventually became one of the most highly-contested points in the discussions about the separation of Church and state in Austria, and Milde certainly believed the Church should have control over education, his writings before 1848 were relatively devoid of overt political discussion.[118]

That is not to say Milde never mused about politics. In fact, there were several points in which he did directly address political issues, but they almost always were simply calls to support the emperor in whatever he believed was best. In 1831, for example, when Milde's bishopric of Leitmeritz was beset by an outbreak of cholera, Milde, unlike other Church leaders who wanted to defy state measures, admonished his bishops to tell their parishioners to obey the emperor and the state administration. He declared that Catholics should be comforted with prayers and the knowledge that if the Lord decided it was their time to die, then that was the Lord's will.[119] Milde's call to focus on the fragility of life echoed the Catholic idea of *Memento Mori*, which called for a reflection on death and the fleeting nature of human life as a means of contemplating the eternity of God and a life with Christ.

Milde's ideas on the separation of Church and state are, perhaps, best summed up in the speech he gave before the removal of the cross from the tower of the *Stephansdom* referenced at the beginning of this chapter. "The fear of God," he argued, "is the only solid foundation of

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[118] The *Lehrbuch* is an instructional manual and does not mention political issues other than in the abstract sense. Vincenz Eduard Milde, *Lehrbuch der allgemeinen Erziehungskunde im Auszuge* (Wien: Kaulfuß, 1821).

[119] Ginzel, *Reliquien*, 131-132. Milde's book of prayers would eventually be reprinted in 1849 in Vienna during another cholera epidemic. See Vinzenz Eduard Milde, *Christkatholische Betrachtungen und Gebete in den Tagen der Gefahr der Asiatischen Brechruhr (Cholera morbus)* (Leitmertiz: Carl Wilhelm Medau, 1831).

states." So long as both the emperor and the subject know that authority comes only from God and that one must obey that authority, then all people can be "connected by a holy bond, which is not bound by human arbitrariness, but by God's holy will."[120] Milde's belief that good Christians had to follow the emperor because he was appointed by God was the official argument of the Church, but already in *Vormärz* Austria, cracks in this ideology had begun to form among both the laity and the clergy itself. By 1848, Milde's stance was under siege by his own priests, and the shift toward a new political stance began to take shape — one that allowed for a greater degree of Catholic political action.

The *Vormärz* was, in many respects, a transitional period. It was during this time that positions taken later in the nineteenth century began to take shape, not just in the political sphere, but within the Church as well. New theological ideas began to percolate in the Monarchy, and a new battle emerged, which helped to shape the direction of the Monarchy's political theology (and thus the shape of the debates in the political sphere) for decades to come: the battle between the competing theologies of Anton Günther and future Cardinal Joseph Othmar Rauscher.

Joseph Othmar Rauscher was born the noble son of a senior civil servant in the Monarchy in Vienna in 1797. By the *Vormärz* era, he was curate of Hütteldorf and a professor of history and canon law in Salzburg. He became archbishop of Vienna in 1853 and was elevated to cardinal in 1855.[121] Anton Günther, on the other hand, was the son of a blacksmith, who, by the time of the *Vormärz*, had left the Jesuit order and was living as a private episcopate, teacher, and

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[120] Ginzel, *Reliquien*, 77.

[121] For an in-depth biography of Rauscher, his contemporary biographer, Cölestin Wolfsgruber remains one of the best, despite its fairly rosy picture that chooses to ignore some of Rauscher's less favorable opinions, including his antisemitism: Cölestin Wolfsgruber, *Joseph Othmar Cardinal Rauscher, Fürstbischof von Wien: Sein Leben und sein Wirken* (Freiburg im Briesgau: Herder, 1888).

theologian. Notably, both Rauscher and Günther were teachers of the future cardinal and archbishop of Salzburg, Friedrich Fürst zu Schwarzenberg.[122] However, their theological systems, while similar in many regards, had major conceptual differences that shaped their overall worldview and the ideas of how the Church could exist within the political system.

In his seminal study, *Political Radicalism in Late Imperial Vienna*, John Boyer noted the significant differences between Rauscher and Günther. Rauscher, he argued, tended toward an ideal in which there would be no state-controlled Church, but rather an autonomous Church that would control matters of the spirit, reserving management of civil society for the state.[123] Günther, on the other hand, did not believe that the Church should or could completely separate from the state, but should rather work with it in order to oppose outside cultural forces that could potentially wreak havoc on both institutions.[124] While Boyer notes these political discussions, he discounts the theology behind them, seeming to think that the underlying theology of both was the same, on the basis that they both derived from the official theology of the Catholic Church, despite their significant differences in interpretation.

While these conceptions of the Church-state relationship may seem similar, they in fact have very different theological underpinnings. Rauscher's view is a more traditional theological vision, following the proscription of Matthew 22:21 to "render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's," while Günther's rests on his particular theological dualism, in which each person existed as a resident of two realms – one of

[122] Wolfsgruber, *Rauscher*, 33, 61.

[123] Boyer, *Political Radicalism*, 131.

[124] Boyer, *Political Radicalism*, 132.

spirit and one of nature.[125] For Günther, the Church was the collection of individual spirits, while civil society was the collection of each person's sovereign nature. Thus, the state did not have dominion over the Church, but rather both were two manifestations of the innate traits of man, with their own distinct individual sovereignty with Christ.[126]

These two competing visions worked toward primacy in the Habsburg Monarchy until Rauscher's views, which blended more seamlessly with the ascendant Thomism of the nineteenth century, eventually won out. That is not to say that Günther's ideas did not have theological and political influence. Beyond his influence on individual preachers of the time, such as Johann Emanuel Veith, who popularized Günther's ideas in his polemics, his political ideas about the nature of the Church and the state filtered into popular consciousness in the *Vormärz*.[127]

Although Günther generally eschewed direct political discussions, preferring the metaphysical nature of theology to the physical nature of politics, his ideology nonetheless

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[125] For more on Rauscher's justifications for his beliefs in the separation of Church and State, see Wolfsgruber, *Rauscher*.

[126] Günther elaborates his theology in several tracts published between 1820 and his death. The most important for the purposes of this work are *Janusköpfe*, published in 1834, which sets out his particular ideas of the dual nature of reality in an attempt to reconcile belief with reason, and *Thomas a Scrupulis*, published a year later in 1835, which is a rationalization of his pantheism and how it fits within his particular cosmology. Both of these works can be found in: Anton Günther, *Gesammelte Schriften*, 9 vols. (Vienna: W. Braumüller, 1882). Elaborations of his ideas through a series of letters with his friends and followers can also be found in: Anton Günther, *Vorschule zur Speculativen Theologie des positiven Christenthums in Briefen, Erste Theil die Creationstheorie* (Vienna: J.B. Wallishausser, 1846). For more on Güntherian theology in context, see Christoph Kronabel, *Die Aufhebung und Begriffsphilosophie: Anton Günther und der Pantheismus* (Freiburg: Alber, 1989) and Bernhard Osswald, *Anton Günther: Theologisches Denken im Kontext, einer Philosophie der Subjuktivität* (Paderborn: Schöningh, 1990).

[127] For more on Veith, the influence of Günther on him, and how he spread Günther's ideas throughout the Monarchy, see Adam Bunnell, *Before Infallibility: Liberal Catholicism in Biedermeier Vienna* (London: Associated University Presses, 1990), 95-115.

translated directly into the discussions of political theology that developed in the *Vormärz*. He aptly demonstrated his political theology in an 1820 article written for the Redemptorist newspaper *Oelzweige*, which presented his ideas of the double-sovereignty of man and showed how they related to the fight for freedom in Switzerland and the revolutions in France. In Switzerland, he argued, the fight was based on resistance to the hubris of unjust occupation. France, however, arose out of a contempt for all authority, including the divine.[128] These competing visions of freedom demonstrated how the double-sovereignty of man necessitated some attention to authority, as God is still, even within Günther's dualist system, the ultimate authority. This belief justified his ideas of the state and the Church existing as both separate and interrelated entities and applied his concept of double-sovereignty to a revolutionary context in which the revolts against authority were justified.[129]

Rauscher's ideas about authority and the ability to support revolution on a Catholic basis differed from Günther's. In the twenty years after 1848, influenced by transnational ideas of papal authority and, in 1868, the arrest and trial of Bishop Rudigier of Linz (see Chapter 4), his conceptions shifted. Though Rauscher continued to oppose Günther's dualism, even going as far as urging the pope to condemn Günther's writings in 1856, it does seem that, at least in his political theology, Günther's ideas about the sovereignty of man and of the Church had an impact on Rauscher's thinking of how to oppose a governmental system while maintaining the

[128] Anton Günther, "Ansichten über den Zeitgeist," *Oelzweige* 2, no. 6 (January 22, 1820): 21-23.

[129] Anton Günther, "Ansichten über den Zeitgeist," Oelzweige 2, no. 6 (January 22, 1820): 21-23.

structures of the Church as he became the dominant political theological thinker in the Monarchy before his death in 1875.[130]

Milde's view of political theology was not far outside the European mainstream. In fact, he was very much influenced by Catholic thinkers in other countries.[131] This apolitical political theology, which rested on the idea that Churches should only have influence on Church matters was one that held sway in many circles throughout Europe — especially in the ecclesiastical hierarchy. In Austria, while the Mildean paradigm still dominated in the upper clergy, the lower clergy had by 1848 already begun to express new ideas of the proper place of the Church in society and governance.[132]

Although Günther and the future Cardinal Rauscher were certainly not low-level clergy, they nonetheless represent the dialogue between the laity and lower clergy, such as parish priests, and the middle to upper clergy, such as university theologians and bishops. Much as in other large institutions, the more revolutionary ideas of the masses filter more slowly through the ranks to the ruling parties, in part due to the complex relationships (and distinctions) between power and influence — concepts that have been discussed in sociology and political science extensively.[133] In this way, not only are more radical ideas tempered through their transmission

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[130] For more on the differences between Rauscher and Günther and their mutual antagonisms, see Thomas W. Simons, Jr., "Vienna's First Catholic Political Movement: The Güntherians, 1848-1857," *Catholic Historical Review* 55, no. 2 (July 1969): 173-194.

[131] For an overview of political theology in Europe at this time, see Jay P. Corrin, *Catholic Intellectuals and the Challenge of Democracy* (University of Notre Dame Press, 2002).

[132] John Boyer's two volumes on the development of the Christian Social Party, among other things, focuses on the radicalism of the lower clergy throughout Austria, particularly after 1848. Boyer, *Political Radicalism*; John W. Boyer, *Culture and Political Crisis in Vienna: Christian Socialism in Power, 1897-1918* (Chicago: University of Chicago Press, 1995).

[133] Beyond the classic interpretations of power in the vein of Gramsci and Weber's discourses on hegemony and counter-hegemony, many sociologist and political scientists have outlined models

and dialectical combination with more conservative ideas, but also the very combination of the views of the more powerful with the views of the less powerful (in a traditional sense) serves to legitimize the more radical ideas through both formal and informal processes.

The informal process of dialectical legitimization is simple, but still powerful. In this process, the very adoption of the ideas in an abstract sense signifies legitimacy. Even in a modified state from the original idea, the more radical views (tempered though they are) that are present in the new synthetic idea gain legitimacy precisely because those who initially rejected the radicalism now accept it. In some ways, the modified synthetic idea gains even greater legitimacy than either initial view, as it may round out the edges of the more objectionable ideas, making them more palatable to those who would otherwise reject them.

The formal process can take much more time than the informal process, but it is often even more powerful than the informal due to its backing of power. By laying out precisely how and why the synthesis is legitimate from an intellectual, legal, or other basis, the powerful can utilize their monopoly on legitimacy (or, in the Weberian sense, the monopoly on legitimate violence) to ensure that it is more difficult to challenge the ideas intellectually. [134]

In the case of Cardinal Rauscher and Anton Günther, although they went about it in different ways and, ultimately, came to different conclusions, the formal study and application of

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by which ideology spreads through social and political structures through an interplay of power, defined as the ability to use force, and influence, which relies more on non-force coercion. For a basic outline of this structure see Lubomír Brokl, "Power and Social Stratification," *International Journal of Sociology* 1, no. 3 (Fall 1971). For an overview of how these structures have worked within the Church, including from a transnational perspective, see Eric O. Hanson, *The Catholic Church in World Politics* (Princeton, NJ: Princeton University Press, 1987), 95-122.

[134] Weber, of course, famously delineated this idea on the legitimate use of force in Max Weber, *Politik als Beruf* (Munich: Duncker und Humblot, 1919).

theology to the political ideas of the time represents such a formal process of radical legitimization. In the *Vormärz*, this process had already begun, but by the end of the revolutions of 1848, although many of the more radical elements were defeated, the radicalism inherent in their views continued due to the process of legitimization conferred by their acceptance in a modified manner by authorities such as Rauscher.

Milde's ideas of state authority began to break down, partly due to the pressure from the more radical elements of the Church. Though much of the theological conversation in the lower clergy was dominated by liberals throughout the *Vormärz* era, the defeat of liberalism in the revolutions of 1848 and the increasing opposition of the Church to liberalism in its own ranks (as was presaged by the papal encyclicals *Mirari Vos*, *Singulari Nos*, and *Commissum Divinitus)*, meant that many of these more liberally-backed ideas lost their legitimacy and the Church's larger political theology began a slide toward conservatism. Yet, the broader conversation about the tension between Church and state continued. The formal legitimacy coming from Rauscher and Günther, separated from the liberal ideology, allowed it to be primed for a conservative backlash against the liberals, beginning the long process of a political-theological shift that dominated the remainder of the nineteenth century in Austria.

Conclusion

Between the time of Aquinas and Archbishop Milde, the concept of political theology underwent several important revisions. The overarching idea of political theology, that is, "the study of divine nature as it relates to politics," had existed since the early days of Christianity, manifesting itself in the gospels, the epistles, and the writings of the Church fathers and theologians such as St. Augustine and Aquinas.

The meaning of Jesus' assertion in Matthew 22:21 that one should "render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's," elicited different responses in different periods, ranging from a complete separation of the Church from the state to an acceptance of state authority only through divine sanction. Questions about the conceptual nature of law and what to do when faced with an unjust law permeated early Church writings. This conversation about authority and the interaction between the spiritual and earthly powers was far from settled by the time of the French Revolution, and the Revolutionary ideologies only complicated this matter further.

Questions of the separation of the spheres of Church and state had been in flux for centuries, and by the late eighteenth and early nineteenth centuries, answers to the question of state involvement ranged from a Gallican model on the one side of the spectrum and an ultramontane model on the other. The slow or even stagnant changes to dogma between the Council of Trent in 1545 to the nineteenth century left the Church particularly vulnerable to challenges posed by liberalism and modernity itself. And while it was beset with challenges from outside, the fractious nature of the Church's response to these challenges led to the development of contentious theological and political fights both within the different levels of the Church's hierarchy and between the upper and lower clergy.

Political-theological conversations took shape about how best to respond to the challenges of modernity and liberalism. In some cases, these conversations simply attempted to blend the ideas of the revolution and liberalism with the Church, melding a benevolent social ideology with an idea of religious freedom that could flow seamlessly into one of economic and political freedom. More often, however, Catholic political commentators sought to enact a much more conservative vision of politics. Though the conservative position eventually won out

among the Church leadership, the synthesis that formed between the two camps created a new idea of political theology and separation of Church and State that formed the basis for many of the political fights that would dominate the second half of the nineteenth century.

In some ways, the political-theological discourse only served to sharpen the ideas of the revolution, providing a foil for the opposing viewpoints, a means by which they could take lofty ideological goals and sharpen them into more concrete policy structures. A few years later, at various revolutionary assemblies, these policies took the shape of constitutions. Meanwhile, the Church officials who opposed them, like Milde, risked losing all the authority they had by attempting to remain apolitical and supportive of the regime when such an "apolitical" stance was, in fact, a stark political one. And so, by 1848, the stage was set for a clash between politics and theology, cementing political theology as the bedrock on which all conservative politics in Austria would stand for the remainder of the nineteenth century.

Chapter 2: 1848 and the Church in Austria

On April 15, 1848, as revolution raged throughout the monarchy, Sebastian Brunner, a Catholic priest and burgeoning newspaper editor, released the first issue of his newspaper, the *Wiener Kirchenzeitung*. This newspaper, which billed itself as a newspaper for "belief, knowledge, freedom, and law in the Catholic Church," began with a scathing rebuke of both the upper clergy and the state, arguing that by ignoring the issues facing the monarchy, they were all like Pontius Pilate, washing their hands of the blood of Christ. In a long (and antisemitic) rant about the ways that the "great papyrus bush" of bureaucracy hid the "dung beetles" of the state who sought to profit off the people and destroy the Church, Brunner made an argument against the "Febronianism" he saw infecting the country.[1] Instead, he argued, the monarchy needed the influence of a stronger Church built around the authority of the pope (i.e., Ultramontanism). Though Brunner never specifically named the primary objects of his discontent, it was clear that the brunt of his disdain for the upper clergy and their unwavering support of the emperor's authority was aimed at none other than the Prince-Archbishop of Vienna Vincenz Eduard Milde.[2]

Three days after releasing his newspaper, Brunner and thirteen other members of the clergy addressed Milde directly in an open letter from the "Vienna Assembly of the Clergy" on behalf of "the many thousands of the Catholic laity" who had put their trust in the hands of the Church. Their hope was that Milde would work with them, help their cause, and end his silence

[1] Febronianism refers to the ideas of Johann Nikolaus von Hontheim, writing as "Febronius," who believed in a strong state support of the Church similar to the Gallicanism in France and Josephinism in the Habsburg Monarchy. It is clear inBrunner's writing that he opposed the kind of control that Josephinism had already instituted in the Monarchy.

[2] Sebastian Brunner, "Kirche, Priester, Schreiber," *Wiener Kirchen Zeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, April 15, 1848.

on the matter of "the danger that, every hour, threatens the Church, her freedom and her rights," namely the twin dangers of liberalism and Josephinism. For Brunner and the other signatories of the letter, the expulsion of the anti-Josephinist Redemptorists in the beginning of the revolution conclusively demonstrated that the Church did not have any protected rights at all in the Habsburg Monarchy.[3] Even a murderer would get a fair trial, they argued, but the righteous Catholics who had dared oppose the all-encompassing bureaucracy did not. For them, it was time to realize that the interests of the state and the interests of the Church were no longer the same, and perhaps they never had been.[4]

Milde's responses and/or apathy to the radical ultramontane clergy in Austria formed the basis of a backlash against his power that would persist until his death in 1853. In the meantime, religious leaders like Brunner, who was, himself, a priest and later papal prelate who espoused a theological system based on the (sometimes antagonistic) ideas of Anton Günther on the one hand and Joseph Othmar Rauscher on the other, began to have a greater influence in the Church. This antagonism toward Milde and his older conceptions of the proper relationship between the Church and the state was one of the defining features of Austrian Catholic theology throughout

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[3] The Redemptorists were an influential monastic order that had existed legally in Austria since 1819 under the leadership of Clement Maria Hofbauer. This group helped shape the worldview of many of Austria's most important Church leaders, including Milde, Rauscher, and Günther, who will be discussed in this chapter, although these leaders eventually differed from Hofbauer for various reasons. However, the Redemptorists ran into trouble at the beginning of the 1848 revolution, due in part to the more ultramontane and anti-Josephinist elements of the order. This ultimately led to their dissolution in the Monarchy, with the Council of Ministers lumping them in with the Jesuits and claiming that they had been the cause of much disturbance of the peace. "Amtlicher Theil," *Wiener Zeitung*, May 8, 1848, 1; Adam Bunnell, *Before Infallibility: Liberal Catholicism in Biedermeier Vienna* (London: Associated University Presses, 1990), 45-47; Joseph Wuest, "Redemptorists," in *Catholic Encyclopedia*, vol. 12 (New York: Robert Appleton Company, 1911), https://www.newadvent.org/cathen/12683a.htm.

[4] "Addresse an den Herrn Fürst-Erzbischof in Wien," *Wiener Kirchen Zeitung Für Glauben, Wissen, Freiheit Und Gesetz in Der Katholischen Kirche*, April 25, 1848.

the 1848 revolutions. The revolutions created an environment through which the traditional understating of political theology in the Habsburg Monarchy would change, favoring an opposition to state control of the Church and a mutual legalistic compromise that could enshrine Church power within the Monarchy forever.

By the end of 1848, it was clear that the political system in Austria that had existed in the *Vormärz* would no longer be able to sustain itself. The emperor and his forces ultimately defeated the revolutions, and the theological battles that defined 1848 in the Church shifted away from the stark separation espoused by Günther, Brunner, Veith, and others. Still, these revolutions and their attendant ideological bases shocked Catholics throughout Europe, demonstrating to Catholic thinkers in Austria that a change in the political theology was necessary, if only to preserve a balance of power on the continent.

When the Revolution was over, the Habsburg Monarchy had not only a new, neo-absolutist political order, but a new emperor in Franz Joseph I. Likewise, the Catholic Church's fledgling pope, Pius IX, who was elected just two years before the unrest began, had finally begun to exercise his own authority, having been to that point preoccupied with the revolutions. Both of these rulers would go on to be the longest-reigning rulers of their respective institutions in history.[5] Though both Franz Joseph and Pope Pius IX brought stability to the Habsburg Monarchy and the Church, the legacy of 1848 often guided their actions. Their fear of the revolution and its potentially dangerous ideological and political aftermaths led them to begin the process of solidifying and codifying the relationship between the Habsburg Monarchy and the

[5] Pius IX remains the longest-reigning pope in Church history, aside from the tenure of St. Peter, reigning for almost thirty-two years, from June 16, 1846 to February 7, 1878. Franz Joseph is the fourth-longest reigning monarch in Europe, having reigned for almost sixty-eight years, from December 2, 1848 to November 21, 1916. The only European monarchs with longer reigns than Franz Joseph are Louis XIV of France, Elizabeth II of England, and Johann II of Liechtenstein.

Church. Meanwhile, the revolutionary political ideologies and the political theological legacies of 1848 only developed further, ushering in a new era of political theology in Austria, the Church, and Europe in general.

1848 represented a watershed moment, not just in Austrian and Viennese political life, but also in its theological life. With the relegation of Archbishop Milde to a pariah-status both inside and outside the Church as a response to his continued deference to the Crown and his unwillingness to respond to the pressures of the revolution, even in the face of criticisms, new theological leaders such as the future Cardinal Rauscher and Bishop Rudigier of Linz were able to seize the moment. Drawing both on their own theological ideas and the new political landscape of the Habsburg Monarchy, together they transformed the political theological foundation of Austria to one of political action rather than passivity. 1848 was a point of rupture in Catholic political theological ideologies in the Habsburg Monarchy. Four separate strains of political theology developed in the Habsburg Monarchy in response to 1848, with the ideas of Cardinal Rauscher eventually consolidating support throughout the Monarchy.

The Revolutionary Moment

Much has been written about the Revolutions of 1848 throughout Europe. This wave of mostly liberal and national revolutions swept throughout the continent, starting in Italy in January of 1848, continuing to France in February, and spreading quickly throughout the rest of Europe, including the Habsburg Monarchy in March.[6] Though these revolutions are often

[6] This chapter will not provide a full summary and analysis of the revolutions themselves, as these have been examined in depth elsewhere. For more on the revolutions both in and out of the Habsburg Monarchy, see: Helge Berger and Mark Spoerer, "Economic Crises and the European Revolutions of 1848," *The Journal of Economic History* 61, no. 2 (2001): 293–326; Timothy J. Clark, *Image of the People: Gustav Courbet and the 1848 Revolution* (Berkeley: University of

discussed as several parts of one movement (and they certainly did influence one another, as will be discussed below), they must also be understood within their own particular local contexts and goals. The revolutionaries did not always have the same goals, and often their goals were quite contradictory in different places. Sometimes the revolutions pursued national goals. Sometimes they were more concerned with issues of class. Sometimes they addressed long-standing grievances about power. However, one common denominator was their liberalism, that is, a belief in representative government, constitutionalism, freedom of speech, freedom of assembly, and freedom of the press. The press was especially important, as the revolutionaries used the press to publicize their causes and draw support.[7]

It was at this point in the mid-nineteenth century that the proliferation of the popular press in the Habsburg Monarchy and throughout Europe allowed for the quick dissemination of information and the spread of ideas necessary for the widespread outbreaks of revolution.[8] But

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California Press, 1999); István Deák, *The Lawful Revolution: Louis Kossuth and the Hungarians, 1848-1849* (New York: Columbia University Press, 1979); Dieter Dowe et al., eds., *Europe in 1848: Revolution and Reform* (New York: Berghahn Books, 2001); R. J. W. Evans and Hartmut Pogge von Strandmann, eds., *The Revolutions in Europe, 1848-1849: From Reform to Reaction* (New York: Oxford University Press, 2000); Pieter M. Judson, Exclusive *Revolutionaries: Liberal Politics, Social Experience, and National Identity in the Austrian Empire, 1848-1914* (Ann Arbor: University of Michigan Press, 1996); Keely Stauter-Halsted, *The Nation in the Village: The Genesis of Peasant National Identity in Austrian Poland, 1848–1914* (Ithaca: Cornell University Press, 2001); Mike Rapport, *1848: Year of Revolution* (New York: Basic Books, 2009); Jonathan Sperber, *The European Revolutions, 1848-1851* (New York: Cambridge University Press, 1994).

[7] Pieter M. Judson, *The Habsburg Empire: A New History* (Cambridge, MA: The Belknap Press of Harvard University Press, 2016), 155-160.

[8] This freedom of the press formed one of the main tenets of the Frankfurt Constitution in Germany as well as the so-called Pillersdorf Constitution in Austria: "Verfassung des Deutschen Reiches (Paulskirchen-Verfassung)," *Reichs-Gesetz-Blatt (Frankfurt)* 16 (April 28, 1849): 101–47; Ferdinand I, "Pillersdorfsche Verfassung" (April 25, 1848), http://data.onb.ac.at/ABO/%2BZ161801300.

beyond the internal spread of information, the explosion of newspapers and other publications throughout Europe allowed for the spread of ideas across borders as well.[9] The transnational conversations that occurred due to the proliferation of the press not only helped the liberal causes, but also helped facilitate the discussions of political theology throughout the Monarchy and the Catholic world.

There are several competing theories for the origins of the Revolutions of 1848. As previously mentioned, it may even be impossible to pinpoint one specific cause of the revolutions. We should not even conceive of them as a monolithic movement, but rather several related movements. There were, however, certainly underlying tensions throughout Europe that contributed to the beginnings of the revolutions in 1848.

Political tensions between lower nobles/gentry and monarchs had been building around the continent for some time.[10] In the Habsburg Monarchy, the revolution in Austrian Galicia in 1846, in which Polish nationalists hoped to proclaim a free Poland, was one moment in which these tensions erupted. However, it is notable that the revolution of the Polish nobility against Habsburg authorities was actually suppressed with aid from the peasantry. The disastrous results of 1848, Judson and others argue, led the nobles to change tactics in 1848 to include concessions to the peasantry, such as a promise of an abolition of serfdom, in order to gain their support.[11]

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[9] Jürgen Wilke, *Pressefreiheit* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1984).

[10] Outside of Austria, this is perhaps most visible during the period of the Bourbon Restoration in France, in which several factions differed on the degree of control that the monarchy should have in the government versus the control of the nobility and, for some, the clergy: H. A. C. Collingham, *The July Monarchy: A Political History of France, 1830-1848* (New York: Longman, 1988).

[11] Judson, *Habsburg Empire*, 157-159.

Economic instability, prompted in part by food shortages throughout the continent, may also have played a role in both the rising tensions between the ruling classes and the lower classes and the simultaneity of the different revolutions. These short-term causes, combined with long-term tensions between the peasantry, the nobility, and the monarchy, and the spread of new methods of national and transnational communication may have combined in order to create the specific revolutionary moment necessary for the explosions of violence throughout Europe.[12] In the end, however, it was largely the liberal ideology that unified the revolutionaries in 1848 and allowed their ideas to proliferate throughout the continent.

The spread of liberalism in Europe contributed greatly to the revolutions. Liberalism and its promise of representative governments as a counter to the increasingly authoritarian conservative regimes in Europe became a major foil for European politics for the rest of the century. Both within and outside of the Habsburg Monarchy, the shifts toward liberalism were often framed in economic terms. The language of these new economic beliefs derived partly from Adam Smith's *Wealth of Nations*, which spread throughout Europe shortly after its publication in 1774, and caused many to adopt his ideas.[13] This "father of modern economics" inspired countless other economic thinkers, who began to believe that the old economic systems needed to disappear. In the Hungarian territory of the Monarchy, Count István Széchenyi argued in his many books that the primary motivating factor in most aspects of modern life was

[12] Berger and Spoerer, "Economic Crises," 293–326.

[13] The first German translation, by Johann Friedrich Schiller, appeared in 1776, two years after its initial publication. Adam Smith, *Untersuchung der Natur und Ursachen von Nationalreichthümern*, trans. Johann Friedrich Schiller (Leipzig: Weidmanns Erben, 1776).

economics; he also argued for concrete reforms in the Monarchy aimed toward the creation of a more economically and politically liberal society.[14]

The economic ideas of Széchenyi and other economists often manifested themselves as political ideals. In particular, the liberal political consensus rested on its opposition to older conservative political ideas, which liberals saw as overbearing authoritarian beliefs rooted in preserving outmoded feudal rights and religious superstitions. In Hungary, drawing on the ideas of Széchenyi and others, Ferenc Deák argued for the modernization of the Hungarian constitution, the representation of all classes in parliament, an abolition of serfdom, and the end of the feudalism that had existence since the Middle Ages.[15]

In Austria, drawing inspiration from Hungary and elsewhere in the Habsburg Monarchy and throughout Europe, the opposition to these older political ideas often centered around the liberals' opposition to Josephinism. Like Sebastian Brunner, who opposed Josephinism from the right, arguing that it exerted too much control over the Catholic Church, liberals opposed Josephinism from the left, arguing that it exerted too much control in the realm of politics. Austrian liberals such as Franz Schuselka, who spent much of his life in Weimar and Jena in fear of retribution from the Habsburg state and was later elected to the Frankfurt Parliament, argued that the nobility in Austria had outlived its usefulness and that it was the bourgeoisie that should be the future leaders of the nation. He criticized all aspects of the old regime, including Metternich — the bastion of the old guard of conservative politics in Austria.[16] Liberal

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[14] Robin Okey, *The Habsburg Monarchy: From Enlightenment to Eclipse* (New York: St. Martin's Press, 2001), 103.

[15] Béla K. Király, "Ferenc Deák during the Vormärz Era," *Austrian History Yearbook* 12, no. 1 (1976): 13–25; Okey, *Habsburg Monarchy*, 103-104; Judson, *Habsburg Empire*, 163.

[16] Okey, *Habsburg Monarchy*, 105; "Franz Schuselka," *Neue Freie Presse*, September 2, 1886.

politicians like Schuselka worked to dismantle the older Josephinist ideals and, in some instances, dislodge the power of the Church within the state.

Liberals were also deeply anti-clerical. The Catholic Church, they argued, had too much power in the state, which led to the pope being in control of a state's affairs. For many liberals, who were often nationalists, ultramontanism and the Church in general, being transnational by nature, presented a problem for national integration. As such, the Church's influence in a national government must be limited.[17] It was this anti-ultramontane sentiment that eventually led to the *Kulturkampf* in Germany (see Chapter 5). The liberals' overarching anti-clericalism and later attempts to restrict the Church in governmental affairs also drew the ire of the Catholic Church and forced many of the more conservative elements of society to view liberalism (despite their mutual opposition to Josephinism) as the single greatest threat to the Church throughout Europe. While Josephinism restricted the Church, it still did so within a monarchical conception of power that acknowledged the divine origins of their power. Liberalism, on the other hand, rejected that basis of power in favor of natural rights. Without that basic power structure, the Church could potentially be destroyed. Furthermore, liberal insistence on stripping the Church of power over education and marriage, to Catholics, only signaled a hastening of the destruction of all society and not just the Church. Thus, liberalism was far more dangerous than Josephinism.

But while many within the Church rejected liberalism in the Habsburg Monarchy, others became attracted to its ideas of reform and modified them to fit the teachings of the Church, arguing that liberalism and Catholicism not only could coexist, but must coexist in order to have

[17] Wolfram Kaiser, "'Clericalism – That Is Our Enemy!': European Anticlericalism and the Culture Wars," in *Culture Wars: Secular-Catholic Conflict in Nineteenth-Century Europe*, ed. Wolfram Kaiser and Christopher M. Clark (Cambridge: Cambridge University Press, 2003), 47.

any meaningful and moral future.[18] But arguments about the proper place of liberalism in society — whether incorporated into Catholicism or destroyed — formed a large part of the discussions around theological ideas in the Habsburg Monarchy throughout the course of the Revolutions of 1848.

Competing Visions of Political Theology in the Habsburg Church

In the early days of the 1848 Revolution, theologians in the Habsburg monarchy (whether consciously or unconsciously) generally sorted themselves into four different types of political theological belief, depending on their understanding of what role the Church should play in the state and vice versa. The first major type was characterized by both its deference to temporal authority and its attempt to portray a sense of "political apathy" in the face of worldly political struggles. This type was the view of Archbishop Milde and other high-ranking bishops and archbishops in the Church at the time.[19]

The second type was a liberal reform of the Church to align it with the revolutionary ideologies of 1848. Theologians who supported this line, such as the future Bishops Rudigier of Linz and Feßler of St. Pölten, sometimes embraced liberalism as a whole, but more often were content to pick and choose the tenets of liberalism that they saw as best suited to the Church, such as representative democracy, freedom of the press, and freedom of assembly.[20]

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[18] This would be the view of the future Bishops Rudigier and Feßler, who will be discussed below.

[19] The development of this view can be found in Chapter 1. This first type would only be solidified further with Milde's responses to the revolutionary movements of 1848 and his unwillingness to give deference to any political movement aside from the necessary deference shown to the monarch.

[20] Some would add Günther and Veith to this list of liberal reformers within the Church, but (for reasons that will become apparent in this chapter) this is a bit of an oversimplification of their

The third type was supported widely by the Güntherians (i.e., those who supported Anton Günther) and several lay theologians. The most important figure in this group was Johann Emanuel Veith, who was responsible for taking Günther's high theological concepts and translating them for the common man. However, it was Sebastian Brunner, discussed at the beginning of this chapter, who would spread the ideas further and become the bulldog of the Güntherian political theological movement. The movement itself centered around the idea of a mutual decoupling of the Church from the state so that the adherents of the Church would govern themselves and not be compelled to obey the earthly authorities when it was in conflict with their faith. Such a decoupling, they argued, would protect the Church from what they saw as an antagonistic state structure, particularly after the rise of liberalism. Liberalism quickly became their primary enemy, with a secondary enemy those in the Church who did not adequately protect it.[21]

Lastly, the fourth type of political theology in the Habsburg Monarchy in 1848 was that of a partial legalistic separation of the Church from the State, centered around the construction of concrete legal boundaries and guidelines codified into law through formal agreements and treaties between the Vatican and, in this case, the Habsburg Monarchy. Within this structure, there was necessarily some permeability between the Church and the State, but this permeability,

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positions. For the argument that they were liberal, see: Donald J. Dietrich, "Anton Günther: Catholic Liberal in the Hapsburg Empire," *Journal of Church and State* 23, no. 3 (1981): 497–517. For the counter-argument, see: Bunnell, *Before Infallibility*, 128. Examples of an advocation for these views can be found through the opposition of Vincenz Eduard Milde, "Nachdem die Constitution des Staates von Sr. k.k. Majestät am 25. April" (Vienna, 1848).

[21] This was a shift from the *Vormärz* ideas of Günther, who initially argued more for the inseparability of the Church from the state structure. Günther's stance on the separability of the Church and State would shift in 1848, but it would mainly be Brunner who took up the mantle from Günther and Veith.

in contrast to the "separative inseparability" of earlier political theological notions, was limited and defined.[22] This last type was the provenance of the future archbishop of Vienna who became the *de facto* head of the Catholic Church in the monarchy — Joseph Othmar Rauscher.

Each of these four types found support in some degree or another from wide spectrums of professional and amateur theologians within the Habsburg Monarchy, ranging from archbishops to the laity. These theologians used the same texts and lived within the same contexts, and yet they differed widely on how the Church and the State should interact in the face of the liberal challenges of 1848 — a result, in part, of the inability of the Church after the Council of Trent to adapt to modernity and the political realities it entailed. Often these theologians had differing views on very basic issues such as the meaning of the word "freedom" and the utility of "democracy" as it pertained to the Church.[23] While, at times, people could belong to more than one type of theology depending on the specific issue at hand, these four categories nonetheless provided an important point of understanding for the discourse that began in and persisted well after the revolutions of 1848 in the Habsburg Monarchy.

The First Type: Apathy

The first type — that of "political apathy" — was the dominant political theology of the Church leadership in the *Vormärz* period (see chapter 1). In short, it was the idea that the Church

[22] For more on this notion of "separative inseparability," see Chapter 1.

[23] The struggle between the meaning of "freedom" as it pertains to the Catholic Church constituted a major battle throughout the nineteenth and twentieth centuries, partly due to the incongruity of perfect freedom with the perfect truth of the Church. See: Richard Helmstadter, ed., *Freedom and Religion in the Nineteenth Century* (Stanford: Stanford University Press, 1997).

should not interfere in political affairs, taking a hardline interpretation of Matthew 22:21.[24] The internal logic behind this view, in the face of challenges that it would lead to the destruction of Church influence in the temporal realm was that anyone who was Catholic would implicitly use their catholicity within all decision making, thus ensuring that they represented the Church in political battles.[25] From this logic, it would be counterproductive for the Church to interfere directly in political matters, as it would only increase strife between the temporal powers and the Church (or even between the people and the Church). Such increasing tensions would only increase resistance to the Church throughout the Monarchy, which could potentially lead to the ultimate destruction of the Church — a fate that no Catholic could ever desire. As such, the best course of action, to someone who believed in this type, was to be quiet, serve God by staying out of political struggles, and wait for God to deliver them from evil.[26]

Political apathy was the position of Prince-Archbishop Milde. Trusting in the emperor and simply allowing the government to do its job (as, he would maintain, was ordained by God) was enough for Milde. As he learned quickly in 1848, however, this view was insufficient to calm criticisms against him from both the left and the right. Critics of Milde, including Sebastian

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[24] As noted above, this is the call to "render… unto Caesar the things which are Caesar's; and unto God the things that are God's." This verse is perhaps one of the most famous verses in the Christian Bible, partly as it is often used today as a justification for the separation of Church and State.

[25] This idea would be a prominent view espoused in Milde's broadsheet, discussed below, responding to the Pillersdorf Constitution: Vincenz Eduard Milde, "Nachdem die Constitution des Staates von Sr. k.k. Majestät am 25. April," (Vienna, 1848).

[26] These beliefs were clearly the view of Milde's biographer, Ginzel, who claimed that Milde did not hate the revolutionaries, but rather prayed (as Jesus did on the cross), "Father, forgive them, for they know not what they do!" J. A. Ginzel, *Reliquien von Vincenz Eduard Milde, weiland Fürsten- Erzbischofe der Kirche von Wien: nebst einem Abrisse seines Lebens* (Prague: Wenzel Heß, 1853), xxviii-xxix.

Brunner in his open letter to Milde, charged that such apathy was, itself, a political view masquerading as impartiality and, in essence, would lead to an authoritarian domination of the Church by the state.[27] "Already believers are beginning to go astray and don't know where they should turn," he argued, pleading that "they absolutely need a word of truth, a word of consolation, and they want a substantial and decisively Catholic speech."[28] Critics of political apathy and the idea that the inherent catholicity of subjects ensured that the Catholic state worked together with the Church to promote its ultimate moral mission argued that the lack of guidance from the Church inevitably led to an inability for Catholics to discern the correct mode of action in the political realm. And it was for this reason that Milde and those who shared his views found themselves under fire from all sides of the Monarchy when the revolution broke out.

From the beginning of the Revolution, Milde drew criticisms from the revolutionaries, from anti-clerical liberals, and from the members of his own clergy. Each of these critics worked together to undermine the authority of the archbishop. The revolutionaries and anti-clerical liberals argued that he was an agent of the Vatican, pulling the strings of the emperor and stifling freedom in the Habsburg Monarchy. Some argued that he did not support the cause of the poor in the monarchy and that any generosity he showed was specifically meant to give himself more power by gaining support and money from the laity. Others argued that he was merely a greedy bishop who sought only to use money from the Stephansdom to line his own pockets. Still others criticized him for not being supportive of the democratic reforms of the liberal governments or, even worse, seeking to tear them down and profit off the situation. Another rumor alleged that he

[27] Perhaps the most vocal of the critics to espouse this view was Brunner, whose letter to Milde opened this chapter.

[28] "Addresse an den Herrn Fürst-Erzbischof in Wien," *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, April 25, 1848.

had dismissed a priest specifically because of his liberal leanings, showing that he was not, in fact, apathetic but rather anti-revolutionary.[29] This conflict all came to a head on April 5-6, when revolutionaries tried to storm the cathedral and encountered the national guard troops, after which several were arrested.[30] What happened next was the subject of much speculation.

After the incident, the press began to spread rumors about what had happened, suggesting that Milde had tried to extort the revolutionaries.[31] By the end of the month, the prevailing idea of what happened at the *Stephansdom* that day was that Milde had refused to open the gates of the cathedral unless the revolutionaries paid him a hefty sum. Then, when the revolutionaries refused to pay, Milde called the guard in to repel them.[32] This was, of course, merely rumor. In his response to these charges, Milde issued a broadsheet to denounce the violence of April 5 and 6, laying out point-by-point what happened that day. In this response, he argued that he "didn't know the reason the national guard placed themselves in front of the Stephasdom," and,

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[29] Each of these rumors were relayed in the writings of Milde himself. They did not appear in the press until after April, when the backlash against the archbishop began in earnest, though this is perhaps due to the strict censorship laws that were being enacted before the passing of the Pillersdorf constitution — the opposition to which eventually led to Milde's ostracism. Vincenz Eduard Milde, "An die Bürger und Einwohner Wiens, 1848," http://www.digital.wienbibliothek.at/wbrobv/2023289.

[30] Vincenz Eduard Milde, "An die Bürger und Einwohner Wiens, 1848," http://www.digital.wienbibliothek.at/wbrobv/2023289; "Wien, 7. April," *Deutsche Allgemeine Zeitung*, April 11, 1848, 11.

[31] Even those who did not explicitly state that Milde was greedy noted how Milde's writings always came "from my palace," showing how disconnected he was from the plight of the common man. "Ein offener Brief an den Fürst-Erzbischof von Wien," Druck von U. Klopf Sen. und Alex. Eurich, 1848, Wien Bibliothek; "Offenes Sendschreiben an den Herrn Erzbischof von Wien: Gegeben in unserem europäisch berühmten Flugschriften-Verschleiß, Stadt, Liliengasse Nr. 898," Buchdruckerei in Leopoldstadt, 1848, Wien Bibliothek.

[32] Vincenz Eduard Milde, "An die Bürger und Einwohner Wiens, 1848," http://www.digital.wienbibliothek.at/wbrobv/2023289.

furthermore, "Nobody asked me permission to open the great doors of the Church." He continued, indignantly insisting that "It is outrageous for me... that I am considered to be guilty of such things."[33] His avowed hope was to dispel the rumors surrounding him and the Church and to clear their good names.[34] Despite denouncing the violence and rejecting the rumors, however, Milde failed to convince the liberal revolutionaries of his impartiality.

Meanwhile, Milde's own clergy also questioned his credibility, but from the other side of the conflict. The clergy argued that he had not taken a harsh enough stance against the revolution and, thus, possibly could cause the Church's imminent demise.[35] This barrage of attacks on Milde began on March 17, 1848, just four days after the outbreak of revolution in Vienna. On this day, Milde issued a pastoral letter to the clergy, urging them to restrain themselves from political activities. "Priests," he argued, should "not overstep the boundaries of their profession." To Milde, these boundaries meant that they were not fit to judge the actions of the earthly plane and, instead, should "limit themselves to praying to God so that He might guide everything for the temporal and earthly well-being of mankind."[36]

This pastoral letter, which was followed by a sermon in St. Stephen's cathedral, circulated throughout the archbishopric of Vienna. In both the letter and sermon, Milde signaled

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[33] Vincenz Eduard Milde, "An die Bürger und Einwohner Wiens, 1848," http://www.digital.wienbibliothek.at/wbrobv/2023289.

[34] Vincenz Eduard Milde, "An die Bürger und Einwohner Wiens, 1848," http://www.digital.wienbibliothek.at/wbrobv/2023289.

[35] This line of attack is also mentioned in the broadsheet issued after April 5, though Milde argued against it noting his sermons given on March 19th.

[36] From a pastoral letter, reprinted in: J. Fehr, *Fragen an den Herrn Fürsterzbischof von Wien. Im Namen seines mundtoten Clerus niedergeschrieben am 19. März 1848: Zugleich ein Merkzeichen für alle österreichischen Bischöfe* (Vienna: L. Sommer, 1848), 3.

how important his commitment to the people was by ensuring it was well-known that he had worked on these addresses to his flock despite being gravely ill. This work, he argued, showed just how much he cared about the issue. Yet many clergy, far from being calmed by the letter, saw it as a slap in the face of the Church and the work that the priests had been doing to secure its future.[37]

For example, Dr. J. Fehr responded to Milde's pastoral letter with outrage on March 19, two days after the letter had been issued. Fehr's scathing rebuke, stylized as a series of questions to the bishop, disputed the validity of the bishop's charge. How could priests possibly consider refraining from politics in their works, he asked? "Are we just priests?" Fehr continued, "Or are we also citizens?"[38] Milde's call to be apolitical in the face of an existential crisis of the Church was not only unwise, Fehr argued, it completely overlooked the truth of the Church — namely that everything the Church does is, in a way, political. The idea that any priest could be completely apolitical, especially when he aligned himself with the Monarchy (an inherently political stance) was a mere "delusion (*Wahn*)" — a fact that Fehr charged the archbishop should be especially aware of, given his friendship with the emperor.[39]

Fehr concluded his response with a call to all the bishops and priests of the Monarchy to not only embrace modernity through a scientific understanding of the world, but also to be conscious political actors and stand for the Church's freedom. It was only through an educated priesthood that the Church could continue to exist with the old and the new together. Finally, in

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[37] Fehr, *Fragen*, 4.

[38] Fehr, *Fragen*, 5.

[39] Fehr, *Fragen*, 4-5.

an appeal to the readers' ideas of masculinity, he finished by charging that "the bishops should be men as well as apostles."[40]

Of course, Fehr was not the only one to ridicule the archbishop or to call attention to the hypocrisy of Milde's ongoing friendship with the emperor while Milde simultaneously argued that priests should be apolitical. As the revolution went on, more and more Catholics spoke out against Milde. Furthermore, the charges against Milde's masculinity, which were evident in Fehr's writing, continued in the press. These charges persisted as revolutionaries held "mock serenades" outside Milde's window in the archbishop's palace in Vienna of "Katzenmusik" or "Charivari," which was loud and rough discordant music intended to shame the person that was being serenaded.[41] Eventually, he was forced to flee Vienna, earning him even greater ridicule from the press and his own clergy. As Milde's health began to decline and he was no longer able to mount a strong defense, many in the lower clergy urged that he be replaced by another, more capable leader.[42]

On April 25, 1848, a new moderate government under Franz Anton von Kolowrat-Liebsteinsky issued a new constitution for Austria as a last-gasp effort to stop the revolution. The so-called Pillersdorf Constitution, named after the new minister of the interior, Franz von Pillersdorf, sought to enact quick reforms such as public trials, an expansion of the franchise, and an eventual reframing of the Reichstag as a two-chamber representative lawmaking body (though

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[40] Fehr, *Fragen*, 16.

[41] "Localzeitung," *Österreichisches Morgenblatt*, May 6, 1848; "Wien, 7. April," Deutsche Allgemeine Zeitung, April 11, 1848, 11.

[42] "Localzeitung," *Österreichisches Morgenblatt*, May 6, 1848; Wolfsgruber, Cölestin, "Vinzenz Eduard Milde," in Catholic Encyclopedia, vol. 10 (New York: Robert Appleton Company, 1911).

the emperor would have ultimate veto power).[43] All of these reforms were intended to help abate the rising revolutionary fervor throughout the monarchy. This constitution managed to gain support from Catholics in the Monarchy before ultimately being declared a "provisional constitution" and replaced with a newer, even more radical constitution in May.[44]

On April 27, two days after the passage of the Pillersdorf Constitution, Milde issued a broadsheet that outlined his views on the constitution.[45] He responded directly to the priests in Linz and elsewhere who had called for the Church to support the constitution and an overall democratic system in the Monarchy. These priests argued that democracy was the purest form of government for Christians, citing the early days of Christianity as their main evidence. They claimed that that the apostles and early Church fathers were practitioners of a truly democratic system in which all had an equal say in how the Church should be run, and that this democratic early Church should be the model for both the modern Church and the modern government. "Christ founded his Church on pure democratic foundations," they argued, and since this was the system that Jesus himself had created, it was, therefore, the most Christian version of government.[46] Milde remained unconvinced.

In his broadsheet, which he envisioned as a call for peace throughout the Monarchy, Milde declined to take a hard position on the constitution, the Frankfurt Parliament, the place of

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[43] Ferdinand I, "Pillersdorfsche Verfassung" (April 25, 1848), http://data.onb.ac.at/ABO/%2BZ161801300.

[44] Judson, *Habsburg Empire*, 190.

[45] Vincenz Eduard Milde, "Nachdem die Constitution des Staates von Sr. k.k. Majestät am 25. April" (Vienna, 1848).

[46] This argument that "Christ founded his Church on pure democratic foundations," would become a sort of rallying cry for Catholic supporters of the Frankfurt Parliament; "Das Treiben der Tiroler Pfaffen gegen den Reichstag" (Vienna: Leopold Sommer, 1848).

the Church within the state, or any other issues that affected the temporal political realm. Instead of supporting any of the proposed reforms, he did quite the opposite of what the priests in Linz wanted and once again demurred and took an apolitical stance. He argued that it would be inappropriate for him to take a political position one way or the other, because "Jesus Christ … did not bind his holy Church to any human form of government." The more important thing, for Milde, was just to be "exceptionally good Catholic Christians," and to remember that "belief in our holy Catholic Church is the light, which we shine on the dark path of this Earth, on which we wander."[47] This would prove to be a fateful error for Milde within the Church, and resulted in an immediate backlash from bishops and lower clergy alike who believed his stance was unacceptable in their current situation. Both the upper clergy, who wanted him to disavow liberalism, and lower clergy, who wanted him to embrace it, believed that Milde needed to take a stance. By taking neither side, Milde alienated both. By the end of the year, it was clear that Milde's outdated beliefs and the lack of confidence in him by the other bishops led to his being sidelined in the religious leadership of the Monarchy and allowing others to step in to fill the leadership void.[48]

The void left by Milde's forced departure from the public sphere allowed for the development and spread of other theological ideas in the Monarchy. Each of these newer types advocated some degree of active participation of the Church and independent lower clergy in the political sphere. In general, these views rejected the very concept of an apolitical Church. They

[47] Vincenz Eduard Milde, "Nachdem die Constitution des Staates von Sr. k.k. Majestät am 25. April," (Vienna, 1848).

[48] This sidelining would become most evident by his rejection of the findings by the first Austrian Bishops' Conference, held in 1849-1850. His response, in which he essentially admitted to being sidelined at the conference, can be found in: Ginzel, *Reliquien*, 161-168.

argued that being "apolitical" was, itself an inherently political stance, as it was only through the exercise of a privileged position of power that the Church could even claim such an "apolitical" idea. Upon further investigation, the claim that the Church could and should be "apolitical" fell apart, and, for some, the recognition of this reality was necessary to preserve the Church and ensure its future in the world.

But while members of the clergy agreed that the prevailing idea in Austria — namely the decades-long belief among the upper clergy that political apathy was the best position for the Church to take in the political-theological landscape — could no longer stand, a deeper split began to form among them about how to proceed. From April 1848 to the end of the revolutions, this split persisted, forming the second and third types of political-theological reform in the Habsburg Monarch — namely, liberal reform and conservative decoupling. These types developed simultaneously in response to Milde's failure of leadership and to the rising tensions of the revolutions (not just in the Habsburg Monarchy, but throughout Europe). Furthermore, advocates of each type engaged in a conversation with one another and responded to the others' ascension in the political sphere.

By the end of 1848, however, it was clear that neither a liberal reform of Catholicism nor a conservative and ultramontane decoupling from the state were going to be able to unite the political theology of the Habsburg Monarchy. Despite concrete political gains from both the second and third types, including the institution of multiple conferences of bishops, neither gained dominance in the Monarchy, particularly as their own advocates began to lose confidence in their position, as was the case for those who initially advocated for liberal reform. And as the revolution abated, the vacuum left by Milde and the stagnation of both the second and third types

allowed a fourth type to come to the forefront, headed by the ascendant Joseph Othmar Rauscher.

Over the course of 1848, the continuous disobedience of the bishops and lower clergy to their superiors made it clear that the older political theology of Milde and the *Vormärz* was no longer tenable. And in the absence of guidance from Milde, the direction that the Church could and should take in response to the challenges of the revolution fell to those who were willing to make a change. Feßler, Rudigier, Rauscher, Günther, Brunner, and others, inspired or frightened by the revolution, began to clarify their own political theology, backed by their own particular views of the nature of the Church. These men used their theological knowledge to rewrite the ideas of Church and State and legitimize them with the Gospel. By the time the revolutions cooled, it was clear that the political theological reality in the Habsburg Monarchy would never return to its *Vormärz* form.

The Second Type: Liberal Reform

The second type of political theology during the revolutions of 1848 in the Habsburg Monarchy was liberal reform. This type gained traction early in the 1848 revolutions, particularly as mid- and lower-clergy became inspired by the actions of the revolutionaries and sought to emulate their reforms within the Church.[49] Though many of the clergy who supported this type still denounced the more violent actions of the revolutionaries, they nonetheless supported many of their ideological goals, such as democratic representation, greater freedom of

[49] While John Boyer argues against the idea that 1848 had an influence in the thought of the mid-to-lower clergy, it is clear in the writings of future bishops Franz Joseph Rudigier and Joseph Feßler, that the spirit of reform (if not the particular reforms the liberals wanted) was a motivating factor for them. See below.

the press, freedom of assembly, and, for some, national unity of Germans through a unified German state, in which Austria would play a central role. In essence, this type of political theology was an affirmative reaction to modernity and liberalism, arguing that liberalism and Catholicism were not only wholly compatible ideas, but also that each could learn from and shape the other to produce a more moral and Christian society.[50]

In the views of these theologians, the ideas of the Council of Trent and the spirit of Early Modern Catholicism represented the true forms of the Church as one that is alive and, thus, constantly changing. Advocates of this type sought to undo a view of Catholicism in which the Church remained completely unchanged in the face of the challenges of modernity. Rather, they argued that the Church had a tradition of continuous reform and adaptation that had helped preserve its spirit and form an unbroken line of continuity from the time of Christ and St. Peter to the modern age. Drawing on the theological traditions of the early Church fathers and the Council of Trent, the revolutionary liberals within the Church hoped to bring the institution and the faith into a modern form that could continue to withstand the challenges from modernity and the enlightenment that they faced in the particular moment of 1848.[51]

This second type of the political-theological ideologies in the Habsburg Monarchy began quite suddenly during the revolution. Although the seeds of reform had been planted in the

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[50] Even among the liberals who were not priests in the Catholic Church, it seemed to many that liberalism and Catholicism were not completely incompatible, as evidenced by the various factions within the Austrian delegation to the Frankfurt Assembly, many of whom were characterized by their Catholicism. See Lothar Höbelt, "The Austrians in the German National Assembly in 1848," *Parliaments, Estates and Representation* 18, no. 1 (January 1, 1998): 91-101.

[51] The idea that the Church could and should reform its ideals while still maintaining the perfect link with the past was inherent in the ideas of the Church Council and, in particular, the Council of Trent, which established firmly the belief in reform. For more on this idea, see Chapter 1.

Vormärz, it took the revolution to induce these theologians to truly split from the leadership. Their communication with each other through letters and the burgeoning press showed how they worked together consciously to form a new idea of the Church. The new type of political theology that they were creating could act not only as a means of preserving the Church by making it more flexible in the face of the fast-moving ideologies of a modern world, but it could also allow the Church to be a moderating force for the revolutionaries as a whole by giving them guidance to help prevent further bloodshed.

On April 28, three days after the promulgation of the Pillersdorf Constitution and one day after Milde issued his broadsheet denying any support for either side of the conflict, Joseph Feßler, a theologian, professor at the University of Brixen in South Tyrol, and future Bishop of St. Pölten, wrote to his friend, Franz Joseph Rudigier, the future bishop of Linz.[52] The two had been writing to each other for several weeks, discussing the revolution and the possibility of attending the Frankfurt Parliament, which had been called to enact liberal reforms and to create a united Germany.[53] Given their positions as mid-tier clergy in the Church, and the lack of guidance from the archbishop, they were uncertain of whether or not it would be proper for them to go to the Frankfurt Parliament and risk running afoul of the Church hierarchy. On the other hand, it seemed equally improper to ignore the repeated pleas from the laity under their charge and their own personal conscience that urged them to do so. They both eagerly watched the

[52] Bishop Rudigier and Bishop Feßler maintained a lifelong friendship after meeting in Brixen in 1833. They exchanged hundreds of letters discussing their theological and political ideals. Copies of these letters can be found in: Box 4, Folders 5b and 5c, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL and Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

[53] For an overview of the Frankfurt Parliament and its larger goals, see Frank Eyck, *The Frankfurt Parliament 1848-1849* (London: Macmillan and Co., 1968).

elections for parliamentary representatives in their cities, offering guidance to the laity whenever asked. Even though, as Rudigier noted, he was often the only priest willing to attend the local assemblies, he argued that the Catholic laity who were present were, in his estimation, worthy of the job — meaning, of course that they were both eager for reform and devout Catholics. He felt certain that through his guidance and through their own convictions, they would certainly be able to bring their religious ideas with them and become a force of morality in Frankfurt.[54]

In his letter on April 28, Feßler described to Rudigier the mood of the lower clergy in Brixen. "Until now we have succeeded in the effort to ensure our theologians live in peace and order," he commented, but "in the last few days," the students had become "restless," despite Milde's charge that they should not discuss political ideas. He sympathized with the students of Tirol, who were looking to their professors for help and finding no guidance. After all, he also came from Tirol, and he too longed for some political changes, including a unified Germany, but beyond support, he wrote, more than anything they were simply looking for clarification on what they should do.[55] Should they act? Should they speak out? Could they really stay silent in the midst of a revolution? Two weeks later, it seemed that Feßler had made up his mind. He could not simply stand by and wait for the archbishop to stop dithering. So, he decided to go to the

[54] Indeed, the member who eventually attended the parliament from Feldkirch, Anton Vonbun, associated himself with the Catholic contingent of the parliament. Letter from Feßler to Rudigier (April 28, 1848), Box 4, Folder 5b, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL; Letter from Rudigier to Feßler (April 22, 1848), Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP; Letter from Rudigier to Feßler (April 25, 1848), Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

[55] Joseph Feßler, "Letter from Feßler to Rudigier" (April 28, 1848), Box 4, Folder 5b, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL.

Frankfurt Parliament himself, consulting with the electors of Vorarlberg, who then appointed him to go.[56]

Rudigier had also been struggling for weeks with the question of what to do about the revolutionary moment as a member of the clergy. In a sermon he gave on Easter Monday, just before Milde issued his broadsheet arguing against priests taking a political stance on the revolution, Rudigier explored the idea of "progress" both within and outside the Church. Some said, he intoned, that the Church was incapable of progress, as it was an ancient institution founded on immutable truth. Rudigier argued, however, that this was a falsehood. He outlined ten different points that became, in essence, a brief theological exegesis on what the humanity of Christ meant for a practical application of political theology, up to and including revolution.[57]

Christ, Rudigier argued, had been imbued with human qualities. Although he was infallible as the son of God, he was nonetheless limited in communicating with other humans — a result of the inherent limitations of a temporal (i.e., non-divine) being. This limitation was not a fault of Christ, of course, but a fault of humanity. Assuming that humans were able to understand Christ and God completely was to assume that humans were like God himself — the definition of the sin of hubris. The Church, he noted, must be open to progress in the face of overwhelming evidence that the perfection of God's law was not being properly applied. To be unwilling to progress in the face of revealed truth was to misuse the word of God and was, thus, in addition to

[56] Feßler made note of this decision in an open letter to the Bregenzer Wochenblatt — the first in a series of articles he published in the newspaper about the activities of the Parliament and its aftermath. Joseph Feßler, *Bregenzer Wochenblatt*, no. 21, May 26, 1848, p. 84, Box 10, 1848er Drucksachen am Vorarlberg, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

[57] Franz Joseph Rudigier, "Predigt am Ostermontag 1848" (April 24, 1848), Box 10, Folder 16b, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL.

the aforementioned hubris, heresy.[58] This fiery sermon was not only a theological justification for changing the Church in the face of the revolution (and, in this case, in a more progressive direction), but was a repudiation of the guidance coming from Milde and others like him. The revolution, to Rudigier, had exposed the flaws in the Church's interpretations of Christ, and to ignore that would surely be the downfall of the Church.[59]

During the course of the revolutions, the second type of political theology gained traction in the German-speaking world. Not only in Austria, but in Catholic Bavaria the idea of a liberal reform Church began to take hold. Yet, in the face of the overwhelming opposition from government forces, compromise gained primacy for liberals both in and out of the Church. Finally, in November 1848, bishops from Bavaria and the Habsburg Monarchy assembled in Würzburg to discuss the future of the Catholic Church in the face of the revolutions. In attendance at this conference was none other than Bishop Feßler. Having gained notoriety at the Frankfurt Parliament and back home as a measured advocate of the Church's positions, he was chosen to represent the Bishop of Brixen, Bernhard Galura, as his proxy, since Galura was unable to attend personally.[60]

During the Frankfurt Parliament and the Würzburg Conference, Feßler and Rudigier became increasingly skeptical of the program of liberal reform due to its ongoing internal tensions. In Feßler's series of articles detailing the proceedings of the Frankfurt Parliament,

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[58] Franz Joseph Rudigier, "Predigt am Ostermontag 1848" (April 24, 1848), Box 10, Folder 16b, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL.

[59] Though he was careful not to push too hard or too openly on the Church itself, Rudigier's opinions were evident in the sermon.

[60] "Denkschrift der in Würzburg versammelten Erzbischöfe und Bischöfe Deutschlands," (November 14, 1848).

which ended when he was forced to leave due to other obligations (including the forthcoming Bishops' Conference in Würzburg), it became clear that the constant scheming, backbiting, calls for votes on trivial issues, and overall bureaucratic slowdowns of the parliament were beginning to wear down the bishop's optimism.[61] Additionally, the threat of violence from parliamentary deputies disturbed Feßler, and he continually denounced this threat, arguing that despite arguments from its detractors, the Parliament was the only real peaceful way to enact change.[62]

At the same time, other Catholics back in Bregenz continued to advance a narrative that Feßler was no longer acting in their best interest or was, in fact, completely disregarding their wishes.[63] This view was, perhaps, most clearly illustrated by a spat he had with an anonymous writer in the radical revolutionary newspaper, the *Innsbrucker Zeitung*. This anonymous writer, whose letter was republished in the *Bregenzer Wochenblatt* on the same day that part five of Feßler's update on the Frankfurt Parliament appeared, took exception with Feßler's handling of the Frankfurt Parliament. The writer argued that, despite Feßler's continued advocacy of liberal

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[61] Feßler's semi-monthly articles on the conference generally provide an intriguing glimpse into the internal machinations of the Frankfurt Parliament. Joseph Feßler, "Offener Brief I," *Bregenzer Wochenblatt*, no. 25 June 23, 1848, Box 10, 1848er Drucksachen am Vorarlberg, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP; Joseph Feßler, "Offener Brief II," *Bregenzer Wochenblatt*, no. 29, July 21, 1848, Box 10, 1848er Drucksachen am Vorarlberg, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP; Joseph Feßler, "Offener Brief III," *Bregenzer Wochenblatt*, no. 34, August 25, 1848, Box 10, 1848er Drucksachen am Vorarlberg, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP; Joseph Feßler, "Offener Brief IV," *Bregenzer Wochenblatt*, no. 37, September 15, 1848, Box 10, 1848er Drucksachen am Vorarlberg, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

[62] Joseph Feßler, "Offener Brief VI," *Bregenzer Wochenblatt*, no. 41, October 13, 1848, Box 10, 1848er Drucksachen am Vorarlberg, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

[63] *Bregenzer Wochenblatt*, no. 40, October 6, 1848; Joseph Feßler, "Offener Brief VI," *Bregenzer Wochenblatt*, no. 41, October 13, 1848, Box 10, 1848er Drucksachen am Vorarlberg, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

positions both in his articles and in the parliament itself, he actually opposed a free press and the establishment of a united Germany.[64]

By October 1848, Feßler resigned as a representative of Vorarlberg in the Frankfurt Parliament, citing his other obligations. But while he devoted a paragraph of an article in the *Bregenzer Wochenblatt* to his departure from the Parliament, he spent three full pages railing against the anonymous letter-writer. Feßler spent an inordinate amount of time arguing that it was people like the anonymous author (who, in Feßler's estimation, did not even have the dignity to identify himself) who would bring down the progress of the Parliament and, implicitly, the reforms that everyone hoped to achieve there.[65] He then addressed each of the charges from the author directly, including the charge that he opposed the freedom of the press, declaring that he had only called for press censorship when it was "necessary to maintain peace and order."[66] While Feßler insisted that this was an extremely limited circumstance and only for emergencies, it was nonetheless a restriction, which led to the initial charge from the more radical elements among the liberals.[67]

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[64] "Sendschreiben," *Innsbrucker Zeitung*, September 26, 1848; *Bregenzer Wochenblatt*, no. 40, October 6, 1848.

[65] Joseph Feßler, "Offener Brief VI," *Bregenzer Wochenblatt*, October 10, 1848, Box 10, 1848er Drucksachen am Vorarlberg, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

[66] Joseph Feßler, "Offener Brief VI," *Bregenzer Wochenblatt*, October 10, 1848, Box 10, 1848er Drucksachen am Vorarlberg, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

[67] "Sendschreiben," *Innsbrucker Zeitung*, September 26, 1848; Bregenzer Wochenblatt, no. 40, October 6, 1848.

As the liberal press expanded in 1848, radical revolutionaries criticized the Church.[68] For Feßler, the rise in popularity of the *Innsbrucker Zeitung*, which published the anonymous letter against him in the first place, became a particular thorn in his side. The *Innsbrucker Zeitung* published many articles specifically targeting Feßler and his reports from the Parliament, arguing that he was actually undermining the process and "indeed, believes the old regime was better than the new."[69] It was precisely these more extreme views that Feßler had argued against, citing them as dangerous to the peace of the Monarchy.[70] It was not a far leap for the *Innsbrucker Zeitung* to say that Feßler merely wanted to silence his opposition rather than actually act to "maintain peace and order" as he claimed.

It was clear that by the time he came back to Austria in October 1848 that the gridlock in the Frankfurt Parliament, the challenges from liberals in the Monarchy, and his general inability to achieve his lofty goals had disillusioned Feßler to the point of exhaustion. He relayed his feelings to Rudigier a month earlier in a letter on September 9. He had tried his hardest to get reforms like freedom of the press, he said, and yet it seemed like it was all for naught. The

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[68] Though criticism of the Church had been evident from the very beginning of the revolution, with the press especially attacking the Jesuits and equating all Church officials with these more ultramontane elements of Catholicism (a tactic that would be repeated in the 1870s, as will be discussed in Chapter 5). The proliferation of the press and the relaxing of censorship later in 1848 allowed for the expression of more viewpoints, including much more radical views such as those in the radical Viennese newspaper, *Constitution*; Judson, *Exclusive Revolutionaries*, 43-44.

[69] This was a common attack against Feßler in the *Innsbrucker Zeitung*, and occurred several times in the newspaper after its beginning in June of 1848. "Österreich Und Deutschland," *Innsbrucker Zeitung*, July 28, 1848; "Sendschreiben," *Innsbrucker Zeitung*, September 26, 1848; "Österreich Und Deutschland," *Innsbrucker Zeitung*, October 29, 1848; "Österreich Und Deutschland," *Innsbrucker Zeitung*, October 31, 1848.

[70] Joseph Feßler, "Offener Brief VI," *Bregenzer Wochenblatt*, October 10, 1848, Box 10, 1848er Drucksachen am Vorarlberg, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

reforms they sought would not occur. There would be no freedom of the press, no democratic assembly, and no unified Germany (at least not one that included Austria).[71] Indeed, just two months later, Prime Minister Felix von Schwarzenburg declared the indivisibility of the Habsburg Monarchy, essentially ending any hope that the Frankfurt Parliament would be able to incorporate Austria into a unified German state. Then, in March of 1849, Schwarzenburg dissolved the Kremsier Parliament, which had formed after the Pillersdorf Constitution and promulgated the March Constitution (sometimes called the Stadion Constitution after the Minister of the Interior, Franz Stadion), ending any participation of the Habsburg Monarchy in the Frankfurt Parliament. By April, Schwarzenberg declared the Frankfurt Assembly incompatible with the new constitution and ordered all Austrian delegates to leave Frankfurt.[72]

Yet, while both Feßler and Rudigier were disillusioned with the process of the Frankfurt parliament, there was also cause for excitement, as they both knew that a new assembly was forming in Würzburg — the first German Bishops Conference, which would help to enact the ideals set forth three hundred years earlier in the Council of Trent. One provision of Trent was that the bishops should have regular councils, but despite some intermittent meetings, this provision had never truly been followed. By beginning the German Bishops Conferences, the reform-minded bishops in German-speaking lands hoped they could help promote the idea of continuous reform of the Church, as had been advocated by Feßler and Rudigier. Although this council at Würzburg eventually dissolved and the idea of a unified German assembly faded, it nevertheless ushered in a new idea of continuous reform in the Church through bishops'

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[71] Joseph Feßler, "Letter from Feßler to Rudigier" (September 9, 1848), Box 4, Folder 5b, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL;

[72] Eyck, *Frankfurt Parliament*, 385.

conferences in Austria. In a letter in October 1848, responding to Feßler, Rudigier expressed how excited he was to see his friend again and how he hoped to continue to work together for the future of the Church in Austria and beyond.[73]

Despite Feßler and Rudigier's hopes to continue the spirit of liberal reform in the Church, the Bishops conference at Würzburg represented the end of the second type of political theology. Those who still believed in reform like Feßler and Rudigier were eventually folded into the greater compromise afforded by the fourth type. But as the revolutions subsided, Feßler, Rudigier, and the others never let go of their belief in a continuous reform for the Church. Though decidedly more moderate than the liberal reforms that Rudigier and Feßler had initially hoped for, the conference laid the groundwork for a new political theological paradigm in Austria with a new declaration of the separation of Church and State.[74] This declaration influenced the political theology of the Habsburg Monarchy long after the particular liberal reform theology subsided. The formal declaration of rights through a mutual understanding between the Church and the state formed the basis of the division of powers that people like Joseph Othmar Rauscher would seek to enshrine in the Concordat of 1855 (see chapter 3), and, once that division failed, the desire to create a Catholic political party (see chapters 4, 5, and 6).

The idea of liberal reform of the Church, primarily began as an opposition to Milde and the political-theological status quo in the Monarchy. Yet, it was not the only type to develop at the beginning of the revolution. The revolutionaries and their violence (whether real or merely rumored) threatened the more conservative elements of the clergy, and as the spirit of liberal

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[73] Franz Joseph Rudigier, "Letter from Rudigier to Feßler" (October 2, 1848), Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

[74] "Feßler, Joseph," in *Österreichisches biographisches Lexikon und biographische Dokumentation* (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2003), 305.

reform spread through the efforts of Feßler and Rudigier, a conservative backlash to liberalism likewise swept through the clergy. Rising at around the same time as the liberal reform movement, this third type worked in direct opposition to the liberal reform movement in the Church and to liberalism in general.

Though Feßler and Rudigier saw themselves as representing the interests of the Church and restoring the theological traditions set forth by the Council of Trent, others such as Sebastian Brunner believed that these reformers were (willingly or unwillingly) working against the Church. While Feßler endured criticism from the Left due to his ties to the Church, liberal reformers in general endured criticism from the right. Brunner and others who believed in this third type worked tirelessly to ensure that the Frankfurt Parliament and all liberal reforms would fail in the monarchy and that the spirit of liberal reform would never gain momentum in the Habsburg Church and its clergy. In the end, it was not the opposition from liberals which finally caused Feßler and Rudigier to give up hope of liberal reform in the Church, but rather conservative opposition to liberalism as expressed by Brunner and the other adherents of this third type which forced compromise.

The Third Type: Decoupling

The third type of political theology in the Habsburg Monarchy to develop during the revolutions of 1848 was that of a mutual decoupling of the Church and the state, where both agreed that neither should directly control the other. While the goal seemed to be similar to that of the radical liberals, who sought to rid the government of Church influence, this type was not an attempt to rid the state of the Church, but rather a means to insulate the Church from what

they perceived as the potential corruption of liberalism. This type was, in essence, a reaction to both the first and second types of political theology, that is, apathy and liberal reform.

The third type was popularized in part by the then-ascendant Güntherians, who followed the theological ideas of Anton Günther and his disciples, especially Johann Emmanuel Veith.[75] The Güntherians and related ideologues sought to establish a balance of Church and state in which neither was beholden to the other, both having been completely separated to rule their respective realms of the universe. That is not to say that the Church should not have opinions about politics or that the clergy should not promote an agenda through their preaching. In fact, quite the contrary, Güntherians believed it was the clergy's duty to weigh in on political issues in order to preserve the basic rights of the Church and to promote a more moral society. The point, according to the Güntherians, was that neither the Church nor the state should directly control the other.[76]

The Güntherians and the non-Güntherians who supported this type of political theology believed that there had been a deterioration of the state structure as an inevitable result of the rise of modernity and "Febronianism" (i.e., a nationalization of the Church controlled as much by the monarch as the pope) in Europe and beyond.[77] For some, the decline of ultramontanism that

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[75] An in-depth examination of Günther, Veith, and their influence on the political ideas of revolutionary Austria can be found in: Bunnell, *Before Infallibility*; Thomas W. Simons, "Vienna's First Catholic Political Movement: The Güntherians, 1848-1857," *The Catholic Historical Review* 55, no. 2 (July 1969): 173–94.

[76] This idea of complete separation relates to the ideas of Pope Boniface VIII in his famous Papal Bull, *Unum Sanctum*. Although this ideal was promulgated in the year 1302, it was never fully realized and served more to stoke antagonism between the Church and the state than to resolve their disputes; Boniface VIII, "Unam Sanctam," Papal Encyclicals Online, https://www.papalencyclicals.net/bon08/b8unam.htm.

[77] Sebastian Brunner, "Kirche, Priester, Schreiber," *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, April 15, 1848; Sebastian Brunner, "Welt und

came with the persecution of the Jesuits and the Redemptorists, who were expelled from the Habsburg Monarchy at the beginning of 1848, only expedited this development.[78] Rather than creating the strong, Christian state that could uphold the values of the Church, the people who fit within the third type argued that Febronianism (to which the Austrian variety, Josephinism, belonged) had created an environment in which liberalism and atheism could undermine the power of the temporal authority.

As a result of declining temporal authority due to the rise of liberal atheism, the Church, which was now linked to the state, was also in danger of corruption from these outside agitators. Because the state could no longer guarantee that it could maintain the systems necessary to preserve a just law, and because a coupling of an unjust governmental system to the Church meant the Church implicitly supported such an unjust system (a reality that would be anathema to the teachings of Christ), a decoupling was necessary in order to preserve the sanctity of the Church and prevent it from becoming the handmaiden of injustice, corruption, and anti-Christian behavior.[79]

Kirche in der Gegenwart (Eine Skizze zur Orientirung)," *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, April 22, 1848.

[78] Both Veith and Günther had, themselves, been influenced by the Redemptorists. Thus, their follower, Brunner, used the expulsion of the Redemptorists as evidence of an attack on him and like-minded Catholics; "Addresse an Den Herrn Fürst-Erzbischof in Wien," *Wiener Kirchen Zeitung Für Glauben, Wissen, Freiheit Und Gesetz in Der Katholischen Kirche*, April 25, 1848.

[79] This anti-Febronian and pro-ultramontane stance (along with his vehement antisemitism) formed the backbone of much of the criticisms of Sebastian Brunner, who would remain an influential (if controversial) figure in the Catholic political realm throughout the nineteenth century until his death in 1893. Some particular examples of these influences can be found in: Sebastian Brunner, ed., *Correspondances intimes de l'Empereur Joseph II. avec son ami le comte de Cobenzl et son premier ministre le prince de Kaunitz* (Mainz: François Kirchenheim, 1871); Sebastian Brunner, *Kanzel und Politik. Für Dr. Veith's Freunde und Feinde* (Vienna: Mayer & Comp, 1850); Sebastian Brunner, *Kirchen- und Staatsgedanken* (Vienna: Mayer, 1851); Sebastian Brunner, *Die theologische Dienerschaft am Hofe Joseph II.: Geheime Correspondenzen und Enthüllungen zum Verständniß der Kirchen- und Profangeschichte in*

This third type had a basis in several different theological ideas. The first could be seen as purely Güntherian, drawing on Günther's ideas of the "double-sovereignty of man." This view, which was first presented in his *Janusköpfe* and later elucidated in the press, was based on a dualistic model of God and the universe that sought to understand man as existing in a state of both spirit and nature, where "one is conditioned, limited, and bound by the other," but in which "the bond dissolves into an organic bond" due to the decay of original sin, such that spirit and nature are both related to one another, inseparable from one another through the idea of *communication idiomtum*, but also, at the same time "are two essentially different substances," — an idea that would eventually cause Günther's works to be placed on the index of banned books.[80] Günther's theology was, in many ways, a response to the rise of theism and monism (with a particular emphasis on the works of Descartes) that had gained popularity during the Enlightenment.[81] However, it also drew inspiration from the tradition of anti-Josephinism that percolated in the Habsburg Monarchy since the times of Joseph II. Throughout the revolutions of 1848, adherents of the third type of political theology, like Sebastian Brunner, used political theological concepts dating back to the Middle Ages, with a particular emphasis on the works of

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Oesterreich von 1770-1800, aus bisher unedirten Quellen der k. k. Haus-, Hof-, Staats- und Ministerialarchive (Vienna: Wilhelm Braumüller, 1868); Sebastian Brunner, *Joseph II. Charakteristik seines Lebens, seiner Regierung und seiner Kirchenreform. Mit Benützung archivalischer Quellen* (Freiburg im Briesgau: Herder, 1885); Sebastian Brunner, *Joseph II als absoluter Beherrscher seiner Länder* (Frankfurt am Main, 1892); Sebastian Brunner, *Joseph II als Kirchenreformator* (Frankfurt am Main, 1893).

[80] Anton Günther, *Janusköpfe: zur Philosophie und Theologie* (Vienna: J.B. Wallishausser, 1834), 108-109.

[81] For Günther, the idea of Monism only served to validate the ideas of pantheism, which he regarded as heretical. Descartes's works, the Hegelian dialectic, and the works of Lamennais were not only the problem to him, but were the weapons that he would use against them. See Bunnell, *Before Infallibility*, 74-76.

Thomas Aquinas, in which Aquinas clarified what he believed were the limits of political authority and law in the Church, as demonstrated in the scriptures.[82]

Although Günther usually shied away from open political commentary, he nonetheless made his views on the revolutions of 1848 known. On July 26, 1848, three months after Brunner sent his letter urging Milde to take political action, Günther turned to *Aufwärts*, a Catholic newspaper run by his protegé and champion, Johan Emanuel Veith, to express what he believed to be the true nature of man and the Church. Although Günther preferred to speak in the abstract, owing perhaps to his background as a speculative theologian, he nonetheless sought to use his dualistic theological concept to sketch out what he saw as the "Double Sovereignty in Man" in a political context. This dual identity of man as both a spiritual and natural being meant that man could not simply separate the divine and the mundane within himself. The two were linked in humanity, since man was not just made by God, but also made in the image of God.[83]

Yet because the divine and the mundane were not compatible outside of the personal spirit and nature of mankind through the creation of God, the two must be dealt with in separate ways. It was because of this dualistic idea that the system of governance as it existed in the Habsburg Monarchy, which had heretofore treated the Church and the State as being (at least theoretically) inseparable, must change in order to preserve the dignity and sanctity of mankind. The revolution, Günther argued, had not just illuminated structural weaknesses of the government, it had also shown just how fragile the balance of the Church and the state within

[82] Aquinas's beliefs on the limitations of the political authority of the Church can most easily be seen in his discussion about whether Christians should obey an unjust law. Ultimately Aquinas argued that, like St. Augustine, Christians do not have to obey an unjust law. Thomas Aquinas, *Summa Theologica*, 1-2.96.4.

[83] Anton Günther, "Die doppelte Souveränetät im Menschen," *Aufwärts*, July 26, 1848.

this weak government truly was. For Günther, the fight that would ensue was not just a fight for political ideals, but a fight for the very soul of the people of Austria and beyond. To sit idly by and watch the crumbling of the Church because of some apolitical ideal (like that of Milde) was to ignore the very nature of humanity and the mandate for all Christians as set forth by God himself.[84] Günther's traditional theological works as well as his article in *Aufwärts* set forth the theoretical backing for the ideas presented by people like Sebastian Brunner, whose views of the way the Church should interact with the state were in direct opposition to those of Milde.

Günther's article and the burgeoning third type, which developed both independently of and in response to the second type, represented the shift of mainstream political theology in the monarchy that would dominate the intellectual landscape for decades to come. Though it was true that *Aufwärts* had a fairly low impact on everyday Austrians, it nonetheless set forth an intellectual position that would persist long past the revolution.[85] The newspaper, after all, was the official organ of the *Katholikenverein für Glaube, Freiheit, und Gesittung* in Vienna, which would eventually become the *St. Severinus Verein*, an organization that even Rauscher, who was ordinarily opposed to the Güntherians to the point of outright hostility, would embrace.[86] Günther's views, and the views of other revolutionary theologians began a process of transforming the political landscape of Austria — a process that played itself out primarily through discussions and arguments in the press.

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[84] Anton Günther, "Die doppelte Souveränetät im Menschen," *Aufwärts*, July 26, 1848; Donald J. Dietrich, "Anton Günther: Catholic Liberal in the Hapsburg Empire," *Journal of Church and State* 23, no. 3 (1981): 497–517.

[85] Boyer, *Political Radicalism*, 135.

[86] Rauscher's speech to the *St. Severinus Verein* in 1873 was a watershed moment in Austrian Catholic political life. See Chapters 4 and 5 for a discussion of this speech and its impact.

Proponents of the third type of political theology, in addition to opposing liberals, regularly took issue with Milde. As has been noted previously, Milde had come under fire in the press all over the Monarchy very early on in the revolutionary period. Predictably, the liberal revolutionaries attacked him because of their opposition to the influence of the Church on the government. In broadsheets, newspapers, and speeches, the liberals demanded an end to the tyranny of the Church over public life in Austria. Less predictable, however, was this opposition to Milde in the press from the right.

Milde's view of political theology left many in the lower clergy dissatisfied with his lack of action against liberalism. Because Milde failed to take a hardline stance either for or against the revolution and simply issued lukewarm statements supporting the Monarchy, radical clergy such as Sebastian Brunner condemned him in the press. Though Brunner and his co-authors at the *Wiener Kirchen-Zeitung* rarely mentioned Milde by name, their arguments against his particular theology nevertheless made it clear whom they were arguing against — a point that Brunner would make explicit three years later in his work on the Church and state.[87] Early in April and continuing well into the year, Brunner and his co-authors, many of whom were Güntherians, argued that the Church and, particularly, its leadership in Austria had failed in their duties.

Brunner clarified the position he and the other clergy had taken against Milde in mid-April. Beyond his assertion (relayed at the beginning of this chapter) that liberalism and Josephinism would destroy the Church, he argued that some people within the Church were

[87] This book, which was largely a collection of short, pithy statements — many of which were explicitly against Milde and his theology — was, according to Brunner, an idea that was formed through his work with the *Wiener Kirchen-Zeitung* throughout 1848: Sebastian Brunner, *Kirchen- und Staatsgedanken* (Vienna: Mayer, 1851).

complicit in this process. To illustrate this destructive force, he sketched out what he saw as the difference between the "Catholic Church" and the "Catholic World." The Catholic Church, he argued, was infallible and perfect, as it had been established by the infallible and perfect God. As such, the Church alone was what could save mankind. The "Catholic World," on the other hand, was made up of the people on earth who tried to support the Church (e.g., the bishops, clergy, and even the laity). But, of course, because the Catholic World was made up of fallible people, it too was fallible. Thus, the Church must either constantly supervise the people of the Catholic World (which was, he contended impossible), or the Catholic Church and the Catholic World must be completely separate (similar to Günther's idea of double-sovereignty) in order to protect the Church from corruption, or the Catholic World must change to support the truth of the Catholic Church.[88]

Without the Catholic Church, Brunner argued, law itself would break down, because the law of God is the only true basis of law. Comparing the liberals to cannibals wielding clubs, he argued that without belief in God, it would only be "he who holds the club" who could decide what is law and what is not. Thus, he believed, it was important for the Catholic world to rise up and support the Catholic Church. Although Brunner did not mention Milde by name, it was clear he was pointing his finger at the archbishop when arguing against the current state of the "Catholic World."[89]

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[88] Sebastian Brunner, "Welt und Kirche in der Gegenwart (Eine Skizze zur Orientirung)," *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, April 22, 1848.

[89] Sebastian Brunner, "Welt und Kirche in der Gegenwart (Eine Skizze zur Orientirung)," *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, April 22, 1848.

Despite their disagreements, however, Brunner and his associates did sometimes agree with Milde's positions. In fact, the writers and editors of the *Wiener Kirchenzeitung* often pointed out when he had said something insightful, as they did when they reprinted Milde's *Hirtenbrief*, in which he argued that only those who follow the Gospel can be the true arbiters of freedom.[90] This statement, Brunner and his associates found, was absolutely true and could not be disputed. Other times, however, they "agreed" with Milde only to satirize his views and reveal the hypocrisy of the upper clergy. To Brunner, et al., Milde and the upper clergy could say all the right things and make all the right symbolic gestures they wanted, but if they failed to act when needed, then they were useless to the true Catholic Church.

In no place was this more evident than in Brunner's continued portrayal of himself and his followers as martyrs. For Brunner, however, they were not just victims of persecution from forces outside the Church, but from within the Church itself. For example, on May 2, the traditional feast day of St. Athanasius, Brunner wrote a long article comparing Catholics in 1848 to the martyr St. Athanasius himself. Athanasius, who lived in the fourth century, had been persecuted not by the Romans or the pagans, but by his fellow Church leaders. Athanasius's early belief in the unity of God the father and God the son (i.e., Jesus), as opposed to the two being separate entities, caused him to be exiled from the Church several times between 335 and 366. Eventually, Athanasius would be readmitted into the fold of the Church, and his ideas about the unity of the father and the son (in conjunction with the development of the "Holy Spirit") led

[90] "Kirchliche Mittheilungen," *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, April 27, 1848.

to the doctrine of the Holy Trinity and the establishment of the Nicene Creed in 325, which became a foundational dogma in Christianity.[91]

In his celebration of St. Athanasius, Brunner repeatedly argued that he and his colleagues in the Church should be loud and make their voices heard, especially if state censorship was to be relaxed. "Let [the men of the Church] come out of the cage of fear and police surveillance," he urged, "let them flap their wings, let them prepare to fly, ... let them show and prove the courage that they have gained from strenuous prayer."[92] They, he argued, were the true disciples of Christ, a point which he predicted would be borne out by history. Brunner believed that true CAtholics should not be silenced, regardless of the threats to their ideology by the "so-called notables" of the Monarchy. These influential voices in the Monarchy, he argued were, in reality, unbelievers, and these unbelievers included the upper clergy in their ranks — a point he hoped to make very clear through his invocation of Athanasius. "What use," he argued, "are responsible ministers if they only hold themselves accountable to men but are not convinced of their responsibility to God?"[93]

It was not just through veiled appeals to saints that Brunner and others criticized the upper clergy. They also engaged in what they regarded as concrete and scientific refutations of theological ideologies with which they disagreed. They drew on theological arguments from all over Europe and sought to inculcate these ideas in Austria through a more educated priesthood. Their arguments with their opponents can be seen in a fight, publicized in the *Wiener*

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[91] Diarmaid MacCulloch, *Christianity: The First Three Thousand Years* (New York: Penguin, 2009), 216-219.

[92] Sebastian Brunner, "Athanasius," *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, May 2, 1848.

[93] Brunner, "Athanasius."

Kirchenzeitung, about the dismissal of a professor of theology at the University of Vienna, the Güntherian Jakob Zukrigl. Brunner's outrage about Zukrigl's departure and the faculty's inability to fight against it showed that practical political actions alone were not what separated Milde from Brunner, but also the theological backing behind those actions. By opposing certain strains of theology and simply maintaining the nepotistic power of the upper clergy at the university, according to Brunner, the leaders of the Catholic Church in Austria were actively contributing to the death of the Church.[94]

Throughout the article, Brunner argued that the theological faculty at the university operated solely on old theological ideas that were advanced by an upper clergy that was so enmeshed in an idea of the apoliticization of the Church, that they were unable to truly deal with the world that surrounded them. After all, he argued, an apolitical church could not survive an attack from a political opponent in the same way that a person refusing to fight a battle could not defend against a sword.[95] Zukrigl's departure and the inability or (more likely) unwillingness of the university and upper clergy to attract others from outside the mainstream showed, to Brunner, how the university was simply perpetuating the old ineffectual ideas through the promotion of bureaucratic bishops in Austria. This willingness to adapt, he argued, was not going to save the Church from those who would seek to destroy it.[96]

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[94] "Zahme Fragen rücksichtlich einer Reform der theologischen Studien," *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, May 4, 1848.

[95] Brunner would later echo this argument in defense of a controversial sermon given by Veith; Sebastian Brunner, *Kanzel und Politik: Für Dr. Veith's Freunde und Feinde* (Vienna: Mayer & Comp, 1850).

[96] While Zukrigl's works were not explicitly Güntherian, they certainly contained ideas that were related to Günther's views of the trinity and the dualistic nature of the world. After spending one year in the University of Vienna and being forced out in 1848, he became professor of theology at the University of Tübingen. His writings would later play into the refutations of Günther by Cardinal Rauscher, as Rauscher used them to show the errors and influence of Güntherian logic.

This article was perhaps the first from the right to explicitly acknowledge the connection between the dominant theological ideas in the Habsburg Monarchy and the waning political power of the bishops under Milde. With this article, Brunner and the *Wiener Kirchenzeitung* signaled that they, in conjunction with Günther and his followers, were on one side of the spectrum of belief and Milde was on the other. This dichotomy, of course, ignores the second type, which sought to enact liberal reforms, but that would be considered by Brunner as being so far outside the pale as to not actually exist within the same framework, despite also being rooted in theological ideas. But even in dismissing the theology of men like Rudigier and Feßler, Brunner was articulating the belief that theology was a connective tissue between the Church and politics. For Brunner, Milde's inability to see this reality was a systemic problem within the Habsburg Church.[97]

The battle between the first three types of political theology dominated the political theological discussion during the revolutions of 1848, but as Milde's standing in the Monarchy waned and he became relegated to the sidelines, Brunner and the others could no longer simply ignore men like Rudigier and Feßler. Their attempt to balance liberal reform with the theological ideologies of Thomas Aquinas and the spirit of the Council of Trent presented its own threat to the Church. Indeed, it represented the very corruption of the Church that Brunner and the Güntherians hoped to prevent.

Cölestin Wolfsgruber, *Joseph Othmar Cardinal Rauscher, Fürstbischof von Wien: Sein Leben und Sein Wirken* (Freiburg im Briesgau: Herder, 1888), 64, 448-450; Jakob Zukrigl, *Die wissenschaftliche Rechtfertigung der christlichen Trinitätslehre, gegen die Einwendungen ihrer neuesten Gegner* (Wien: Braumüller, 1846); Jakob Zukrigl, *Die Nothwendigkeit der christlichen Offenbarungsmoral und ihr philosophischer Standpunkt* (Tübingen: Laupp, 1850).

[97] "Zahme Fragen rücksichtlich einer Reform der theologischen Studien," *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, May 4, 1848.

For a very brief time, the third type became the dominant strain of theology in the Habsburg Monarchy, but it was quickly supplanted by the fourth type, led by the ascendant force in the Habsburg church — the future Cardinal Joseph Othmar Rauscher.

The Fourth Type: Legalism and Compromise

The fourth and final type of political theology, which emerged later than the other three, was the political-theological legalism compromise. This type advocated for a partial separation of Church and State, similar to that of the third type, but grounded in a legalistic framework that clearly spelled out the boundaries of power for each party. This view represented a nod to the earlier *Vormärz* paradigm, which the second and third types all rejected to some degree or another. While the fourth type similarly advocated a rejection of the earlier paradigm, it nonetheless incorporated some of its views.

While this type of political theology bears some functional resemblance to the idea of decoupling that characterized the third type, its theological basis was actually quite different. This ideology was built on the premise that one could recognize a certain degree of inseparability of the Church and the State (as Christ was both man and God) while also seeking to codify the difference between the two as a means of mutual accountability and, thus, preventing future missteps from either party. From the Church's perspective, this delineation of boundaries could also protect the Church in the face of a challenge from an unjust authority. This idea, like the three types before it, was grounded in older conceptions of Church and State based on Thomas Aquinas's views as its theological bedrock. This fourth type of political theology, however, interpreted how these concepts work together by establishing a permanent separation and codification of the boundaries of each, which was not a part of Aquinas's original formulation.

While in the second political-theological type the writings of Aquinas act as a justification for embracing radical progress, and in the third type they gave the Church a blanket authority to oppose an unjust law, in this final type, the strictures of Aquinas may only be used to oppose an unjust law or an unjust ruler in very specific circumstances, namely when the ruler is evil and tyrannical. This criterion, adherents of the fourth type argued, had not yet truly happened in the Habsburg Monarchy, but they should nonetheless be ready to act, should it come about.

In some ways, the fourth type of political theology was a blend of types one and three, since it advocated a measured approach to the political instability, similar to type one, and yet, at the same time, advocated for some measure of action within the political realm as advocated by type three. Type four vehemently rejected the liberal reform advocated by the second type — a rejection that allowed followers of type four to gain support throughout the monarchy and unify adherents of the other two types (who were, themselves, opposed to liberal reform) through their mutual antagonism to this liberal reform. Nevertheless, it also recognized the need for change within the Church in Habsburg Austria. In this way, the fourth type could also attract people from the second, as the need for change was the main belief of the second type (and why Bishop Rudigier would eventually join the fold and become one of the most vehement defendants of the Concordat of 1855).

Part of the reason this fourth type of political theology was so important to the development of political theology in the Habsburg Monarchy was that it was the least-objectionable type. This fact was in part due to the contentious nature of the third type's underlying theological ideas — especially those of the Güntherians — which were just as radical as the political conclusions it drew from them. In this way, it was clear to see that without a firm

theological backing, the political ideology could not hold up to scrutiny. If, however, the theological backing gained widespread acceptance, then the political could also hold sway and vice versa. But if neither was popular to begin with, then neither was likely to take hold.

Another reason the fourth type was important and popular was that it harkened back to the "separable inseparability" of the Council of Trent. This type simply updated this concept for the contemporary political structures without advocating for a radical change within the Church, which Rudigier and Feßler sought. Whereas adherents of the second type argued that it was necessary to radically change the Church hierarchy to be more democratic in order to truly enact the spirit of Tridentine reform, this fourth type of political theology recognized that merely rehabilitating the idea of "separable inseparability" and codifying it so that the state could not easily trespass on the domain of the Church would ensure the continued existence and, indeed, progress of the Church.

The fourth type of political theology, which had been gaining support throughout 1848, truly became the dominant type in the Habsburg Monarchy after the Bishops Conference in Würzburg. Though this conference was held outside Austria, a point that would eventually lead to it being disavowed in the Monarchy after the collapse of the so-called *Großdeutsch Lösung* when Emperor Ferdinand declared the Habsburg Monarchy to be inseparable, it nonetheless had major implications throughout the Monarchy. And one of the most important theologians to hold these views during the revolutions of 1848 (and, perhaps, the one who would do more to popularize it than any other) was Joseph Othmar Rauscher, the future cardinal, archbishop of Vienna, and successor to Milde.

Toward the end of 1848, many of the bishops and archbishops in the German states and in the Habsburg Monarchy became wary of the increased violence and anticlericalism of the

revolutionaries. Responding to what they saw as the possibility that they could lose their "historic rights" in the world, the bishops assembled in Würzburg to try to create a new standard of the separation of Church and State that could withstand both the threat of revolution in 1848 and potential future unrest, ensuring the Church would survive as it had for more than eighteen centuries.[98]

While several Austrian bishops were not present at the Frankfurt Parliament or the Würzburg conference because of fear that political affiliation would damage their credibility, others were willing to dip their toes in the water of reform. Perhaps the most well-known of those who attended the Würzburg conference was then-archbishop of Salzburg and future cardinal, Friederich zu Schwarzenberg (not to be confused with his older brother, Felix, who would soon become the Prime Minister). Also in attendance from Austria, as mentioned previously, was the future Bishop Feßler (who attended in the place of Bernhard Galura, the Bishop of Brixen), and Maximilian Joseph Gottfried von Sommerau Beeckh, the archbishop of Olmütz in Moravia.[99]

Over the course of thirty-six sessions between October 22 and November 16, 1848, the bishops attempted to address the many issues raised by the revolutions. The legal status of the Church and the clergy, the future of education, and, to some, the very continued existence of the Church in a potential new confederation that would be dominated by Protestants (i.e., the theoretical result of the Frankfurt Parliament with its goal of unifying Germans) all necessitated

[98] *Denkschrift der in Würzburg versammelten Erzbischöfe und Bischöfe Deutschlands* (Munich: Hübschmann, 1848).

[99] *Denkschrift der in Würzburg versammelten Erzbischöfe und Bischöfe Deutschlands* (Munich: Hübschmann, 1848).

action. This call for action was in direct opposition to the bishops like Milde, who seemed to be content to sit on the sidelines.[100]

The conference was extremely contentious, as it contained people from both sides — those wanting reform in the Church and those who hoped to preserve the old ideas — in order to create a new paradigm of Church and State. In the end, however, the bishops came to an understanding. The future of Church-state relations would be one defined through a careful cooperation of the Church and State in order to create a legal framework in which both could coexist within their proscriptive places in society. By creating a system enshrined in legal agreements, the bishops hoped, the continued operation of the Church in its historic duties — namely that of education and marriage — would be secured while the government could rest easy in the idea that the Church would not try to assert its authority over governance.[101] The final product of the conference was a series of publications, the most important of which was a joint pastoral letter disseminated to the major Catholic newspapers throughout Germany and Austria.[102]

Although the Würzburg conference eventually disbanded and never reassembled once it became clear that the *Großdeutsch Lösung* (creating a unified Germany including Habsburg Austria) would never materialize, its legacy on the Habsburg Monarchy was immense. After

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[100] Johannes von Geissel, "Bericht über die Verhandlungen der zu Würzburg im Oktober und November 1848 versammelten deutschen Erzbischöfe und Bischöfe" (December 31, 1848), Box 20, Folder 26, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL.

[101] *Denkschrift der in Würzburg versammelten Erzbischöfe und Bischöfe Deutschlands* (Munich: Hübschmann, 1848).

[102] "Hirtenworte Der in Würzburg Versammelten Erzbischöfe Und Bischöfe Deutschlands," *Wiener Kirchenzeitung Für Glauben, Wissen, Freiheit Und Gesetz in Der Katholischen Kirche*, December 16, 1848.

Würzburg, compromise became the norm for the radical bishops like Feßler. It was clear that the fourth type of political theology would be the path forward both to preserve the Church as an institution and to help bring it into the modern age. Though he was not present at the conference, Joseph Othmar Rauscher soon became its most staunch advocate and helped to usher in the new paradigm as the de facto leader of the Austrian Church.

Although Cardinal Rauscher's views eventually became the dominant type, it was by no means an inevitability that he would be the person to lead the charge of the Austrian Church in a post-1848 world. After all, like Milde, Rauscher was no enemy of the crown, having ingratiated himself not only to Emperor Franz I, but also to the powerful archconservative Prince Clemens von Metternich. Metternich had exerted his influence as the Foreign Minister and Chancellor of the Austrian Empire, often being cited as the architect of the "Concert of Europe" in the post-Napoleonic world, but had been forced to resign during the revolutions of 1848. At the request of Metternich, Rauscher, had worked together with Metternich's councilors to draw up a proclamation on how to handle marriages between Catholics and Protestants in 1841.[103] But while his cooperation with Metternich and the emperor showed Rauscher's devotion to service within the Monarchy (a service that would later be rewarded when he was appointed Prince-archbishop of Vienna), he nonetheless maintained a degree of antagonism to the crown's interventions in the affairs of the Church.

[103] This proclamation generally accepted the advice of the Pope that children from such marriages should be raised, educated, and treated as Catholics. The later "May Laws" or "*Maigesetze*" in 1868 (which are partly the subject of chapters 3 and 4) directly challenged this status quo. Georg Heller, *Joseph Othmar Kardinal Rauscher, Fürst-Erzbischof von Wien* (Würzburg: Woerl, 1876), 6-8; Ludwig Wahrmund, ed., *Dokumente zur Geschichte der Eherechtsreform in Österreich* (Innsbruck: Verlag der Wagner'schen Universitäts Buchhandlung, 1908), 79-83.

His twin antagonism and support of the Monarchy could perhaps be illustrated by an event that occurred on October 6, 1848. Towards the end of the revolutionary period, Rauscher, then an abbot and tutor of the Habsburg children, went to do his daily duties at Schönbrunn Palace. When he arrived, however, he was accosted by a number of revolutionaries who opposed what they saw as the oppressive rule of the Monarchy and the violent suppression of the revolutions, especially in light of events in Hungary.[104] This mob would be the beginning of what would come to be known as the October Revolution — the final gasp of the revolutionary moment in 1848.

Rauscher, having seen the violence, informed the royal family of the struggles they faced and prepared them to flee. When news arrived that the Minister of War, Count Baillet Latour, had been lynched outside of the St. Stephens Cathedral, it was Rauscher who drew up the decree stating that the royal family had fled to Olmütz, and it was Rauscher who ensured that it was delivered before finally fleeing, himself, to Döbling, just outside the city of Vienna.[105] After royal troops had reclaimed Austria, Rauscher returned. But when he returned, rather than being deterred by the outbreak of violence or turning completely away from the idea of reform, he seemed even more resolute in his ideas to separate the Church and the state within a legal framework.[106]

In 1849, building on the work of the Bishops Conference in Würzburg as well as his own ideas that he had been developing since at least 1835 with regards to the institution of marriage

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[104] Heller, *Rauscher*, 9.

[105] Döbling was later incorporated as the nineteenth district of Vienna, but at this point it was its own independent village.

[106] Heller, *Rauscher*, 9-10

and schools (two areas that would continually form the backbone of all of his political beliefs), Rauscher, now the Bishop of Seckau in Styria, began to lay out the foundation of a new paradigm in Austria. In April 1849, as a part of a pastoral conference called by Archbishop Schwarzenberg and sanctioned by the emperor, Rauscher's ideas became dominant. Between April 29 and June 20, 1849, the bishops under the guidance of Rauscher drafted new resolutions aimed at the restructuring of the balance of Church and state. By the end of the conference, Rauscher's ascendency in the monarchy had begun, and his beliefs on the nature of Church and state in the monarchy were to become the new norm.[107]

It is notable that, while Rauscher and others were actively wary of the radical liberal lower clergy, this fourth type of political theology was nevertheless, in many ways, a true compromise between all three of the other types. It recognized the authority of the state like type one, it recognized the need for reform and modernization within modern political structures like type two (though through different means), and it also saw the necessity to provide a greater distinction between the Church and the state in order to safeguard the interests of both as in type three. It is perhaps for this reason that it gained such traction, attracting people from each of the different types toward it, allowing it to gain a critical mass of support both within and outside of the Church hierarchy by the end of 1848 and beginning of 1849.

It is, of course, impossible to ignore the effects of the waning revolution on the adherents of each of these types. As the revolutions were slowly and systematically crushed, the Frankfurt Parliament dissolved, and the conference of Bishops at Würzburg failed to sway all the clergy, it became apparent that the more radical revisions of types two and three were simply not feasible.

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[107] The major proceedings of the conference are presented in: *Actenstücke die bischöfliche Versammlung zu Wien betreffend* (Vienna: Braumüller, 1850).

But this compromise type could potentially survive the revolutions and prevent the sort of apathy that characterized the Church in the *Vormärz* era.

Conclusion

In the end, each of the four types of political theology were, in their own way, a reaction to the challenges of 1848. Though the other types (in particular two and three) argued that type one was, in fact, not a reaction to 1848 and, instead, a refusal to deal with that reality, the first type was, in its own way, an attempt to wrestle with the pressures of the revolutions and modernity through a reliance on and support of the authority of the temporal state. Through this understanding, the first type was an attempt to preserve the freedom and safety of Catholics throughout the Monarchy.

The lead of Rauscher as the arbiter of political theology in Austria, though perhaps not as clear before his promotion to Prince archbishop of Vienna, would quickly become known throughout the Monarchy, as the press began to defer to him rather than other bishops when asking questions. As Rauscher continued to rise in popularity, Milde's popularity continued to sink. Although he attended the Austrian Bishops' Conference in 1849, he was sidelined for much of the proceedings. In the end, with his health fading, he criticized the work of the Bishops Conference in a pastoral letter published in 1850.[108] Three years later, Milde died in his palace. His last pastoral letter was a vehement defense of the emperor in the face of an assassination attempt, further solidifying the truth that his "apolitical" political theology hinged on the

[108] Ginzel, *Reliquien*, 161-168.

preservation of imperial power. When he died, it was clear that his ideas of politics were a relic of an older time that had disappeared.

Rauscher was named Prince-archbishop of Vienna on March 26, 1853, twelve days after Milde's death. His first real interaction with the public regarding the new paradigm that came with his ascendency as the archbishop was on July 31, 1853, when he issued a pastoral letter defending the positions of the Church in 1849 and after.[109] This direct response to the letter written by Milde three years earlier demonstrated that Austria would not go back to the old ways of thinking. Instead, the Austrian Church would continue to advance in the effort that became the Concordat of 1855. This undertaking (which is the subject of the next chapter) would solidify the beliefs of the fourth type of Austrian political theology into law, setting up the crowning achievement of Rauscher's tenure as archbishop of Vienna. However, his effort also sowed the seeds of his eventual shift toward yet another new paradigm of political involvement after the painful realization that the ideas of the Concordat of 1855 simply could not survive in the modern political landscape.

[109] Joseph Othmar Rauscher, "Nichtamtlicher Theil," *Wiener Zeitung*, July 31, 1853, 2-3.

Chapter 3: The Concordat of 1855

On April 6, 1855, Emperor Franz Joseph wrote to the president of the Reichsrat, Karl Friedrich von Kübeck, expressing his dissatisfaction with several points of the forthcoming Concordat with Rome. He ordered Kübeck to discuss his reservations with now-Archbishop Joseph Othmar Rauscher, who was their liaison for negotiations with the papal prelate, Michel Viale-Prelá. Despite the fact that the archbishop was the emperor's old teacher, Franz Joseph believed Kübeck had a stronger relationship with Rauscher than he did, owing to their budding friendship during the Concordat process. The problem, as Franz Joseph saw it, largely came down to the amount of control that the emperor would be ceding to the pope. Many of the historic privileges of the emperor, such as being able to name the bishops in his land and controlling how and when they were disciplined, seemed to be abrogated under this new agreement. After six years of steady political gains by the Austrian Catholic Church and almost three years of negotiations with the pope, the careful balance between Church and State crafted by Archbishop Rauscher and supported by countless others was put into jeopardy with the stroke of the emperor's pen.[1]

This was not the first time the Concordat was put in danger due to the emperor's cold feet. And it would not be the last, either. While the disputes were eventually resolved and the Concordat of 1855 signed just four months later, this incident is just one of many that show just how shaky the ground was for the agreement throughout the negotiation process and how

[1] Franz Joseph I, "Copy of Letter from Franz Joseph to Karl Friedrich von Kübeck" (April 6, 1855), Box 4, Folder "1855, 1," Bischofskonferenz, DAW.

uncertain the future of Habsburg political theology.[2] It had been a long and fraught journey from the Bishops' Conference in 1849 to the signing of the Concordat in August of 1855. Nevertheless, Rauscher believed the agreement and the paradigm of cooperation between the Church and State that it established was going to revolutionize the Austrian Church and usher in a new chapter in the history not only of the Church in Austria, but the Catholic Church across the globe. "All rights that are due to the Church and all laws that it lays down," he argued, "have no other aim or end than to make men holy and blessed, and mankind must make their own contributions to this end." For Rauscher, his contribution to this inexorable march toward the salvation of mankind was the Concordat of 1855.[3]

Yet despite the eventual agreement between the parties, the continuous questioning, rescinding of promises, and talking in circles led to a neutering of some language in the Concordat. In deciding on provisions that were agreeable to all parties, negotiators created points that were much vaguer. This lack of specificity allowed later actors to find loopholes in the provisions and easily strip them of their power.[4] Furthermore, disagreements about just what a Concordat was and the legal power it held led to its eventual replacement after the ascendency of the Liberal Party in the government in 1861. The process of the codification of the Concordat of 1855, the negotiated settlements between the Habsburg state and the Catholic Church, and the

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[2] The Dözesanarchiv Wien is filled with letters between Rauscher, Viale-Prelá, Kübeck, Cardinal Schwarzenberg (who took a keen interest in the proceedings), and others who were all trying to either complete the negotiations or stop some provision or another from being enacted in one particular way. These letters can largely be found in: Box 4-7, Bischofskonferenz, DAW.

[3] Joseph Othmar Rauscher, *Hirtenbriefe, Predigten, Anreden* (Vienna: Friedrich Manz, 1858), 459.

[4] This is precisely what would happen after 1867, with the imposition of the *Maigesetze*, the implication of which will be discussed in Chapters 4 and 5.

implications this Concordat (or, more precisely, its failure) had for the development of the Austrian political theology form the basis of this chapter.

The Concordat of 1855 represented the solidification of the post-1848 Rauscherian paradigm of political theology in the Habsburg Monarchy.[5] This paradigm, based on a legalistic separation of the Church and the State into clearly-defined spheres of governance, hoped to both protect the Church and to assuage any fears of the state that the Church was overstepping its bounds into secular society. The Concordat thus delineated the rights and responsibilities of the Church and the limitations of the state to regulate it, undoing many points of imposition, such as a tacit understanding that the emperor was the head of the Austrian Church, that had been a part of Josephinist reforms in the eighteenth century. However, it was clear to many in both liberal and conservative circles that the Concordat of 1855 was an insufficient compromise to address the new political realities of Austria, particularly after the creation of the Dual Monarchy in 1867 and the passing of the so-called *Maigesetze* one year later.[6]

Although the Concordat was largely popular in the Habsburg Monarchy, many within the Church remained deeply skeptical that this compromise would be able to truly defend the rights of the Church, despite the passionate arguments of Cardinal Rauscher. By the time the *Maigesetze* were passed in 1868, it was clear that the Rauscherian paradigm of political theology that had developed twenty years earlier was unable to fully prepare for or refute liberal control of the Church's institutions. Conservative Catholics and the clergy in the Habsburg Monarchy believed that they could no longer rely on a mere piece of paper to protect them from what they

[5] For the development of this paradigm as a result of the Revolutions of 1848, see Chapter 2.

[6] The replacement of the Concordat began with the passing of the *Maigesetze* in 1868, which formed the basis of the trial of Bishop Rudigier of Linz — the subject of Chapter 4.

saw as fundamental intrusions into their God-given rights, even if the agreement was hailed at the time as a gift and intercession from God. And so, with the practical failure of the Concordat, Catholics in Austria realized they must find another way forward in the ever-shifting political landscape. For some, that meant protest. For others, it meant yet another political theological paradigm, one that would allow them to directly act within the political sphere.

From Conference to Concordat

Although a commission to craft a Concordat with Rome was not created until 1852, the process for this agreement began, in earnest, in 1849 with the creation of the Bishops' Conference — a vestige of the revolutionary fervor of 1848. Though accounts vary on who initially had the idea for the Bishops' Conference as well as who actually undertook the necessary steps to ensure it would be permitted by the emperor, there seems to be some agreement that both Rauscher and Cardinal Schwarzenberg, the archbishop of Salzburg, initially proposed the meeting. Regardless of whose idea it was initially, with the sympathetic ear of Minister-President Felix zu Schwarzenberg (who was Cardinal Schwarzenberg's brother), along with Princess Sophie (Franz Joseph's mother) and Minister of Religion and Education Count Leo Thun, the idea of a unified bishops' conference to discuss issues of Church and State eventually captured the attention of the young Franz Joseph.[7]

[7] There are conflicting arguments of just who was responsible for persuading Franz Joseph to call the conference, but it seems that all of the actors listed above had at least some hand in the process. Peter Leisching, *Die Bischofskonferenz: Beiträge zu ihrer Rechtsgeschichte, mit besonderer Berücksichtigung ihrer Entwicklung in Österreich* (Vienna: Verlag Herold, 1963),126; Franz Loidl, *Geschichte des Erzbisthums Wien* (Vienna: Herold, 1983), 231-235; Rudolf Till, *Hofbauer und sein Kreis* (Vienna: Herold, 1951), 117; William Timcheck, "The Struggle of Throne and Altar: Church against State in Austria 1848-1874" (PhD Diss., University of Wisconsin at Madison, 1974), 27-28.

This conference proved to be the first step toward the new dynamic of Church and State in the Habsburg Monarchy. Though it was unclear at the time if it would be effective, as it did not have the support of all Austrian Church officials, by the time the 1855 Concordat was concluded, it was clear to all that this conference paved the way for the Concordat.[8] As one commentator noted in his discussion of the conference shortly after the pronouncement of the Concordat, "from [the Bishops' Conference of 1849], we heard the sounds which the Concordat combined into full and perfect harmony."[9]

One of the first acts of the Bishops' Conference was to send an open letter to the emperor that would be reprinted in various newspapers throughout the monarchy. This letter explained not only some of the goals of the conference, but bound it within a very specific theological context. The main goal of the conference, according to this letter, was to "strengthen and enliven the Catholic spirit" and to "develop our official activities in accordance with Church laws" in order to help the emperor guide his people and help create a more loyal and moral people.[10] The authors of the letter showed that they would be acting within the bounds of their conception of a separation of Church and state by invoking the same verse as so many others before them: Matthew 22:21.[11] However, it quickly became very clear that they did not see this verse as a

[8] As noted at the end of Chapter 2, Archbishop Milde did not approve of the Conference, partly due to his belief that it was merely a vestige of the revolutions of 1848 (a fact, about which, he was correct).

[9] *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 10.

[10] "Amtlicher Theil," *Wiener Zeitung*, June 1, 1849.

[11] This verse is discussed in depth in Chapter Two of this dissertation.

blanket authorization for the emperor to do whatever he wanted within his realm, but rather an ideal situation that, nonetheless, had limits.[12]

According to the bishops' first statement, the conference would deal with five major topics of concern. The first was the relationship of the Catholic Church in Austria to other confessions. In short, they hoped to preserve the special status of the Catholic Church, especially in the case of mixed Catholic and Protestant marriages. The priests hoped this privileged position, which gave the priests power to institute Catholic marriages and to ensure that children from a mixed-confession marriage would be raised as Catholics, would continue. However, in light of the new constitution put in place after the revolutions of 1848, this special status was less secure than they hoped. Though the emperor continued to give assurances of this special status, including in his response to their first communication, the bishops nonetheless wanted the status affirmed in writing, with all attendant legal protections.[13]

Secondly, they wanted to ensure continued lines of communication between the Church in Austria and the Church hierarchy in Rome (and in particular communication with the pope). While this goal seemed innocuous, it would prove to be one of the more difficult tasks of the conference, as the structured hierarchy inherent in the goal created tension between the ultramontane and gallican factions of the Austrian Church. Though, in reality, this tension would have little actual bearing on the negotiations, the symbolism of this point would seem to favor an ultramontane deference to the pope's authority rather than an acknowledgement of a more

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[12] The limits of Matthew 22:21 have been elucidated throughout Catholic theology, most famously in Aquinas's arguments about just laws, which was later used by Bishop Rudigier in his 1868 trial for "Disturbing the Peace," which is the subject of Chapter 4. Thomas Aquinas, *Summa Teologica*, 1-2.96.

[13] "Amtlicher Theil," *Wiener Zeitung*, June 1, 1849.

Austrian-centered Church that gallican factions favored. This problem (i.e., the potential for greater destabilization of the Church internally) was one of Milde's greatest fears, and thus this provision became one of his most vehement points of contention. As a result of his public opposition to the Conference and this position in particular, Milde was largely sidelined during the Conference. Though Milde would later defend the Conference as a whole (including this provision) in his pastoral letter after the Conference had concluded, it nonetheless proved difficult for him to support initially.[14]

Third, was the power of education. The Church continuously asserted that the education of children based on Catholic teachings was imperative for the continued moral health of the people. It was thus the job of the Church and not the State to educate children. Church leaders grounded this assertion partly in the belief that the Church alone held "Truth" – that is Christian Truth as revealed by God – to be a constant and unchanging fact. Both morality and truth, they argued, must be taught by the Church so as not to be subject to the vicissitudes of politicians influenced by an ever-changing political structure. They argued forcefully that the Church was not only compatible with reason and science, but that in studying science, one could gain a deeper appreciation of God's works.[15] Because "the God of revelation is the creator of both the soul and the physical world," they argued, you must study both to understand the world. To those who study science, the Church could say, "You research nature and spirit and history because you believe the riddle of life to be found in it … Examine rightly and search deeply, and you will

[14] J. A. Ginzel, *Reliquien von Vincenz Eduard Milde, weiland Fürsten- Erzbischofe der Kirche von Wien: nebst einem Abrisse seines Lebens* (Prague: Wenzel Heß, 1853), 161-168.

[15] "Die Versammlung der Kirchenfürsten in Wien im Jahre 1849," in *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 12-13; "Ansprache der Kirchenfürsten an die Gläubigen vom 17. Juni 1849," in *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 21-22.

know his eternal power and divinity therein."[16] However the Church's control of education would prove to be one of the most controversial aspects of the Bishops' Conference in the Monarchy, with Protestants and liberals arguing that education should not be subject to the biases and "superstitions" of the Catholic Church.[17]

Lastly was the belief that the Church should be able to handle its own internal discipline. This goal, again, was a deceptively difficult proposition, as this provision, even more than communications with Rome, would raise issues of sovereignty and the specter of ultramontanism. This point, which, according to liberals, placed the clergy above the law, was one of the most contentious points of the conference. Ultimately the challenges in implementing the policy and the limitations of the Conference from a legal standpoint led the bishops to conclude that the conference was inadequate to deal with this issue or, indeed, many other issues of the relationship between the Church and the state. This provision, it seemed, necessitated a larger agreement between the Monarchy and the Vatican.

The disagreements about education and Church discipline demonstrated more than anything else the need for a Concordat with Rome. Furthermore, the conference did not deal with the issue of civil marriage, which was becoming more politically pressing. This tension between the right of the Church to perform marriages as a part of its sacraments and the right of the state to allow civil marriages also needed to be codified in a Concordat.[18] However, by opening up the

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[16] "Die Versammlung der Kirchenfürsten in Wien im Jahre 1849," in *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 12-13; "Ansprache der Kirchenfürsten an die Gläubigen vom 17. Juni 1849," in *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 21-22.

[17] Gary B. Cohen, *Education and Middle-Class Society in Imperial Austria, 1848-1918* (West Lafayette, Ind.: Purdue University Press, 1996), 34-37.

[18] The issue of marriage was one of Cardinal Rauscher's lifelong obsessions, as he argued that marriage was a religious institution and, thus, could only be performed by religious authorities.

possibility of a Concordat, the bishops were stepping into an even greater legal and theological minefield than they were with this simple bishops' conference. This complex legal and theological system is why it took six more years to negotiate the Concordat, while the Bishops Conference took only one month.

Once the conference was announced publicly, reactions began to flood the press. These reactions ranged from those who were supportive of such an endeavor to those who vehemently opposed it. As one might expect, the opposition came overwhelmingly from the more liberal factions in the Monarchy, while support came from the more conservative factions. However, these reactions were not always neatly separated.

Within the Church, there were several spokesmen who had complex reactions to the conference. For example, the Catholic firebrand and social critic, Georg Emanuel Haas, was of two minds about the conference. On the one hand, he saw it as the best hope of the Catholic Church in Austria to finally turn itself around and enact real reforms that could help to improve society, saying that "since the Council of Trent, the Catholic Church was believed to be dead… [but] we were filled with new hope upon seeing such a large assembly of bishops in Vienna."[19] On the other hand, he noted, these were the same bishops who had allowed the "oppression" of the Catholic Church to continue unabated, allowing the power of the Church in Austria to stagnate. Going back to the time of Joseph II, Haas argued, the upper clergy had chosen to be silent in the face of the systematic destruction of the Austrian Catholic Church in order to save

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He would continue this argument until he died in 1875. As noted in Chapter 2, he had helped to usher in the status quo of marriage law under the direction of Klemens von Metternich in 1841. Perhaps his most important work in this regard is: Joseph Othmar Rauscher, *Die Ehe und das zweite Hauptstück des bürgerlichen Gesetzbuches* (Vienna: Adolf Holzhausen, 1868).

[19] Georg Emanuel Haas, "Tagesfragen," *Wiener Zuschauer*, July 26, 1849, 7.

themselves from personal persecution. “Who dared contradict the liberal tyrant?” he asked, meaning Emperor Joseph II. His conclusion was that none had dared to speak against him, and so the Church had foundered on the rocks of liberalism.[20]

Haas expressed the great uncertainty of many Catholics in the face of the Bishops’ Conference. How could these bishops truly enact the will of the people and create a clear and lasting separation of the Church and state in which the Church maintained its sovereignty and power when it had, historically, pursued a path of “indifferentism” to the struggles of the Church in order to curry personal favor with the monarchs?[21] This criticism, of course, reflected the critiques of Archbishop Milde in 1848. Once again, opposition to Milde’s apathetic political theology was the target of those begging him to act. Such a political theological paradigm, which by this point was fairly dead among the clergy, had been insufficient to deal with the issues of the new order. If this Conference were to work, it would need to shift to the more dynamic paradigm of Rauscher.

Other Catholics, however, showed no reticence about the Conference. They argued that a Concordat was the only way to protect the Church from the encroachment of liberalism and secularism and to ensure that the Catholic Church would be able to survive. In Linz and Bohemia, priests from many dioceses sent open letters to the bishops praising their ongoing struggles and requesting even greater reforms. They applauded the bishops for not falling into the traps of their enemies, who used disinformation. If they were to win, the bishops would need to use the truth and law to fight back.[22]

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[20] Georg Emanuel Haas, “Tagesfragen,” *Wiener Zuschauer*, July 26, 1849, 5.

[21] Georg Emanuel Haas, “Tagesfragen,” *Wiener Zuschauer*, July 26, 1849, 5.

[22] “Die Abteien der Linzer Diöcese an ihren Bischof,” reprinted in *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, October 9, 1849; “Die

The Bishops Conference, however, and, later, the negotiation process for the Concordat still created problems for the Church. The charges of Ultramontanism, which had died down, again came to the forefront. "*Jesuitismus*" became a code word for opposition to the Conference and the Imperial Patent that would follow it. It is no coincidence that the liberal *Innsbrucker Zeitung*, which had sparred with Bishop Feßler in 1848, suddenly became very concerned with the possibility of a resurgent Jesuit order.[23] It became such a cliché that the humorous newspaper *Die Geissel* defined *"Jesuitismus"* as something used to "obscure the most beautiful actions."[24] Jesuitism became a continuing theme in Catholic debate throughout the 1850s and later echoed in the period of persecution known as the *Kulturkampf*.[25]

After the Bishops' Conference, Emperor Franz Joseph and Minister of *Cultus und Unterricht* Leo Thun issued a declaration of faith in the Conference, in the form of two linked imperial patents. These patents theoretically protected the Church and its rights that, the emperor argued, had already been in effect at least since 1849. Nevertheless, they would form a firm legal basis from which the Concordat could follow.

The first patent, issued on the April 18, 1850, contained several major provisions — chief among them, provisions to protect the right of the Church to exist, the right of the Church to consult the pope in spiritual matters (though, notably, it did not guarantee this right for temporal matters), and the right of the Church to discipline its own clergy members as long as it was

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Abteien der Linzer Diöcese an ihren Bischof (Schluß)," reprinted in *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, October 10, 1849.

[23] "Die Jesuiten in Rom," *Innsbrucker Zeitung*, September 15, 1849.

[24] "Lexikon für Kunst, Handel und Gewerbe in der Gegend: Wo ist des Deutschen Vaterland?," *Die Geissel*, February 17, 1850.

[25] See Chapter 5.

handled in private. In the case of the last right, if the discipline or the offense from which it derived were public, then the bishops had to notify the government in regards to what was happening before it went to the press.[26] The second patent, issued five days later, on April 23, 1850, dealt primarily with higher education and the teaching of theology in universities.[27] Neither of these patents, however, dealt with the issues of primary and secondary education or with the touchy issue of civil marriage. As noted above, these two issues were the most pressing issues for the Church and for Rauscher in particular, who saw them as coming under the sole purview of the Church.

The Bishops' Conference, the patents that derived from it, and the promise of the continuing cooperation between the state and the Church to legally enshrine the rights and responsibilities of each all represented the type of political theology espoused by Rauscher. The shifting modalities of political theology prompted by the revolutions of 1848 necessarily created the fertile ground for these major accomplishments. By this point, though there were still some Güntherians and others who believed in a different path forward, the Rauscherian paradigm was the primary understanding of political theology in the Habsburg Monarchy. Without this consolidation of belief, it is unlikely that these issues would have been resolved quite as they were.

The opposition in more liberal parts of society, however, worked to discredit and dismantle the patents almost as soon as they were published. Liberals argued that the patents represented governmental overreach into society which merely handed control of the state over

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[26] "Allerh. Patent vom 18. April 1850," in *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 99-100.

[27] "Allerh. Patent vom 23. April 1850," in *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 101-102.

to the pope, thus undermining the sovereignty of both the emperor and (for the more liberal spokesmen) the people. This argument had been a major part of liberal opposition to the Church since the beginning of liberalism in the Monarchy. Though the liberals at this point in time did not have much authority due to the forceful suppression of the revolutions of 1848 and could thus not really mount a strong opposition, they nevertheless threatened to challenge the patent in court at every possible instance.[28]

Eventually, the Church, the emperor, and the cabinet ministers realized that there was a need to fortify the patents, both because of the disagreements between the government and the bishops on the scope of the patents and because they wanted to oppose the liberals who, although not in power at the time, nevertheless threatened to overturn the laws and, thus, upend the stability of the new government. Furthermore, the unresolved issues of education and marriage, questions of just how far the authority of the bishops extended, a lack of clarity about the enforcement of internal discipline in the Church, uncertainty about how the Church could and should interact with other denominations, and other technical legal issues remained ambiguous due to the wording of the patent. Thus, they needed to deal with these issues.[29]

In 1852, after being persuaded by his cabinet to form a commission, the emperor decided to begin the process of formalizing a more robust agreement with the Vatican. On September 14, 1852, Franz Joseph called on Rauscher to undertake negotiations with the Holy See. He also

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[28] "Die geistlichen Gerichte," *Südslawische Zeitung*, May 10, 1850; "Ueber den despotischen Geist der durch das kaiserliches Patent vom 18. April d.J. beseitigten österreichischen Kirchengesetzgebung," *Salzburger Constitutionelle Zeitung*, June 1, 1850; "Die politischen Rechte und der klerus," *Innsbrucker Zeitung*, December 4, 1850.

[29] Leisching, *Bischofskonferenz*, 176-177.

called on the head of the Reichsrat, Kübeck to form a committee to oversee the process.[30] Rauscher, he noted, had been instrumental in the development of the Bishops' Conference and would be able to accurately portray the views of the Church as well as protect the interests of the emperor. As the emperor's old tutor, Rauscher remained loyal to the emperor yet had the objectivity necessary to act as a true intermediary between the emperor and the Vatican.[31]

The agreement between the emperor and the pope became the Concordat, following and expanding on the model established by Napoleon in 1801, which tried to repair the rupture between France and the papacy during the French Revolution. This earlier Concordat clearly defined the rights and responsibilities of the Church within France. While the Concordat of 1801 largely favored the power of the state over the Church through such provisions as guaranteeing continued religious freedom for Protestants in France, giving the state the power to nominate bishops, and solidifying the French government's claims to Church lands lost in the revolution, it nonetheless ensured that the Church could continue to exist in France and have rights and influence within the state.[32] For the Habsburg Monarchy, such an agreement could do the same to work out the lingering issues in the post-1848 order. Thus, in 1852, the process began for the creation of what would become the Concordat of 1855.

The Concordat as Legal and Theological Tool

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[30] Erika Weinzierl-Fischer, *Die Österreichischen Konkordate von 1855 und 1933* (Munich: R. Oldenbourg Verlag, 1960), 66-68.

[31] For more on Rauscher's duality, see Chapter 2.

[32] For more on the Concordat of 1801, see: Jean-Baptiste Jeangène Vilmer, "Commentaire Du Concordat de 1801 Entre La France et Le Saint-Siège," *Revue d'Histoire Ecclésiastique* 102, no. 1 (2007): 124–54.

At its heart, a Concordat is an agreement between the Church (through the authority of the pope) and a secular authority. This agreement establishes the different rights and responsibilities of both parties, ensuring that all had a mutual understanding of their obligations. The goal of a Concordat is to solidify the mutual understanding of the spiritual and temporal authorities and, thus, preserve peace.

Early in Church history, Concordats were nonexistent. In fact, for the first 1100 years of the Church's existence, Church leaders conducted no such agreement between themselves and a temporal power. The primary reason behind this omission in the earliest days of the Church (i.e., before 313) was that the temporal powers were generally hostile to Christianity and, thus, had no vested interest in preserving its power within the state. Rather, the relationship of Christianity to the Roman Empire before the conversion of Constantine and the recognition of Christianity as an official religion was, at best, antagonistic, and, at times, Rome actively sought to eradicate the Christian cult within its borders. [33]

Because Concordats did not exist, the early Church fathers did not engage in theological discussion about them. These early writers focused more on practicing Christianity *in spite* of governmental opposition rather than trying to conclude agreements with those governmental systems. Furthermore, the early Church fathers also shared an eschatological belief that the world would be ending soon and Christ would come back to establish his long-awaited kingdom. Thus, long-term agreements were not really necessary. All that was necessary was that the Church ensured its continued safety long enough for Christ to return. Once the emperors of Rome converted to Christianity, the respect for temporal authority and civil allegiance became

[33] Leo Kelly and Benedetto Ojetti, "Concordat," in *Catholic Encyclopedia*, vol. 4 (New York: Robert Appleton Company, 1908), https://www.newadvent.org/cathen/04196a.htm.

major points of Christian theological discourse. It is perhaps for this reason that Matthew 22:21 was such a keen point of commentary for Church scholars after 313, as it is one of the few points in the Gospel where this dynamic is actually stated. Furthermore, this dictum had much weight as it was supposedly the direct words of Jesus rather than an elucidation of his apostles.[34] After 380, when Theodosius I issued the Edict of Thessalonica, Christianity became the state religion of Rome. While several councils were called to elucidate matters of doctrine and to attempt to prevent schisms, a formal agreement between two polities like a Concordat was not necessary.[35]

The first Concordat was the "Concordat of Worms" or "*Pactum Callixtinum,*" which settled the Investiture Controversy in 1122 with Emperor Henry V of the Holy Roman Empire by ensuring that bishops would be chosen by ecclesiastical elections, giving Henry some say in disputed outcomes.[36] Though Henry was a part of the Salian dynasty and not a Habsburg, this Concordat would later govern Habsburg conduct when they became Holy Roman emperors in

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[34] This discussion can also clearly be seen in Paul's letter to the Romans. For more on the early Church fathers and the development of Christianity up to the point of Roman conversion, see: Diarmaid MacCulloch, *Christianity: The First Three Thousand Years* (New York: Penguin, 2009), 112-154.

[35] For more on early Christian conceptions of the relationship between Church and state in the late Roman Empire, see Peter Brown, *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350-550 AD* (Princeton: Princeton University Press, 2012); Richard Price, "Politics and Bishops' Lists at the First Council of Ephesus," *Annuarium Historiae Conciliorum* 44, no. 2 (2012): 395; Hagit Amirav, *Authority and Performance: Sociological Perspectives on the Council of Chalcedon (AD 451)* (Göttingen: Vandenhoeck and Ruprecht, 2015); Justin M. Pigott, *New Rome Wasn't Built in a Day: Rethinking Councils and Controversy at Early Constantinople 381-45*1 (Turnhout, Belgium: Brepols Publishers, 2019); Jared Secord, *Christian Intellectuals and the Roman Empire from Justin Martyr to Origen* (University Park: The Pennsylvania State University Press, 2020); David Neal Greenwood, *Julian and Christianity: Revisiting the Constantinian Revolution* (Ithaca: Cornell University Press, 2021).

[36] Bruce Bueno De Mesquita, "Popes, Kings, and Endogenous Institutions: The Concordat of Worms and the Origins of Sovereignty," *International Studies Review* 2, no. 2 (June 1, 2000): 93–118.

1440. After this first major Concordat, however, Concordats seemed to fall out of favor. Only in the eighteenth century did they become useful political tools. The renewed interest in Concordats was primarily a result of changing ideas of governance as a result of the Enlightenment and, by the end of the century, as a reaction to the spread of enlightenment ideals through the French Revolution. Overall, there were twelve Concordats concluded in the eighteenth century, but Concordats only became a major point of statecraft in the nineteenth century after Napoleon's Concordat in 1801, with 55 Concordats concluded between then and the turn of the twentieth century.[37]

In the nineteenth century, Concordats became a tool of the papacy to deal with the civil powers and, in particular, to prevent the advance of liberalism. Papal opposition to liberalism came to a head during the papacy of Gregory XVI from 1831 to 1846 after his encyclical *Mirari Vos* in 1832, which harshly condemned the political ideals of liberalism. However, the later portion of this encyclical also reaffirmed faith in existing temporal institutions and sought to preserve the cooperation between the Church and the state. *Mirari Vos* mentioned the early Church Fathers as an example of how the Church could work within a system with which it did not agree. While the analogy was not a perfect one, as the Church Fathers faced intense opposition while the contemporary Church acted from a position of power throughout the world, the language of the Church Fathers nonetheless colored the way Gregory and others spoke of these issues. A necessary precondition for the survival of the Church within oppressive systems was the establishment of clear boundaries between it and the secular authority. According to Gregory, this separation of powers was clearly within the teachings of the early Church Fathers,

[37] Kelly and Ojetti, "Concordat"; Erminio Lora, *Enchiridion dei Concordati: Due secoli di storia dei rapporti chiesa-stato* (Bologna: EDB, 2003).

even though they did not create formal agreements with the powers they were struggling against.[38]

While the concordats in the eighteenth and nineteenth centuries were a reaction to modernity and the new political ideas that arose in Europe with the French Revolution, this process was also, in some ways, a legitimization of the liberalism that the pope sought to denounce. While on the one hand, the concordats declared liberalism anathema to the truth of the Church, the concordats nonetheless operated within legalistic liberal frameworks. By using these frameworks, the concordats lent an air of legitimacy to liberalism, even as they sought to stop its spread.

The incongruity between the utilization of liberal legal frameworks on the one hand and vehement anti-liberalism on the other raises an important point of conflict — the legal and theological bases and theories surrounding the institution of the Concordat itself. There was, of course, recognition that Concordats were not only useful for the Church's suzerainty in a given state, but also that Concordats were, themselves, ways to protect the scriptural truth of the Church by preventing temporal interference in doctrinal issues.[39] But the legal and theological means by which that was true were up for dispute, as even the recognition that the Church was suzerain instead of sovereign created its own issues.

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[38] Gregory XVI, "*Mirari Vos*," Papal Encyclicals Online, August 15, 1832, https://www.papalencyclicals.net/greg16/g16mirar.htm.

[39] The concept of suzerainty, in which one state controls some aspects of a tributary state while giving it internal autonomy, can be applied here to the legal separation of powers afforded to the Church within a given territory. This concept is sometimes applied to embassies and consulates within a foreign territory and can be a useful analogy for the understanding of the Church as an embassy for God within the temporal realm. Though this does not quite fit within the larger theological ideas of God's authority, it is nonetheless helpful for a definitional understanding of the concept of the Concordat.

There were essentially three main theories of Concordats from the standpoint of political theology presented throughout the nineteenth century: the legalist theory, the compact theory, and the privilege theory. Most of these theories attempted to answer the question of what a Concordat really was. Was it a treaty between two states? Was it merely a suggestion from the pope? Did it have any real temporal authority, and, if so, by what means was that authority enforced? These questions not only highlighted the precarious nature of these agreements, but also formed the bases of major disagreements between liberals and the Church as well as the means by which the liberals would attack the agreements well after they had been established.[40] Each of these theories were put forward by Catholic scholars who each had a personal stake in the proper procession of the relations between Church and State. While they all came to very different conclusions as to the real nature of a Concordat, each based their understanding on their own interpretations of the same theological bases.

The first theory, the legalist theory, rested on an understanding that law, while inspired by God and the Truth of the Church, is nonetheless the domain of the temporal realm. As the government is the supreme actor within the temporal realm, it is above the Church in this regard. As such, concordats do not have the same weight as a bilateral treaty with another sovereign state, since, in this formulation, the Church is not sovereign but rather suzerain. Still, this theory recognizes the validity of Concordats as they are, in essence, civil laws passed by the state with regards to the Church. This logic follows the same format of the Imperial Patents passed in 1850. However, because these are civil laws, according to this theory, they can be revoked by the state at any time. Furthermore, as the Church is not sovereign in this instance, but rather suzerain, it

[40] This disagreement would become starkly evident during the trial of Bishop Rudigier, which is the subject of Chapter 4.

cannot revoke a concordat itself in the same way that a foreign national cannot just decide that a law of the state in which he or she currently resides no longer applies.[41]

The second theory, the so-called compact theory, held that, in opposition to the legalist theory, the Concordat is, in fact, a bilateral compact between the state and the Church. Though there is some disagreement among proponents of this view as to what that exactly meant in practical terms, in general it was believed that this compact is something that is agreed to by both parties equally, can be modified as the two parties see fit, and is binding on both parties. This argument rests on an assumption that the balance of Church and State is just that — a balance. This balance means that the Church is not subordinate to the state, just as the state is not subordinate to the Church. It is also worth noting that because a Concordat is, in this view, a bilateral compact made between the emperor and the pope, in this theory, it is only those two entities who can revoke the agreement and not anyone else, including an elected body.[42] This theory would be one of the main lines of defense for the Church in the face of liberal opposition after 1867, as the Church would argue that the liberal parliament did not have the authority to undo the Concordat. This argument, however, would later prove insufficient.

The final theory is the privilege theory, which held that a Concordat merely imposes restrictions on the civil power and not the Church. This idea is essentially an inverse of the Legalist Theory, in that the pope is not bound to the agreement but the state is. The name comes from the idea that the pope, through these agreements, gains certain privileges and concessions from the state. Because of this structure, there was some question as to whether or not those

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[41] An elucidation of this theory can be found in; Paul Hinschius, *Staat und Kirche* (Freiburg im Briesgau: J.C.B. Mohr, 1883), 270-279.

[42] Felice Cavagnis, *Institutiones iuris publici ecclesiastici*, vol. 1 (Rome: Lefebvre, 1906), 403-447.

privileges can be revoked, though most argued that they could. Still, this idea put the Church in the position of power over the state while still asserting the sovereignty of that state.[43]

Despite questions about the bilateral quality of the treaty, about who constituted the representative body for each party, and about who was restricted by what, it was generally accepted by the 1850s (and certainly by the time the Concordat of 1855 was concluded) that a Concordat granted privileges and demanded obligations of *both* parties at the same time and could be revoked or modified by either unilateral notification or a bilateral renegotiation.[44]

By 1852, it was clear to both the bishops and the government that negotiations were needed to craft an agreement with Rome on the specific rights and privileges that the Church could have within the Habsburg Monarchy. The Minister of Religion and Education, Count Leo Thun, had hinted at such a necessity back in 1850, and with the help of Rauscher, he and the Minister-President Karl Friedrich Kübeck von Kübau managed to convince the emperor that a Concordat was necessary.

Kübeck, who had been Minister-President of the Habsburg Monarchy since 1850, played a pivotal role in the crafting of the Concordat. He oversaw negotiations between the emperor and Papal Prelate Michel Viale-Prelà (and later with the pope), acting as an intermediary and representative for the emperor. He met with Rauscher in person at least 16 times between the beginning of the process in 1852 and its conclusion in 1855, in addition to writing countless letters to Rauscher in order to ensure that the Concordat they received was exactly what they wanted.[45]

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[43] Camillo Tarquini, *Iuris ecclesiastici publici institutiones* (Rome: Civilitatis Catholicae, 1868).

[44] Hinschius, *Staat und Kirche*, 270-279.

[45] The meetings with Rauscher are noted in Kübeck von Kübau's diary, which Friedrich Walter republished in 1960. Sometimes these meetings were over dinner, sometimes they were more

Kübeck later expressed reservations about some of the major provisions of the Concordat, arguing that the Church was asking for too much power. "With each week," he complained, "come new and increasing desires from the Curia." He argued that, "it is in the highest interest of the Church not to exceed the limits of its power," noting that "it was these transgressions that... caused the Reformation to break out."[46] Nevertheless, Kübeck was instrumental in ensuring the Concordat came to fruition. Kübeck was worried that religion and, thus, morality in the Empire, had been lost after the revolutions of 1848, saying, "the great battle of our time is about the preservation or destruction of Christianity."[47] The way this battle manifested itself, he argued, was through the tension between "self-sacrifice" and "selfishness." This fear of what he saw as a creeping amoral secularism colored his enthusiasm for the Concordat, especially its provision on education, which he regarded as the primary means of ensuring a moral population.[48]

In the early 1850s, the monarchy was essentially a ministerial state rather than a parliamentary one. The emperor's hand-picked cabinet ruled over the country with his consent. This system first appeared as an emergency provision after the revolutions of 1848 and then became legally binding on New Years' Eve, 1851, when, with the urging of then-foreign-minister Felix zu Schwarzenberg, the constitution drawn up after the dissolution of the Kremsier

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informal, but it is clear in Kübeck's writing that he was very concerned about the Concordat and its ultimate version. Friedrich Walter, ed., *Aus dem Nachlass des Freiherrn Carl Friedrich Kübeck von Kübau: Tagebücher, Breife, Aktenstücke (1841-1855)* (Graz: Verlag Hermann Böhlaus Nachf., 1960), 100-158.

[46] Walter, *Nachlass*, 156.

[47] Walter, *Nachlass*, 21.

[48] Walter, *Nachlass*, 21.

Parliament in 1849 was revoked, ushering in the period known as "neo-absolutism," which was a style of rule predicated on absolute centralized control through a vast imperial bureaucracy.[49] After Schwarzenberg's death in 1852, Alexander Freiherr von Bach became the primary power in the monarchy. Despite being sidelined from certain issues, in particular economic affairs following his imprudent criticisms of the economic policies of the Bach government, Kübeck still had remarkable power and influence in the Habsburg state.[50] He used this power to his full advantage when negotiating the Concordat. Though the emperor theoretically was the one negotiating with the pope, it was really Kübeck who became the primary point of contact for the monarchy, essentially making the Concordat his work, shaping it in the manner he chose.

Kübeck was convinced that Rauscher was the best person to lead the delegation to the Holy See, in part due to his influence in the Bishops' Conference in 1849. He also had a personal relationship with Rauscher, which may account for Rauscher's ascendency to the position of Prince-archbishop of Vienna. Rauscher was the obvious choice to lead the negotiations for the Concordat, as he was connected to the realm of the Church in his role as bishop while intimately connected to the realm of the emperor due to their personal relationship. Nevertheless, his relationship with Kübeck was probably the main reason he led the delegation to Rome.

By 1852, Rauscher and Kübeck already had a close relationship, having met several times. In 1853, when Rauscher was installed as the archbishop of Vienna following the death of Archbishop Milde, it was clear that he and Kübeck had become good acquaintances if not good

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[49] "2. Kaiserliches Patent vom 31. December 1851," *Allgemeines Reichs-Gesetz- und Regierungsblatt für das Kaiserthum Österreich II* (1852): 25–26; John Deak, *Forging a Multinational State: Statemaking in Imperial Austria from the Enlightenment to the First World War* (Stanford: Stanford University Press, 2015), 81.

[50] Walter, *Nachlass*, 21.

friends. Kübeck was one of around 70 people who attended Rauscher's installation as archbishop. The first speaker, Cardinal Viale-Prelá, discussed the new archbishop and his importance to the Church in the Monarchy. The second speaker, however, was Rauscher himself. Kübeck noted the ways that Rauscher discussed the special relationship between the pope, the cardinal, and the emperor, all of whom were central to the negotiations for the Concordat.[51] This ceremony was a bit of an allegory for the negotiation process itself, with all of the different actors (aside from the two who actually would finally sign the agreement) in the room trying to negotiate the delicate balance between the Church and the state and to figure out how to use the Concordat to meet their particular goals.

The Concordat (or at least the idea of it until it came to fruition) served different purposes for the different parties involved. For the emperor, the Concordat served to solidify the separation of Church and state established by the Imperial Patent of 1850. It could clarify, if nothing else, the rights and responsibilities of the clergy within the Habsburg Monarchy. In many ways, this was a response to the lingering influences of Josephinism and its ideological conflicts with both liberalism and the Church. Indeed, the increasing autonomy being claimed by different factions within the Church necessitated clear structures from the standpoint of the empire.[52] The different types of political theology that developed during the 1848 revolution (as discussed in Chapter 2) potentially threatened the sovereignty of the monarch and required legal guarantees to preserve the stability of the state. Furthermore, Josephinist beliefs, at a minimum, necessitated a

[51] Walter, *Nachlass*, 120.

[52] John Boyer argues that it was Josephinism itself that led to the anti-episcopalism of the lower clergy up to and beyond 1848; John W. Boyer, *Political Radicalism in Late Imperial Vienna: Origins of the Christian Social Movement, 1848-1897* (Chicago: University of Chicago Press, 1981), 123.

bureaucratic modernization that clearly laid out protocols to be followed. The emperor's experiments with constitutionalism during and after the revolution showed the merits of explicitly spelling out the law. These were not, of course, revolutionary laws, but rather laws that codified and protected the interests of the emperor and his sovereignty.[53]

For the pope, the Concordat served many different purposes. On the surface, it served to provide fundamental protections for the Church and its activities in the Habsburg Monarchy. Securing the rights of the Church in a way that would be agreeable to all parties (which had the added advantage of being more politically stable) was always one of the primary ideas behind Concordats. However, the possibility of a Concordat with the Habsburg Monarchy also served another major purpose. It would legitimize and provide legal protection for the authority of the pope beyond the Habsburg Monarchy and throughout Europe by establishing the Habsburg Monarchy as a formal ally of the Vatican, perhaps even lending military aid if needed.

Before the ascendency of Giovanni Maria Mastai-Ferretti (later Pope Pius IX and more affectionately, "Pio Nono"), Pope Gregory XVI had taken a hard line on liberalism. His encyclical *Mirari Vos* repudiated liberalism and all that it stood for. It condemned liberalism, arguing in fiery prose that through liberalism and the errors it promoted, "depravity exults; science is impudent; liberty, dissolute."[54] In the first two years of his reign as pontiff, however, Pius IX (who was pope from 1846 to 1878) was less concerned about liberalism and, in fact, quite critical of his predecessor in that regard. After his election in 1846, Pius IX undertook several major liberal reforms in the city of Rome, including installing gas street lights, abolishing

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[53] The return to an idea of Josephinist bureaucracy is thus, in part, a reaction to the revolutions of 1848. See: Deak, *Forging a Multinational State*, 69-77.

[54] "Mirari Vos," Papal Encyclicals Online, August 15, 1832, https://www.papalencyclicals.net/greg16/g16mirar.htm.

the humiliating obligation for Jews to attend church services, and modernizing the Roman economy.[55] Though these reforms only affected the city of Rome itself, Pius's trajectory promised the possibility of further reforms in the Church as a whole.

Nevertheless, the revolutions of 1848, the unification of Italy (the *Risorgimento*), the slow shrinking of the geographic power of the Vatican, and the humiliating two-year exile of the pope to Gaeta in Naples as he fled the revolutionaries led Pius IX to change his evaluation of liberalism completely. Pius IX became extremely anxious. He distrusted democratic ideals and feared liberalism would only hasten the ascendance of secularism and, as a result, the Church's demise. This anxiety can clearly be seen through his allocution "*Quibus, Quantisque*," which he wrote while in exile. In it, he argued that liberal leaders were "heretics" and "apostates" who were "animated by the most terrible hatred of Catholic truth."[56] Such anxiety fueled much of Pius IX's later behavior. The Concordat represented his desire to oppose the "beasts" who were trying throughout Europe to destroy the Church. The Concordat with the Habsburg Monarchy would theoretically establish the Habsburg Monarchy as a formal rather than informal ally of the pope in this fight. Although the Concordat did not establish a military alliance, it nonetheless entangled the Habsburg Monarchy with the Vatican, and the Vatican relied on the assistance from Austrian (as well as French) troops to suppress liberal rebellions for at least the next twenty years.[57]

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[55] Eamon Duffy, *Saints and Sinners: A History of the Popes*, 4th Edition (New Haven: Yale University Press, 2014), 284-286.

[56] Pius IX, "Quibus, Quantisque," April 20, 1849, https://www.vatican.va/content/pius-ix/it/documents/allocuzione-quibus-quantisque-20-aprile-1849.html.

[57] Duffy, *Saints and Sinners*, 288.

For the Austrian Church, and for Rauscher in particular, the Concordat helped to solidify the standing of the Church in the Monarchy, which the Austrian bishops regarded as under threat from the liberals. Though liberalism had been thoroughly squashed by the emperor in 1848, the fear that liberals could return (a fear which turned out to be prescient) necessitated action. The Concordat became the perfect test for the Rauscherian paradigm of political theology. It espoused the legalism and compromise that Rauscher preferred, granting the notion that while total revolution was not the answer to the question of how to handle the Church's perceived potential obliteration at the hand of liberals, apathy would not save them either.

Overall, the Concordat played into some complicated legal, political, and theological issues. Was the Concordat really a legitimization of papal authority? And if so, to what extent? After all, did such an arrangement not just prove the liberals correct that the authority of the Church was derived from the state (and thus could be revoked at any time by the state)? All of these questions would play out in the negotiation process and would be picked up by the press both in the Habsburg Monarchy and elsewhere.

The Concordat of 1855

The actual negotiations between the emperor and the pope (or rather their representatives as facilitated by Rauscher) proceeded in fits and starts. The entire process took until 1855 to finally resolve. Throughout the negotiations, there were periods when the final agreement seemed within reach and there were times that it looked like the entire idea of the Concordat was completely dead (although at times it may have been simply a negotiation tactic).

As soon as the emperor declared that Rauscher should head the commission, he began working on the negotiations, determining what his role would be, what the bounds of the

committee would be, and what the government hoped to get out of the negotiations.[58] Within about six weeks he had a working draft of the major issues facing the committee in the negotiations between the two parties.[59] It seemed as if the negotiations would go quickly and smoothly, as all parties seemed to agree on the major provisions and both sides were eager to conclude the agreement both for political and religious reasons.[60]

As early as October 23, 1852, it seemed to many that the Concordat would soon be finalized. For some its completion was a good thing, but for others, it was a tragedy. In particular, the authors of the liberal newspaper *Die Presse*, recognizing that there was not much they could do to stop the process, worried that the Concordat would be rushed to completion and lead to the virtual dominance of the Church over the state in Habsburg Austria.[61] On the other hand, the conservative Catholic newspaper *Die Österreichische Zuschauer* hailed the progress of the Concordat as a triumph.[62] Neither of these newspapers (or any of the others who noted the reports that the negotiations were close to being completed) were correct in their assessment.

By 1853, the negotiations had stalled. As a result, Archbishop Rauscher decided that it would be necessary for him to undertake some of the negotiations in Rome. He had been dealing with Viale-Prelà via correspondence, exchanging countless letters with the cardinal, but it

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[58] Joseph Othmar Rauscher, "Entwurf der allerhöchsten Entschließung an den Reichsratspresidenten Freiherr von Kübeck" (September 14, 1852), Box 6, Folder 3, "Konkordat VII," Bischofskonferenz, DAW.

[59] "Vorläufige Übersicht Der Gegenstand Der Vereinbarung" (October 27, 1852), Box 6, Folder 3, "Konkordat VII," Bischofskonferenz, DAW.

[60] Leisching, *Bischofskonferenz*, 176-177.

[61] "Tagesneuigkeiten," *Die Presse*, October 23, 1852.

[62] "Tagesfragen: Österreichs Konkordat mit dem heil. Stuhle," *Die Österreichische Zuschauer*, October 30, 1852.

seemed that simply writing back and forth would be insufficient.[63] By mid-1854, Rauscher moved his operations to Rome. He continued to travel back and forth between Rome and Vienna, painstakingly marking out the differences between the two positions and attempting to reconcile them. Along the way, he was aided by several others who had a stake in the process, including Archbishop Schwarzenberg, who came to assist him in Rome.[64]

While there were several points of concern for the different sides, the two biggest issues (and the two that were the most difficult to resolve between them) were marriage and schooling. As per the imperial patent of 1850, the Church had remarkable sway over theological study in Austria. The patent forbade non-Catholics from teaching theology and established a veto on the positions in the universities for the bishops.[65] But the rights of the Church to administer secondary and elementary school education in the Monarchy were not as clearly delineated and remained a potential point of conflict.

From the perspective of the Church both in Rome and in Austria, education — particularly the education of children — was one of the most important duties of the Church. To take that power away from the Church and to put control of education into secular hands was to lead the people to immorality and lawlessness. How could someone provide a true education without the moral truth of the Church, the bishops argued? This lack of moral truth would merely lead to the same problems that were espoused by Gregory XVI in his encyclical *Mirari Vos*.

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[63] The massive correspondence between Viale-Prelà and Rauscher can be found in the Diözesanarchiv Wien's files on the Concordat, in boxes 4-6 in the series "Bischofskonferenz."

[64] Joseph Othmar Rauscher, "Letter from Rauscher to Schwarzenberg" (July 11, 1854), Box 4, Folder "1855, 1," Bischofskonferenz, DAW.

[65] "Allerh. Patent vom 23. April 1850," in Das Österreichische Concordat Vom 18. August 1855 (Linz: Josef Schmid, 1856), 101-102.

Reason without the backing of Christian morality, he argued, would only lead to depravity and animalistic disregard for all that was good in the world.[66] Without enshrining this truth into law, the Church feared, liberal, socialist, or any other number of political "enemies" could take it away and lead to a state of immorality in the Monarchy.

Meanwhile, the question of marriage was another important concern for the Church. Marriage was a sacrament of the Church, and thus taking control of marriage out of the hands of the Church, the bishops argued, would essentially destroy the entire Church structure itself — a step toward the total annihilation of the Church. Though their fear rested on a massive slippery slope fallacy, the Church's reticence to cede any control of marriage to the state was based on a legitimate fear that a future liberal government could use that cession as grounds to further restrict the Church. It is worth noting that, despite this being a period of neo-absolutism, liberal gains from the revolution, such as an expanded press, were still guaranteed by the government, indicating that liberal advances, once made, were perhaps more difficult to rescind due to their totalizing nature. As Pieter Judson notes, "The program of the 1850s built on some of the economic, social, and legal accomplishments of the revolutionaries, but it did so in a politically absolutist fashion, reminiscent of the most radical centralizing aims of Joseph II."[67] The possibility of a return to the revolutionary ideals and the anticlericalism that abounded in 1848 led many in the Church to recognize that they must codify their rights to avoid leaving anything to chance.

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[66] Gregory XVI, "Mirari Vos," *Papal Encyclicals Online*, August 15, 1832, https://www.papalencyclicals.net/greg16/g16mirar.htm.

[67] Pieter M. Judson, *The Habsburg Empire: A New History* (Cambridge, MA: The Belknap Press of Harvard University Press, 2016), 219.

From the Monarchy's point of view, the Concordat negotiations were delicate as well. The issues of marriage and education became facets of a larger discussion about the relative power that the pope had in Habsburg affairs. Ceding too much power to the pope would prove the liberals right that being attached to the Church at all meant an ultramontane loss of sovereignty for the state. In a meeting of the cabinet in October 1854, Kübeck worried that the Church was overstepping its bounds when it requested stronger protections of immunity for the members of the clergy. "Every week," he complained, "new and increasing desires come from the [papal] Curia." If these desires continued, he worried, it would only heighten the emperor's opposition to the Concordat and, possibly, lead to a return to more revolutionary ideas of political theology on the part of the Church.[68]

In the end, despite continued opposition from all sides, the Church and the Monarchy were able to finally hammer out the provisions of the Concordat and create a document that they hoped would last. The fraught negotiations that often left both sides feeling like the end would never come, led to a document that, while monumental in scope, nonetheless contained ambiguities in language due to the back-and-forth between the Church officials representing the pope on the one hand and Kübeck representing the emperor on the other.[69] Though the dream of achieving a lasting balance and cooperation between the Church and the Habsburg state would not prove to be a reality once the neo-absolutist system crumbled in the 1860s, the Concordat of

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[68] Walter, *Nachlass*, 156.

[69] Such a back-and-forth can be seen in the letters exchanged between Rauscher, Kübeck, Count Leo Thun, and the papal legate, Cardinal Viale Prela. These letters often expressed exasperation with the process, especially when something had been seemingly settled but the parties reneged. Overall, at least 32 such letters were sent from/to Rauscher within a span of just six months. Though it is likely that many more existed that were not preserved, these letters are in Box 4, Folder 1, "1854," Bischofskonferenz, DAW.

1855 would, nevertheless, be a great achievement for both sides, if only for the sheer magnitude of negotiations necessary to produce such an agreement.

The final draft of the Concordat was signed on August 18, 1855 and published in September of the same year. This joint document, which was signed by both the emperor and the pope, was intended to be a great framework that could henceforth govern the way the Church and the state would cooperate with each other. Just like the Concordat with Napoleon 54 years earlier, the Concordat of 1855 not only strengthened the position of the Church while benefitting the state, it also created an environment in which the pope increased his power while seemingly to remain subordinate to the temporal authority.[70]

Following the signing of the Concordat, the Catholic press circulated a popular image commissioned by the government that commemorated the Concordat. In this image the emperor and the pope were both kneeling before the holy trinity — consisting of a classic European depiction of Jesus, a great white-bearded God the Father, and a dove symbolizing the Holy Spirit — with the intercession between the two being the Virgin Mary, shining her divine light on both emperor and pope. Between them all, sitting at the base of an altar, was the Concordat. In this image, the pope and the emperor, both in full regalia, are almost like two sides of a scale, with the pivot point between the two the divine intervention of God and saints. In this image, the two sides of the scale are perfectly balanced, with each commanding his own sphere of influence in the world without disrupting the authority of the other.[71] While the official responses tended to

[70] MacCulloch, *Christianity*, 810.

[71] Rudolf Hoffmann, *Gedenkblatt Zum Abschluss Des Konkordats 1856*, June 18, 1856, Paper Lithography, 79 x 55.5 cm, June 18, 1856, https://data.onb.ac.at/rep/BAG_16785937.

paint the Concordat as a divine document handed down through the intercession of the Virgin Mary, the realities of the Concordat were much more prosaic and legalistic.

In total, the Concordat consisted of thirty-six articles. While some of these articles were fairly minor or merely clarifying and reiterating earlier points of agreement, there were a few major provisions that provided the clearest points of contention. The first major provisions of the Concordat concerned the recognition of the Catholic Church in Austria and its legitimacy in the Habsburg Monarchy.[72] The modern assertion that the Catholic Church had a privileged position in Austria went back to the Imperial Patents in 1850, but was reaffirmed legally here through the countless privileges granted to the Church. For the Church this reaffirmation was extremely important, as it guaranteed that liberals would never be able to get rid of the Church in Austrian political life completely. The Concordat recognized that the head of the Catholic Church was the pope.[73] While this seems to be a fairly minor point, it nonetheless ensured that there would not be a return to gallican Josephinism in Austria, where the emperor exerted control over the Church through such measures as regulating Catholic piety and preventing the bishops from communicating with the pope. While much of Josephinism was making a comeback through bureaucratic structures (and, indeed, the very idea of the Concordat was in accordance with this system), the notion that the emperor would seize control of the Church in a pseudo-gallican structure as before was now a thing of the past. Finally, the Concordat recognized the authority of the bishops over the Church and ensured that they would be free from interference by the

[72] *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 108.

[73] *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 108-109.

government.[74] Again, this was an argument against gallicanism or Febronianism, something that the Catholic Church in Austria had feared for years.

One of the most important provisions of the Concordat from the Church's standpoint was its control over education. Through the Concordat, the Austrian Church won the right to supervise primary and secondary education in the Monarchy. The provision stated that all education of Catholic children would be in keeping with the Catholic religion and that, at the very least, all religious education "in all public and private institutions" would be administered by the Church.[75] This regulation ensured that parents who were born Catholic could not exploit a loophole that would allow them to avoid instruction by the Church if they sent their children to private schools. The official interpretation of this provision in the immediate aftermath of the Concordat was that if a single Catholic child was in any given school, then the Church had jurisdiction over that school. This idea would later be challenged on the basis that the Church did not have authority over non-Catholics, and the ambiguity of the wording in the Concordat itself would form the basis by which liberals would change the law. The wording of this statute had been a point of contention in the negotiations of the Concordat, so that the Bishops' Conference sent a letter to the Minister of Religion and Education in 1856 asking for clarification on their specific duties and proposing potential policies for the administration of primary, secondary, and theological schools. "We hope," they argued, "that the proposals [of our letter] will encounter no

[74] *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 109, 113-114.

[75] *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 110-112.

difficulties."[76] Indeed, it seemed that in the early days of the Concordat, the provisions proved acceptable to both the government and to the Church.

The battle over marriage, likewise, left some ambiguity in its provisions. While the Concordat did, in theory, reserve the right to permit engagements and perform marriages for Catholics to the Austrian Church, the specific provisions were also vaguely worded. For example, the provision gave the power to govern marriage to the Church, but only in cases of Catholics, plural.[77] As in the case of education, this provision would be interpreted immediately after the Concordat as meaning the Church had control over the marriage of any Catholic marrying, including those who wanted to marry Protestants. Liberals later challenged this idea, arguing that the participation of any Protestant in a marriage meant that control should fall to the state. The reasoning was that giving the Church control over mixed Catholic and Protestant marriages would lead a non-Catholic to be subject to Church law, which liberals argued should not apply. The marriage provision did not come into effect until January 1, 1857, which gave the liberal opposition plenty of time to dispute the legal basis of these ideas.[78] Their disputes would later form the basis of the so-called "interconfessional law" in the "May Laws" of 1867 (see Chapter 4).

The Concordat gave the right to decide where the ecclesiastical lines were drawn within the empire jointly to the Monarchy and the Church. Furthermore, the Church was to take the

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[76] "Documenta Imperii Austriaci Antistitum Conventum Anno 1856 Viennae Celbratum" (June 18, 1856), Box 7, Folder 2, "Protocolle der bischöfl. Versammlung 1856," Bischofskonferenz, DAW, 31-35.

[77] *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 113.

[78] Joseph Othmar Rauscher, "Verfügungen und Erläuterungen über das Verfahren in Ehesachen," in *Hirtenbriefe, Predigten, Anreden* (Vienna: Friedrich Manz, 1858), 467–92.

wishes of the state into account when deciding the appointment of bishops. While this provision did not guarantee the direct election of bishops by the emperor, as the Church was not bound by the wishes of the state, another article of the Concordat forced the bishops to swear an oath of loyalty to both the emperor and his subjects. In this way, the bishops agreed to abide by the laws of the land on an individual basis while ensuring that the larger Catholic Church remained independent. The clear delineation of the legal rights of the Austrian Church and the Church as a whole within the bounds of the Habsburg Monarchy fit the Rauscherian paradigm of political theology and, for a time, seemed to promise peace and understanding between the two groups.[79]

Other provisions of the Concordat worked to preserve the status-quo established by the imperial patents of 1850, such as ensuring that Catholics alone would be allowed to teach theology in the universities and that the Church would have some control over the scope and sequence of education in the universities.[80] Another major provision that affirmed earlier precedent was the right for the clergy to talk with Rome.[81] In the days of Joseph II, communication with Rome was forbidden in order to eradicate ultramontanism in the clergy, but Franz Joseph seemed to accept the idea that communication between the bishops and the Holy See was normal.[82]

While the Concordat took over six years to negotiate, from the conclusion of the bishops Conference to the signing of the Concordat of 1855, it nonetheless managed to become an

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[79] *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 118.

[80] *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 111.

[81] *Das Österreichische Concordat Vom 18. August 1855* (Linz: Josef Schmid, 1856), 109.

[82] Max Voegler, "Religion, Liberalism and the Social Question in the Habsburg Hinterland: The Catholic Church in Upper Austria, 1850-1914" (PhD diss., Columbia University, 2006), 48.

important part of Habsburg legal structures. Furthermore, the Concordat solidified Rauscher's paradigm as the basis of political theology in the Monarchy. It is hardly any wonder that an agreement negotiated by Rauscher, at the urging of Rauscher, with Rauscher's old pupil would follow Rauscher's idea of political theology. But the success of this negotiation for the Church nonetheless both followed from and legitimized the Rauscherian paradigm that had survived 1848.

While the Habsburg government, the Austrian Catholic Church, the pope, and the emperor accepted the Concordat of 1855, the people of the Habsburg Monarchy did not completely accept it. The trials that the Concordat would undergo in the court of public opinion, fueled by the press both in Austria and abroad, shaped political narratives for years to come. The reactions to the Concordat of 1855 sowed the seeds of doubt and mistrust that would combine with the so-called *Kulturkampf* in Germany, to lead once again to fears among Church leaders of repression and dissolution of the Church in the Habsburg Monarchy.[83]

The Aftermath

On November 15, 1855, shortly after the publication of the Concordat in the official Catholic newspapers, Rauscher published a pastoral letter hailing the achievements of the agreement. Rauscher argued that the Concordat was one of the greatest achievements in Church history, comparing the agreement between the pope and the emperor to the divine inspiration which allowed for the writing of the gospels and all the other books of the Bible. He claimed that

[83] This dynamic will be explored further in Chapters 4 and 5.

the Church had been under siege from all sides; this agreement represented the armor it would need in the fight against its enemies.[84]

Rauscher also deftly argued for the cooperation between the Church and the state, arguing that such cooperation was absolutely necessary in order to ensure the continued survival of the Church. His argument related back to the post-1848 theological shifts in the Church. By arguing that "the Church and the state must make an alliance" to help each other protect the people of the Monarchy and, implicitly, to protect themselves against each other, he was espousing the very political-theological paradigm that he had developed in response to the revolutions of 1848 and had helped solidify during the Bishops' Conference in 1849.[85] Furthermore, the Concordat was a final repudiation of the political-theological apathy of Rauscher's predecessor, Archbishop Milde. Though Milde had been a stumbling block in 1848 and 1849, the ascendance of Rauscher to the archbishopric of Vienna ensured that Milde's apathetic disposition would no longer plague the Habsburg Church.

Immediately after the conclusion of the Concordat, the Catholic press hailed it as a monumental achievement, comparing it to Moses coming down from Mount Sinai.[86] "His majesty, our most gracious emperor, has done more [than mere benevolence]," declared the

[84] Albert Ettmayer argues that Rauscher's primary means of communicating with the people and, in essence, dispensing Church propaganda came through his use of the pastoral letter (or *Hirtenbrief*) — a medium which he would utilize far more frequently than his predecessors. Albert Ettmayer, "Die Hirtenbriefe des Wiener Fürst-Erzbischofs Joseph Othmar Kardinal Rauscher: ein Beitrag zur österreichischen Kirchenpublizistik in der zweiten Hälfte des 19. Jahrhunderts" (PhD diss., University of Vienna, 1982); Rauscher, *Hirtenbriefe*, 445-446.

[85] Leisching, *Bischofskonferenz*, 173; Rauscher, *Hirtenbriefe*, 445-446.

[86] "Kirchliche Mittheilungen," *Katholische Blätter aus Tirol*, December 12, 1855.

Katholische Blätter aus Tirol.[87] Despite the "raging storm" against the Church, "the successor of Charlemagne... has rememberd the Church and its concerns and dangers," and listened to the pleas of the Bishops.[88] Even the more skeptical elements of the Catholic press viewed the Concordat as a massive victory for Cardinal Rauscher. Though certainly not perfect, it would nonetheless ensure the Church's influence in society and, in particular, over marriage and education. Of course, the points that garnered support from the conservative press were the same that drew the ire of the liberal press — the marriage and school reforms. These positions, and even the mere attempt of the Church to protect them, were very popular with conservative Catholics, despite any possible ambiguities that could potentially weaken the laws in the future (and would, in fact, cause problems after 1867). Any conservative opposition to Rauscher receded, and the Catholic press generally hailed Rauscher as a hero, particularly after being named cardinal. While there certainly were some who argued that the Concordat was a tactical misstep, giving the liberals ammunition against the Church, the bulk of the Catholic press was behind Rauscher, arguing that the signing of the Concordat was a momentous occasion worthy of celebration not just in Austria, but throughout the world.[89]

Within Austria, predictably, liberal elements of the press began to pan the Concordat immediately after it was published. Some argued that it was unnecessary, as the same issues had been resolved in 1850 with the imperial patents. Why should international agreements dictate

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[87] "Kirchliche Mittheilungen," *Katholische Blätter aus Tirol*, December 12, 1855.

[88] "Kirchliche Mittheilungen," *Katholische Blätter aus Tirol*, December 12, 1855.

[89] "Kirchliche Mittheilungen," *Katholische Blätter aus Tirol*, December 12, 1855; "Auch etwas über Oesterreichs Concordat," *Sion*, December 14, 1855; "Stimmen über das Concordat," *Salzburger Zeitung*, December 15, 1855. The last note contains press reactions from throughout the world, but from Austria in particular.

more restrictive laws when the issues they addressed could be and had been resolved on the domestic level? The argument here was that by undertaking this Concordat, the emperor was ceding his sovereignty. It is worth noting that the liberal press did not seem to blame the emperor himself, but rather his advisors. Whether this shift of blame was because they truly believed the advisors were to blame or were merely hoping to evade censorship is unclear. The surrendering of the emperor's authority, the liberals argued, weakened the power of the empire and could potentially lead to its collapse.[90] This argument fell into the legalist theory of concordats, arguing that in fact the Church was subordinate to the government. But because the Church was subordinate to the state, there was no real need for a Concordat at all. The civil laws passed by the government were sufficient to constrain the Church and, when deemed necessary, grant it privileges.

While the writers in the liberal press generally agreed that the Concordat was, broadly-speaking, legal, they nonetheless picked apart the agreement piece by piece, examining each provision in great detail. In a massive three-part series on the Concordat and its provisions, the liberal newspaper *Die Presse*, looked carefully at each provision of the Concordat, arguing that not only was it unnecessary, but that by ceding control of the country (in their view) to the pope, it was an attack on the people of Austria altogether.[91] At the end of the series, the editors of *Die Presse* took an unusually somber and restrained tone, arguing that there was not much that they could do about the laws now. "It is not for us to judge," they continued, "about how this compares to other Concordats concluded with other monarchs," or what could have been done to

[90] "Zum Verständnisse des Concordats, I," *Die Presse*, November 17, 1855.

[91] "Zum Verständnisse des Concordats, I," *Die Presse*, November 17, 1855; "Zum Verständnisse des Concordats, II," *Die Presse*, November 18, 1855; "Zum Verständnisse des Concordats, III," *Die Presse*, November 20, 1855.

prevent the Concordat from coming about. The newspaper was concerned with the present and not with the past. But, they argued, the dangers they faced, particularly by conceding control of the education of their children to the backwardness of the Church, necessitated now that they look not just to the present, but to the future.[92]

Outside of Austria, the Catholic world watched the Concordat take shape. This was, obviously, not the first concordat to be negotiated in Europe. It was not even the first time such an agreement had been reached in the nineteenth century, as the Concordat with Napoleon had occurred in 1801. However, this was the first major agreement between the Church and another state since the revolutions of 1848 and since the accession of Pius IX.

On December 7, 1855, the *Wiener Kirchenzeitung*, Sebastian Brunner's newspaper, published an article entitled "*Da haben wir sie liegen*," in which it categorized responses to the Concordat from elsewhere in Europe. Some responses were presented with a humorous tone, but others were very serious. Overall, the point of the article was to highlight the varied opinions about the Concordat. The *Times* of London, it noted, declared the agreement the "downfall of the Austrian Empire," while the Parisian *Pays* declared that it was a necessary agreement to fight against Josefenism. The article noted reactions from as far as India and the United States, showing just how momentous the agreement was. Still, Brunner noted, despite the international arguments over the terms of the Concordat, which he regarded as "a mishmash of unmethodical, methodical, and even *Methodist* nonsense," what really mattered were the everyday effects in Austria, itself.[93]

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[92] "Zum Verständnisse des Concordats, III," *Die Presse*, November 20, 1855.

[93] "Da haben wir sie liegen," *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, December 7, 1855. Emphasis mine.

But while the *Wiener Kirchenzeitung* might dismiss views from around the world, it nonetheless pointed to a major issue with the Concordat: despite the fact that it was a local agreement, it nevertheless had transnational implications, both for those countries directly affected by it (notably Austria and the Papal States) and for those that theoretically had nothing to do with it (like the United Kingdom and the United States). In England in particular, the Concordat was the subject of a particularly raucous speech in December 1855 by Cardinal Nicholas Wiseman, the first Catholic archbishop of Westminster after the re-establishment of the Catholic hierarchy in England in 1850, who argued that such an agreement was necessary in all European states.[94]

Outside of Austria, the Concordat perhaps had its greatest impact in the German states. Although Germany was not unified for another sixteen years, German unification was a major issue in the press. While the *Großdeutsch Lösung*, which was an attempt to incorporate Austria into Germany, in contrast with the *Kleindeutsch Lösung* that more closely mirrored the later results of German unification, had essentially failed after the recall of Habsburg deputies from the Frankfurt Parliament following the consolidation of power in Austria in 1849, there were many who still hoped for such a partnership to flower in the future. This Concordat, however, seemed to stymie such an effort, due to the complex confessional politics inherent in a potential German state.

In Württemberg, however, the well-known Catholic Hugo Pelargus, whose family was famous for producing statues, monuments, and church bells, reported that the Concordat was received with great triumph, despite that region's historic association with Protestantism. He

[94] "Notizen," *Kronstädter Zeitung*, December 27, 1855.

offered his fervent hope that the Concordat could become a model for others throughout the Upper Rhine, indeed in the entire German speaking world and beyond.[95]

In mostly-Catholic Bavaria, the Catholic press vehemently defended the Concordat against any detractors. While there was some controversy in the Catholic press as to whether the Concordat was a good tactical decision (just as there was the same division within the Habsburg Monarchy itself), overall the Catholic press in Bavaria defended the Concordat as a bulwark against encroaching liberalism and Protestantism. The Bavarian Catholic press continued this defense of the Concordat for another reason, however. It was also an opportunity to spar with their favorite opponents, the Protestants and the "Wiener jüdische Presse," meaning not just the Jewish press itself, but, in a particular bout of antisemitism, any paper that was liberal or simply not explicitly Catholic.[96] Catholic newspapers decried anyone who opposed the Concordat as an "enemy of the Church," whether they were Catholic or not. Antisemitic arguments became more common in the Habsburg Monarchy as well, as Catholic commentators increasingly fought against the rise of liberal power. Such antisemitism became the backbone of the rhetoric of the Christian Social Party at the end of the century. In Bavaria in the late 1850s, Catholics hoped for a similar agreement, which would protect their Catholic identity in the face of increasing opposition from the Protestants. Although the defense of the Concordat of 1855 would slow over time, owing both to the natural regression of issues from the public spotlight and to larger

[95] Hugo Pelargus, "Württemberg," *Das Österreichische Zuschauer*, December 19, 1855.

[96] Monika Schlichting, *Das Österreichische Konkordat vom 18. August 1855 und die Publizistik in Bayern* (Munich: Stadtarchiv, 1974), 96.

geopolitical disputes with the Habsburg Monarchy, the Catholic press in Bavaria nonetheless continued to push for a Bavarian Concordat.[97]

What the transnational discussion of the Concordat reveals is that these discussions of political theology had implications far beyond the borders of the Monarchy. And just as observers outside of Austria looked to see what was happening in the Monarchy, the subjects of the Monarchy looked outward as well. The Concordat would have major implications after the unification of Germany in 1871 and the beginning of the so-called *Kulturkampf*. The resulting crackdown on Catholic participation in politics in Germany caused the Austrian Catholics to fear for their own participation in Austrian politics.[98]

In the Monarchy, the Concordat of 1855 allowed the now-Cardinal Rauscher (who was raised to that position on December 17, 1855, partly due to his service in facilitating the Concordat) to consolidate power within the Habsburg Church by becoming not only the de facto head of the Habsburg Church but the highest-ranking Church official in the archdiocese of Vienna. It was clear after the promulgation of the Concordat that his particular idea of political-theology was not only the *de facto* view within the church but was the *de jure* reality of the Habsburg Monarchy, having been enshrined into law through the signature of the emperor.

Another development beyond the Concordat helped him to consolidate his power even further: the placing of Anton Günther on the index of banned books. Günther and the Güntherians posed one of the last threats to Rauscher's power in Austria. Unaffiliated with any order and gaining in popularity throughout the Monarchy due, in part, to supporters like Brunner and Emmanuel Veith, Günther had become a major force in the Catholic world in the 1850s.

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[97] Schlichting, *Das Österreichische Konkordat*, 101.

[98] The Austrian view of the German *Kulturkampf* will be discussed in more detail in Chapter 5.

However, on January 8, 1857, the pope, partly at the behest of Cardinal Rauscher and with the cardinal's explicit help in assembling the Vatican's case, declared Günther's dualistic worldview as heretical since it undermined the canonical idea of the trinity. Günther's dualism had formed the basis of his type of political theology, and by deeming Günther heretical, Rauscher could consolidate his support further. Günther ultimately accepted the judgment and apologized for his writings. Following this humiliation, he slipped into obscurity, never to publish again in fear of further punishment by the Vatican.[99]

Of course, Günther's ideas and his followers did not go away, but they were never again dominant. The retreat of the Güntherian type of political theology, the subsuming of the liberal types after 1848, and the death of Archbishop Milde, left the Rauscherian type as the sole political theological paradigm in the Habsburg Monarchy. The intellectual leadership of the Habsburg clergy would now be solely under the watchful eye of Cardinal Rauscher and his paradigm of political theology. Though it is unclear if Rauscher got rid of Günther specifically to help consolidate power or if he believed he was merely doing his duty as the archbishop to root out heresy and misunderstanding, it was clear that after the sidelining of Günther, there was no other major Catholic leader who could challenge Rauscher. He and no one else was the head of the Catholic Church in the Habsburg Monarchy.

For this reason, historians sometimes argue that the Bishops' Conference and its endpoint, the Concordat of 1855, was the beginning of an ecclesiastical revival in Austria.[100] By consolidating power around himself in the Church, Rauscher made it clear that he was the head

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[99] Thomas W. Simons, "Vienna's First Catholic Political Movement: The Güntherians, 1848-1857 (Part III)," *The Catholic Historical Review* 55, no. 4 (January 1970): 623-624.

[100] Cölestin Wolfsgruber, *Joseph Othmar Cardinal Rauscher, Fürstbischof von Wien: Sein Leben und Sein Wirken* (Freiburg im Briesgau: Herder, 1888), 63.

of the Church by any measure. Any opposition from radical lower clergy that remained following 1848 no longer had any influence after 1855. Yet, the Concordat itself did not remain binding. It would soon fall under the crushing weight of liberal constitutionalism in the 1860s and 1870s.

Liberalism Ascendant

In his *Political Radicalism in Late Imperial Vienna*, John Boyer argues that the Concordat of 1855 was a "catastrophic mistake" for the Church. It was "the great negative gift to Austrian Liberalism," in that it gave liberals ammunition to fight the Church and the illiberal state in ways that they could not have done using economic policy alone.[101] While the Concordat of 1855 survived in some form for almost thirteen years, after the institution of the 1861 Constitution and the attendant fall of neo-absolutism, it was clear that the Concordat of 1855 could not last.

While Boyer is correct that the Concordat of 1855 gave the liberals endless ammunition to attack the clergy in the press (an argument that certainly echoes some of Rauscher's contemporaries), their attacks were not the only reason for the collapse of neo-absolutist or the concordatist ideas in Austria in the mid-nineteenth century. Traditionally, the explanation for the collapse of neo-absolutism is opposition to costly wars in Italy and the rise, once again, of Hungarian nationalism. As historian A.J.P. Taylor noted, following the uncompromising visions of the Schwarzenberg and Bach regimes, "the result was internal discontent and foreign

[101] Boyer, *Political Radicalism*, 20.

isolation, and of these foreign isolation was the more decisive."[102] More recent historians have agreed with Taylor, but added the extra dimension of the economic problems of the mid-nineteenth century. Poor monetary policy as well as political pressure from outside the monarchy led the emperor to begin instituting liberal demands. Of course, the opposition of the liberals to the Church, owing partly to the Concordat of 1855, was a contributing factor to the internal tensions that led to the collapse of neo-absolutism and thus should not be discounted.[103]

No matter what the final cause of the collapse of neo-absolutism was, it was clear after the Austrian defeat in the war against Piedmont and France in 1859, the attendant loss of Lombardy in Italy, and the looming fiscal collapse in 1860 (a collapse about which Kübeck had warned while negotiating the Concordat) that the Habsburg Monarchy needed new policies.[104] Franz Joseph began exploring new options for maintaining control of the empire, and so, in 1861, the Habsburg Monarchy began a new journey to liberal constitutionalism and abandoned the neo-absolutism that had characterized the years since the revolution of 1848.[105]

The 1861 Constitution, known colloquially as the "February Patent," was an imperial patent adopted on February 26, 1861. The patent effectively overhauled the imperial system. Until the *Ausgleich* (Compromise with Hungary) in 1867, it was perhaps the most revolutionary shift in governance in the history of the modern Habsburg Monarchy. Under the February Patent, the Reichsrat was transformed from a small cabinet under the emperor that made the major

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[102] A.J.P Taylor, *The Habsburg Monarchy, 1809-1918: A History of the Austrian Empire and Austria-Hungary* (Middlesex: Penguin Books, 1948), 103.

[103] Judson, *Habsburg Empire*, 219-220.

[104] Walter, *Nachlass*, 21.

[105] Judson, *Habsburg Empire*, 219-220.

decisions of the Monarchy into a true bicameral parliament, that would act through elected rather than appointed officials. This parliament would still be called the "*Reichsrat*," just as the cabinet had been known, but it would be vastly different than any governing body before it. Though the emperor would still have oversight over the laws enacted by the *Reichsrat*, control over foreign policy, and veto power over anything with which he disagreed, the power of the emperor was far less than it had been previously and would never quite recover its lofty position.[106]

Though the February Patent is sometimes seen as a "liberal" constitution, largely because constitutionalism itself was liberal, the franchise was nonetheless still quite restricted. The electorate was divided into four "curias," the first being large landowners; the second, chambers of commerce; the third, urban constituencies; and the fourth, rural constituencies, though, as Pieter Judson notes, men had to pay extremely high minimum taxes to vote in the urban or rural curias.[107] Through opening up the franchise to more potential votes (though major restrictions would still apply until universal male suffrage in 1907), the government allowed liberal factions to gain more influence and, ultimately, control of the government. By the 1870s, liberal power was great enough that liberals could begin to dismantle the systems for education and marriage that had been put in place with the Concordat of 1855, gaining a greater degree of control over those institutions for the state.

While Franz Joseph believed he would be able to control the parliamentary body and saw it as merely "consultative," it was clear that the members of the body would not be content with

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[106] Fritz Fellner, "Das „Februarpatent" von 1861 Entstehung Und Bedeutung," *Mitteilungen Des Instituts Für Österreichische Geschichtsforschung* 63, no. 3–4 (1955): 549–64; Bernd Rottenbacher, *Das Februarpatent in der Praxis: Wahlpolitik, Wahlkämpfe und Wahlentscheidungen in den böhmischen Ländern der Habsburgermonarchie 1861-1871* (Frankfurt am Main: Lang, 2001); Judson, *Habsburg Empire*, 252-257.

[107] Judson, *Habsburg Empire*, 253.

that system, as they argued that it was their duty and right to have a say in Austrian governance. Indeed, by 1867 the Habsburg Monarchy became a constitutional monarchy with a true parliament (although the emperor could still control foreign policy and veto legislation he did not like). The pressure for these reforms came from the liberals and from the press.[108]

The liberal press, which relished the opportunity to report on every parliamentary debate (and saw increases in readership with such reporting) stoked controversies and ensured that if the emperor did in fact overrule parliament, everyone would know about it. The conservative press, likewise engaged in the debates *du jour*, issuing vociferous complaints at any opportunity. Even though the Concordat itself was not (contrary to Boyer) the single greatest catastrophic mistake for the Church, it nonetheless did provide the liberals with ammunition with which they could challenge conservative forces in the monarchy, whether those conservatives agreed wholeheartedly with the Concordat or not. Meanwhile, as the influence of the liberals increased, the influence of Rauscher and the clergy waned. But this waning influence led to a clerical backlash that allowed the Church to regroup and develop a new paradigm of political theology that enabled the Church to more directly enter the political fray to oppose liberalism.

In addition to the Concordat, the changing parliamentary system, and the fears of the Church about its future, there remained another looming issue: the resurgence of nationalism throughout the monarchy. It is true that nationalism was much less widespread than earlier historians had indicated. Indeed, ever since István Deák raised the issue, many historians have stressed both widespread imperial loyalty and indifference to nationalism.[109] Nevertheless,

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[108] Judson, *Habsburg Empire*, 257.

[109] This line of inquiry has taken up greater interest in the last twenty years, but it began with István Deák, "Comments," *Austrian History Yearbook* 3, no. 1 (January 1967): 303–8.

nationalism did have an impact on the government and on politics in the Monarchy. It was particularly the specter of Hungarian nationalism that led to the compromise or *Ausgleich* of 1867. Though Franz Joseph had attempted to put down the resurgent nationalism and appease his Hungarian subjects without drastic measures, he nonetheless succumbed to the pressures of the Magyars after the war against Prussia in 1866.[110]

Just as the war against France and Piedmont in 1859 led to the collapse of support for the Monarchy and the subsequent February Patent, the Habsburg loss in the 1866 Austro-Prussian war proved disastrous for the Monarchy and led to several major changes in the Habsburg political landscape. The most immediate was the realization that the dream of a unification of Germany and the Habsburg Monarchy in some form (which had already been seen as essentially impossible) was finally completely dead. Indeed, after the war, Austria was expelled from the German Confederation. But perhaps even more devastating was the fact that 1866 saw Austria lose one of the crowning jewels of its empire — Venice. This led some to openly question the true power of the monarchy and its ability to hold the state together.[111]

While Hungary stayed loyal during the war, it was clear that the Habsburgs had lost control over the Magyars and began negotiations with Hungarian political leader Ferenc Deák to restore the relative autonomy that the Hungarians had attained in 1848.[112] The emperor agreed to be crowned as king of Hungary, essentially affirming the claims made by the Hungarian

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[110] Judson, *Habsburg Empire*, 259-267.

[111] Judson, *Habsburg Empire*, 259.

[112] István Deák, *The Lawful Revolution: Louis Kossuth and the Hungarians, 1848-1849* (New York: Columbia University Press, 1979).

aristocrats that they had given the crown of St. Stephen to the emperor and was not necessarily his by Habsburg inheritance.

At the end of 1867, the empire was split in two in the so-called *Ausgleich*, creating "Austria-Hungary," a new "dual monarchy" united in the person of the emperor that granted autonomy to Hungary in most matters of internal governance, while reserving for the emperor power over the military and foreign affairs. This arrangement, which had been a goal of Hungarian liberals since 1848, attempted to preserve the Monarchy while fundamentally altering it. This new "dual monarchy" would prove to be disastrous for the Church in the short-term. Though the *Ausgleich* itself did not necessarily mean the end of the old conservative order that had existed since 1855, the new Austrian parliament, which was quickly dominated by liberals due, in part, to their popular support, gave liberals a sense that they had a mandate to enact their own vision of a new liberal Austria unilaterally. Though they certainly did not have quite the popular support they envisioned, a fact that often led to conflict and backlash from local administrators, they nonetheless began to enact their new liberal order in May of 1868 with the passing of the so-called *Maigesetze*.[113]

The May Laws (*Maigesetze*) represented the first liberal challenge to the Church. The May Laws of 1868 essentially undid the Concordat of 1855. The laws rolled back many of the provisions of the Concordat directly, and called into question the rest of the agreement. The *Maigesetze* became a test of the strength of both the legalist theory of Concordats in general and the Rauscherian paradigm of political theology in the Habsburg Monarchy. The implicit assumption of the *Maigesetze* was that while Concordats are legitimate in the same way that any civil law is legitimate, it is not a bilateral contract between the pope and the emperor. Rather, it is

[113] Judson, *Habsburg Empire*, 277-278, 282.

a unilateral granting of rights to the Church by the *state*, meaning the representative authority of the empire (which, liberals argued, since 1861 was the parliament). Thus, parliament could revoke these rights at any time if it so chose. The Church later challenged this theory in court, arguing that, in fact, the parliament could not undo the agreement since it was one made by the emperor personally and not the representative body. But this argument, though it did have some potential merit, became moot when the emperor, now a constitutional monarch, ratified the *Maigesetze*, thus giving his (perhaps implicit) consent to the abrogation of that contract.[114]

But while the *Maigesetze* spelled the end of the Concordat, they would not spell the end of the opposition to liberal influence in the government by the conservative elements of the Church. First, Bishop Rudigier challenged the laws in his famous trial after publishing a controversial pastoral letter. But after his trial, the Catholic political sphere changed form as well, as the Church mobilized to fight what it saw as the liberal incursion into its sovereign powers.

Conclusion

The period between 1849 and 1868 witnessed two monumental shifts for the Church in the Habsburg Monarchy. The Concordat of 1855 represented the pinnacle of the Church's authority during that time period. It was then that they had enough power to enact a major policy shift in the Habsburg Monarchy, hoping that the agreement would guarantee the place of the Church in Habsburg society. Likewise, the rise in liberal power after 1867 represented the nadir

[114] This argument is explored in detail in Chapter 4.

of their authority, culminating in a systematic undoing of the Concordat with the *Maigesetze* in 1868.[115]

Although the order established with the Bishops' Conference in 1849 had crumbled by 1868 (or perhaps as early as 1861), the political-theological paradigm established by Cardinal Rauscher nonetheless coalesced during this time to become the primary type of political theology in the Habsburg Monarchy. Rauscher continued to believe in the righteousness of this balance of Church and state and the legalistic frameworks that the Concordat could provide. This framework was, to him, the ideal form of separation of Church and state, and its attainment was his greatest triumph. That it perhaps gave liberals even more political ammunition against them did not matter, as this was the correct way to organize the sacred and the profane.

Nevertheless, the imposition of the *Maigesetze* in 1868, the changing of the liberal order, the waning of conservative political power, and, soon, the active targeting of the clergy in the courts would forever shift Rauscher's conception of what was good and proper. He would continue to see the legalistic framework as the best way to organize Church and state power, but more was needed to protect the interests of the Church. As he mused on the ways that the Church could once again gain the protections that it deserved, he began to envision how the Church could fit into the new political situation and mold the political-theological structures established during 1848 to fit this new reality. There was, perhaps, a solution to this problem — but it would mean blurring the lines between the Church and the state in ways that he had previously argued against.

[115] See Chapter 4 for the content of the *Maigesetze* and their practical effects in the Monarchy.

Chapter 4: The Trial of Bishop Rudigier

On September 7, 1868, Bishop Franz Joseph Rudigier of Linz sketched out a *Hirtenbrief* (pastoral letter), circulated to all churches in his diocese, regarding what he saw as a grave matter facing the Monarchy: the newly-enacted May Laws of 1868. The *Maigesetze*, which had been introduced by the new liberal leaders in the Habsburg government to regulate education and marriage, had far-reaching implications for the relationship between Church and state in the Habsburg Monarchy.[1] In this letter, Bishop Rudigier rejected the validity of the *Maigesetze*, particularly with regard to the provisions on civil marriage and the "*Volksschule*" (primary schools). These new regulations, which would provide a path for Catholics to obtain a civil marriage and all subjects of the Monarchy to receive a non-Catholic, secular education, were widely reviled by the clergy at the time. Both the pope and the bishops in the Monarchy officially condemned them before their passage.[2] But in this particular *Hirtenbrief*, Rudigier suggested that these provisions were not only unwelcome, but stood in opposition to the laws of both God and man. Using a story from Acts and the teachings of Thomas Aquinas to justify himself, Rudigier argued that in the face of laws that contradict the immutable truth of God, there

[1] The laws are discussed in detail below. "Gesetz vom 25. Mai 1868, wodurch die Vorschriften des zweiten Hauptstückes des allg. bürgerl. Gesetzbuches über das Eherecht für Katholiken wieder hergestellt, die Gerichtsbarkeit in Ehesachen der Katholiken den weltlichen Gerichtsbehörden überwiesen und Bestimmungen über die bedingte Zulässigkeit der Eheschließung vor weltlichen Behörden erlassen werden," RGB 19 (26 May 1868): 93-97; "Gesetz vom 25. Mai 1868, wodurch grundsätzliche Bestimmungen über das Verhältniß der Schule zur Kirche erlassen werden," RGB 19 (26 May 1868): 97-99; "Gesetz vom 25. Mai 1868, wodurch die interconfessionellen Verhältnisse der Staatsbürger in den darin angegebenen Beziehungen geregelt werden," RGB 19 (26 May 1868): 99-102.

[2] Maximilian Liebmann, "Vom politischer Katholizismus zum Pastoralkatholizismus," in *Geschichte und Identität: Festschrift für Robert Kriechbaumer zum 60. Geburtstag*, ed. Franz Schausberger (Vienna: Böhlau, 2008), 257.

is only one response — "We must obey God rather than Men." With this proclamation, Rudigier tacitly urged his followers to disobey the unjust law, uphold the truths of the Church, and follow the laws as set forth by the Concordat of 1855.[3] This singular act changed the face of the political theological paradigm of the Habsburg monarchy once again. The fallout from Rudigier's pastoral letter led even Cardinal Rauscher to explore whether greater political action by the Church was not only possible, but absolutely necessary to protect the Catholic Church from what he saw as certain destruction.

As a result of Rudigier's admonition for the laity to disobey the *Maigesetze*, government censors confiscated his pastoral letter, ensuring no one would see it. Following the confiscation, the state court charged him with "disturbing the peace" (S*törung der öffentlichen Ruhe*).[4] Although he fought these charges on legal, moral, and even jurisdictional grounds, the court found him guilty and sentenced him to fourteen days in jail, a sentence that the emperor eventually commuted.[5]

This event and its aftermath marked a turning point in Austrian Catholic ideas about state power and Church power. Rudigier's use of both legal and theological arguments in his defense against these charges marked the culmination of the new theological shifts within the Catholic Church in the Habsburg Monarchy. Following the arrest and trial of Rudigier, the Austrian Church began to oppose the political ascendency of the liberals whom they perceived as an

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[3] Franz Joseph Rüdiger, "Hirtenbrief," 7 September 1868, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL.

[4] Letter from Landesgericht to Rudigier with Charges, 18 September 1868, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[5] Franz Joseph Rudigier, "Rede seiner Bischöfl. Gnaden des Hochwürdigsten Herrn Bischof Rudigier von Linz, gehalten im kath. konstitutionellen Casino zu Feldkirch" *Vorarlberger Volksblatt*, 14 May 1869.

existential crisis not just for the Church in Austria, but throughout Europe.[6] The press eagerly covered the trial, Church and government officials wrote about it extensively, and throughout the trial, both in and out of the public eye, a conversation took place among the bishops that would define the Church's place in Austrian politics, once again altering the political theological paradigm in Austria.

Before the Arrest

For Rudigier, as for many Catholics, 1867 marked the beginning of a new existential threat to the Catholic Church: the political ascendency of the liberals and the new *Staatsgrundgesetz,* also known as the "December Constitution" (*Dezemberverfassung*).[7] In Rudigier's view, this new constitution, which established the system that would come to be known as the Dual Monarchy of Austria-Hungary as part of the so-called *Ausgleich* or Compromise of 1867, paved the way for the inevitable destruction of the status quo that the Church had achieved with its landmark Concordat of 1855. For Rudigier, the rights of the Church gained through the Concordat, particularly with regards to education and marriage, seemed to hang in the balance.[8] In this view, the *Maigesetze*, enacted a year later, were the

[6] This was not the first time that the Austrian Catholics perceived such an existential crisis, but Rudigier's direct call that the *Maigesetze* threatened not just the Church's rights in the Monarchy, but its very "right to exist," became a rallying cry throughout Austria. Franz Joseph Rudigier, "Hirtenbrief," 7 September 1868, p. 9, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL.

[7] John Deak, *Forging a Multinational State: Statemaking in Imperial Austria from the Enlightenment to the First World War* (Stanford: Stanford University Press, 2015), 170; Pieter M. Judson, *The Habsburg Empire: A New History* (Cambridge, MA: The Belknap Press of Harvard University Press, 2016), 220.

[8] For the Concordat of 1855, see Chapter 3.

culmination of this destruction. But, for Rudigier and conservative Catholics the 1867 *Staatsgrundgesetz* and the 1868 *Maigesetze* were, themselves, merely products of a long process of anti-Catholic persecution in the Habsburg Monarchy.

By the time Rudigier wrote his *Hirtenbrief*, it was clear to him that the protections afforded the Church in 1855 had been sacrificed to preserve the Monarchy. To Rudigier, the new government was to be a *Rechtsstaat,* one based on the law and liberal principles of economic and political freedom developed out of enlightenment ideals rather than the older conception of a moral state based upon the religious ideals. For the Monarchy to be beholden to the Church would compromise the ideal of the *Rechtsstaat,* which necessitated a limited and sovereign government led by the people in order to preserve the rights of those people.[9]

For liberals, the new constitution opened the door for the renegotiation of rights within the Monarchy, as all parties needed to clarify just who had what rights, and who was the guarantor of these rights. Thus, the Church's rights and, indeed, obligations, also needed to be redefined within the new system. Yet, while the renegotiation of rights was inevitable after the creation of the new government under the December Constitution, Rudigier saw this renegotiation not as a necessary process to establish the new order, but rather as a liberal plot to capitalize on political instability and rid the Monarchy of the Church once and for all. While it is true that the anticlerical liberals wanted to end Church control in the government, they never advocated for an end to the Church altogether. Nevertheless, Rudigier persisted in his claim that he was protecting the Church from certain destruction.

[9] Deak, *Forging a Multinational State*, 170-171.

The *Ausgleich* and the December Constitution were, in many ways, the culmination of the ideals set forth in 1848.[10] Through the constitution, liberals achieved many of the goals they had advocated in the 1848 revolution, including greater control over the governance of the state, relaxing of censorship, and expanded freedom of association.[11] One of the most contentious issues that had perplexed the Monarchy since 1848, however, was how to structure the government of the Hungarian portion of the Monarchy in such a way as to satisfy the Magyar nobility. The economic hardships resulting from defeat at the hands of Prussia and the attendant embarrassment for the Habsburgs convinced the emperor that he needed to secure the allegiance of the Magyar elite. The solution was the creation of the *Kaiserliche und Königliche Monarchie Österreich-Ungarn* or Austria-Hungary, sometimes referred to as the "Dual Monarchy." This arrangement meant that Transylvania, Croatia-Slavonia, and Hungary proper would be governed by Budapest, thus granting the Kingdom of Hungary quasi-sovereignty. All other Habsburg lands would be ruled from Vienna. Despite the administrative autonomy afforded by this arrangement, Hungary still regarded the Habsburg monarch as its king, and the monarch maintained control of the common military, foreign policy, and international finance.[12]

The *Ausgleich* provided the rights sought by the Hungarian revolutionaries in 1848, when they sought independence from the Monarchy. At the same time, as István Deák has shown, their revolution was "lawful," based on their historical use of the Crown of St. Stephen. Since the

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[10] Éva Somogyi, *Vom Zentralismus zum Dualismus: der Weg der deutschösterreichischen Liberalen zum Ausgleich von 1867*, trans. Johanna Till (Wiesbaden: F. Steiner Verlag, 1983), 2-6; John W. Boyer, "Power, Partisanship, and the Grid of Democratic Politics: 1907 as the Pivot Point of Modern Austrian History," *Austrian History Yearbook* 44 (2013): 149-53; Judson, *Habsburg Empire*, 259.

[11] Deak, *Forging a Multinational State*, 170-171.

[12] Deak, *Forging a Multinational State*, 169.

Hungarian nobility had given that crown to the Habsburgs (in exchange for help ousting Ottoman occupation), they could also take it away. The revolutionaries had not wanted to take the crown away completely, but rather sought the independence of Hungary within the Habsburg system.[13] When the emperor rejected their proposals in 1848 and Franz Joseph I ascended to the throne after the abdication of Ferdinand, Hungarian nobles had regarded his ascendency as a usurpation of their crown.[14] In the years of neo-absolutism that followed the repression of the revolutions in 1849, the tensions between the powerful Hungarian nobility and the Monarchy remained. Even after the *Ausgleich* of 1867, while some Hungarians hailed this compromise as a long-awaited victory, others continued to argue that they should return to the "April Laws" of 1848. As Pieter Judson notes, "until the end of the First World War the core question that animated Hungarian politics was one's position on the 1867 Settlement."[15]

Whatever the catalyst for 1867, liberals in the government saw it as an opportunity to revamp the structure of the Monarchy. As the new *Staatsgrundgesetz* for the Austrian half of the Monarchy began to take shape, it was clear it embodied many of the ideals of 1848. The new law guaranteed freedom of speech, freedom of association, freedom of petition, freedom of the press, and freedom of worship in a series of five new laws that, collectively, created the constitution.[16]

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[13] István Deák, *The Lawful Revolution: Louis Kossuth and the Hungarians, 1848-1849* (New York: Columbia University Press, 1979), 74-76.

[14] Deák, *Lawful Revolution*, 74-76.

[15] Judson, *Habsburg Empire*, 265.

[16] "141. Gesetz vom 21. Dezember 1867, wodurch das Grundgesetz über die Reichvertretung vom 26. Februar abgeändert wird," Reichsgesetzblatt (hereafter RGB) 61 (22 December 1867): 389-94; "142. Staatsgrundgesetz vom 21. Dezember 1867, über die allgemeinen Rechte der Staatsbürger für die im Riechsrathe vertretenen Königreiche und Länder," RGB 61 (22 December 1867): 394-96; "143. Staatsgrundgesetz vom 21. Dezember 1867, über die Einsetzung eines Reichsgerichtes," RGB 61 (22 December 1867): 397-98; "144. Staatsgrundgesetz vom 21. Dezember 1867, über die richterliche Gewalt," RGB 61 (22 December 1867): 398-400; "145.

In many ways, the solidification of these rights and a clearer separation of powers between the emperor and the government reflected the ideals of 1848.

But while the liberals celebrated the relaxation of restrictions and the creation of a new parliamentary structure, many in the Church feared that other provisions of the *Staatsgrundgesetz* would lead to the stripping away of their traditional powers. In an address to the Bishops' Conference in Vienna on September 28, 1867, the bishops and archbishops of the Monarchy expressed their trepidation at the new constitution, arguing that forces within the government (including within the emperor's own cabinet) were conspiring to cynically use the need to "secure the cohesion and economic viability" of the empire to persecute the Church by creating a new governmental system that could wipe out their religion.[17] In language that Rudigier later echoed in his confiscated *Hirtenbrief* and his defense, the bishops deplored not only the ways that the constitution could corrupt the morality of the Monarchy by stripping the people of their right to a Catholic education, but argued that it might, indeed, be illegal. The bishops believed that enacting the constitution would undermine the rights afforded to the Church by the Concordat of 1855. The new laws would not only destroy these rights, but would validate legal theories that would "shake contract law to its very foundations."[18] Thus, the bishops argued, they were not merely defending the faithful from evil, but were also defending

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Staatsgrundgesetz vom 21. Dezember 1867, über die Ausübung der Regierung- und Vollzugsgewalt," RGB 61 (22 December 1867): 400-401.

[17] "Addresse der zu Wien versammelten Erzbischöfe und Bischöfe an seine k.k. apostolische Majestät, 28 September 1867," *Wiener Diözesanblatt* 28 (1867): 229; "Addresse der Bischöfe an der Kaiser," 28 September 1867, box 9, folder 1, Bischofskonferenz, Diözesanarchiv Wien (hereafter DAW).

[18] "Addresse der zu Wien versammelten Erzbischöfe und Bischöfe an seine k.k. apostolische Majestät, 28 September 1867," *Wiener Diözesanblatt* 28 (1867): 229; "Addresse der Bischöfe an der Kaiser," 28 September 1867, box 9, folder 1, Bischofskonferenz, DAW.

the very idea of law at a time when the development of the *Rechtsstaat* necessitated such norms remain in place.

Although at times the bishops appeared to be optimistic about the direction the new constitution would take, Church leaders clearly based their rhetoric on what they saw as a centuries-long "war on Christianity," that had flared up in recent years due, in part, to the successes of the Italian liberals under Garibaldi and Cavour.[19] They cited an earlier address they delivered in 1861, which argued that "the core of [the liberals' goals] is the creation of a society without God."[20] This goal, they believed, had remained intact since 1861. Indeed, liberal success constituted an existential threat to the Church itself.

Despite the protestations by the bishops on both ideological grounds and due to specific provisions such as the emancipation of the Jews, the legislature passed and the emperor signed the *Staatsgrundgesetz*, going into effect less than three months later, on December 21, 1867.[21] Yet, while the constitution troubled the Church, the so-called *Maigesetze* enacted just six months later unleashed a new flurry of criticism from the bishops due to their particular provisions regarding education and marriage, leading to the infamous *Hirtenbrief* of Bishop Rudigier, the

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[19] "Addresse der zu Wien versammelten Erzbischöfe und Bischöfe an seine k.k. apostolische Majestät, 28 September 1867," *Wiener Diözesanblatt* 28 (1867): 234.

[20] "Addresse der zu Wien versammelten Erzbischöfe und Bischöfe an seine k.k. apostolische Majestät, 28 September 1867," *Wiener Diözesanblatt* 28 (1867): 248.

[21] "Gesetz vom 21. December 1867, womit der Zeitpunkt bestimmt wird, mit welchem das Gesetz, wodurch das Grundgesetz über die Reichsvertretung vom 26. Februar 1861 abgeändert wird, das Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger für die im Reichsrathe vertretenen Königreiche und Länder, das Staatsgrundgesetz über die Einsetzung eines Reichsgerichtes, das Staatsgrundgesetz über die richterliche Gewalt, das Staatsgrundgesetz über die Ausübung der Regierungs- und der Vollzugsgewalt, endlich das Gesetz, betreffend die allen Ländern der österreichischen Monarchie gemeinsamen Angelegenheiten und die Art ihrer Behandlung, in Wirksamkeit zu treten haben," RGB 61 (22 December 1867): 407.

bishop of Linz and publisher of the influential *Linzer Diözesanblatt*. In the *Maigesetze* of 1868 the liberals attempted to codify their progressive agenda. Essentially, the *Maigesetze* consisted of three separate laws: the *Ehegesetz*, which concerned the institution of civil marriage; the *Schulreform*, which concerned education; and the Interconfessional Law, which spelled out the rights of Protestants in the Habsburg Monarchy.[22] These three laws greatly upset the Catholic Church. The first concern was that the laws stripped away the rights of the Church as codified in the 1855 Concordat, a concern that the archbishops and bishops had warned the emperor about in 1867.[23] But more importantly, the Church feared that these laws encroached on the historic and religious duties of the Church — especially the sacrament of marriage and the education of children.

The *Ehegesetz*, or Marriage Law of May 25, 1868, allowed for the institution of civil marriage for Catholics by secular authorities rather than solely through the Church. From the perspective of the Church, however, marriage was a holy sacrament that could only be instituted by the Church itself (at least when it concerned Catholics). To allow for civil marriage effectively took this sacrament out of the Church's hands and forced the Church, in its view, to stand by while the entire basis of Christianity was destroyed. Furthermore, Church officials

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[22] "Gesetz vom 25. Mai 1868, wodurch die Vorschriften des zweiten Hauptstückes des allg. bürgerl. Gesetzbuches über das Eherecht für Katholiken wieder hergestellt, die Gerichtsbarkeit in Ehesachen der Katholiken den weltlichen Gerichtsbehörden überwiesen und Bestimmungen über die bedingte Zulässigkeit der Eheschließung vor weltlichen Behörden erlassen werden," RGB 19 (26 May 1868): 93-97; "Gesetz vom 25. Mai 1868, wodurch grundsätzliche Bestimmungen über das Verhältniß der Schule zur Kirche erlassen werden," RGB 19 (26 May 1868): 97-99; "Gesetz vom 25. Mai 1868, wodurch die interconfessionellen Verhältnisse der Staatsbürger in den darin angegebenen Beziehungen geregelt werden," RGB 19 (26 May 1868): 99-102.

[23] "Addresse der zu Wien versammelten Erzbischöfe und Bischöfe an seine k.k. apostolische Majestät, 28 September 1867," *Wiener Diözesanblatt* 28 (1867): 229; "Addresse der Bischöfe an der Kaiser," 28 September 1867, box 9, folder 1, Bischofskonferenz, DAW.

feared that the institution of civil marriage would eventually allow Catholics to divorce, a violation of Church dogma. Even though the civil marriage created by this law did not allow for divorce for Catholics (although it did for non-Catholics), the Catholic church feared that it would.[24]

The *Maigesetze* also initiated school reform, beginning a long process of secularization for schools. According to the law, the Church now only had control over religious instruction, and only for children of Catholic parents.[25] Although, as Scott Moore argues in *Teaching the Empire: Education and State Loyalty in Late Habsburg Austria*, much of the reason for these education reforms was to help foster a Habsburg civic identity, not as a means to harm the Church, nevertheless, while the law makes clear that its focus is specifically on education, its full name, the "Law of May 25, 1868, which enacts the fundamental provisions on the relationship between the school and the Church," belies the fact that it was also taking aim specifically at the Church.[26] In practice, the *Schulreform* was intended to strip away the influence of the Church on schooling. Thus, between 1861 and 1871, the percentage of teaching posts held by clergy in Austria fell from 62% to 36%. While the clerical percentage of all teachers remained remarkably

[24] Though divorce for Catholics was, strictly speaking, illegal, there were certain ways around the dissolubility of marriage, particularly through the Austrian provision for "separation from bed and board," a legal separation that theoretically maintained the religious marriage bonds and thus did not allow for remarriage. For more on marriage laws and the possibilities of divorce and remarriage in the Monarchy, see: Ulrike Harmat, "Divorce and Remarriage in Austria-Hungary: The Second Marriage of Franz Conrad von Hötzendorf," *Austrian History Yearbook* 32 (2001): 69-103.

[25] Judson, *Habsburg Empire*, 282. For more on the development of education reform in the Monarchy, see: Gary B. Cohen, *Education and Middle-Class Society in Imperial Austria, 1848-1918* (West Lafayette, IN: Purdue University Press, 1996).

[26] Scott O. Moore, *Teaching the Empire: Education and State Loyalty in Late Habsburg Austria* (West Lafayette, IN: Purdue University Press, 2020).

high, it nevertheless represented a gutting of the status quo established by the Concordat of 1855. Furthermore, between 1871 and 1873 the number of schools operated by religious teaching orders fell by half.[27] For the Church, this law constituted a fundamental shift in their rights, and for some, like Rudigier, it signified the beginning of the end of all morality in the Monarchy.[28]

Lastly, the Interconfessional Law dealt mostly with the relationship between Catholics and non-Catholics, continuing some of the reforms instituted by Joseph II, including the "Patent of Toleration" of 1781, which extended freedom of worship to non-Catholic Christians and the "Edict of Tolerance" of 1782, which extended limited rights to Jews, including the lifting of many economic and educational restrictions. The codification of marriage rights for protestants and the emancipation and granting of civil and political rights to the Jews in a period in which antisemitism and anti-Protestantism were widespread within the clergy, proved troublesome for bishops such as Rudigier, who held the same traditional beliefs of the Church that Jews should be restricted, ridiculed, and subjugated.

Nevertheless, the greatest fear of the Church (and in some cases a well-grounded fear) was that the *Maigesetze* would result in the usurpation of the Church's authority and jurisdiction within Austrian society. The belief that liberals wanted to free not just the government, but society as a whole from the Church had been part of the Church's charges against the liberals for decades. To be sure, the liberals did want to reduce clerical influence on society and, in particular, on state governance. Thus, Church commentators were correct in believing that the *Maigesetze* were a step toward their loss of influence and jurisdiction. All three of these laws

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[27] Cohen, *Education*, 37-38.

[28] Franz Joseph Rüdiger, "Hirtenbrief," 7 September 1868, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL, 14.

aimed at enacting long-time liberal goals. The *Schulreform*, in particular, had been a part of the liberal platform since 1848. Many liberals saw the *Maigesetze* as a major victory for them and a major defeat for the Church. For those in the Church, however, the battle was just beginning.

The Hirtenbrief and Political Theology

On September 7, 1868, less than four months after the Austrian government adopted the *Maigesetze*, Rudigier wrote his *Hirtenbrief*, disavowing the new laws and (essentially) declaring them invalid. This pastoral letter, like all pastoral letters, was meant to be read from the pulpit, ensuring that all believers in the diocese (and many outside it) would hear it.[29] While the letter spelled out Rudigier's belief that Catholics had a moral imperative to oppose the laws, it also referred to the bishops' address to the emperor, laying out a legal argument against the *Maigesetze* and the *Staatsgrundgesetz*. These laws, he argued, countered the Concordat of 1855 in such a way that they could not be enforceable without a new Concordat. Thus, the Concordat of 1855, he concluded, was still in effect. This argument was not what got him in trouble, however. The problem was that Rudigier advocated disobeying the new laws.

Rudigier began his *Hirtenbrief* like most pastoral letters — with a verse. This verse was 2 Corinthians 11:3, in which the apostle Paul warns the Corinthians against being led astray in the same way that Eve was tricked by the "father of lies," the serpent. The verse reads, "But I am afraid that as the serpent deceived Eve by his cunning, your thoughts will be led astray from a

[29] Though dealing with the pastoral letters of Rudigier's contemporary and metropolitan bishop, Cardinal Rauscher, Albert Ettmayer's dissertation does an excellent job of delineating how this process of communication worked as a means of bypassing intervention from lower clergy and ensuring the bishops' ideas were conveyed exactly as the bishop intended; Albert Ettmayer, "Die Hirtenbriefe des wiener Fürst-Erzbischofs Joseph Othmar Kardinal Rauscher: ein Beitrag zur österreichischen Kirchenpublizistik in der zweiten Hälfte des 19. Jahrhunderts" (PhD diss., University of Vienna, 1982).

sincere and pure devotion to Christ." Rudigier compared this situation to the one they now faced with the *Maigesetze*. He argued that liberals and others in the press had been writing about the laws for months, twisting their meaning and obscuring the danger they posed to the Church so that believers, just like the Corinthians, would be led astray.[30] Rudigier spent the rest of the letter asking and answering two main questions to help believers understand the laws.

The first question was seemingly rather straightforward: what was the substance of the *Maigesetze*, and how did they differ from the old laws? Rudigier, of course, did not just quote the laws, he focused instead on the most contentious aspects of the laws. Rudigier concluded that the civil marriage law, which allowed people to seek marriage from a civil authority rather than only from a religious authority, in effect took all power of marriage out of the hands of the Church. If the civil authority could supersede the authority of the Church in any capacity with respect to marriage, Rudigier argued, then the law was in essence declaring that the Church could not judge the validity of a marriage at all, potentially opening the door for divorce or alternative types of marriage.[31]

Likewise, the school laws would strip the Church of all rights in education, placing schools solely in the hands of the state and disrupting the balance struck through the Concordat of 1855. The end of Church-led education, he feared, would lead children away from the path of

[30] Franz Joseph Rüdiger, "*Hirtenbrief*," 7 September 1868, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL, 1.

[31] Franz Joseph Rüdiger, "*Hirtenbrief*," 7 September 1868, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL, 12-13.

righteousness (meaning, of course, Christianity) and, perhaps, create a country of Godless men, a charge he would repeat later as the final goal of the liberals in power.[32]

Finally, inter-confessional laws, which were laws regarding intermarriage between Catholics and Protestants that the Austrian Church had heretofore refused to acknowledge absent an oath to raise the children as Catholic, only hastened the process of stripping all religion from the people, Rudigier argued.[33] This law allowed the parents in such a marriage to choose the religion of their children and, potentially, to choose no religion at all. While the inter-confessional law seemed reasonable at first, he concluded, there was a much greater issue at stake. In the past, the laws stipulated that the children of a mixed marriage would be raised in the faith of their father. The new law, however, stipulated that sons be raised in the faith of the father and daughters of the mother. While the new regulations regarding daughters, he stated, had been the main focus in the press, it was not really the most important provision of the law.[34]

While many might consider a gendered split of confessions for the children to be fair, Rudigier worried that in reality the law allowed the parents of the child to choose the same religion for all of their children, regardless of their sex, as long as they stipulated this choice when they were first married before having children. This provision, in effect, negated the entire

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[32] Franz Joseph Rüdiger, "*Hirtenbrief*," 7 September 1868, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL, 14.

[33] The fight over the validity of Catholic/Protestant inter-confessional marriages was a longstanding issue for the Austrian Catholic Church. It had been a particular point of conflict in the 1830s, but no real consensus on the issue was ever reached. Legally, they were allowed under the Patent of Toleration, but many in the Church continued to refuse to recognize them. See Alan J. Reinerman, *Austria and the Papacy in the Age of Metternich*, vol. 2, "Revolution and Reaction, 1830-1838" (Washington, D.C: Catholic University of America Press, 1979), 277-281.

[34] Franz Joseph Rüdiger, "*Hirtenbrief*," 7 September 1868, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL, 12, 15-17.

first provision of the law. If the parents could choose the religion in which they would raise their children, then the status quo — rather than being modified, equalized, and modernized — was essentially destroyed. Furthermore, the inter-confessional laws opened the door to a whole host of other unforeseen issues that would only become apparent with the passage of time. For example, a non-Catholic who was married to a Catholic might be buried in a Catholic cemetery. Such a burial, Rudigier argued, was against the fundamental rights of the Church, which should be able to determine itself who was buried in its cemeteries.[35]

After establishing what the laws meant and how they differed from current law, Rudigier then addressed the second question: what should Catholics do about it? It is in this section that we begin to see the development of a new Catholic political theology in the Habsburg political system. In the rest of the letter, Rudigier succinctly laid out his unique understanding of the separation of Church and state, in which he attempted to reconcile Matthew 22:21 (often simplified as "Render to Caesar the things that are Caesar's and to God the things that are God's,") with a much less well-known verse, Acts 5:29, which states that in the face of oppression, "we must obey God rather than men."[36] This verse would form the basis of Rudigier's theological argument. Using this verse, he laid out a view in which one could be loyal to the emperor, as taught by the Church, while at the same time disloyal to the government when it seemed to oppose God.

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[35] Franz Joseph Rüdiger, "*Hirtenbrief*," 7 September 1868, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL, 7.

[36] The full text of Matthew 22:21 states, "They said, 'Caesar's.' Then he said to them, 'Therefore render to Caesar the things that are Caesar's, and to God the things that are God's,'" and the full text of Acts 5:29 states, "But Peter and the apostles answered, 'we must obey God rather than men.'"

Through the precepts set forth in his *Hirtenbrief*, Rudigier argued that the proper relationship between the Church and the state could and should be maintained at all costs. But following the political theological paradigm that had helped to usher in the Concordat of 1855, the legalistic separation of the Church from the state necessitated that the two work together to support one another and maintain a relative balance of power. If the two were not in balance, however, then there must, by necessity, be a disruption from one realm into the other in order to reset this balance. This idea, which was new in the political theological paradigm of the Austrian Church, rested on the belief that the state may only rule with the authority of the divine. Thus, if the balance of power was off, then the fault must lie with the secular power, as the divine was inerrant. As a result, the responsibility to rebalance remained with the divine. Such a rebalancing, he suggested, did not disrupt the separation of Church and state, but rather sought to reinforce it. In short, Rudigier wanted the Church to exert more control on the state through political action.[37]

After laying out this understanding of the balance of Church and state, to which he returned at the end of the letter, Rudigier then set forth five precepts that should guide Catholics in dealing with the new laws: the Concordat of 1855 not only *should* remain in full effect but *was* still in full effect; divine truths and divine laws continued to have power in the world; Church laws and teachings beyond just doctrinal teachings were still valid; the Church maintained its natural rights over the schools; and the duty of every Catholic to remain loyal to the emperor remained steadfast. All of these precepts worked toward the goal of maintaining the power of the Church in the Habsburg monarchy and actively worked against liberalism while still arguing that neither he nor the Church were attempting to overthrow the emperor.

[37] Franz Joseph Rüdiger, "*Hirtenbrief*," 7 September 1868, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL, 17.

The first point — that the Concordat remained in full effect — is by far the most important of the entire letter, as it set forth the basis for the rest of the letter and much of Rudigier's later legal defense. Unlike the other four points, this was the most legalistic of the five, with Rudigier primarily employing a legal argument rather than a spiritual. In fact, while Rudigier mostly relied on scripture to support his other arguments, he did not use scripture at all to support point one. Instead, Rudigier sought to undermine the argument that the *Maigesetze*, as the newer of the two laws, superseded the precepts of the older Concordat, as per the legal principle *lex posterior derogat legi priori.*[38]

Rudigier's argument rested on the idea that the Concordat was a bilateral agreement, concluded by the pope and the emperor together, not by the liberal government. Therefore, it could not be cancelled unilaterally. Its dissolution must either be either agreed upon by both parties or the two parties should renegotiate it together.[39] Furthermore, even if Austria could end the Concordat unilaterally without violating the contract and thus triggering a legal response, that power did not rest with the legislature but rather solely with the emperor. The emperor had entered into the agreement with the Church, and only he could cancel it. Rudigier argued that the dissolution of the emperor's agreement by the legislature was, in effect, doing what the liberals consistently argued that the Church was attempting to do: taking away the sovereignty of the state in the person of the emperor.[40]

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[38] Though Rudigier did not use this phrase in the Hirtenbrief, he would reference the principle (and the fact that it did not apply) in his formal complaint against the charges on October 2, 1868; Letter from Rudigier to Landesgericht Complaining against Charges, 2 October 1868, p. 2, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL.

[39] Though technically correct according to contract law, in practice bilateral diplomatic agreements between states were torn up by one side all the time.

[40] The liberal case rested on the ideas of ultramontanism, which essentially argued that the Catholics would obey the pope over the emperor. Claims that Catholics were secretly

It was at this point that Rudigier made a statement used during his trial as evidence that he was inciting Catholics in the empire to rebellion, thus leading to the charge of "disturbing the peace." He contended that if the legislature eliminated the rights of the Church through the *Maigesetze,* it would be stating conclusively that "the Church has no rights [in Austria], not even a right to exist."[41] After all, if the Church could lose its rights at the whim of the legislature, then these were not true rights given by God, but privileges granted by the government. Therefore, its right to exist was, to Rudigier, similarly only at the pleasure of the legislature and could be revoked at any time.

Rudigier based his other assertions on scripture rather than law, yet his use of scripture also proved to be problematic for the court. "The inner sanction of every law of man," Rudigier explained, "is merely an expression of divine will." However, when the earthly law contradicted divine will, he argued, the law "loses its full power, and the apostolic rule can apply: 'We must obey God rather than men.'"[42] This contentious line, which was based on Acts 5:29 and its interpretation by Thomas Aquinas as the basis for the rejection of an unjust law, would be brought up again and again by the courts and the liberal press as proof that Rudigier was inciting Catholics to disobey the law.[43]

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ultramontane and thus not truly loyal to the emperor were common throughout the nineteenth century, but would become much more common during the Rudigier trial.

[41] Franz Joseph Rüdiger, "*Hirtenbrief*," 7 September 1868, p. 9, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL.

[42] Franz Joseph Rüdiger, "*Hirtenbrief*," 7 September 1868, p. 9-10, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL.

[43] Letter from Landesgericht to Rudigier with Charges, 18 September 1868, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL; "Vernehmungsprotokoll bei Gericht," 5 June 1869, box 21, folder 27c, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL; "Die

Though Rudigier denied that he was intending to incite Catholics to rebellion, even a cursory examination of the verse proved to complicate his defense. In the book of Acts, shortly before Acts 5:29, the Sadducees had arrested the apostles and ordered them to discontinue their preaching. They then escaped from jail and continued to preach, directly disobeying the Sadducees due to the apostles' belief in divine truth and divine law. While the Sadducees were, themselves, subject to the Roman authorities, they nonetheless had significant social and political power at the time, coordinating with the Romans. As such, theologians such as Thomas Aquinas often interpreted the story of Acts 5:29 as a statement about the relationship between divine and earthly power, citing it in his *Summa Theologica* under the question of, "Whether subjects are bound to obey their superiors in all things?" Aquinas's assertion was that, on the basis of Acts 5:29, "sometimes the things commanded by a superior are against God. Therefore superiors are not to be obeyed in all things."[44] It is clear that Rudigier used this story to assert his belief that divine law — and in the context of this passage, he meant the laws surrounding the consecration and indissolubility of marriage — superseded earthly law. Though he did not openly advocate for Catholics to disobey the law, indeed, he argued, one cannot disobey a law that was never legally passed in the first place, he was, in essence, laying out a case for a limited theology of civil disobedience.

In general, pastoral letters like the one Rudigier wrote on September 7, 1868, can achieve many different goals. They can commemorate feast days, honor the righteous, give admonitions,

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Bischöfe vor Gericht," *Neue Freie Presse*, 20 October 1868; "Politische Uebersicht," *Neue Freie Presse*, 13 July 1869.

[44] Thomas Aquinas, *Summa Theologica Complete in a Single Volume, trans. Fathers of the English Dominican Province* (Coyote Canyon Press, 2018), 723-724 (traditionally cited as 2-2.104.5).

and offer instructions. However, like the first pastoral letters ever written, the "Pastoral Epistles" of 1 Timothy, 2 Timothy, and Titus, pastoral letters mostly articulate theological arguments as they apply to the contemporary world. Most often these theological arguments are old and accepted, just clarified in the face of newer circumstances, but, whether implicitly or explicitly, all pastoral letters communicate theological ideas.

Bishops, therefore, used pastoral letters to communicate theology to their congregants, and in late nineteenth century Austria, they did so frequently. Albert Ettmayer convincingly demonstrates that Rudigier's contemporary, Cardinal Rauscher, utilized his pastoral letters as a means of communicating with the public directly, avoiding dilution or modification of his message by lower priests, who had to read the letters in their entirety and without modification.[45] Ettmayer also regards the pastoral letter as a method of theological "propaganda," meant to condition the laity to accept the ideas coming from the letter by utilizing the ritualistic elements of religion to become, itself, catechesis.[46] The ritual elements of the pastoral letter prime the listener to accept the teachings in the same way that they would accept the familiar forms of the mass. Furthermore, the form of the pastoral letter, which must be read from the pulpit, mirrors the image of Moses coming down from Mt. Sinai with the ten commandments to present the absolute truth of God in the form of law. The Hirtenbrief was thus an extremely effective way not only for presenting theological changes, but for ensuring that these changes would be accepted by all the Catholics in that bishop's charge.[47] Rudigier obviously used the pastoral letters in the same way as Rauscher to communicate and, perhaps, indoctrinate the laity. The

[45] Ettmayer, "Hirtenbriefe," 5.

[46] Ettmayer, "Hirtenbriefe," 10.

[47] Ettmayer, "Hirtenbriefe," 10-15.

contentious *Hirtenbrief* of September 7, 1868, in particular, was an attempt to instill a particular idea of moral political theology — a theology of civil disobedience.[48]

The theology of civil disobedience was not a new idea at the time, having roots back to St. Augustine's famous statement that, "an unjust law is no law at all."[49] Closer to Rudigier's time (though still some 600 years earlier) was Thomas Aquinas, whose delineation of the nature of law was echoed in Rudigier's descriptions of the balances of earthly and eternal laws. In his *Summa Theologica*, Aquinas discussed whether or not law is binding on the human conscience. After discussing the difference between just and unjust laws, he concluded that unjust laws that are "unjust through being opposed to the Divine good" should "nowise be observed, because, as stated in Acts 5:29, 'we ought to obey God rather than man.'"[50] Though, as noted previously, Aquinas went in and out of favor in the history of the Church, his explanation of how to interpret an unjust law continued to inform the theology of the Catholic Church through the Council of Trent and beyond.[51] This verse, which was perhaps the most contentious point of Rudigier's

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[48] Though Rudigier would not use the term "civil disobedience," the theological ideas and their justification through both Augustine and Aquinas were used by later movements, including by Martin Luther King, Jr., who, like Rudigier, also cited Augustine, Aquinas, and Acts 5:29 in his "Letter from Birmingham Jail," sent on April 16, 1963. See Martin Luther King, Jr., *Letter from Birmingham Jail* (Ipswich, MA: Great Neck Publishing, 2017).

[49] Though this line has been quoted and translated many times, this version is perhaps the most famous (and succinct) translation. Another could be found as "a law that is not just does not seem to me to be a law." This translation is found in Augustine of Hippo, *Augustine: On the Free Choice of the Will, On Grace and Free Choice, and Other Writings*, trans. Peter King (Cambridge: Cambridge University Press, 2010), 10 (traditionally cited as 1.5.11.33).

[50] Thomas Aquinas, *Summa Theologica Complete in a Single Volume, trans. Fathers of the English Dominican Province* (Coyote Canyon Press, 2018), 459 (traditionally cited as 1-2.96.4).

[51] Jürgen Miethke, *De Potestatae Papae: Die päpstliche Amtskopetenz im Widerstreit der politischen Theorie von Thomas Aquinas bis William von Okham* (Tübingen: Mohr, 2000); Aidan Nichols, *Discovering Aquinas: An Introduction to His Life, Work, and Influence* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 2002).

Hirtenbrief in the eyes of the provincial court, was, therefore, taken straight from Thomas Aquinas.[52] It is no wonder, then, that while the government may have taken exception to the idea that Rudigier would advocate the wholesale rejection of laws, Rudigier himself believed he was grounded in the just application of theology. The theology of civil disobedience was just one part of a larger project of Political Catholicism that had been developing throughout Europe and Austria for years.

As the contentious episode of Rudigier's arrest and trial began to unfold, the potential consequences of the political theology of civil disobedience became apparent. Such a theology threatened the status-quo of the dominant power structures and could lead the liberal government to take action against him and other Catholic clergy, possibly through even more stringent laws than the *Maigesetze*. And so, in a speech at Feldkirch, given shortly before his trial, Rudigier remarked that amid calls from the liberal press for him and other clergy members to be quiet, merely calling yourself Catholic and praying for the world to get better would no longer do. Instead, Catholics must have the courage to act within the system in order to effect the changes necessary to align the interest of the spiritual and temporal. If a man does not have this courage, he stated, "he does not deserve to call himself a Catholic man."[53] Other bishops, such as Cardinal Rauscher, remained relatively quiet in public, preferring to focus on the text of the laws rather than on charged rhetoric.[54]

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[52] Josef Elsner, Arraignment of Rudigier in the Landesgericht, 10 June 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[53] Franz Joseph Rudigier, "Rede seiner Bischöfl. Gnaden des Hochwürdigsten Herrn Bischof Rudigier von Linz, gehalten im kath. konstitutionellen Casino zu Feldkirch" *Vorarlberger Volksblatt*, 14 May 1869, 1.

[54] "Das Gesetz vom 25. Mai 1868 und die Anweisung für die geistlichen Gerichte des Kaiserthums Östereich in Betreff der Ehesachen," *Wiener Diözesanblatt* June 1869, 45-51.

But these were two diverging ideas of how to deal with the issues. One (the one Rudigier advocated in his *Hirtenbrief*) was essentially to disobey the law. The other was to work within the system of government to fix it. The reconciliation of these two competing ideals comes both from political theology and from a practical notion of how to effect change. Rudigier thought it was not enough to simply disobey laws that he saw as being against the will of God and pray for them to go away; a good Catholic must also cultivate a robust "constitutional life" in order to effect change. Mere disobedience only highlighted the issues, but did not actually fix them.[55] And so, as Rudigier continued to assert that his *Hirtenbrief* was correct and that the new laws were both illegal and immoral. He also began to advocate for the expansion of conservative Catholic involvement in politics in order to restore a Catholic order to Habsburg governance.

Rudigier's Arrest

On September 12, 1868, just five days after Rudigier wrote his fateful *Hirtenbrief*, state censors confiscated all 5,200 copies.[56] Three days later, the courts recommended he be charged with "Disturbing the Peace," or *Störung der öffentlichen Rühe*, a charge that carried a minimum sentence of one to five years in prison.[57] Another three days later, the courts formally charged

[55] Franz Joseph Rudigier, "Rede seiner Bischöfl. Gnaden des Hochwürdigsten Herrn Bischof Rudigier von Linz, gehalten im kath. konstitutionellen Casino zu Feldkirch" *Vorarlberger Volksblatt*, 14 May 1869, 1.

[56] Letter from Landesgericht to Rudigier with Charges, 18 September 1868, p. 1-2, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[57] Letter from Landesgericht to Rudigier with Charges, 18 September 1868, p. 1, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL; *Das Strafgesetz über Verbrechen, Vergehen und Uebertretungen, die Strafgerichts-Competenz-Verordnungen und die Preß-Ordnung vom 27. Mai 1852 für das Kaiserthum Österreich* (Vienna: Hof- und Staatsdruckerei, 1852), 35-36.

him with this crime. But the fight over whether or not the court actually had the jurisdiction to charge Rudigier stretched out over half a year, with the challenge to the court's authority eventually ending with the arrest of the bishop and his questioning on June 5, 1869.[58] The court convicted him and sentenced him to fourteen days in jail, a sentence eventually commuted by the emperor.[59]

While the basic progression of Rudigier's trial is, in theory, quite concise, such a simple story conceals the importance of the trial both at the time and long after it was concluded. The fight over jurisdiction, the request for clemency from the emperor, the subsequent commutation of the sentence, Rudigier's later speeches and writings, and the responses of the press all form a conversation about the limits of the Church's involvement in politics. Through this conversation, a new paradigm of political theology in the Monarchy began. This new paradigm went beyond Rauscher's legalistic compromises toward a new paradigm of political action. By late 1869, even Rauscher agreed that the paradigm needed to shift.[60]

It is worth examining the charge of "Disturbing the Peace." This charge was intended to apply to someone who incited some sort of lawless behavior, but did not engage in it himself. The specific statute with which Rudigier was charged applied to such incitement "in print, in disseminated works, or in pictorial representations" that sought to "incite contempt or hatred against the person of the emperor, the unity of the imperial state, the government, or the

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[58] "Vernehmungsprotokoll bei Gericht," 5 June 1869, box 21, folder 27c, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL.

[59] Franz Joseph Rudigier, "Rede seiner Bischöfl. Gnaden des Hochwürdigsten Herrn Bischof Rudigier von Linz, gehalten im kath. konstitutionellen Casino zu Feldkirch" Vorarlberger Volksblatt, 14 May 1869.

[60] Joseph Othmar Rauscher, "Die Feinde der Kirche einst und jetzt," *Wiener Diözesanblatt*, August, 1869, 62.

administration, or … [sought] disobedience, revolution, or resistance to laws, ordinances, judgments, or directives of the courts or other public authorities."[61] In the aftermath of the Revolutions of 1848 and in the long shadow of the French Revolution, the Monarchy was acutely aware of the danger of revolutionary activity. While Rudigier did not believe he was arguing for a full revolution, the charge had symbolic significance, as it harkened back to the liberals who were arrested under similar laws in 1848, including those who were arrested outside the *Stephansdom* at the urging of Archbishop Milde.

The fact that Rudigier was only charged with disturbing the peace instead of rebellion (*Aufstand*) or sedition (*Aufruhe*) and the fact that he ultimately received less time than what was originally prescribed by the law speaks to the intent of the liberal government.[62] Through this charge, the liberal government intended to define the limits of direct political action that the Church officials could take under a constitutional system. It also, however, signaled the anxieties of the new liberal government and the limits of its own power in this new constitutional system. Would the liberals be able to charge a bishop without turning him into a martyr? By being lenient and avoiding charging the bishop with rebellion or sedition, would Rudigier and Church officials take their slap on the wrist and cease their political troublemaking? Throughout the ordeal, the liberals probably hoped to control the narrative and send a message to the Church that it should accept the new constitutional reality. Though the laws remained and, in some ways, the

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[61] *Das Strafgesetz über Verbrechen, Vergehen und Uebertretungen, die Strafgerichts-Competenz-Verordnungen und die Preß-Ordnung vom 27. Mai 1852 für das Kaiserthum Österreich* (Vienna: Hof- und Staatsdruckerei, 1852), 35-36.

[62] Rebellion, at the time, carried a penalty of five to ten years in prison, and sedition carried a penalty of either ten to twenty years in prison, life in prison, or death, depending on the severity of the crime; *Das Strafgesetz über Verbrechen, Vergehen und Uebertretungen, die Strafgerichts-Competenz-Verordnungen und die Preß-Ordnung vom 27. Mai 1852 für das Kaiserthum Österreich* (Vienna: Hof- und Staatsdruckerei, 1852), 37-39.

Church did accept the new reality, ultimately this trial and other agitation ensured that Church officials would not be quiet.

Over the course of the month following his arrest, Rudigier wrote a series letters articulating his opposition to the charges against him. Five days after his letter to Cardinal Rauscher, Rudigier drafted a letter to the provincial courts, arguing against the charges on the basis that the court did not have the proper jurisdiction to charge him.[63] He insisted that the power to prosecute him rested solely with the emperor and the pope, as per Article 14 of the Concordat, which, itself, was based on the Council of Trent.[64] Rudigier obviously believed that the Concordat of 1855 remained in place, and that the institution of the new laws — both the *Staatsgrundgesetz* and the *Maigesetze* — had not changed this fact.

Rudigier's fight over jurisdiction was, in a sense, a trap for the courts. By arguing that the provincial court did not have the jurisdiction to try him, Rudigier argued for the validity of the Concordat itself. If the courts did not have the jurisdiction to try him, it would prove that the Concordat was still valid and, thus, the limitation of the new laws that he argued against in his pastoral letter were also valid. Furthermore, if the courts recognized that the Concordat was valid, his criticisms in the confiscated *Hirtenbrief* were also valid, and the charges against him

[63] He sent the letter with few changes on October 2. Draft of Letter from Rudigier to Landesgericht Complaining against Charges, 25 September 1868, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL; Letter from Rudigier to Landesgericht Complaining against Charges, 2 October 1868, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[64] In particular, the 24th Sitting of the Council of Trent is at issue; *Das österreichische Concordat vom 18. August 1855* (Linz: Josef Schmid, 1856), 114-115; Letter from Rudigier to Landesgericht Complaining against Charges, 2 October 1868, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

should be dropped as moot. In order to make this argument work, however, Rudigier first had to argue the validity of the Concordat on its own terms.

Rudigier's argument that the Concordat remained in effect rested on two main premises. First was the idea that the Concordat was not merely a set of laws, but was rather an international agreement. This was important because such agreements were outside the purview of the court and, thus, could not (in Rudigier's opinion) be undone through a law. Furthermore, Rudigier argued, such an agreement could not be undone by one side alone, as the basis of international contract law superseded the legal principle "*Lex posterior derogat priori*," which holds that in the face of two ambiguous laws, the later law supersedes the earlier law.[65] Echoing the statement from the Austrian bishops in 1867 opposing the *Ausgleich*, Rudigier's argument rested on the idea that doing away with that legal hierarchy would, "shake contract law to its very foundations."[66]

Rudigier continued to make claims of jurisdictional overreach for several months, opposing the court at every turn. He argued that he should, at worst, be tried by a tribunal assigned with the explicit intervention of the Church, as he and other bishops operated "independently from any secular court." This argument, however, would largely prove ineffective.[67] The court ignored Rudigier's arguments and summoned him for questioning,

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[65] Letter from Rudigier to Landesgericht Complaining against Charges, 2 October 1868, p. 2, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[66] "Addresse der zu Wien versammelten Erzbischöfe und Bischöfe an seine k.k. apostolische Majestät, 28 September 1867," *Wiener Diözesanblatt* 28 (1867): 229; "Addresse der Bischöfe an der Kaiser," 28 September 1867, box 9, folder 1, Bischofskonferenz, DAW.

[67] Here, Rudigier is drawing attention to the so-called "Great Commission," which is one of the greatest duties imposed on Christians by Christ in Matthew 28:19, "Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy

setting a date for his court appearance.[68] Rudigier replied that he could not appear at the court on that date because the court did not have the jurisdiction to try him.[69] The court responded that they did, in fact, have the jurisdiction, and the process repeated, with the court setting a new date for his court appearance and Rudigier once again responding that they did not have the jurisdiction to try him.[70]

Eventually, the court grew tired of the stonewalling and sent its judicial councilor, Mathias Pöchmüller, to the bishop's palace in Linz to serve Rudigier with a court summons (*Vorführungsbefehl*) compelling him to come to the court.[71] When Pöchmüller gave him the summons, however, Rudigier stubbornly continued to assert that the court did not have the jurisdiction to try him, again citing the Concordat of 1855 and the Council of Trent as proof that the court did not have (and, in fact, no earthly body outside the Church had) the authority to try

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Spirit;" Letter from Rudigier to Landesgericht Complaining against Charges, 2 October 1868, p. 6, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[68] The first such summons was at the end of October in 1868; Court Summons for Bishop Rudigier, 30 October 1868, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[69] Letter from Rudigier to Landesgericht about Jurisdiction, 20 November 1868, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[70] Court Summons for Bishop Rudigier, 9 May 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL; Letter from Rudigier to Landesgericht about Jurisdiction, 13 May 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[71] This summons, which is analogous to a writ of habeas corpus, was a standard practice for those who had been called into court, but refused to come voluntarily. It was issued in conjunction with an arrest warrant (*Verhaftung*) and spelled out the reasoning for being arrested. The *Vorführungsbefehl*, in this case, cites Rudigier's refusal to comply with the *Landesgericht*'s earlier letters as the reason for the need to arrest him. Franz von Holzendorf, *Encyclopädie der Rechtswissenschaft in systematischer und alphabetischer Bearbeitung* (Leipzig: Duncker und Humblot, 1871), 606-8; Mathias Pöchmüller, "Vorführungs-Befehl," 2 June 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

him. This refusal prompted Pöchmüller to grab Rudigier "under the arm by the hand" and attempt to lead him out of the palace by force.[72] Finally, Rudigier complied, continuing to protest verbally as he was taken into custody, proclaiming that he was the victim of a "grave injustice," and that while he would go with Pöchmüller, he would only be willing to discuss issues with a court that had correct jurisdiction under Article XIV of the Concordat.[73]

As expected, when the court finally questioned Rudigier two days later, he continued to stonewall. At his arrest, he argued that he did not come of his own free will, and that he was being detained illegally.[74] During the court's questioning, Rudigier either simply gave no answer or responded by asserting that the provincial courts did not have the authority to try him as per Article XIV of the Concordat.[75]

Following this failed interrogation, the state decided to proceed in its arraignment of Bishop Rudigier, clearly laying out the case against him. The arraignment noted that the bishop had refused to comply with the interrogation process, despite being told why the provisions of the Concordat did not apply and that his lack of cooperation could hurt his defense. Then, citing multiple pages of the bishop's *Hirtenbrief*, it argued that Rudigier was not just arguing in good faith against the laws, but rather was advocating for the complete destruction of the

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[72] "Geschehen im Bischofhofe zu Linz am 2. Juni 1869," 2 June 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[73] "Geschehen im Bischofhofe zu Linz am 2. Juni 1869," 2 June 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[74] "Protokoll diktierte von der Festnahme," 4 June 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[75] "Vernehmungsprotokoll bei Gericht," 5 June 1869, box 21, folder 27c, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL.

government's ability to govern.[76] The crux of the prosecutor's argument was that Rudigier was not only leading his followers in the Catholic Church to rebellion against the state (the main legal basis of the Disturbing the Peace charge), but was doing so because of his personal political antipathy toward the liberals, not as a means of preserving the government, protecting the emperor, or defending Christianity, as he claimed.[77]

The prosecutor's assertion that the bishop was acting out of his personal vendetta against the liberals was an attempt to invalidate any arguments that Rudigier might make by arguing that the bishop was acting in bad faith. If he were acting out of good faith, then perhaps his behavior was an accidental misstep in the career of an otherwise well-meaning citizen. But, by acting in bad faith, the prosecutor argued, Rudigier could not claim such innocence.[78]

In addition, the prosecutor continued, the theological argument Rudigier put forth that Catholics should "obey God rather than men," was not merely a doctrinal dispute, but an attack on the very basis of law and the legislative process. This disobedience, the prosecutor argued, could be used to justify disobedience to any laws the Church found objectionable. And due to the bishop's notable dislike of the liberals, he might advocate that his followers disobey any law the liberals enacted. Taken to its logical conclusion, he argued, such a principle could be used to promote (and in essence already did promote) the complete destruction of the rule of law.[79] In

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[76] Josef Elsner, Arraignment of Rudigier in the Landesgericht, 10 June 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[77] Josef Elsner, Arraignment of Rudigier in the Landesgericht, 10 June 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[78] Josef Elsner, Arraignment of Rudigier in the Landesgericht, 10 June 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[79] Josef Elsner, Arraignment of Rudigier in the Landesgericht, 10 June 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

this view, Rudigier's arguments in his pastoral letter about obeying God rather than men were dangerous. These words "aimed at inspiring defiance against the *Maigesetze* and, at the same time, creating the belief that these laws lack all binding power, tempting [believers] to disobedience, resistance, and revolt against these laws, the same as stirring up contempt against the government and state administration itself."[80] Since Rudigier was clearly calling for such civil disobedience, in the eyes of the prosecutors, the charge of "disturbing the peace" was appropriate.

On July 12, 1869, when his trial had concluded, Rudigier was found guilty of "disturbing the peace." Citing the bishop's previously spotless record, his position as a leader of the Church, and his assertion that he did not realize he was committing a crime at the time, the court sentenced him to a mere fourteen days in jail.[81] This was a remarkably lax sentence, given the fact that the recommended sentence for the crime of "Disturbing the Peace" was a minimum of one to five years.[82] The sentence intended to recognize the gravity inherent in charging a bishop, especially one who continued to insist that the court did not have the authority to charge him in the first place. Nevertheless, despite this light sentence, Rudigier was unhappy.[83]

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[80] Josef Elsner, Arraignment of Rudigier in the Landesgericht, 10 June 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[81] "Urtheil des k.k. Schwurgerichtshofes zu Linz," 12 July 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[82] *Das Strafgesetz über Verbrechen, Vergehen und Uebertretungen, die Strafgerichts-Competenz-Verordnungen und die Preß-Ordnung vom 27. Mai 1852 für das Kaiserthum Österreich* (Vienna: Hof- und Staatsdruckerei, 1852), 35-36.

[83] Letter from Rudigier to Franz Joseph, 6 October 1868, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL; Draft of Letter from Rudigier to Franz Joseph, 10 July 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

Shortly before the verdict, Rudigier had drafted a letter to the emperor in a last-ditch effort to end the trial. Just as Rudigier had noted when he was first charged with the crime, he argued that he had always been true to the emperor and to the law. He claimed that it was his duty as a bishop to state what he believed the correct application of theology to the law should be, and that he was acting within what he saw as the legal bounds of his authority as a bishop and as a citizen of the Monarchy.[84] In short, he concluded, it was his right to say the things he had said, and regardless, he was not intending to incite people to disobey the law but merely to question it like responsible citizens. Moreover, continuing the argument he had made since the very beginning, Rudigier again implored the emperor to rule that the *Landesgericht* did not have the authority to try him, because only the emperor himself in conjunction with the Church could try him, in accordance with the provisions of the Concordat of 1855.

Very shortly after the trial was over, the emperor pardoned Rudigier and Commuted his sentence. Rudigier continued to live as a free man. But an ex-post facto pardon was not the outcome that Rudigier had wanted. He wanted the emperor to declare the entire trial null and void based on the government's lack of jurisdiction. Nevertheless, it was clear that the emperor did not believe he could do this, as he believed he was now a "constitutional emperor," bound by the constitution and by the rulings of the court. [85] Even if the emperor *could* intervene, he would not risk civil unrest for this case.

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[84] Letter from Rudigier to Franz Joseph, 6 October 1868, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL; Draft of Letter from Rudigier to Franz Joseph, 10 July 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[85] Franz Joseph Rudigier, "Rede seiner Bischöfl. Gnaden des Hochwürdigsten Herrn Bischof Rudigier von Linz, gehalten im kath. konstitutionellen Casino zu Feldkirch" *Vorarlberger Volksblatt*, 14 May 1869. For a general source on the emperor's powers after 1867, see: Deak, *Forging a Multinational State*, 169-70.

Though Rudigier eventually dropped the issue and continued his duties as a bishop, his arrest, interrogation, arraignment, and indictment elicited responses all over the empire. These responses ranged from vehement defense of the bishop to a call for his imprisonment. The responses to Rudigier's trial demonstrated how this incident formed a pivot point from which Catholic politics in Austria changed once again — a point at which the power dynamics between Catholics and liberals in the Monarchy began to reverse themselves for the first time since 1855.[86]

Responses to the Trial

Rudigier's charge and arrest caused quite a stir in the Austrian Catholic press. Catholic reactions to these events and the narrative presented in the Catholic press often tracked closely with the *Linzer Diözesanblatt*, the official organ of the diocese of Linz. This paper mostly consisted of writings produced by Rudigier himself, naturally reproducing his own spin on the events. Although the paper, which was intended for the clergy in the diocese, had a fairly limited audience, its special position meant that it had a rather disproportionate political impact.[87]

Beyond simply being the paper of record for the diocese, the *Linzer Diözesanblatt* was the best source for Rudigier's unfiltered opinions. Through the *Diözesanblatt*, not only can

[86] The liberal government eventually fell out of favor in the monarchy at the end of the 1870s, due in large part to their own missteps. At the same time, Catholic politics (leading to the creation of the Christian Social party) began to gain momentum, particularly in Vienna. The liberal fall from power and the beginning of the Christian Social Party is discussed in detail in Chapter 6.

[87] Karl von Vogelsang, during a spat with the bishop over how donations and government funds were utilized by the Church, once remarked that the paper was very expensive to produce particularly because of its limited readership, implying that it was a mere vanity project, despite its importance within the Church. Karl von Vogelsang, Notes on Bishop Rudigier, doc. 10-15, Mappe 33, Vogelsangs Nachlaß, KvVI.

historians understand the primary ways that Rudigier attempted to influence the priests and, through them, the laity, but it also provided a means by which the priests could understand how to view the issues. The *Diözesanblatt* published Rudigier's *Hirtenbriefe*, his instructions to priests, and his reactions to new laws. This newspaper would have published his September 7 *Hirtenbrief*, had it not first been confiscated by the authorities. But after its confiscation, the *Diözesanblatt* became one of the primary means by which Rudigier could shape public opinion about his arrest and attempt to frame the narratives that would be promulgated by the Catholic press throughout his trial. Combined with other Catholic press outlets, the *Diözesanblatt* can provide an in-depth look at the views of the Catholic clergy at the time.

On January 24, 1869, in an attempt to control the narrative surrounding him, Rudigier published what amounted to a second *Hirtenbrief* about his arrest. The letter, which was ostensibly supposed to prepare the congregation for the Quinquagesima (the beginning of the Lenten fast), was technically not a *Hirtenbrief* — a point that Rudigier made very clear. It did not strictly conform to the strictures of the pastoral letter, it did not have to be read from the pulpit, and it would not be included in a list of his official pastoral letters. However, it would have been clear to all, given the timing and subject matter, that despite an explicit denial that it was a *Hirtenbrief*, it was, for all intents and purposes, a new *Hirtenbrief.* Moreover, simply by deviating from the norm of the *Hirtenbrief*, as would be expected for that occasion, Rudigier signaled the singularity of the moment, drawing attention to the ways in which he believed his rights as a bishop and the very norms of Catholic life had been violated by the government.

Throughout the letter, Rudigier lamented that he felt he was not permitted to write a *Hirtenbrief*. "Other years," he began, "I have issued a pastoral letter to the believers during this

fasting season. To my deep regret, I cannot do that this year."[88] The reason Rudigier did not issue a *Hirtenbrief* was to protest his confiscated letter in September. As he both did not feel he could stay silent about the *Maigesetze*, but also knew that he could not publish his thoughts, he argued that he would rather not issue a *Hirtenbrief* at all than issue one that did not reflect the truth. Nonetheless, what followed was, for all intents and purposes, a line-by-line retelling of the confiscated *Hirtenbrief* without using the exact same words that got him in trouble in the first place. By making it very clear what he opposed in the *Maigesetze* (and even by letting the Catholics know that he believed there was something wrong with the laws at all), Rudigier was able preempt any discussions about his arrest while also continuing to advocate against the laws.

Before providing the actual text of the court's charges against him, Rudigier argued that adhering to the findings of the government would make his pastoral letter no longer Catholic in nature, but rather beholden to the whims of the secular authorities. Rudigier stated that he "can and will only write a Catholic pastoral letter," and so could not give the people what they deserved. He insisted, however, that the separation of Catholic and secular ideology was, itself, a forced false dichotomy. By being a devout Catholic, he was, by a basic definition of his faith, loyal to the secular authorities, since Christ himself had prescribed such loyalty. In a unique turn, he even tried to take the phrase that caused so much consternation to the courts — Paul's assertion that one must obey God rather than men — to prove that he was loyal. He argued that the verse did not really mean one should disobey the laws of men. Rather, it implied that one should *also* obey men, although one should obey God *more*. His argument rested on the fact that

[88] Franz Joseph Rudigier, "Fastenordnung. Kein Hirtenschreiben. Grund dessen. Mittheilung über das Hirtenschreiben vom 7. September 1868," *Linzer Diözesanblatt*, 24 January 1868, 7.

the German translation of the verse is closer to "One must obey God *more than* men."[89] While Rudigier's argument is technically correct, given that the Catholic Church's accepted German translation of the Latin Vulgate's "Obedire oportet Deo magis quam hominibus," is "Man muss Gott *mehr* gehorchen als den Menschen," his argument that "more than" implies some level of obedience to the secular authorities rather than outright disobedience does not quite work, particularly when one considers Aquinas's treatment of the verse in his *Summa Theologica*.[90] Nevertheless, the argument provided Rudigier plausible deniability, which his followers could similarly deploy in his defense.

Through issues like this, we can see how the Rudigier used the *Linzer Diözesanblatt*, which he continued to edit until his death in 1884, much in the same way as a *Hirtenbrief*. Like a *Hirtenbrief*, the press reprinted Rudigier's statements in their newspapers and the liberal press quickly responded to it, ensuring it had a wider audience than would be true for a clerical *Diözesanblatt*.[91] Thus, while the letter did not have quite the same doctrinal power as the *Hirtenbrief* itself and was, theoretically, directed toward the priests, it nevertheless had great significance for the laity.[92] Once Rudigier made his proclamation in the *Linzer Diözesanblatt*, the

[89] Emphasis mine.

[90] Emphasis mine. It is worth noting that English translations almost exclusively use the form "rather than" instead of "more than," while German translations almost exclusively use the opposite. The Latin Vulgate, on which Rudigier would be basing his translation, reads, "Obedire oportet Deo magis quam hominibus." While the "magis quam" can be translated as "rather than," the translation "more than" fits just as well, rendering it ambiguous at best.

[91] "Aus dem Fasten-Hirtenbrief," *Das Vaterland*, February 26, 1868; "Linz — Das Hirtenschreiben," *Linzer Abendbote*, February 29, 1868; "Das Fastenhirtenbrief des Bischofs von Linz," *Wiener Kirchenzeitung*, March 14, 1868.

[92] Ettmayer, "Hirtenbriefe."

wider Catholic press followed suit and provided their own commentary on both the *Maigesetze* and Rudigier's trial.

The Catholic and conservative press tended to view the trial against Bishop Rudigier as an outrageous persecution of the Church by the liberal government. Their reaction mirrored the argument Rudigier himself made, that the courts had no standing to try him. Moreover, the conservative press used the trial to attack not just the liberal *government*, but the liberal *press*, arguing that liberal newspapers were, themselves, engaging in defamatory speech by criticizing the bishop without evidence. In one incident, the leading liberal newspaper in Vienna, the *Neue Freie Presse,* had apparently illegally obtained the confiscated *Hirtenbrief* and published inflammatory sections of it outside of its proper context while the conservative Catholic press was seemingly barred from publishing it at all.[93] This incident became the subject of a scathing rebuke by the conservative paper, *Das Vaterland,* toward the end of the trial. The most contentious point of this affair was the purported statement by Rudigier that the *Maigesetze* were, themselves, "an effusion of lies." This statement, which the *Neue Freie Presse* argued implied Rudigier's disregard for the very institution of law, appeared in the charging documents against Rudigier, notably, these words did not actually appear anywhere in his original *Hirtenbrief*.[94]

It is unclear how exactly this phrase made its way into the charging documents, though it was perhaps a confusion with his statement that the press had "said many erroneous things"

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[93] "Der Proceß gegen den Hochw. Bischof von Linz," *Das Vaterland*, 18 July 1869.

[94] "Politische Übersicht," *Neue Freie Presse*, 12 July 1869.Letter from Landesgericht to Rudigier with Charges, 18 September 1868, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL; Franz Joseph Rüdiger, "*Hirtenbrief*," 7 September 1868, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL.

about the laws after they had been passed.[95] Either way, it is worth noting that the prosecutor himself later stated that he did not agree with the inclusion of this statement in the charging documents — a note the *Neue Freie Presse* seemed to ignore.[96] Because the *Neue Freie Presse* had obtained the only known copy of the confiscated *Hirtenbrief*, its editors, unlike anyone else in the press, could double-check this claim. Nevertheless, they neglected to publish this information. Instead, *Neue Freie Presse* continued to cite it repeatedly as a reason to convict the bishop.[97] By continuing to spread the charge that Rudigier had called for a revolution or, perhaps, anarchy, despite having the only evidence that could disprove the accusation — evidence that no one else in the press had except those, like Rudigier, who were barred from publishing it — the *Neue Freie Presse* was, in the view of *Das Vaterland*, maliciously defaming the bishop and, by extension, the Church itself.[98] Little came of this accusation in the end, but it speaks to the larger legacy of the trial. In general, the trial became yet another weapon that the conservative and Catholic press would wield against the liberals in the press and in the government.

To the Catholic press, it did not much matter that Rudigier was found guilty. The pardon from the emperor (despite its inherent admission of guilt) provided enough protection that the press could claim the entire process was merely a liberal persecution of the Church. The

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[95] Franz Joseph Rüdiger, "*Hirtenbrief*," 7 September 1868, box 21, folder 27a, Bischof Redigier-Archiv, Ordinariatsarchiv Linz, DAL.

[96] "Der Proceß gegen den Hochw. Bischof von Linz," *Das Vaterland*, 18 July 1869.

[97] "Die Bischöfe vor Gericht," *Neue Freie Presse*, 20 October 1868; "Der Linzer Bischof und das päpstliche Breve," *Neue Freie Presse*, 25 May 1869; "Politische Uebersicht," *Neue Freie Presse*, 13 July 1869.

[98] "Der Proceß gegen den Hochw. Bischof von Linz," *Das Vaterland*, 18 July 1869.

implication of this argument was that such persecution proved that the *Hirtenbrief* Rudigier wrote (portions of which were read in the trial and then spread by the press) was, in fact, both true and warranted. The liberals, the thinking went, did want to wage war against the Church, and the only way to save all of Christianity was to actively work against the laws they passed.[99]

While much of the Catholic press began to publish more forceful invective against the liberal government following Rudigier's trial, the trial also complicated the idea of resistance, forcing the Catholics to re-think their strategy. The arrest, the *Hirtenbrief*, and even Rudigier's non-*Hirtenbrief* article began to form a conversation delineating the boundaries of what was permissible and what was not permissible in Catholic participation in politics.

In the liberal press, reactions to Rudigier's trial were predictable. The newspapers accused Rudigier of arrogance, disloyalty to the emperor, disdain for all civil norms, and a "spirit of fanatical hatred and unforgiving intolerance."[100] Most importantly, the charge of disloyalty to the emperor and, conversely, true loyalty to the pope spread throughout the liberal press, sparking charges of ultramontanism. This charge was most keenly articulated in *Neue Freie Presse*, which not only advocated against Rudigier, but against the very idea of the *Hirtenbrief*, arguing that it was merely a form of control exerted by the pope through his bishops.[101]

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[99] "Bischof Rudigier," *Tagespost* (Graz), 15 July 1869; "Eine Hetze muß sein," *Linzer Volksblatt*, 19 July 1869; "Die Begnadigung des Bischofs Rudigier," *Laibacher Tagblatt*, 21 July, 1869; "Zur Tagesgeschichte," *Innsbrucker Nachrichten*, 22 July 1869;

[100] "Das Erkenntniß gegen die bischöfliche Immunität," *Neue Freie Presse*, 28 January 1869; "Der Linzer Bischof un das Päpstliche Breve," *Neue Freie Presse*, 25 May 1869; "Der Bischof von Linz," *Neues Wiener Tagblatt*, 7 June 1869; "Der Bischof von Linz Begnadigt," *Neues Wiener Tagblatt*, 15 July 1869; "Klagenfurt, 10. Februar," *Süddeutsche Post*, 11 February 1869; "Politische Tagesgeschichte," *Tagespost* (Graz), 9 February 1869.

[101] "Linz," *Neue Freie Presse*, 7 December 1869.

Accusations of ultramontanism were certainly not new to either the Austrian Church or the liberal press. Since at least 1860, ultramontanism had been a popular charge against Austrian Catholics who disagreed with liberals politically.[102] *Neue Freie Presse*, itself had been arguing that the Austrian Church and, in particular, the clergy were ultramontane since at least 1864, when the paper began to take aim at Catholic control of education.[103] Indeed, ultramontanism was an easy charge to make, as the clergy did, necessarily, owe loyalty to both the pope and the crown, but often the charges were merely meant to elicit a reaction against the clergy rather than provide a real critique of Catholic political philosophy. Thus, although charges of ultramontanism continuously resurfaced, there was little to no sustained effort against it in those terms until Rudigier's trial.[104]

The liberal press's arguments against Rudigier during the trial mainly repeated arguments made in 1855 when the Concordat was first established. To many at the time, including some Catholics, the Concordat of 1855 was not just a repudiation of the norms of Habsburg society, but also the codification of the goals of ultramontanism into the very fabric of the government.[105] Of particular importance was Article XIV, which Rudigier used to defend himself in his trial. This article seemed to be the perfect encapsulation of ultramontanism, as it gave authority to the

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[102] M. B. Field, *Der Ultramontanismus in Frankreich und Österreich: Ein Politische Tractat* (Leipzig: Otto Wigand, 1860); Joseph Greuter, *Der verunglückte Preßproceß "Ultramontaner" gegen "Liberale" in Tirol (etc.)* (Regensburg: Georg Joseph Manz, 1862).

[103] "Geschichts-Unterricht auf österreichischen Hochschulen," *Neue Freie Presse*, 11 October 1864.

[104] Taking *Neue Freie Presse* as emblematic for the liberal press as a whole, we see references to "Ultramontanism" between 1860 and the end of 1867 in eighty-nine issues. In 1868 and 1869 alone, the paper mentioned it in 144 issues.

[105] Field, *Ultramontanismus*, 4-6, 49-52.

pope to prosecute bishops for most crimes and gave the bishops the power to weigh in on punishments for the lower clergy. According to liberals, the provision led not to the fair treatment of priests, but rather a system in which bishops could act with impunity and maintain loyalty only to the pope while disregarding the laws of the state in which they lived, operated, and to which they owed loyalty.[106]

Though few liberals in 1855 used the term "ultramontanism" to describe their opposition to the Concordat — the term became more common in the 1870s after the *Kulturkampf* in Germany — the idea that the Concordat undermined the sovereignty of the Monarchy became a persistent liberal charge.[107] Still, despite their trepidation, by 1856, the liberals had largely agreed to tolerate the Concordat. They came to see that the Concordat was not a blank check for the Catholics, but rather served to constrain them as well as enable them. Naturally, liberals continued to criticize the Concordat whenever it appeared anti-liberal. The liberal *Die Presse* had noted in 1856 that "the Church is afforded more guarantees than any other organization legally operating in the state."[108]

Thus, it is no surprise that by citing Article XIV of the 1855 Concordat in 1868, Rudigier opened old wounds and raised the ire of the liberal press. The liberal newspaper, *Neue Freie Presse*, framed the issue (both Rudigier's trial and Article XIV of the Concordat more generally) as "Episcopal immunity" from any illegal actions. The editors argued that in 1855, the

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[106] Field, *Ultramontanismus*, 52.

[107] With perhaps more than a note of irony, Rudigier used this same argument in his *Hirtenbrief* to push back against the government, arguing that the *Staatsgrundgesetz*, by undermining the Concordat, limited the emperor's power, ceding it back to the liberals, and thus threatening the sovereignty of the state in the personage of the emperor; Franz Joseph Rüdiger, "*Hirtenbrief*," 7 September 1868, box 21, folder 27a, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[108] "Zur Concordats-Frage," *Die Presse*, 14 January 1856.

government and general public had accepted an argument that the episcopate would work within the natural bounds of the law, given their system of belief. However, as evidenced by Rudigier and his ideas, this assumption of good faith could no longer be applied, since priests now called for an illegal opposition to the laws.[109] Several other liberal newspapers agreed, arguing that Rudigier possessed a basic disregard for the law, that he embodied the very idea of Catholic arrogance. As such, he was not a true loyal Habsburg subject.[110]

Increasingly the liberal press began to refer to Rudigier and his supporters explicitly as "Ultramontanes," and within the liberal press, the *Hirtenbrief* itself became a symbol of a long-festering ultramontane ideal within the Catholic Church. The liberal press argued that, by telling his Catholic flock to disobey the laws, Rudigier was channeling the authority of the pope to block the authority of the government and, by extension, the emperor. This was, of course, the greatest charge that Rudigier tried to oppose in his letter to the emperor, but the liberal press would not be swayed by Rudigier's assertions. To them, he was an ultramontane, leading ultramontanes, for the cause of ultramontanism.[111]

While the language of ultramontanism reflected arguments that had existed since 1855, Rudigier's trial nonetheless presaged a new fight that would be fought over the course of the next

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[109] "Das Erkenntniß gegen die bischöfliche Immunität," *Neue Freie Presse*, 28 January, 1869.

[110] "Der Bischof von Linz," *Neues Wiener Tagblatt*, 7 June 1869; "Der Bischof von Linz Begnadigt," *Neues Wiener Tagblatt*, 15 July 1869; "Klagenfurt, 10. Februar," *Süddeutsche Post*, 11 February 1869; "Politische Tagesgeschichte," *Tagespost* (Graz), 9 February 1869.

[111] The argument that Rudigier was ultramontane appears throughout the latter half of 1869, most notably in *Neue Freie Presse*, in the articles "Die Bnadigung des Linzer Bischofs," *Neue Freie Presse*, 17 July 1869; "Hinter den Coulissen," *Neue Freie Presse*, 23 July 1869; "Politische Uebersicht," *Neue Freie Presse*, 11 August 1869; "Wien 15. September," *Neue Freie Presse*, 16 September 1869; "Linz, 12. Oktober," *Neue Freie Presse*, 14 October 1869. Several of these articles were reprinted in other newspapers.

decade. This fight would revolve around the liberal belief that the Austrian Church had secretly been infiltrated by extremist priests and Jesuits who sought to institute a strict doctrine of ultramontanism in Austria's Catholics in an attempt to undo all the reforms the liberals had fought for since 1848.[112]

As the trial continued, the liberal press saw the fight that Rudigier was waging as one specifically engineered to give a victory to Ultramontanes. The day that Rudigier was convicted, the *Neue Freie Presse* remarked that "yesterday the bells in Linz rang to pray for a favorable outcome to Rudigier's trial. But today it is unclear exactly how the bells are tuned — whether eerie and dull or cheerful and bright — as one cannot know what a favorable outcome for the bell-ringers would be." The reason for their uncertainty was that they were not sure if the Church could really lose, even if Rudigier were found guilty. If Rudigier were found not-guilty, the argument went, then the ultramontanes would see it as a clear support of Rudigier's call to disobey the laws. If Rudigier were found guilty, however, as indeed he was, he could become a martyr for the Church.[113] For the liberal press, the fight was far from over.

Throughout Rudigier's trial, Cardinal Rauscher, the archbishop of Vienna and Rudigier's Metropolitan bishop, kept a close eye on the proceedings. In the past, Rauscher had seen his role in politics as someone who provided moral guidance and sought to shepherd the Catholic flock as best he could. Through the political theological paradigm established following 1848, he had sought to protect the Church and, in his mind, the laity as well through legalistic compromise. While this necessarily required him to act politically, as opposed to his predecessor, Archbishop Milde, he still believed that this legalistic compromise both protected and necessitated a clear

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[112] "Gegen die Gesellschaft Jesu," *Neue Freie Presse*, 22 April 1870.

[113] "Wien 13. Juli," *Neue Freie Presse*, 14 July 1869.

division between theological truths and political activism.[114] In Rauscher's view, the Church and the state should have freedom within their own realms and, as a result, stay out of the other's business. But by the end of Rudigier's trial, it was clear that the paradigm he had established in 1848 and the Concordat of 1855 that had resulted from it were no longer sufficient to contend with the realities of a government dominated by liberalism.[115] Rauscher no longer saw the separation of Church and state in quite the same light, believing instead that Catholics must take a more active role in politics in order to prevent the very thing that had just occurred. In short, Rauscher's ideas of how the Church could or should exist within the state apparatus had been forever changed.[116]

Immediately after being charged, Rudigier wrote to Rauscher, asking if he should oppose the judgment, ignore it, or do something else. He pleaded for advice and help in fighting the charge, concluding that "according to the opinions which underly this judgment, it seems that Christianity is itself a crime."[117] However, despite Rudigier's pleas for help, Rauscher largely remained quiet on the issue in public. At the time, Rauscher was engaged in several issues both inside and outside the empire due to his position as a cardinal, but more likely, he did not want to be seen interfering in the process both on principle and as a matter of strategy. After all, if he were to interfere publicly, it would validate the arguments raised in the lawsuit, as it would be

[114] See Chatpers 2 and 3.

[115] Joseph Othmar Rauscher, "Die Feinde der Kirche einst und jetzt," *Wiener Diözesanblatt*, August, 1869, 62.

[116] Joseph Othmar Rauscher, *Der Severinusverein: Anrede in der Versammlung des Severinusvereines am 18. Mai 1873* (Vienna: Verlag der f.e. Consistorialkanzlei , 1873), 4.

[117] Letter from Rudigier to Cardinal Rauscher, 20 September 1868, p. 1, box 21, folder 27c Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

the exact type of Church interference in government affairs that the liberals feared. But even though Rauscher did not speak out against the trial itself, he had already made his own thoughts on the laws, particularly in regards to the marriage law, very clear in his own speeches and writings.[118]

Both in the statement presented by the collected bishops in 1867 and in a long tract published in 1868, Rauscher criticized the new laws, making many of the same arguments that Rudigier had made in his *Hirtenbrief*, often providing even deeper analysis. In a 172-page tract on the new marriage laws, for example, Rauscher explored theological problems with the laws, drawing on examples from France and the United States.[119] Nevertheless, while Rauscher also framed his analysis of the laws as a battle of good vs. evil, Christian vs. anti-Christian, and liberalism vs. divine truth, he managed to avoid the same fate as Rudigier by refraining from calling for Catholics to disobey the laws set forth by the government. The laws were wrong and needed to be changed, but that did not mean one should disobey them. It meant that Catholics should work to fix them.[120]

Despite supporting Rudigier and publicly explaining his own opposition to the marriage laws and the other *Maigesetze*, Rauscher faced another monumental task at the time: the First Vatican Council. This massive council — the first of its scale since the Council of Trent — occupied much of Rauscher's attention, requiring him to go to Rome to take part in the

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[118] Joseph Othmar Rauscher, "Die am 25. Mai 1868 über Ehe und Schule erlassenen Gesetze. Hirtenschreiben vom 19. Junius 1868," in *Hirtenbriefe, Reden, und Zuschriften von Joseph Othmar Rauscher, Fürst-Erzbischof von Wien*, vol. 2 (Vienna: Braumüller, 1875), 527-81.

[119] Joseph Othmar Rauscher, *Die Ehe und das zweite Hauptstück des bürgerlichen Gesetzbuches* (Vienna: Adolf Holzhausen, 1868).

[120] Rauscher, *Die Ehe*, 148-149.

proceedings.[121] Furthermore, this contentious council, which produced its own public controversy, particularly about the doctrine of papal infallibility, required Rauscher to take a step back from the public eye precisely as the trial was beginning. In the end, it is unclear whether Rauscher's reluctance to intervene was due to the complicated legal, political, and diplomatic issues inherent in such intervention, due to his pre-occupation with the Council and his other duties, or if he (like Rudigier) simply believed the bishop of Linz would be acquitted. In any case, Rudigier's indictment and sentencing finally proved enough to spur Rauscher to overt public action.

Immediately after Rudigier's guilty verdict, Rauscher sent his formal protest of the verdict to the emperor, attempting to have it overturned, echoing the same language as Rudigier's letter.[122] As the *Neue Freie Presse* reported, it is unclear whether or not this protest had an effect on the emperor's decision to pardon Rudigier, as it may not have reached the emperor before he issued that pardon, but the intent of Rauscher's protest and its leak to the press was clear. The sentence against Rudigier was, to Rauscher, such a grave injustice, that it compelled him to take the extraordinary action of wading into the political realm.[123]

While Rudigier's pardon ended his legal problems, the cardinal and the bishop were annoyed by the decision.[124] There was even, for a time, a rumor that Rudigier had rejected the pardon outright. Although this rumor turned out to be false, it seems that Rudigier did consider

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[121] The First Vatican Council and its effects on both Rauscher and the state of political theology in the Austrian Church is the subject of Chapter 5.

[122] "Die Begnadigung des Bischofs Rudigier," *Neue Freie Presse*, 19 July 1869.

[123] "Die Begnadigung des Bischofs Rudigier," *Neue Freie Presse*, 19 July 1869.

[124] "Die Begnadigung des Bischofs Rudigier," *Neue Freie Presse*, 19 July 1869.

refusing the pardon on the basis that accepting such a pardon would be an admission that he was, in fact, guilty.[125] Rudigier and Rauscher, did not want a mere pardon of the guilty verdict, but rather a nullification of the entire process based on the procedural and jurisdictional issues Rudigier had been arguing from the beginning.[126] They did not believe that the process was fair or pursuant to the strictures set forth by the Concordat of 1855 or the Council of Trent, and thus the court had no jurisdiction to charge Rudigier in the first place. Nevertheless, facing the reality of a jail sentence and a considerable personal fine of 50,000 Gulden, Rudigier accepted the pardon from the emperor.[127]

While Rudigier and Rauscher objected to the pardon on ideological grounds, their reluctance to accept the sentence was spun in the liberal newspapers as an insolent rejection of the grace of the emperor, and a further validation of the charges against Rudigier. This particular view seemed to be exactly what Rauscher had feared. He spoke of the problems of engaging with the rumors and falsehoods, which he called "mere canards" (*Bloße Zietungsenten*) that were typical of the daily liberal press.[128] After these articles began to appear, Rauscher immediately sent a letter to the minister president confirming that the articles' assertion that he was rejecting the emperor was, at best, conjecture and that neither he nor Rudigier were ungrateful for the pardon. It was true, he argued, that they had hoped that the emperor would see fit to have the verdict nullified instead of pardoning Rudigier, but one must distinguish between their

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[125] "Nachrichten aus Linz und Oberösterreich," *Linzer Tages-Post*, 15 July 1869.

[126] "Die Begnadigung des Bischofs Rudigier," *Neue Freie Presse*, 19 July 1869.

[127] "Die Begnadigung des Bischofs Rudigier," *Neue Freie Presse*, 19 July 1869.

[128] Letter from Rauscher to Rudigier, 17 July 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

dissatisfaction with the verdict and the court process as a whole and any dissatisfaction with the emperor. Dissatisfaction with the court, he argued, was warranted based on his own reading of the Concordat. Dissatisfaction with the emperor, however, was pure fantasy, according to Rauscher, merely concocted by the liberal press.[129] Furthermore, despite beind dissatisfied, they had no intention of rejecting the verdit. "The consequences that [rejecting the vertict] would have for civil law and peaceful conditions must be taken into account," he argued, and though "all good Catholics" must carefully consider the ramificaitons of this verdit, "this does not require anyone to undermine the conviction."[130]

Despite Rauscher's opposition to the verdict, his intervention with the emperor by pleading for a pardon, and his stated support for Rudigier, he remained largely absent from the trial and its aftermath. He had hoped to maintain his professional distance in order to prevent the very charges that liberals aimed at him whenever he did weigh in on earthly matters. He tried to uphold the idea that the Church was separate from the state and oppose the idea that the bishops were merely puppets of the pope all while helping affirm the doctrine of Papal Infallibility in Rome. And perhaps it was precisely because of this contentious doctrinal fight that he hoped to maintain a degree of separation in his own views. But while Rauscher had remained largely absent from the fray in the beginning, attempting to avoid using his immense platform to shape Catholic opinion, by the end, it was clear that he could no longer stand on the sidelines. In his correspondence with Rudigier, it was clear that he was taking on the burden that Rudigier could

[129] Letter from Rauscher to Rudigier, 17 July 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

[130] Letter from Rauscher to Rudigier, 17 July 1869, box 21, folder 27c, Bischof Rudigier-Archiv, Ordinariatsarchiv Linz, DAL.

no longer carry. With Rudigier's wish of "May God strengthen you," Rauscher began to be more forceful in what he saw as a struggle against the forces of liberalism.[131]

The Trial's Legacy

In 1873, four years after Rudigier was arrested, tried, convicted, and pardoned, Cardinal Rauscher stood in front of one of the most well-known Catholic associations in Vienna, the *St. Severinusverein*. This group, founded in 1848, was dedicated to the promotion of Catholic religious life in the Monarchy in the name of St. Severinus of Noricum.[132] The patron saint of Austria, St. Severinus was, according to the story, responsible for evangelizing throughout Noricum (the area that would eventually become Austria), establishing monasteries along the Danube and converting countless pagans to Christianity between the years 453 and 482.[133] It was in this vein, Rauscher argued, that devout Catholics should see Austria: not as the large Catholic monarchy that it was, but as a country of godless pagans who had lost their way and should once again be led back to God.[134]

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[131] The shift in Rauscher's thinking can be seen in his official biography. The letter from Rudigier, which was intended to praise Rauscher's strong writing in support of marriage rights is referenced there. Cölestin Wolfsgruber, *Joseph Othmar Cardinal Rauscher, Fürstbischof von Wien: Sein Leben und sein Wirken* (Freiburg im Briesgau: Herder, 1888), 178-285.

[132] *Gedenkblätter zur Jubel-Feier des fünfundzwanzigjährigen Bestehens des Severinus-Vereines in Wien* (Vienna: F. Eipeldauer, 1873).

[133] Much of what is known about St. Severinus comes from the story of his life written by his contemporary, Eugippius, in his *Vita Sancti Severini*: see Eugippius, *The Life of Saint Severinus*, trans. George W. Robinson (Cambridge, MA: Harvard University Press, 1914).

[134] Joseph Othmar Rauscher, *Der Severinusverein: Anrede in der Versammlung des Severinusvereines am 18. Mai 1873* (Vienna: Verlag der f.e. Consistorialkanzlei , 1873), 4.

Citing the six-year-old constitution of 1867, Rauscher used some of the same language promoted by Rudigier in his confiscated *Hirtenbrief*. He systematically deconstructed the *Maigesetze* and the constitution itself, arguing that the laws were intended to attack Christianity, establish godless liberalism, and turn the once proud Catholic Monarchy from God entirely. Whether it was the liberals who wanted "no religion, and a lot of money," (a barely-veiled antisemitic attack) or the socialists who wanted "no religion, and *your* money," (arguing that socialism was merely a ploy for socialists to gain power at the expense of the poor), the results for the Catholic were the same — the destruction of their way of life and the beginning of the end of Christianity in the world.[135]

Rauscher did more than just excoriate the constitution. He echoed what Rudigier had said in his speech in Feldkirch in 1869.[136] Now that the constitution was enacted and it was unlikely to be overturned, Catholics had a new duty. They must be courageous and oppose the laws of men that contradicted divine law. Moreover, they had to band together and vote for their own interests. He addressed the trepidation people might have about whether they could truly make a difference, saying, "[You ask,] but what could possibly rest on my voice alone? Not much on its own, but the same is said by thousands and thousands…" Rauscher's call to political action ended his speech like a benediction, sending the members of the St. Severinus Association

[135] Joseph Othmar Rauscher, *Der Severinusverein: Anrede in der Versammlung des Severinusvereines am 18. Mai 1873* (Vienna: Verlag der f.e. Consistorialkanzlei , 1873), 6.

[136] Franz Joseph Rudigier, "Rede seiner Bischöfl. Gnaden des Hochwürdigsten Herrn Bischof Rudigier von Linz, gehalten im kath. konstitutionellen Casino zu Feldkirch" *Vorarlberger Volksblatt*, 14 May 1869.

out into the world to join together and change the fate of the countless millions who would be lost without the light of God.[137]

Conclusion

It was clear that the legacy of Rudigier's trial would reach beyond 1869. The theology of civil disobedience was absolutely necessary to resist the corruption of liberalism. But the theology was insufficient to change the tides of godlessness on its own. The liberals controlled the government and the liberal press could control what people thought. The righteousness of Rudigier's *Hirtenbrief* and the speeches he gave in its defense continued, but the courage necessary to obey "God rather than men" must be paired, many argued, with a new courage to organize and seize the reins of the government.

As the Vatican council began, the charges of "ultramontanism" took on an even greater significance. As the council discussed the dogma of papal infallibility, Catholics began to fear what it could mean for their political situation. The dogma, despite being limited to specific circumstances in which the pope was speaking "*ex cathedra,*" provided more than enough rhetorical ammunition for the liberals, allowing them to ignore the context and limitations of the actual dogma and claim that it was merely the culmination of the Catholics' plot to undermine the sovereignty of the state.[138] Rudigier's trial presaged the ultramontane issue taking the foreground in Austrian politics long before the Council had even begun.

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[137] Joseph Othmar Rauscher, *Der Severinusverein: Anrede in der Versammlung des Severinusvereines am 18. Mai 1873* (Vienna: Verlag der f.e. Consistorialkanzlei , 1873), 12-13.

[138] Wenzel Josef Reichel, *Ist die Lehre von der Unfehlbarkeit des römischen Papstes katholisch? Eine Frage, gestellt und beantwortet im Namen des hierüber noch nicht gehörten katholischen Volkes* (Vienna: L.C. Zamarski, 1871).

Moreover, as the *Kulturkampf* began, first in Prussia and then throughout Germany under Otto von Bismarck, liberals were able to utilize the language they had perfected throughout the trial to attack Catholics, hail the progress across the border, and call for similar restrictions in Austria. This discourse, and the threat it posed to the Catholics, led directly to an escalation in Catholic action, allowing them to also put in place the tactics they had learned from the trial.

In many ways, Rudigier's trial was a pivot point for political theology in the Habsburg Monarchy. Following the failure of the Concordat and thus the Rauscherian paradigm that evolved from 1848, the years 1867-1869 saw the rise of a new political theological paradigm that tended toward more direct and, indeed, oppositional action for the Church than Rauscher's legalistic compromise had ever allowed. In 1871, the true test of this new political theology came with the Austrian Church's opposition to the *Kulturkampf* and support of the First Vatican Council. It was at this point that the reality illuminated by the trial of Bishop Rudigier — that legalistic compromise was just as unable to deal with a post-1867 world as the political apathy of Archbishop Milde was unable to deal with a post-1848 world — took hold and began the shift toward a new style of Catholic politics that rested on the popular political theology of lay actors, such as Karl von Vogelsang.

Chapter 5: Conclave and Kulturkampf

On December 2, 1869, before the assembled bishops and cardinals of what would come to be known as the First Ecumenical Council of the Vatican, Pope Pius IX announced the main reasons they needed to convene the first major council of the Catholic Church since the Council of Trent in 1545.[1] He argued that there were "great evils" penetrating both the Church and civil society that needed to be corrected in order to preserve the faith and the morality of the world as a whole. The council, he hoped, would allow them to utilize their "weapons of spiritual warfare" against the enemies who would "sow weeds" around their various attempts to protect the Church from harm.[2] Although he did not say it outright, it was clear who these enemies were — liberalism and socialism. Unlike in Trent, where the primary concerns were the various heresies emerging from the Protestant Reformation, Pius IX was concerned with political forces. The institution of Papal Infallibility, which held that the pope was infallible when speaking *ex-cathedra*, was initially an attempt for Pius IX to institute his own reforms in the Church.[3]

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[1] The term "First Ecumenical Council of the Vatican," is, of course, a bit of an anachronism, as in its time it was simply known as "Concilii Vaticani" or "The Vatican Council" since "The Second Ecumenical Council of the Vatican" had not yet occurred and was not planned. However, for ease of modern parlance and to prevent any unnecessary confusion with the 1962-1965 council, also known as "Vatican II," this dissertation will utilize the shorter terms "First Vatican Council" and "Vatican I" interchangeably to denote the council, rather than the period terms "Vatican Council" or "Concilii Vaticani."

[2] Pius IX, "Allocutio habita in Congregatione Generali Ante Primam Sessionem Concilii Vaticani" (December 2, 1869), Conc. Vat. I, Box 1, Folder 1, "1865, 69," Bischofsakten Rauscher, DAW.

[3] The official definition from the Vatican Council states "we teach and define as a divinely revealed dogma that when the Roman pontiff speaks EX CATHEDRA, that is, when, in the exercise of his office as shepherd and teacher of all Christians, in virtue of his supreme apostolic authority, he defines a doctrine concerning faith or morals to be held by the whole church, he possesses, by the divine assistance promised to him in blessed Peter, that infallibility which the divine Redeemer willed his church to enjoy in defining doctrine concerning faith or morals.

However, it acted as a double-edged sword, both being able to clarify papal power in a modern state structure as a means to protect Catholics against liberalism and socialism and forming a primary point of backlash for anti-clerical forces throughout Europe.

Less than a year after Pius IX's opening speech at Vatican I, Italian troops forced the end of the council after taking control of the city of Rome as a part of their project of Italian unification. Since 1860, French troops had protected the city of Rome from invasion due to a personal promise of Napoleon III to spare the city.[4] On September 2, 1870, however, following France's humiliating defeat at the Battle of Sedan in the Franco-Prussian War, a defeat which saw the capture of Napoleon III, French forces retreated from Rome.[5] The French retreat left the pope vulnerable to the liberal Italian forces, which quickly overran the Vatican and threatened the security of anyone who remained. Because of this threat, the council disbanded and suspended its operations until such a time as it could meet peacefully. That time never came. The council was eventually closed in 1960 by Pope John XXIII ahead of the Second Vatican Council.[6]

While the First Vatican Council did not last very long (despite technically lasting almost a century) and, in the end, bowed to the same political forces of liberalism that it hoped to

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Therefore, such definitions of the Roman pontiff are of themselves, and not by the consent of the church, irreformable." However, as will be seen, this definition was contested until the very end of the council; Dogmatic Constitution on the Catholic Faith (Papal Encyclicals Online, 1870), https://www.papalencyclicals.net/councils/ecum20.htm.

[4] John W. O'Malley, *Vatican I: The Council and the Making of the Ultramontane Church* (Cambridge, MA: Harvard University Press, 2018), 104.

[5] O'Malley, *Vatican I*, 222. On the Franco-Prussian War from the French perspective, see Pierre Milza, *L'année terrible: La guerre franco-prussienne, septembre 1870 - mars 1871* (Paris: Perrin, 2009).

[6] O'Malley, *Vatican I*, 19.

oppose, it nonetheless had a major impact on the progression of political theology throughout Europe and in Austria in particular. Cardinal Rauscher, the de facto head of the Catholic Church in the Monarchy, along with several other bishops from the Habsburg Monarchy attended the council and held significant positions in its various working groups. The political theological paradigm Rauscher had pioneered in the Habsburg Monarchy in the 20 years prior to the council provided a blueprint for the global paradigm established in Rome. Rauscher's original paradigm of legalistic compromise, which had developed along with the Church's use of Concordats, was no longer sufficient for the problems that faced Austria or the Church as a whole. Through the new iteration of political theology that developed in response to the ascendency of liberal governance in 1867, the *Maigesetze* in 1868, and the arrest and trial of Bishop Rudigier in 1869, however, Rauscher envisioned the Church as an active participant in the temporal political realm. It was this paradigm that sought to create a Church that was capable of dealing with the modern specters of liberalism and socialism.[7]

The first major test of Vatican I came in the newly united Germany. The German suppression of Catholic political participation, which took the proclamation of Papal Infallibility at Vatican I as one of its primary points of contention (or at least utilized this idea for the promulgation of its political goals), came to be known as the *Kulturkampf*, or "Culture War." The *Kulturkampf*, which limited clerical political speech, decreased Church oversight in

[7] As will be shown, liberalism and socialism, while not technically the primary concerns of the council nonetheless provided a major point of conflict that the council hoped to address. See Pius IX, "Allocutio habita in Congregatione Generali Ante Primam Sessionem Concilii Vaticani" (December 2, 1869), Conc. Vat. I, Box 1, Folder 1, "1865, 69," Bischofsakten Rauscher, DAW.

education, and abolished the Jesuit order, sparked strong reactions both in support and in opposition throughout the Catholic world, but most of all in the Habsburg Monarchy.[8]

Despite meeting for less than three years, Vatican I represented a major shift in both the theological ideas of the Church and the ability for Catholics to enact change in their home states. The codification of the new political-theological paradigm through Vatican I, the backlash against the perceived persecution of Catholics abroad, and the fear (whether justified or unjustified) of continuing and deepening suppression of Catholics in Austrian domestic affairs prompted an intensification of clerical rhetoric in the Habsburg Monarchy, rhetoric which urged political action. Ultimately, this debate helped spark the creation of a new Catholic political sphere with the explicit goal of forming a Catholic political bloc or, eventually, a dedicated political party to fight for the rights of Catholics in the monarchy and beyond. Although the resultant party, the Christian Social Party, largely did not fight for Catholics, but rather against liberalism and the rights of Jews, such a party could not exist without this paradigm shift.

By the end of the 1870s, the Austrian Church found itself at the forefront of Habsburg political life. Though Cardinal Rauscher did not live to see it, dying late in 1875, the political theological paradigm of Vatican I (which he helped to create), and the opposition to the *Kulturkampf* (which he stoked), went on to reshape political life in Austria. After Rauscher, the person who carried the torch of resistance to liberalism was not a cardinal or a bishop or even a priest — it was Karl von Vogelsang, a Bavarian noble turned newspaper editor who only moved to Austria in 1863. The tumultuous political climate created by the First Vatican Council and the fear of a *Kulturkampf* in Austria led new leaders like Vogelsang to use the political-theological

[8] For more on the *Kulturkampf*, see below.

paradigm established by Rauscher and lay the foundations of the Christian Social Party in Austria.

Beginning of the Vatican Council

The First Vatican Council (Vatican I) officially began on December 8, 1869, six days after Pius IX's speech. However, the roots of the Vatican Council went back decades. The Council of Trent, the most recent major Church council, took place between 1545 and 1563, more than three hundred years earlier. The Tridentine reforms remained remarkably capable of rooting out internal heresy and enacting the spirit of Catholic reform throughout the Church for three centuries. Nevertheless, because it did not enact a clear program of political theology, Trent proved insufficient to deal with new political developments, including liberalism, socialism, and communism. As Rivka Feldhay notes, the authority promoted by the Tridentine reforms was that of spiritual authority. If the Church were to influence political systems through its spiritual authority, it needed to be through the use of education — an effort that was promoted by the Jesuits. While they could use education to influence politics, the Jesuits recognized the limits of their temporal authority.[9] Because of the particular restrictions on political action for both intellectual and, indeed, practical reasons, Trent left the political theology of the Church unable to act in the political realm.[10]

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[9] Rivka Feldhay, "Authority, Political Theology, and the Politics of Knowledge in the Transition from Medieval to Early Modern Catholicism," *Social Research* 73, no. 4 (2006): 1086.

[10] The weakness of the Church at the time necessitated that the Church be careful with its imposition in the political realm. Too much direct interference could further erode its power. Instead, this indirect method of control, as described by Feldhay, was preferable and had the added benefit of adhering to earlier notions of political theology that kept the Church and the temporal powers wholly separate.

The inability of the Church to deal with liberalism, in particular, had been one of the main causes of the fracturing of the Habsburg Church's political theology in the aftermath of the revolutions of 1848. Liberalism was, furthermore the main impetus behind the Concordat of 1855 and later agreements between the Church and other state powers. Despite the Concordat, the Austrian Church leadership recognized that the collapse of the Concordat of 1855, the *Maigesetze* of 1868, and the subsequent arrest of Bishop Rudigier in 1869 meant that their political theology, which still in theory adhered to the ideas of the Council of Trent, was insufficient for the current age.[11] Catholics throughout Europe continued to attempt to use the Tridentine ideals to combat liberalism, but they too were unable to cope with the political pressures.[12]

During the Italian revolution of 1848 — a revolution that was much more successful in Italy than in the Habsburg Monarchy — the pope fled Rome after his lay prime minister, Pellegrino Rossi, was murdered on the steps of the Cancelleria, the office responsible for raising funds for the armed forces of the papal states.[13] Pius IX had initially been a relatively liberal and progressive pope, undertaking several liberal reforms, most notably allowing lay representation

[11] For the fracturing of political theology in the Habsburg Church, see Chapter 2 of this dissertation. For the necessity and collapse of the Concordat of 1855, see Chapter 3. For the trial of Bishop Rudigier, see Chapter 4.

[12] The *Enarratio* of Toletus, which had been written sometime in the 1560s, was only published in 1869. The resurfacing of Toletus's ideas reflects the attempt of nineteenth century theologians to combat liberalism with Tridentine reforms. Feldhay, "Authority," 1076.

[13] Though Gabriele Constantini was tried, convicted, and executed for the murder in 1854, it is unclear whether he was the actual assassin, and no arrest was made at the time. E. E. Y. Hales, P*io Nono: A Study in European Politics and Religion in the Nineteenth Century* (New York: P.J. Kennedy and Sons, 1954), 90; Eamon Duffy, *Saints and Sinners: A History of the Popes*, 4th Edition (New Haven: Yale University Press, 2014), 288.

in the governance of the papal states through the *Consulta*, or consultative assembly in Rome.[14] Nevertheless, the revolutionaries thought he did not go far enough in his reforms, as the Church still maintained overall control.[15] Seeking more control, the revolutionaries eventually chased the pope out of the city, where he remained until 1850.[16] Famously, the Austrian statesman Clemens von Metternich — who had opposed Pius IX's election, saying that he was "warm of heart… weak of intelligence," — argued that a liberal pope would only mean the destruction of the papal states.[17] In a sense, he was correct.[18] After returning to Rome in 1850 following the French occupation of the city on his behalf, the pope lost his enthusiasm for liberalism and began to seek a greater degree of control. Nevertheless, in a blow to papal legitimacy, from that point on Pius IX was reliant on French troops and the promise of Napoleon III to maintain the integrity of the papal states.

In 1864, as an addendum to his encyclical *Quanta Cura*, Pius IX published his "Syllabus of Errors," which listed several heretical teachings in the modern world. Among these heretical teachings were many of the main goals of liberalism and, indeed, the ideological foundations of liberalism itself. Over the course of these 80 errors, which were each backed by prior allocutions, letters, and encyclicals from the Church, Pius IX took direct issue with many of the laws then being promulgated throughout Europe, including the institution of civil marriage, the toleration

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[14] Hales, *Pio Nono*, 59-60.

[15] As Hales notes, it was not necessarily the reforms that were the problem, but that *he* was the one to make them. Hales, *Pio Nono*, 61.

[16] Roberto De Mattei, *Pio IX* (Casale Monferrato: Piemme, 2000), 32.

[17] Hales, *Pio Nono*, 137.

[18] Duffy, *Saints and Sinners*, 287.

of other religions, and the idea that the Church should always abide by the civil authorities in any given state — all questions that had concerned Rauscher in Austria.[19] While the Syllabus of Errors in 1864 addressed the problems of liberalism, it did not adequately state how to combat them other than through condemnation, owing, in part, to the limitations of papal authority.

As early as 1848, questions had circulated in the Church about the practical limits of the authority of the pope to deal with these and other such issues, partially due to the fight over Pius IX's pet reform — the dogma of the immaculate conception. While the dogma of the immaculate conception seemed somewhat far removed from the issues of liberalism and modernity, Pius IX's attempts to codify it set off a chain of events that led to the First Vatican Council. While not directly related to the issues to which the Syllabus of Errors responded, the parallel development of this dogma and the Church's opposition to liberalism from 1848 to 1869 nonetheless culminated in the major questions of Vatican I.

On June 1, 1848, Pius IX appointed a commission headed by Father Passaglia, a Jesuit, to examine the possibility of codifying the dogma of the immaculate conception. Pius IX was known to have a particular dogmatic devotion to Mary, so this dogma was a personal quest for him.[20] This dogma (which should not be confused with the more accepted dogma of the "virgin birth") is the idea that Mary, at the point of her own conception, did not contain any of the taint of "original sin." Though there is no scriptural backing for the dogma aside from the exhortation of the angel Gabriel in Luke 1:28, "Hail Mary, full of grace," this dogma (which developed partly out of disputes about the perpetual virginity of Mary in the fourth century) gained

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[19] Pius IX, "The Syllabus of Errors," *Papal Encyclicals Online*, December 8, 1864, https://www.papalencyclicals.net/pius09/p9syll.htm; Pius IX, "Quanta Cura," *Papal Encyclicals Online*, December 8, 1864, https://www.papalencyclicals.net/pius09/p9quanta.htm.

[20] Hales, *Pio Nono*, 146-147.

prominence in Catholic tradition as early as the 1120s and saw a major resurgence in the early 1800s.[21]

The immaculate conception, however, was not without its detractors. The dogma had never been formalized in Church teachings and there had been many attempts to suppress the issue. In the 1800s, that effort was led by the Dominicans, who followed the teachings of Aquinas on the issue. Aquinas had argued against the dogma, saying that while Mary was sanctified in the womb of her original sin, she was not conceived without sin. The idea that she was conceived without sin, Aquinas argued, "would be derogatory to the dignity of Christ, by reason of His being the universal Saviour of all," since this view would put Mary on the same level of Jesus, the only person conceived without original sin.[22] Nevertheless, Pope Pius IX's personal views as well as the dogma's growing popularity in the nineteenth century enabled Pius to argue for the dogma in 1848.

Finally, in 1854, in his bull, *Ineffebilis Deus*, Pope Pius IX declared once and for all, "that the doctrine which holds that the most Blessed Virgin Mary, in the first instance of her conception, … was preserved free from all stain of original sin, is a doctrine revealed by God and therefore to be believed firmly and constantly by all the faithful."[23] Some of the bishops and cardinals contested the doctrine from the start, with many arguing that the questions of the

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[21] The idea of the perpetual virginity of Mary, itself, developed out of new sexual mores of the Church and in an attempt to free Mary from the carnal sins of lust. Diarmaid MacCulloch, *Christianity: The First Three Thousand Years* (New York: Penguin, 2009), 314, 393-395; Frederick Holweck, "Immaculate Conception," in *Catholic Encyclopedia*, vol. 7 (New York: Robert Appleton Company, 1910), https://www.newadvent.org/cathen/07674d.htm.

[22] Thomas Aquinas, *Summa Theologica Complete in a Single Volume*, trans. Fathers of the English Dominican Province (Coyote Canyon Press, 2018), 3.27.2.

[23] Pius IX, "Ineffabilis Deus," *Papal Encyclicals Online*, December 8, 1854, https://www.papalencyclicals.net/pius09/p9ineff.htm.

immaculate conception had been a settled issue and did not need a formal recognition at all.[24] However, the strongest objections were not to the dogma itself, but the way that Pius unilaterally proclaimed the doctrine. Some bishops and cardinals argued that the doctrine, which was based on the authority of the pope alone, rather than through consultation with the bishops, overstepped the bounds of papal authority. Despite general acceptance of the dogma in 1854, questions remained about the singular power of the pope within the ecumenical structure following the pronouncement.[25] Thus, it became necessary to clarify the Church's teachings in this matter. This necessity led Pius IX to explore the possibility of a new Church council — the first since the Council of Trent.

Though official planning for the First Vatican Council began in 1864 to discuss the questions of papal authority, by 1868, it was clear that the issues of liberalism and its perceived challenge to Catholicism clearly necessitated a new clarification of the Church's political positions. On June 29, 1868, Pius IX issued an apostolic letter entitled "Aeterni Patris," which announced the new ecumenical council in Rome, to begin on the feast day of the Immaculate Conception in 1869 (perhaps a nod to the nature of his earlier reforms).[26] At the time, it was unclear to the clergy and laity alike what the main goals of the council would be. Some thought it would simply be to reinforce the syllabus of errors through dogma. Others believed it was a statement about discipline of the clergy. While both of these issues were certainly of concern to the council, it soon became clear that the main goal of the council was to provide greater clarity about the powers of the pope in matters of dogma and to institute the dogma of Papal

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[24] Hans J. Hillerbrand, *A New History of Christianity* (Nashville: Abingdon Press, 2012), 250.

[25] Hales, *Pio Nono*, 148-149.

[26] Pius IX, *Pii IX Pontificis Maximi Acta*, vol. 4 (Rome: Habita Facultate, 1971), 412-423.

Infallibility, which would settle the issue of the pope's authority in the case of the immaculate conception and any other such issues from that point on.[27] Papal Infallibility was a politically-charged idea, which supported the cause of ultramontanism and increased the ability of the Church to act politically (while simultaneously seeming to put an end to the possibility for liberal Catholicism). The news that the pope was taking this step had major reverberations throughout the Catholic Church and created a new political battleground for the priests and bishops everywhere.

From the beginning of the planning process for the First Vatican Council (and despite its secretive nature), Cardinal Rauscher was intimately aware of the possibility for a new council. Though he was not a member of the first commission appointed by the pope to discuss the possibility of such a council, he was contacted by the council in April 1865 to provide his input on the issues.[28] This early contact provided Rauscher ample time to decide how to approach the topic of the council once it became common knowledge. Thus, immediately upon the announcement of the council in 1868, Rauscher penned two pastoral letters, which totaled around ninety-five pages, defending the need for the council to serve as a primary defense against what he saw as the greatest threat to the Church at that time — the forces of liberalism. Linking the effects of liberalism with those of the Reformation, Rauscher stated in his letters that, while Luther "accused *the Church* of cheating people out of eternal salvation because it instructed them to do good works, thereby alienating their trust in Jesus," the new liberals accused *religion itself* of "cheating man out of the happiness he could obtain" in this life by

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[27] Hales, *Pio* Nono, 293; Hillerbrand, *New History of Christianity*, 251.

[28] "Letter to Cardinal Rauscher from the Congregazione speziale direttrice per gli affari del futuro concilio generale" (April 20, 1865), Conc. Vat. I, Box 1, Folder 1, "1865, 69," Bischofsakten Rauscher, DAW.

promising an eternal afterlife that prevented him from striving for earthly goods. This perversion of the Christian truth by denying the existence of an afterlife, to Rauscher, was almost a greater evil than Luther's Reformation, as at least Luther still believed in God and was concerned with the salvation of mankind. This new evil must be combatted by any means necessary.[29]

Before the press could promote its arguments about the council, whether for or against it, Rauscher's swift response to the announcement set the tone for responses in Austria by linking the council to the great councils of the past — in particular, the Council of Trent, arguing that "the power from above will be with [the Vatican Council] as it was with the fathers at Trent."[30] At the time of Trent, he argued, a council had been necessary to fight the Reformation and to renew the Catholic Church so it could fulfill its mission to save the people of the world. "Beloved Christians," he urged, "look around and see what the world is like! The present is full of confusion and the future is full of danger." The new council, he argued, was necessary today, because the present situation had been formed "by weakening the beliefs that connect earth to heaven." Though there were still believers, the forces of liberalism, socialism, and other such ideologies, he asserted, built on the erroneous idea of rationalism which impelled the people to turn from God and toward lawlessness. He urged the people to pray for the council, for "when you pray for the council, you each pray for yourselves."[31] Despite Rauscher's assurances of the necessity of the council and the fact that, like all the councils before it, it would be aimed at the eternal salvation of mankind and the preservation of the longest-lasting governance that the

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[29] Joseph Othmar Rauscher, *Das allgemeine Concil von Vatican: Zwei Hirtenschreiben* (Vienna: Braumüller, 1870), 7-9. Emphasis mine.

[30] Rauscher, *Das allgemeine Concil*, 89.

[31] Rauscher, *Das allgemeine Concil*, 97-98.

world had seen (i.e., Christendom), his assurances did not prevent criticisms of the dogma of Papal Infallibility.[32]

The preliminary opening of the council took place in the Sistine Chapel on December 2, 1869, attended by around 500 bishops. The point of this preliminary opening was to solidify the structures that guided the council. Initially, the presidents of the council included Carl von Reisach (chief presiding officer), Antonio de Luca, Andrea Bizarri, Aloisio Bilio, and Annibale Capalti. Reisach, however, died twenty days later and was replaced with Filippo de Angelis.[33] Bishop Joseph Feßler of St. Pölten, who was a suffragan bishop of Cardinal Rauscher and former participant in the Frankfurt Parliament, became the secretary for the council, having been in regular contact with the pope due, in part, to his position as papal assistant.[34] Feßler accepted the

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[32] Liberal newspapers responded forcefully to the dogma, arguing that it was rank ultramontanism. The Catholic press, while initially supportive, also questioned the proceedings, particularly after the institution of the Old Catholic movement. Press reactions are discussed below. Liberal pamphlets also proliferated, such as Hermann Hölzel, *Unfehlbarkeit: Ein Wort der Zeit in drei Atheilungen* (Vienna: Carl Gerold's Sohn, 1870); Wenzel Josef Reichel, *Ist die Lehre von der Unfehlbarkeit des römischen Papstes katholisch? Eine Frage, gestellt und beantwortet im Namen des hierüber noch nicht gehörten katholischen Volkes* (Vienna: L.C. Zamarski, 1871); Johann Friedrich Schulte, *Das Unfehlbarkeits-Decret vom 18. Juli 1870* (Prague: F. Tempesky, 1871).

[33] Joseph Kirch, "Vatican Council," in *Catholic Encyclopedia*, vol. 15 (New York: Robert Appleton Company, 1912), https://www.newadvent.org/cathen/15303a.htm.

[34] Several letters between the pope and the bishop before he was named as secretary of the Council can be found in the Diözesanarchiv St. Pölten. These letters largely praise Feßler for his service to the pope, presaging the utility that he would have in the later council: Pius IX, "Letter from Pius IX to Feßler with Reply" (January 16, 1868), Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP; Pius IX, "Letter from Pius IX to Feßler with Reply" (January 17, 1867), Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP; Pius IX, "Letter from Pius IX to Feßler" (January 11, 1866), Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP; Pius IX, "Letter from Pius IX to Feßler with Reply" (January 12, 1865), Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP; Pius IX, "Letter from Pius IX to Feßler with Reply" (May 31, 1865), Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP; Pius IX, "Letter from Pius IX to Feßler with Reply" (August 8, 1865), Box 6,

position “with greatest humility” and with a promise to work toward the “glory of God” in a letter to the pope on March 30, 1869.[35] In addition to Feßler and Rauscher, the Habsburg delegation included Cardinal Schwarzenberg, who was, by this time, in Prague instead of Salzburg; Archbishop Haynal of Kalocsa in Hungary, who later also became a cardinal; Bishop Strossmayer of Djakovo in Croatia; Bishop Gasser of Brixen in South Tyrol; Bishop Riccabona of Trent also in South Tyrol; and Bishop Zwerger of Sekau in Austria.[36] All of these bishops knew and were influenced personally by Cardinal Rauscher.

To the pope, the main goals of the council were clear. Beyond the doctrinal need to codify Papal Infallibility, the council needed to deal with the problems of liberalism and socialism. The provisions of the Council of Trent were no longer sufficient to deal with contemporary issues. The continuing incursion of liberalism into everyday life and the inner workings of the Church constituted a major problem that must be addressed. The Church (and in particular, the pope) seemed unable to address these concerns in a quick and meaningful way. In the modern world, a quick response was necessary to match the fast pace of modern developments. Thus, a new council was needed to address the particular errors and heresies of the day. These heresies were not necessarily the same kinds of heresies that had plagued the Church in previous centuries. There was no discussion of heretical movements such as Lollardy or technical questions like withholding the chalice from the laity. There were no dogmatic

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Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP; Pius IX, “Letter from Pius IX to Feßler” (January 31, 1863), Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

[35] Joseph Feßler, “Letter from Feßler to Pius IX” (March 30, 1869), Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

[36] Kirch, “Vatican Council.”

heresies at stake. Rather, it was the political threats of rationalism, anarchism, socialism, and liberalism that plagued the Church.[37] Whether intentionally or not, the focus on politics created an idea that conflated dogmatic heresy with political opposition, thus both acknowledging and ensuring that the two were intertwined in the modern age.

Part of what Pius IX hoped to resolve in the Vatican Council was the means by which the pope had the authority to make proclamations that directly affected Church dogma (or if he had such an authority at all). The solution that Pius IX hoped to advance was that the pope, as God's representative on earth, had infallibility on matters of Church dogma. Eventually this view shifted to a more limited understanding in which the pope has infallible authority only when he spoke "ex cathedra" or "from the chair." The term "ex cathedra" had been used in early Church writings in several different circumstances, but in this case, it meant that in some very limited circumstances, such as defining doctrines of faith or morality, the pope's proclamations were to be seen as infallible, as he was speaking with the explicit authority of God as his representative on earth, although it would take some time before this limitation was solidified in the council's proclamations. While the limitation of the dogma sought to temper the backlash among those who worried about the diplomatic implications of such a belief, the promulgation of this dogma nonetheless stoked fears throughout Europe among both liberals and conservative Catholics that it could destabilize political relations and lead to violence.

Still, for many in the Vatican council, and especially for the Austrian delegation under Cardinal Rauscher, the council itself was an intentional political statement opposing the forces of liberalism. The council could serve to solidify the political-theological paradigm that Rauscher

[37] Pius IX, "Allocutio habita in Congregatione Generali Ante Primam Sessionem Concilii Vaticani" (December 2, 1869), Conc. Vat. I, Box 1, Folder 1, "1865, 69," Bischofsakten Rauscher, DAW.

had been cultivating in the Habsburg Monarchy since 1848 and could be a means by which such a paradigm could spread elsewhere in Europe. As such, this moment could be a great opportunity for him and for the entire Catholic Church.

Since 1848 in Austria, political theological ideas had shifted away from the understanding of the Catholic Church as merely the ruler of the spiritual realm, existing within the temporal realm until the end of days, an idea that had been a fundamental part of the Church since Pope Gelasius had proclaimed the idea of the "two swords" of Christendom in 494 in his letter *Famuli vestrae pietatis*, also known as *duo sunt*.[38] Instead, as discussed in Chapter 4, Rauscher's views had shifted to a different conception of Catholicism as being completely and inextricably intertwined with politics, such that the Church required direct political action from its agents in order to protect itself rather than the indirect action promoted by the Council of Trent. The trial of Bishop Rudigier had convinced Rauscher of the absolute need for this paradigm shift, and he recognized that he needed to both solidify his control in the Habsburg Monarchy and spread the belief throughout the Catholic world.[39] During the council, Rauscher found many allies among the various delegations.[40]

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[38] Heinrich Denzinger, *Compendium of Creeds, Definitions, and Declarations on Matters of Faith and Morals* (San Francisco: Ignatius Press, 2012), 347.

[39] See, for example, his address to the St. Severinusverein: Joseph Othmar Rauscher, *Der Severinusverein: Anrede in der Versammlung des Severinusvereines am 18. Mai 1873* (Vienna: Verlag der f.e. Consistorialkanzlei, 1873), 6; "Die Begnadigung des Bischofs Rudigier," *Neue Freie Presse*, 19 July 1869.

[40] Rauscher maintained correspondence with several cardinals and bishops who shared his views and, in some instances, helped to popularize them abroad. Perhaps most important was Georges Darboy, archbishop of Paris, with whom he corresponded throughout the council. The letters between Darboy and Rauscher can be found in folders 1-3, Conc. Vat. I, Box 1, Bischofsakten Rauscher, DAW.

Though internal heretical issues were not the primary focus of the Vatican Council, they nonetheless played a role both in the council itself and in the issues surrounding the council. First, Cardinal Rauscher took a keen interest in the exploration of the "Errors of the Güntherians," undertaken by the Theological-Dogmatic Commission. It was, of course, necessary and proper for him to attend these meetings, as the heresy of dualism promoted by Günther was not only occurring within his own diocese, but it was also a subject on which he had already personally expressed himself. The council, however, also constituted an opportunity for Rauscher to finally end discussion of this issue and consolidate his power in the Habsburg Monarchy by ending Güntherianism altogether.[41] In this way, Rauscher hoped to ensure that his political-theological paradigm would dominate in Austria.[42]

Beyond the narrow Austrian-centered questions, Vatican I was, to Rauscher, an opportunity to make a political statement for the whole Church. While Vatican I was, at its heart, a clarification of Catholic dogma, it nonetheless represented an implicit political statement that upheld and reinforced the idea that theology *is* fundamentally political. Thus, the Church should not confine itself to internal issues; the Church must necessarily take a stand both for and against particular political beliefs. The battle over politics in the modern age was, for the Church leadership, the battle for the very soul of the world. Thus, a more dynamic understanding of the meaning of political theology was necessary. As a result, the Council made declarations about liberalism and socialism, and revealed the Church's willingness to step into complex domestic

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[41] Thomas W. Simons, "Vienna's First Catholic Political Movement: The Güntherians, 1848-1857 (Part III)," *The Catholic Historical Review* 55, no. 4 (January 1970): 623.

[42] "Errores Güntheri: Comissio Theologico-Dogmatica, Mense Iunio 1868, I" (June 1868), Bischofsakten Rauscher, Conc. Vat. I, Commissiones theol. Dogm. 68/69 de infallibilitate s.p., 2, "Comissiones Theologico-Dogmatica, 1868," DAW.

political fights through the institution of Papal Infallibility. Some participants in the council even urged that it directly and dogmatically condemn liberalism and socialism in order to save the Church. Some members of the council, however, understood that such direct condemnations could later cause complications politically and limit the Church's response in particular circumstances.[43]

Since 1848, Italian liberals had attempted to overtake the secular authority of the pope in land that they saw as Italian. However, for the Church, this attempt constituted not just the end of papal power in Rome, but rather a potential step toward the obliteration of the Church (although such obliteration was never the goal of movement for Italian unification). Nevertheless, it seemed evident to the Church that the power of the pope needed to be strongly affirmed in order to prevent what they saw as the destruction of the Church, though the extent of this affirmation was contested.[44] This council was not only a means by which the Church could institute the dogmatic changes called for by the pope and others, but by instituting the dogma of Papal infallibility, some argued, they could once and for all establish the independence of the pope and push back against the forces of liberalism throughout Europe. While some Catholics in Austria disagreed with this interpretation, arguing that the dogma of Papal Infallibility was not "true" Catholicism (which led to the so-called "old Catholic" ideology, to be discussed below), the Austrian delegation to the council and many others believed the dogma was the proper course of

[43] "Inter gravissima huius aetatis mala eminet Socialismus" (March 11, 1870), Bischofsakten Rauscher, Conc. Vat. I, 1865, 1869/70, 2, "1869/70," DAW.

[44] "Erkluarung der Bischöfe von Belgien, Deutschland, England, Holland, Irland, Oesterreich, Schottland und der Schweiz über die weltliche Herrschaft des Papstes" (February 22, 1860), Bischofsakten Rauscher, Conc. Vat. I, Commissiones theol. Dogm. 68/69 de infallibilitate s.p., 1, "Rauscher Unfehlbarkeit d. Papstes, Belegewalt d. Hl. Stuhles," DAW.

action.[45] The opposition to liberalism was far from new, but the push for a declaration from the conclave itself was new. The desire for stronger language resulted in seven days of debate and, eventually, a weakened condemnation against "rationalism."[46] Though this was one step toward a greater degree of political control, it nonetheless resulted from a fear of overstepping the bounds of Church authority beyond what had already been established in the Council of Trent.

As further evidence of the fundamentally political nature of Vatican I, one bishop, Nicolò Frangipane of the diocese of Concordiensis, requested that the council strengthen the Church's ability to discipline priests.[47] While this request was not, on its face, a political statement, the request derived from the desire of the Church to discipline priests for writing in the popular press. While the bishop framed the issue as trying to prevent "disgrace and scandal," the subtext was clearly political, particularly when taken with the next provision that referred to the political issues in Italy at the time.[48] While this particular wording was not adopted into the decrees of the council, several bishops, including Rauscher, supported this provision, and the idea was subsumed into the declarations about the primacy of the pope and the reaffirmation of the

[45] Reichel, *Unfehlbarkeit*.

[46] "Commissio Theologico-Dogmatica" (October 1869), Bischofsakten Rauscher, Conc. Vat. I, Commissiones theol. Dogm. 68/69 de infallibilitate s.p., 3, "Comissiones Theologico-Dogmatica, 1869," DAW.

[47] The Diocese of Concordiensis is suffragan to the Archdiocese of Venice. Prior to 1866, this area had belonged to the Habsburg Monarchy, but since that time it had been annexed into the unified Italian state.

[48] Nicolò Frangipane, "Sacrae Congregationi" (February 19, 1870), Bischofsakten Rauscher, Conc. Vat. I, 1865, 1869/70, 2, "1869/70," DAW.

ecclesiastical hierarchy's ability to guide what was said in each diocese as a means of promoting unity within the Catholic Church.[49]

Despite some opposition from within the council, the idea that the Church could and should be political became more pronounced during the council, particularly as it proceeded to be threatened by the Italian unification forces in Rome. While the Church sometimes asserted that Vatican I remained under the cover of the older modality of apolitical Catholicism, the council was nonetheless connected to the highly political context of Italian unification and liberal legislation throughout Europe. Questions of papal infallibility, which had implications for issues of state rule, and the context of Italian unification, ensured that Vatican I and the Church itself must, by necessity, address the concept of political theology.

The End of Vatican I

During the council, Rauscher had to contend with reactions back home as news of the potential dogmatic declarations became public. While some echoed Rauscher's statements and praised the council as the next Council of Trent, others within the Church immediately questioned the council and, in particular, raised objections to the dogma of Papal Infallibility once it became clear that it was one of the council's major goals. From the very beginning, Rauscher faced opposition to Vatican I in Austria, receiving letters that expressed either uncertainties about the provisions or active opposition to them. Austrian priests and bishops

[49] Dogmatic Constitution on the Catholic Faith (Papal Encyclicals Online, 1870), https://www.papalencyclicals.net/councils/ecum20.htm.

faced backlash from parishioners, and they looked to Rauscher for guidance.[50] His bishops, in particular, continuously peppered him with questions about the council and how it would proceed. Eventually, Rauscher began to fear that the decrees of the council had the potential to inflame liberals against the Catholic Church and could even lead to persecution of Catholics in Austria following the *Maigesetze*. While Rauscher certainly wanted to oppose liberal forces, he worried that the provisions of the council might have been a tactical error and could have profound implications in his current political fight in Austria. Thus, in a moment of political realism, Rauscher chose to vote against a sweeping power for the pope and helped lead the charge of a more restrained view of papal infallibility.

Furthermore, Rauscher feared that the ultramontane question, which had plagued him since the beginning of his time as archbishop, could lead to a permanent ideological divide among his priests and the laity. In the midst of the proceedings of Vatican I, a new political movement arose, particularly in Germany and Austria, led by the so-called, *Altkatholiken* or "Old Catholics." The Old Catholic movement, which received this name due to its antagonism to what they saw as the "new Catholicism" of the Council, began in direct opposition to the dogma of Papal infallibility. The Old Catholics argued that the Church under the rules of Vatican I was not legitimate and, thus, should not be obeyed. The leader of this Old Catholic movement was Ignaz von Döllinger, a Catholic priest and theologian who had long argued that the temporal authority of the pope was not necessary. He had become greatly troubled by the pope's authority over the Papal States in the nascent Italy, and the institution of Papal Infallibility seemed to Döllinger to be a mere power grab. The pope, he believed, was systematically silencing any and all dissent

[50] At least 35 such letters, sent between 1869 and 1871, have been collected in Rauscher's documents from the council at the Diöcesanarchiv Wien. Most can be found in: Bishofsakten Rauscher, Conc. Vat. I, 1865, 1869/70, 1-4, DAW.

that could stand in his way.[51] Döllinger's fear was most clearly evident in his pamphlet written on March 9, 1870, a little more than a month before the adoption of *Dei Filius,* the dogmatic constitution of faith adopted by the Council.[52] Though Bavarian, Döllinger had an enormous influence in the Austrian clergy through his open pamphlets that he continued to publish until his death in 1890.

While others argued that the dogma of papal infallibility was an error because it gave too much power to the pope, Döllinger, in his pamphlets, actually argued something quite different. By creating a situation where the pope was infallible in certain circumstances, Döllinger argued, it actually took power and legitimacy away from the rest of the Church, as it created a situation in which the Church itself is implicitly recognized as fallible *except* in the case of the pope. This implicit fallibility of the Church, he argued, was only furthered by the fact that the dogma would be recognized despite the objections of bishops and priests. If there was not complete and total agreement on the dogma, Döllinger argued, it was capable of being incorrect and, thus, the entire system of the Church's authority unraveled.[53]

Döllinger attracted many to his position from within the Catholic Church in Austria, creating a massive problem for the bishops. As this movement gained momentum in Austria, it created problems for Cardinal Rauscher. In the middle of the council's proceedings, Rauscher received a letter from Wenzel Josef Reichel, a Church commentator in Austria, with an enclosed

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[51] Johann Friedrich, *Ignaz von Döllinger: sein Leben auf Grund seines schriftlichen Nachlasses* (Munich: Beck, 1899).

[52] Johann Joseph Ignaz von Döllinger, *Declarations and Letters on the Vatican Decrees, 1869-1887*, trans. F.H. Reusch (Edinburgh: T & T Clark, 1891), 57-59.

[53] Döllinger, *Declarations and Letters*, 57-59.

pamphlet meant to demonstrate to Rauscher the mood of many in Austria at the time.[54] This pamphlet, entitled "Is the Doctrine of Papal Infallibility Catholic?," purported to reflect the opinions of many Catholics who did not have a voice in the proceedings, echoing (and in some cases directly repeating) the language of Döllinger. For Reichel, the arguments embodied the reticence of many to accept the dogma as "true" Catholicism.[55] This pamphlet, combined with his other pamphlet of the same year, "Was the Austrian Government Entitled to Annul the Concordat of 1855," while ultimately deciding that the Church's authority in the Concordat of 1855 should have been upheld, presented a troubling case for Rauscher.[56] If even the most loyal of Catholics were beginning to question the proposed dogma of Papal Infallibility before it was even decided, he worried how others would see it after it had been accepted as dogma.

Rauscher was not the only bishop to receive questions about the Old Catholics. Bishop Rudigier also received letters about the Old Catholics and Döllinger's movement from his own priests who seemed to sympathize with the movement.[57] Rudigier had corresponded with

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[54] "Letter from Wenzel Josef Reichel to Rauscher" (May 8, 1871), Bischofsakten Rauscher, Conc. Vat. I, Commissiones theol. Dogm. 68/69 de infallibilitate s.p., 1, "Rauscher Unfehlbarkeit d. Papstes, Belegewalt d. Hl. Stuhles," DAW.

[55] Reichel, *Unfehlbarkeit*.

[56] Wenzel Josef Reichel, *War die österreichische Regierung berechtiget, das Concordat vom Jahre 1855 ausser Kraft zu setzen?* (Vienna: L.C. Zamarski, 1871).

[57] "Letter to Rudigier from Fr. Rinder" (November 2, 1871), Box 5, Folder 8d, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL; "Letter to Rudigier from Unkown Priest" (March 7, 1870), Box 5, Folder 7b, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL; "Letter to Rudigier from Unknown Priest" (November 4, 1870), Box 5, Folder 7b, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL; "Letter to Rudigier from Johann Lorenz" (October 18, 1870), Box 5, Folder 8b, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL; "Letter to Rudigier from Franz Spitzl" (November 3, 1870), Box 5, Folder 7b, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL; "Letter to Rudigier from Unknown Priest" (November 22, 1869), Box 5, Folder 8d, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL; "Letter to Rudigier from Johann Lorenz" (September 22, 1869), Box 5, Folder 8b, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL.

Döllinger in the past, but the two did not know each other particularly well.[58] Nonetheless, the arguments raised by Döllinger and the priests below him led Rudigier to pause in his acceptance of the doctrine of papal infallibility. These questions continued to surface long after the council as the Old Catholics gained support in Germany and elsewhere due to their use as political cover for anticlerical liberals.[59] The Old Catholics gained more popular acceptance, particularly among the liberal press, as liberal factions in Austria sought to use the fissures among the priests at the council as both proof that the council was corrupt and to pit Catholics against one another to weaken their overall political position.[60]

Beyond the Old Catholics, Rauscher had a political problem with the Austrian government. On February 10, 1870, the liberal Chancellor of Austria, Count von Beust, published an open letter to the pope, declaring that the Habsburg government would henceforth forbid the publishing of any dogma that was contrary to the laws of the state — in particular, any dogma that the government interpreted to be against laws that upheld the supremacy of the emperor.[61] This declaration led *Das Vaterland* to declare Beust a "New Luther" and those who followed him, including the Old Catholics, as new Protestants sent to destroy the Catholics. This naked aggression, they argued, would only serve to strengthen their own resolve, sending Beust

[58] "Letter to Rudigier from Döllinger" (September 20, 1859), Box 5, Folder 8b, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL.

[59] "Letter to Rudigier from Fr. Rinder" (November 2, 1871), Box 5, Folder 8d, Bischof Rudigier-Archiv, Ordinariatsarchiv, DAL.

[60] The "Old Catholic question" formed the basis of several newspaper articles in the liberal press, starting with *Neue Freie Presse* when it published an open letter to Döllinger from someone who purported to be an Old Catholic in Vienna. "An Herrn Professor v. Döllinger!" *Neue Freie Presse*, April 13, 1870.

[61] "Ausland (zur Tagesgeschichte)," *Neue Freie Presse*, February 17, 1870.

their "highest thanks," since an "opponent's mistakes are priceless and irreplaceable in politics."[62]

Rauscher was acutely aware of the issues facing him at home, having corresponded with several of his bishops during the council. In particular, his correspondence with his old pupil, Cardinal Schwarzenberg, proved particularly helpful to his understanding of Austrian opinion, both clerical and popular. It was through his correspondence with Schwarzenberg that Rauscher crafted his opposition to Papal Infallibility as it was first proposed in the Dogmatic Constitution of the Faith, which was one of the planned documents that would be adopted by the council.[63] Rauscher's opposition was also a pragmatic political move. In order to preserve their way of life, he concluded, Catholics must participate in the political sphere and play the political game like any other shrewd political actor.[64] Theologically Catholic political interference was not only possible but necessary to fulfill the dictates of Jesus and to ensure the salvation of mankind. In the political-theological paradigm he had been establishing in Austria, it was clear that if theology was necessarily political, then the men of the Church must act (for good or ill) like politicians. Thus, Rauscher began to articulate the view that would ultimately lead to a Catholic political movement in Austria.

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[62] "Ein neuer Luther," *Das Vaterland*, February 18, 1870.

[63] "Letter from Schwarzenberg to Rauscher" (June 27, 1870), Conc. Vat. I, Box 1, Folder 4, "1870," Bischofsakten Rauscher, DAW; "Letter from Schwarzenberg to Rauscher" (June 30, 1870), Conc. Vat. I, Box 1, Folder 4, "1870," Bischofsakten Rauscher, DAW; "Letter from Schwarzenberg to Rauscher" (June 22, 1870), Conc. Vat. I, Box 1, Folder 4, "1870," Bischofsakten Rauscher, DAW; "Letter from Schwarzenberg to Rauscher" (August 16, 1870), Conc. Vat. I, Box 1, Folder 4, "1870," Bischofsakten Rauscher, DAW.

[64] "Open Letter from Rauscher to Pius IX" (July 16, 1870), Conc. Vat. I, Box 1, Folder 4, "1870," Bischofsakten Rauscher, DAW.

Seeing the potential for the dogma to create ruptures back home, Rauscher thus made the political decision to speak against the first schema of the Dogmatic Constitution on the Catholic Faith. He and the other Austrian bishops signed a letter opposing the Constitution as it had been initially proposed, and proceeded to vote against it in a preliminary vote. Rauscher argued that the sweeping provisions of papal infallibility, without being limited in some way, would only give their enemies more power and ammunition to fight the cause of truth.[65] The first vote on the draft of the Dogmatic Constitution numbered 451 in favor, 88 against, and 62 in favor on the condition of a greater degree of definition of the terms. This last group, to which Rauscher belonged, hoped to alleviate the political concerns in Austria and elsewhere, as a narrower definition of the powers of the pope could show that he was not in direct opposition to ruling governments. As was the case in Austria, fear of opposition of leading politicians was a sincere concern.

Following the divided vote, the commission agreed to define the dogma of papal infallibility more narrowly, limiting the scope of the issues that could apply to the power. Furthermore, the narrower definition of the doctrine as only "ex cathedra" ensured that it was only in certain specific circumstances that the power could be wielded and only in specifically religious matters. Another controversial provision, which dealt with restructuring the catechism,

[65] "Letter to Pius IX from the Bishops of the Habsburg Monarchy" (January 2, 1870), Conc. Vat. I, Box 1, Folder 3, "1870," Bischofsakten Rauscher, DAW; Joseph Othmar Rauscher, "Relatio de Observationibus Rmorum Concilii Patrum in Schema de Romani Pontificis Primatu" (1870), Conc. Vat. I, Box 1, Folder 3, "1870," Bischofsakten Rauscher, DAW; Joseph Othmar Rauscher, "Relatio de Observationibus Romorum Concilii Patrum in Schema de Romani Pontificis Primatus" (1869), Conc. Vat. I, Box 1, Folder 1, "1865, 69," Bischofsakten Rauscher, DAW; Joseph Othmar Rauscher, "Notes from 'Generalis quaidam de schemate proposito observationes'" (December 28, 1869), Conc. Vat. I, Box 1, Folder 1, "1865, 69," Bischofsakten Rauscher, DAW.

was tabled and never taken up again.[66] All of these compromises helped to assuage the Austrian bishops. Rauscher and the others backed the doctrine in a second vote, joining the 433 who approved the doctrine against the 2 who continued to vote "no."[67]

While the bishops discussed the provisions of Papal Infallibility and hoped to quell dissent back home, another major problem arose outside the purview of the doctrinal disputes. The looming Franco-Prussian War presented a massive problem for the council, as the struggle between the two nations threatened to lead to a destabilization of the talks altogether if the French troops that had been guaranteeing the integrity of Rome and, thus, the safety of Vatican I's participants had to leave. As early as April 1869, Rauscher and others had expressed fears that the French troops that had been protecting the pope in the face of the Italian unification troops were a weakness. A withdrawal of the French troops, Rauscher worried, would be catastrophic for the council, as the Church leaders would need to flee the city and might never be able to resume their work. It was unclear what the Church's status would be in Rome if the Italian forces were to occupy it, so Rauscher and others feared for their safety. In an attempt to help maintain French protection, Rauscher offered to send some funds to the French troops to help with their expenses and urged other priests and bishops to do the same.[68]

Following the successes of the Prussian army at the Battle of Sedan in 1870, the French troops who had been protecting the pope in the Vatican left to reinforce the forces back home.

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[66] Philip Schaff, ed., *Creeds of Christendom, with a History and Critical Notes*, vol. 1 (New York: Harper and Brothers, 1877).

[67] The difference in numbers from the first vote to the second is accounted for by the fact that 60 voting members left the council in protest rather than vote on the resolution. Some of these protesting parties joined the Old Catholic movement. O'Malley, *Vatican I*, 220.

[68] "Letter from Rauscher to Unknown" (April 2, 1869), Bischofsakten Rauscher, Conc. Vat. I, 1865, 1869/70, 1, "1865, 69," DAW.

The French withdrawal left the pope and the council vulnerable to attack from the Italian forces who then swept through Rome and occupied the Vatican.[69] Fearing for their lives, the members of the council agreed to an indefinite suspension on October 20, 1870. The council technically did not conclude until 1960 however, when Pope John XXIII called a new council, which was to be called "Vatican II," implicitly ending the first council.[70]

The French eventually lost the Franco-Prussian War when the German troops occupied Paris in January 1871, just six months after the conflict began. There, from the Hall of Mirrors in Versailles, Wilhelm I famously proclaimed the German Empire on January 18, 1871, uniting Germany under the leadership of Prussia.[71] This event had major repercussions throughout the continent, including the Habsburg Monarchy, as it signaled the end of the *Großdeutsche Lösung*, effectively excluding the Habsburg Monarchy from the project of German unification and becoming the final word on the dreams of the Frankfurt Parliament, with which Bishops Rudigier and Feßler had once identified. In Germany, it also set the stage for the *Kulturkampf* as Chancellor Otto von Bismarck began to solidify power partly by opposing Catholic politicians as a pragmatic bid to unify support from the anticlerical factions of the newly-unified Germany. While this particular struggle did not have any real legal effect on Catholics in the Habsburg Monarchy, conservative Catholics feared that liberals could use the model of the *Kulturkampf* to

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[69] David I. Kertzer, *Prisoner of the Vatican: The Popes, the Kings, and Garibaldi's Rebels in the Struggle to Rule Modern Italy* (New York: Houghton Mifflin Harcourt, 2004), 33.

[70] John XXIII, "Allocutione del Santo Padre Giovanni XXIII con la quale annuncia il sinodo Romano, il concilio ecumenico e l'aggiornamento del codice di diritto canonico," January 25, 1959, https://www.vatican.va/content/john-xxiii/it/speeches/1959/documents/hf_j-xxiii_spe_19590125_annuncio.html; O'Malley, *Vatican I*, 19.

[71] Christopher M. Clark, *Iron Kingdom: The Rise and Downfall of Prussia, 1600-1947* (Cambridge, MA: Belknap Press of Harvard University Press, 2006).

threaten the stability of Catholicism and the ability of the Church to participate in the Austrian government. Catholic commentators and politicians believed that the *Kulturkampf* signaled that Catholicism was soon to be wiped out throughout Europe by the very political forces that Vatican I had sought to fight.

In the end, the two major documents to come out of Vatican I were *Dei Filius* (also known as the Dogmatic Constitution of the Catholic Faith) and *Pastor Aeternus* (also known as the Dogmatic Constitution of the Church of Christ). The first, *Dei Filius*, once the final draft was approved, was largely uncontested aside from a small squabble about the correct terminology for the official name of the Church. This conflict was resolved quickly, and the basic declarations of the Catholic Faith were adopted unanimously on April 24, 1870.[72] The second, however, was the highly contested declaration of the primacy of the pope and the creation of the dogma of Papal Infallibility. In the end, these dogmas were approved after the final vote on July 18, 1870.[73] Though Vatican I ended with a whimper, the implications of the council were nonetheless profound. The controversial dogma of Papal Infallibility continued to be the primary points of contention for Habsburg bishops and, in particular, Rauscher. Nonetheless, Rauscher and the other bishops continued to support the provisions of the council and, continuing his earlier method of exerting control, Rauscher used pastoral letters at every possible opportunity to promote the authority of the pope, the primacy of the Church, and the need for the guidance of

[72] "Decreta Dogmatica Concilii Vaticani de Fide de Catholica et de Ecclesia Christi," in Philip Schaff, ed., *Creeds of Christendom, with a History and Critical Notes*, vol. 1 (New York: Harper and Brothers, 1877), 234-271

[73] "Pastor Aeternus," The Holy See, July 18, 1870, https://www.vatican.va/archive/hist_councils/i-vatican-council/documents/vat-i_const_18700718_pastor-aeternus_la.html.

bishops in Austria-Hungary and beyond.[74] Rudigier, likewise, continued to use his platform of the *Linzer Diözesanblatt* to reassure his readers (mostly his priests) that the council was correct and they should help their flocks see the truth in these new ideas.

Despite their continued exhortation to accept its provisions, however, the controversial aspects of the council and the continually shifting political position of the Church both within the Habsburg governmental structures and throughout Europe led to a growing opposition movement. Two powerful new threats — the Old Catholics and the German *Kulturkampf* — had not gone away. They worked in tandem to create one of the greatest challenges to the political power of the Church in modern history. While both of these issues created more problems in the recently-united Germany than in Austria, the fear that they could potentially affect Austrian politics as well, especially in the face of the liberalism that now dominated the Austrian government, formed the primary basis of Catholic political conflict for the next five years. The *Kulturkampf*, itself, though arising out of several different political motivations, was nevertheless a product of the environment of the Vatican Council. While it is possible that such a backlash against Catholic political power could have arisen despite the Council, the dogma of papal infallibility nonetheless created the *casus belli* for the "Culture War" in a way that ensured it would continue to influence confessional politics in Germany and beyond.

[74] Albert Ettmayer, "Die Hirtenbriefe des Wiener Fürst-Erzbischofs Joseph Othmar Kardinal Rauscher: ein Beitrag zur österreichischen Kirchenpublizistik in der zweiten Hälfte des 19. Jahrhunderts" (PhD diss., University of Vienna, 1982); Joseph Othmar Rauscher, *Hirtenbrief* (Vienna: Holzhausen, 1871).

Jesuitismus and the German Center Party

While the end of the First Vatican Council created problems throughout Europe in the form of the *Kulturkampf*, one group in Germany rose at this time to protect the rights of German Catholics. This group, which would inspire many throughout Europe, including in Austria, was the Catholic Center Party. Though the Catholic Center Party was not formally organized until 1870, it actually began in Germany in 1852 when brothers Peter and August Reichensperger founded the "Catholic Faction" of the *Abgeordnetenhaus* (the lower chamber of the Prussian Parliament). This loose confederation of Catholic politicians sometimes managed to work together for Catholic interests, especially in education, following the so-called "Raumer Decrees," which restricted the activities of Jesuits in education and forbade Prussian students from studying at the German-speaking Jesuit college in Rome, the Collegium Germanicum et Hungaricum.[75] While the members of the Catholic Faction of the *Abgeordnetenhaus* were largely political liberals, favoring free trade, constitutional reforms, freedom of speech, and the freedom of the press, they maintained a more conservative stance in confessional matters, asserting the rights of the Church to participate in matters of governance on the basis that secular authority derives from the divine. For this reason, they renamed themselves as the "*Fraktion des Zentrums,*" or "Center Faction," reflecting both their physical location on the floor of the house and their ability to vote on both sides on any given issue. Their liberal leanings were particularly

[75] Ellen Lovell Evans, *The Cross and the Ballot: Catholic Political Parties in Germany, Switzerland, Austria, Belgium and the Netherlands, 1785-1985* (Boston: Humanities Press, 1999), 108.

interesting, as the more liberal faction among Catholics in the Habsburg Monarchy had largely withered following the collapse of the Frankfurt Parliament.[76]

While the Catholic Faction was not initially a formal party, it eventually solidified into a formal party in 1870 with the adoption of the so-called *Soester Programm*, developed primarily by Peter Reichensperger with support from parliamentary representatives and priests at a conference in Soest. The primary provision of the Soester Programm was to maintain the autonomy of the Church. The program also called for parity between different religious denominations, renunciation of civil marriage, and protection of religious schools. Beyond these religious issues, the program also incorporated several social provisions such as a "balancing of interests… such that Capital and landed property on the one hand and labor on the other" could work together to create a strong middle class, demonstrating their commitment to a social vision that hoped to promote the general social welfare and, more pragmatically, to appeal to middle class support.[77] This injection of social issues into an otherwise confessional party demonstrated its appeal beyond just religious issues to ideological issues as well, presaging some of the conversations that later formed the basis of Christian Socialism. By 1871, following the unification of Germany, the party had expanded beyond Prussia to become a national party.[78]

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[76] Ellen L. Evans, *The German Center Party 1870-1933* (Carbondale, IL: Southern Illinois University Press, 1981), 40.

[77] "Soester Programm," October 28, 1870, https://www.lwl.org/westfaelische-geschichte/portal/Internet/finde/langDatensatz.php?urlID=1238&url_tabelle=tab_quelle.

[78] Evans, *German Center Party*, 40, 99.

Since the Reformation, confessional politics had been ever present in the German states.[79] During the 1848 revolution and the Frankfurt Parliament, questions about the place of Catholicism and Protestantism in a unified German state often produced points of conflict beyond *Großdeutsch* and *Kleindeutsch* ideas and questions of political borders. A Catholic faction had formed in the Frankfurt Parliament, which included priests such as Feßler and Rudigier (as discussed in Chapter 2). After the withdrawal of the Austrian delegation from Frankfurt in 1849, the failure of the Habsburgs to exert any influence in the later German Confederation in the 1850s, and the Austro-Prussian War of 1866, the questions of confession became simpler as Protestants began to assert a new idea of German identity as Protestant.[80]

Though Protestants had long asserted that a unified Germany should be Protestant, the association of Protestant values with those of German high culture (*Kultur*) became even more powerful following national unification in 1871. As some nationalist thinkers began to argue, the creation of Luther's Bible was the beginning of the true German nation, as it was an act that created the boundaries around the nation as opposed to a transnational Catholicism.[81] Because of this inherent limitation and the association of Protestantism with German culture, conflict between German Catholics and German Protestants quickly came to the fore in the national discussion following the unification of Germany. While many German Protestants certainly saw

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[79] For an overview of the confessional politics that defined the German region in the "long nineteenth century," both before and after unification, see Helmut Walser Smith, *Protestants, Catholics, and Jews in Germany, 1800-1914* (Oxford: Berg, 2001).

[80] Evans, *Cross and the Ballot*, 93.

[81] Stan M. Landry, "That All May Be One? Church Unity and the German National Idea, 1866-1883," *Church History* 80, no. 2 (2011): 281. For more on the issue of nationalism as a manifestation of religious confession in Germany after 1870, see: Helmut Walser Smith, *German Nationalism and Religious Conflict: Culture, Ideology, Politics, 1870-1914* (Princeton: Princeton University Press, 1995).

Catholics as German, nevertheless, some radical elements of Protestant Germany saw the German Catholics as "internal foreigners" or even "enemies of the Reich."[82] As German nationalism grew more and more exclusive, the battle over who was and who was not German increasingly came to rest on the issue of confession. Many Catholics in Germany feared that these nationalist battles would strip them of any power they might have by excluding them from governance entirely.[83]

Anti-Polish sentiment only heightened the confessional politics in the newly-unified Germany. Since the first partition of Poland in 1772, which split Poland into three parts, divided between Russia, the Habsburg Monarchy, and Prussia as a means of trying to restore the balance of conservative power in Europe, Prussians had been trying to find creative ways to suppress Polish attempts to regain control over the newly-acquired Prussian lands, which included parts of Silesia, East Prussia, and Posen. Starting with Frederick the Great, the Prussians struggled to maintain control of the Polish lands. By granting German farmers rights to long-time Polish lands, the Prussians hoped to subdue the unruly Polish aristocrats who agitated for the right to govern themselves. However, as the largely Catholic Poles continued to resist what they saw as German oppression, their Catholicism became entwined with their resistance to Prussian rule, both from the perspective of the Prussians and from the perspective of many of the Poles.[84]

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[82] Landry, "All May Be One," 285.

[83] Barbara Stambolis, "Nationalisierung trotz Ultramontanisierung oder: 'Alles für Deutschland. Deutschland aber für Christus': Mentalitätsleitende Wertorientierung deutscher Katholiken im 19. und 20. Jahrhundert," *Historische Zeitschrift* 269, no. 1 (December 1, 1999): 57–98.

[84] William W. Hagen, *Germans, Poles, and Jews: The Nationality Conflict in the Prussian East, 1772-1914* (Chicago: University of Chicago Press, 1980).

By the nineteenth century, questions about national identification in formerly polish lands were complicated further as German nationalists attempted to incorporate the inhabitants of the annexed Polish lands to the German nation while Polish nationalists likewise tried to recruit support against the Germans, particularly in 1832. The complex understanding of the nature of Polish identity only complicated the confessional issue further as national indifference and confessional loyalty stymied the projects of both the Germans and the Poles.[85]

One of the primary points of contention for German Protestant nationalists was ultramontanism. Questions about the authority of the pope for Catholics underpinned the national-confessional discussion and formed the main point of attack for German Protestants against Catholics and Poles. As discussed in Chapter 4, ultramontanism formed a thread of continuity in attacks against Catholics, as it asserted (at best) a split loyalty between the emperor (in the case of Austria) or the nation (in the case of Germany) and the overarching supremacy of the pope. Following the declaration at Vatican I of Papal Infallibility, the charges of split loyalty due to ultramontane sentiment became more frequent and more vehement throughout Europe, but especially in Germany. While not, itself, avowedly ultramontane, the Catholic Center Party in Prussia believed that these charges of ultramontanism threatened all Catholics. So, by 1871 the Center Party began to see itself as a "defensive tower" for the rights of Catholics in a state that was increasingly hostile to them. Liberals and other anticlericals, however, used this confessional

[85] The complex interplay of confession, nationalism, and the reactions toward the Polish partitions can be found in Brian Porter, *When Nationalism Began to Hate: Imagining Modern Politics in Nineteenth Century Poland* (New York: Oxford University Press, 2000); James Bjork, *Neither German nor Pole: Catholicism and National Indifference in a Central European Borderland, Social History, Popular Culture, and Politics in Germany* (Ann Arbor: University of Michigan Press, 2008).

party as proof of a divisiveness that threatened to tear the new nation apart.[86] German Protestants latched onto the idea of "*Jesuitismus*," or the ideals of Jesuits, as emblematic of all the problems with ultramontane thought. German politicians, perhaps cynically, argued that the Center Party had been overrun by Jesuits, who wanted to spread throughout Germany and take over the new state as a whole.[87] In actuality, the Jesuits had very little power in Germany, but they did maintain a robust presence in the Polish-speaking areas of Prussia. Regardless of their actual political power, the Jesuits became the main antagonist in German liberal polemics against Catholics. By painting all Catholics (and in particular Catholic politicians) as Jesuits, the liberals hoped to both consolidate support against Poles and to advocate for a more secular (or at the very least, Protestant) version of the German nation.

Of course, painting political enemies as Jesuits, and thus pawns of the pope, was not a new tactic in German politics. For example, as early as 1852, Friedrich Richard Fischer wrote a pamphlet trying to discredit the politician Friederich Julius Stahl, claiming that the Lutheran was actually conspiring with Jesuits.[88] This pamphlet, much like the strategies of what became known as the *Kulturkampf* almost twenty years later, played on the popular conspiratorial fears that the pope was secretly controlling domestic politics from abroad. Though the pamphlet was of limited political use in 1852, it served as a political trial balloon in the second half of the nineteenth century, as painting political enemies as secret Jesuits, even when they had absolutely

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[86] Evans, *German Center Party*.

[87] J. Buchmann, *Ueber und gegen den Jesuitismus: zwangslose Abhandlungen über die jesuitische Taktik und Vollkommenheit, den jesuitischen Eid und Primat* (Breslau: A. Gosohorsky, 1872).

[88] Friedrich Richard Fischer, *Stahl, ein Jesuit: Eine kritische Beleuchtung seines Vortrages "Was ist die Revolution?"* (Hamburg: Hoffmann und Campe, 1852).

no connection to Jesuits or even the Catholic Church, became a common tactic in the unified Germany. So, in 1871, Chancellor Otto von Bismarck, the "perpetually frustrated, rather neurotic genius who, nonetheless, was the towering figure of his age among all of Europe's statesmen," used this same rhetoric and his shrewd alliance with the liberals to pass the first round of the infamous decade-long legislative period that became known as the *Kulturkampf*.[89]

In many ways, the *Kulturkampf* was the product of just one man — Bismarck. Following the unification of Germany, Wilhelm I became the German Kaiser, but much of the power in the German state rested in Bismarck's hands. The hallmark of Bismarck's rule in Germany from 1871 to his resignation in 1890 was his use of pragmatic political maneuvers — the famous strategy of *Realpolitik*. Though *Realpolitik* was coined by August Ludwig von Rochau in 1853, Bismarck became synonymous with its practice and was, arguably, the best to wield this pseudo-Machiavellian political philosophy.[90]

Despite his ruthless and deft political abilities, Bismarck faced considerable problems controlling the German parliament after unification. Two groups in particular stood in his way – the Poles and the Catholic Center Party. Though no liberal, Bismarck had allied with the Liberals as a means of maintaining control in Germany. While the Catholic Center Party had been formed to protect the rights of Catholics, it theoretically appealed to anyone regardless of religious views.[91] Bismarck, however, played on the liberals' anti-clerical and nationalist views to

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[89] Bascom Barry Hayes, *Bismarck and Mitteleuropa* (Rutherford, NJ: Fairleigh Dickinson University Press, 1994), 51.

[90] August Ludwig von Rochau, *Grundsätze der Realpolitik, angewendet auf die staatlichen Zustände Deutschlands* (Stuttgart: Göpel, 1859).

[91] Gordon A. Craig, *Germany: 1866-1945* (New York: Oxford University Press, 1978), 63.

effectively eliminate opposition to his policies.[92] Liberal politicians considered priests particularly threatening because they held spiritual authority over lay Catholics, who were a captive audience at every mass. Bismarck facilitated the liberal-led struggle to limit Catholic participation in politics as a means of sidelining the Catholics and pushing through his military budget. The *Kulturkampf* began by limiting the political speech of Catholic priests in their capacity as members of the clergy, it then limited their participation in the administration of education, and finally threatened them with prison if the government deemed that they were Jesuits, a charge that could be leveled at any Catholic (or non-Catholic).[93] The reality was that few Catholics faced any real repression. These laws did not prevent Catholics from participating in politics, nor did it prevent the Center Party from forming. Insomuch as the laws did anything of consequence, it banned priests from political participation when in direct service of the Church, outlawed Jesuits, and reduced the power of Catholic educators. Nevertheless, the fear of widespread repression during the *Kulturkampf* was intended to act as a preventative measure to keep the Catholic factions in order.[94] Thus, though no real anti-Catholic laws destroyed Catholic political participation, the laws had a chilling effect on Catholic politicians in Germany. Meanwhile, Catholics in the Habsburg Monarchy watched carefully, wondering if their heads would be next on the chopping block.

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[92] Gordon R Mork, "Bismarck and the 'Capitulation' of German Liberalism," *Journal of Modern History* 43, no. 1 (March 1971): 59–75.

[93] These laws, which were the so-called *Kanzelparagraph*, the *Schulaufsichtgesetz*, and then finally the *Jesuitengesetze* are discussed in detail below.

[94] There is some debate as to the duration of the *Kulturkampf*. Depending on one's view, it lasted from 1871 to either 1878 when Bismarck began negotiations with the pope or to 1887 when the last of the laws was repealed. While this dissertation agrees that the *Kulturkampf* was, for all intents and purposes, over by 1878, the effects of the *Kulturkampf* nonetheless persisted for almost a decade later.

Austrian Reactions to the Kulturkampf

Before the unification of Germany and the *Kulturkampf*, impressions in the Habsburg Monarchy about the Franco-Prussian War were mixed. The Austrian Church and the Catholic press responded in much the same way as they responded to the papal conclave itself. Those who opposed the dogma of Papal Infallibility, whether because they believed it to be papal overreach or because they feared the political backlash from liberal circles, seemed to almost welcome the war and the withdrawal of French troops from Rome. Their hope was that it would pause further reforms and prevent the institution of Papal Infallibility, which they believed was the greater threat to the Church.[95] Though this would not prove to be the case, as Papal Infallibility was eventually affirmed, the sentiment that the war was a blessing in disguise remained in some circles. Other Catholics, of course, worried about the safety of the pope and the other participants in Vatican I due to the withdrawal of French troops. While they worried for his safety, the Catholic press also continued to praise Pius IX for his spirit and pledge not to leave, despite being surrounded by his enemies.[96]

Liberals expressed their dismay and hopefulness at the same time. While Wilhelm and Bismarck seemed odd choices to carry forward the ideals of 1848, since they wrapped the ideas of unification in classically conservative political doctrines, the liberal press judged that they were nonetheless advancing the broader cause of liberalism through their alliance with liberals

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[95] Friedrich Löbenberg, *Brief aus Rom* (Freiwaldau, 1870).

[96] "Napoleon III und Pius IX," *Salzburger Kirchenblatt*, September 1, 1870; "Politische Uebersicht," *Das Vaterland*, September 4, 1870; "Kirchliche Gegenwart," *Salzburger Kirchenblatt*, September 7, 1870; "Weltanschau," *Linzer Volksblatt*, September 8, 1870; "Die Kanonen," *Grazer Volksblatt,* September 10, 1870; "Papst und Cäsar," *Morgen-Post*, September 10, 1870.

and the fact they sought the liberal goal of national unification. The biggest blow, however, was that while Wilhelm and Bismarck did unify Germany, they did so without including Austria. The *Großdeutsche Lösung* that Austrian liberals had sought was truly dead. The liberals hoped that they could salvage liberal ideals in Austria, but they were not sure they could do so without either the *Großdeutsche Lösung* or broader support within the Monarchy than they currently had.[97]

By 1871, few clergy were interested in liberalism. Even those who had supported the Frankfurt Parliament, such as Feßler and Rudigier, had long since modified their positions to fit the newer political-theological paradigm. Any support for liberalism that Rudigier still held prior to 1868 dissolved with his arrest and trial. Still, some among the laity and lower clergy continued to hope for liberal reforms such as greater representation in the government. Such liberal Catholicism continued for several years, even after the *Kulturkampf* began in Germany.[98] Nevertheless, it became more difficult to maintain this viewpoint in the face of German actions against Catholics and the liberal call in Austria to replicate the *Kulturkampf* in the Habsburg Monarchy. In the end, the only Austrian believers in "liberal Catholicism" were the Old Catholics.

In Germany, the first real limit to Catholic politics was the so-called *Kanzelparagraph* (Pulpit Paragraph). This 1871 addition to the German penal code made the advocacy for, denunciation of, or call to political action by priests or any other religious figure from the pulpit

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[97] "Wien 19. Januar," *Neue Freie Presse*, January 20, 1871. Pieter M. Judson, *Exclusive Revolutionaries: Liberal Politics, Social Experience, and National Identity in the Austrian Empire, 1848-1914* (Ann Arbor: University of Michigan Press, 1996), 108.

[98] Franz X Schumacher, *Der liberale Katholicismus und die modernen Freiheiten* (Vienna: F. Sipelbauer, 1877), 3.

illegal.[99] To Catholics, this sweeping limit to the speech of the priests was far worse than what Bishop Rudigier had faced in 1868.

Despite some hedging in Old Catholic circles, the first Austrian Catholic reaction to the *Kulturkampf* were overwhelmingly negative. The Catholic press excoriated the German government for its treatment of Catholics in Germany. As soon as the *Kanzelparagraph* formally became law, a *Das Vaterland* reader spoke out against it, asserting that those who supported such limitations on Catholics did not understand the true nature of their devotion. The writer claimed that the detractors "remember the saying of St. Paul: 'Let every soul be subject to the authorities above him', but forget the complementary saying: 'Render unto Caesar what is Caesar's, and God what is God's.'"[100] This clarification stood in direct opposition to liberal arguments that Catholics were bound by the Bible to be subject to the authority of the pope. But, the second verse presented the biblical basis for submission to authority. According to this interpretation of scripture, Catholics must obey the laws and the rulers of the land, even if they were supposed to be beholden to the Church. Why, the author asked, would one pass a law such as the *Kanzelparagraph* if it was not an attempt to rid Germany (and possibly the world) of Catholicism writ large?[101]

In the months after the proclamation of the so-called "*Kanzelparagraph*," the Austrian Catholic press posted countless articles breathlessly proclaiming the end of the Church as they knew it and trying to preserve what remained. While several articles made merely oblique

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[99] "§130a," in *Das Strafgesetzbuch für das deutsche Reich* (Berlin: Georg Reiner, 1901), 333.

[100] "Der sogenannte 'Geistlichkeitsparagraph' und die conservativen Protestanten," *Das Vaterland*, December 8, 1871.

[101] "Der sogenannte 'Geistlichkeitsparagraph' und die conservativen Protestanten," *Das Vaterland*, December 8, 1871.

reference to the Prussians in an effort to avoid wading too far into the realm of politics, it was clear that German policy was the motivating factor for all the articles.[102]

Other Catholics specifically criticized the law. They cited the paragraph as a war against Catholicism not just by the politicians that they had been fighting since the *Maigesetze* in 1868, but also by their old enemies, the Protestants, who had sought the end of Catholicism since the time of Martin Luther. The sectarian element of the *Kulturkampf*, which was prominently on display in the German press, added a new element of existential angst for Austrian Church leaders. The fact that this fight was taking place in Germany, which was the birthplace of Luther, only seemed, to Austrian Catholics, to confirm the veracity of their claims.[103]

Beyond the sectarian arguments, Catholics painted the *Kulturkampf* as an attempt to rid the world of the authority of God entirely. They thus advocated for an end to liberal governance in Austria. Catholics believed that the expression "Von Gottes Gnaden," a common phrase in Austrian legal documents and proclamations which attributed power to the grace of God, was proof that religion and divine authority were necessary to enact temporal law. Without divine authority, they asked, where did law come from? Thus, in a kind of pseudo-syllogistic logic, according to the Austrian Church, if the *Kulturkampf* was successful, then the world would

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[102] "Der Kampf Gegen Die Kirche," *Das Vaterland*, December 10, 1871; "Politische Uebersicht," *Das Vaterland*, December 14, 1871; "Von Gottes Gnaden," *Linzer Volksblatt*, December 14, 1871; "Die Wahlen und der Clerus," *Leitmeritzer Zeitung*, December 16, 1871; "Der Moderne Staat," *Linzer Volksblatt*, December 17, 1871; "Politische Übersicht," *Vorarlberger Volksblatt*, December 19, 1871; "An unsere geehrten Leser," *Znaimer Wochenblatt*, December 23, 1871; "Ratz gegen Volksblatt," *Vorarlberger Volksblatt*, December 29, 1871; "Für's Vaterland," *Salzburger Chronik für Stadt und Land*, January 11, 1872; "Bismarck und der Ultramontanismus," *Linzer Tages-Post*, February 16, 1872.

[103] "Kampf gegen den Clerus," *Leitmeritzer Wochenblatt*, December 23, 1871.

descend into lawlessness.[104] The conservative and Catholic newspapers, *Das Vaterland*, the *Linzer Volksblatt*, and the *Salzburg Chronik* continued this attack, citing the liberals and the liberal press as leading to the downfall of the Habsburg Monarchy. While some liberals, the *Salzburger Chronik* argued, might believe they were genuinely trying to help the monarchy maintain its strength (an impulse they understood, proclaiming "whoever is inspired by this goal and uses the most reasonable and promising means is our friend,"), anyone who believed that the liberal methods of achieving this greatness were deluded; their views were not only incompatible with the continued existence of the Church but revealed that they were also truly enemies of the Monarchy itself.[105]

Meanwhile, *Das Vaterland* took aim at the liberal press, arguing that the influential liberal newspaper *Neue Freie Presse* was a willing participant in the war against Catholicism in Austria, and, implicitly, at war with the Monarchy. *Das Vaterland* claimed that the *Neue Freie Presse* was actively working to destroy the Catholic Church merely because the Church threatened liberal ideology.[106] Other conservative newspapers followed suit, picking fights with the liberals in Germany, the liberals in Austria, and the worldwide liberal press in general.[107] The *Neue Freie Presse* rebutted these claims, arguing that, "one will… if one is to be honest, not be

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[104] "Von Gottes Gnaden," *Linzer Volksblatt*, December 14, 1871.

[105] "Für's Vaterland," *Salzburger Chronik für Stadt und Land*, January 11, 1872.

[106] "Der Kampf gegen die Kirche," *Das Vaterland*, December 10, 1871

[107] "Ratz gegen Volksblatt," *Vorarlberger Volksblatt*, December 29, 1871; "Politische Uebersicht," *Das Vaterland*, December 14, 1871; "Politische Übersicht," *Vorarlberger Volksblatt,* December 19, 1871; "Kampf gegen den Clerus," *Leitmeritzer Wochenblatt*, December 23, 1871; "Die Wahlen und der Clerus," *Leitmeritzer Zeitung*, December 16, 1871; "Der Moderne Staat," *Linzer Volksblat*t, December 17, 1871; "An unsere geehrten Leser," *Znaimer Wochenblatt*, December 23, 1871.

able to claim that the attacks on the Jesuits are only masked attacks on the Church itself," as they were only targeting Jesuits and not all Catholics. While the separation of Church and state was certainly one of the fundamental ideals of liberalism, the complete destruction of Catholicism, they argued, was not.[108]

Despite the *Neue Freie Presse*'s assurances that the *Kanzelparagraph* simply limited Jesuits and priests in specific instances, not Catholics as a whole, the Catholic press was not convinced. While the last bit of authority that the Concordat had was swept away with the trial of Bishop Rudigier, there had still been some hope that the Concordat's protections for priests would remain in some limited form. However, echoing the charges against Rudigier in his trial, the *Kanzelparagraph* seemed to be a means by which Austrian lawmakers could muzzle speech like Rudigier's in the future. While liberals had been able to end his outbursts in 1868 with a charge of Disturbing the Peace, they could not limit his political speech otherwise. But the *Kanzelparagraph* could act as a template to solve that problem legislatively in Austria.

The Catholic press in 1871, however, was different than it had been in 1868-69. Among other changes, it was much more organized. In the three years since the beginning of Rudigier's trial, the number of Catholic political newspapers in the monarchy had exploded.[109] While the press in general greatly expanded in the late nineteenth century, such expansion was especially important for the Catholic press because it allowed a greater diversity of opinion and the ability

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[108] "Der Jesuiten-Orden," *Neue Freie Presse*, December 15, 1871.

[109] For an extremely thorough look at the different newspapers Austria, their avowed political leanings, and their years of publication, see Helmut W. Lang, Ladislaus Lang, and Wilma Buchinger, *Österreichische Zeitungen, 1492-1945*, Österreichische retrospektive Bibliographie, Reihe 2 (Munich: K.G. Saur, 2001).

of each newspaper to build on the others, a point that would become even more relevant in the 1870s.

Of particular importance in the Habsburg Monarchy was the rise of *Das Vaterland*. This conservative Catholic newspaper focused on foreign affairs and insisted on the existence of transnational persecution of Catholics. Founded in 1860 in Vienna, the newspaper gained prominence throughout the Monarchy particularly among conservative German speakers. Though it had a somewhat smaller circulation than some national newspapers, its articles were often reprinted in other papers, giving it a wider circulation and greater degree of influence than the actual number of subscribers (only around 8,000 at its height) indicated.[110] In 1875 it became even more important, as Karl von Vogelsang, later the ideological founder of the Christian Social Party, manned the helm as editor (see Chapter 6).

During the years of the *Kulturkampf* (1871-1878), newspapers like *Das Vaterland* and more traditional Church-published Catholic newspapers, such as the *Linzer Diözesanblatt*, advocated for Catholics and Catholic issues more than had been possible during 1868-69. But their activism also created a potential point of conflict for the newspapers, which worried that the liberal Habsburg government, looking to the example of Germany, would adopt similar laws to limit Catholics. For some, the *Kulturkampf* and its potential spread to Austria were merely a part of a larger economic conflict between what they saw as exploitative liberals (or, often, Jews) and German workers — a point which later influenced the creation of Karl von Vogelsang's other major publication, the *Österreichische Monatsschrift für Gesellschaftswissenschaft und Volkswirthschaft* (*ÖMGV*). Yet for many, the *Kulturkampf* was an existential conflict as well that risked the destruction of the Catholic Church at the hands of atheism. As more news of

[110] Lang, et al., *Österreichische Zeitungen*, 335.

legislation came across the border, Austrian Church officials and the Catholic press drew stark parallels between the struggles of the Catholics in the Habsburg Monarchy since 1868 and the struggles of Catholics in Germany. Newspapers from Vienna to Znaim (in Moravia) were outraged over the events in Germany, and their outrage only grew with the *Schulaufsichtsgesetz* in March 1872.

On March 11, 1872, the Prussian parliament passed the *Schulaufsichtsgesetz*, or School Supervision Law. This law formally ended all supervision of schools in Prussia by the Catholic Church.[111] This sweeping law only further stoked the anger of the Austrian Catholics, who had been witnessing the slow waning of Church power over Austrian schools since the end of the Concordat. To Austrian Catholics, the *Schulaufsichtsgesetz* in Prussia represented the attempt to completely eradicate what little power the Church had left in this arena. Although the Austrian attempt to deprive the Church of control over schools was merely part of the overall liberal goals and not necessarily an attack on the Church itself (and certainly not an attempt to eradicate the Church), the Austrian Church did not see it that way.

The *Schulaufsichtsgesetz* essentially placed all schools in Prussia under the direct supervision of the state, abolishing any and all Church inspection of the schools. Though this law was part of a larger liberal agenda, Catholics nonetheless painted it as a part of the *Kulturkampf*. This law was controversial in Germany, making many in the center abandon Bismarck.[112] While some had previously argued that Bismarck was simply attempting to get things done by any means necessary (thus validating the Bismarckian strategy of *Realpolitik*), following the

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[111] *Gesetzsammlung für die Königlich-Preußischen Staaten: 1872* (Berlin: Gesetzsammlungsamt, 1872), 183.

[112] Evans, *Cross and the Ballot*, 101.

Schulaufsichtsgesetz, support from those who leaned conservative in parliament, even if they did not see themselves as conservatives, began to wane.[113] It is notable that this law did not apply only to Catholics, but also to Protestant school inspections as well, potentially alienating supporters who had gleefully accepted Bismarck's reforms when they had only applied to Catholics.

In the Habsburg Monarchy, the Prussian *Schulaufsichtsgesetz* became the latest battle line for the Church's war against liberal attempts to take away what Church leaders saw as one of their primary duties: the education of the people. The belief that the Austrians would follow the example of the Prussians in limiting education greatly informed Cardinal Rauscher's writings and speeches. Though he was most vocal in his fight against civil marriage, he was also very concerned about education.[114] Since the *Maigesetze*, Rauscher and others like him had only intensified this rhetoric.

Before the *Maigesetze*, the Austrian Catholic Church had considerable power over education in the Monarchy. As a part of the Concordat of 1855, the Church had solidified its control of education as a matter of course. But (as discussed in Chapter 3), the backlash against Catholic oversight of education helped to usher in liberal ascendency in Austria. The effects

[113] Herbert Schwab, "Aufstieg und Niedergang der Nationalliberalen Partei: Zur Geschichte des Nationalliberalismus in Deutschland 1864-1880" (PhD diss., Friedrich-Schiller-Universität, Jena, 1969); Craig, *Germany*, 73.

[114] Between the years 1858 and 1865, Rauscher made at least nine major speeches before large organizations or governmental bodies specifically discussing the importance of Catholic education. Joseph Othmar Rauscher, *Hirtenbriefe, Reden, und Zuschriften von Joseph Othmar Rauscher, Fürst-Erzbischof von Wien*, vol. 1 (Vienna: Braumüller, 1875), 1-14, 79-123, 150-162, 202-208, 405-410, 425-433, 498-509, 510-568, 583-623.

were swift. Following the *Maigesetze* and the formal rescinding of the Concordat in 1870, the numbers of clergy in teaching positions were cut in half, with the trend continuing downward.[115]

The fight in Austria over education remained a point of major contention long after the *Maigesetze*. While the *Schulaufsichtsgesetz* in Prussia did not do much more than the *Maigesetze* already had done in the Habsburg Monarchy, the perception among Catholic clergy that it was yet another attempt to completely get rid of Catholic schooling nevertheless proliferated throughout the press.[116] Likewise, liberal newspapers announced that this was a victory to be celebrated – one they could potentially emulate to deal a final blow against clerical influence in Austria.

This pattern of the press reacting to events that either had already been enacted in Austria or had little bearing on the Austrian situation was a recurring theme in Catholic discussions of the *Kulturkampf*. The fight that had been simmering beneath the surface in Habsburg Catholic circles were now thrust to the forefront as the situation in Germany became, to their eyes, direr. This pattern continued after perhaps the most contentious piece of legislation in the *Kulturkampf* — the *Jesuitengesetze* – was enacted.

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[115] For more on the schools in the Habsburg Monarchy and the goals of those who were attempting to reform them, see: Helmut Engelbrecht, *Geschichte des österreichischen Bildungswesens: Erziehung und Unterricht auf dem Boden Österreichs*, 5 vols. (Vienna: Österreichischer Bundesverlag, 1982-1988); Gary B. Cohen, *Education and Middle-Class Society in Imperial Austria, 1848-1918* (West Lafayette, IN: Purdue University Press, 1996); Scott O. Moore, *Teaching the Empire: Education and State Loyalty in Late Habsburg Austria* (West Lafayette, IN: Purdue University Press, 2020).

[116] "Was man dem deutschen Michel Alles bieten kann!," *Das Vaterland*, March 16, 1872; "Versammlung des liberalen politischen Vereines für Oberösterreich," *Linzer Tages-Post*, August 15, 1872; "Preußen," *Linzer Volksblatt*, March 30, 1872; "Korrespondenzen," *Neue Tiroler Stimmen*, July 30, 1872; "Für's Vaterland," *Salzburger Chronik für Stadt und Land*, January 11, 1872; "Die Schulaufsichtsgesetz im preußischen Herrenhause," *Die Neue Zeit*, March 9, 1872; "Bismarck und der Ultramontanismus," *Linzer Tages-Post*, February 16, 1872; "Ausland," *Deutsches Volksblatt für Mahren*, February 24, 1872.

In July 1872, the German parliament passed the *Jesuitengesetze*, much to the chagrin of Austrian Catholics. These laws are perhaps the best-known of the German *Kulturkampf* laws, due in part to their relevance to larger conversations outside of Germany and their attempt to combat ultramontanism itself. The basis of the *Jesuitengesetze* was the assertion that the Jesuits, a foreign association beholden only to the pope, had been secretly deceiving the German people for years, putting in place a society of "blindness and bigotry." Yet, according to the liberals, the Jesuits were not just deceiving the people, they were also deceiving the entire government, including the Kaiser, by limiting its power and thus harming the entire nation.[117]

The main provision of the *Jesuitengesetze* abolished the Jesuit order in Germany. Though limited in scope, Catholics worried that, at any moment, someone could accuse them of being a Jesuit, just as politicians had always done.[118] Austrian Catholics thought the *Jesuitengesetze* represented a troubling escalation of the *Kulturkampf* which sought only to punish Catholics because they were Catholic and not for any other reason. This view became even more stark when rumors began to swirl that the Prussian government would be banning female Catholic organizations, such as the Ursulines and the Dames au Sacre-coeur de Jesus.[119] Protests began to circulate all over German-speaking Europe, a development that the Austrian Catholics watched with interest and not a little bit of hope.[120]

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[117] "Die Sanctionirung der preußischen Kirchengesetze," *Neue Freie Presse*, May 16, 1873, 2.

[118] As noted above, this charge had come against even non-Catholics in Prussia since at least 1852. Fischer, *Stahl, ein Jesuit*.

[119] "Politische Uebersicht," *Das Vaterland*, August 20, 1872.

[120] "Protest," *Das Vaterland*, September 16, 1872.

This hope was dashed, however, about a year later with the passing of the Prussian *Maigesetze* in May 1873.[121] The first of these laws, passed on May 11, required priests to receive a three-year university education and pass a civil exam in order to practice in Prussia. The second law, passed the next day, instituted a special secular court in which priests could be tried for any transgression of ecclesiastical policy, a vaguely worded power which could lead to summary dismissal from the priesthood by non-Church entities.[122] Catholics across Europe saw these laws as oppressive and an overreach by secular authorities, the likes of which had not been seen since the French Revolution. Many protested, led in part by Wilhelm-Emmanuel von Ketteler, one of the founders of the Catholic Center Party, the bishop of Mainz, and a major influence on Leo XIII's later famous publication *Rerum Novarum*, which denounced socialism but advocated for a new vision of Catholic relations to the working classes.[123] In Austria, these protests drew widespread acclaim from Catholic circles and widespread approbation from liberal circles as Ketteler continued to issue open letters, make speeches, and suffer police actions. In one case, the police pulled his books pulled from the shelves, banning them from sale, fearing that they violated the *Jesuitengesetze*.[124]

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[121] It should be noted that these are entirely separate from the earlier Habsburg *Maigesetze*, though the use of this term to describe the Prussian laws was, in Habsburg circles, meant to be a clear allusion to the laws in the Habsburg Monarchy.

[122] *Kirchengesetze* (Berlin: Verlag der königlichen geheimen Ober-Hofbuchdruckerei, 1873).

[123] *Rerum Novarum* is discussed in more detail in Chapter 6. Paul Misner, "The Predecessors of 'Rerum Novarum' within Catholicism," *Review of Social Economy* 49, no. 4 (1991): 444–64.

[124] "Kleine Chronik," *Neue Tiroler Stimmen*, January 30, 1874; "Wien, 29. December," *Neue Freie Presse*, December 30, 1873; "Eine Rede über der Arbeiterfrage," *Tiroler Volksblatt*, Oktober 1873; "Die Prager Bisthumsfeier und ihre Folgen," *Die Presse*, October 14, 1873; "Correspondenzen des In- und Auslandes," *Wiener Kirchenzeitung für Glauben, Wissen, Freiheit und Gesetz in der Katholischen Kirche*, October 25, 1873; "Bismarck's Nerven," *Neue Freie Presse*, October 21, 1873; "Ausland," *Linzer Volksblatt*, October 25, 1873.

As Austrian liberals watched the reactions to the *Jesuitengesetze* and *Maigesetze* in Germany, they began to hope that this new round of laws would help them finally hold the Jesuits and, by extension, the entire Catholic clergy in Austria accountable for their (perceived) actions against the state. The liberals claimed that before the *Jesuitengesetze* had been enacted, "the [German] states were bound by the arms and the legs while the Vatican could freely execute its [subversive] maneuvers."[125] This view, of course, was the heart of the most persuasive argument that liberal politicians had for limiting Catholic involvement in politics: if Catholics were permitted to have control over governmental affairs, they would become merely papal puppets, using their power to serve the pope rather than the people. This led some liberals to paradoxically advocate the anti-liberal suppression of political participation as long as that suppression was aimed specifically at the Church.[126] The new laws, wrote the *Neue Freie Presse*, ensured that "whether they be a cardinal or village provost, archbishop or vicar, they are all under the Damocles Sword of the law…."[127] This declaration, which referred to the ancient Greek legend of Damocles, clearly showed that the liberals wanted to keep the Catholics under control through fear. To the liberals, as long as the law hung above their head like a sword, there was no way the Catholics could be free or comfortable to enjoy or exercise their ultramontane sensibilities and undermine the authority of the state.

Liberals in both Germany and Austria were careful to make the distinction between the adherence to Catholicism of Catholic *politicians* versus the people who happened to be Catholic.

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[125] "Die Sanctionirung der preußischen Kirchengesetze," *Neue Freie Presse*, May 16, 1873, 2.

[126] Michael B. Gross, "Kulturkampf and Unification: German Liberalism and the War against the Jesuits," *Central European History* 30, no. 4 (1997): 547.

[127] "Die Sanctionirung der preußischen Kirchengesetze," N*eue Freie Presse*, May 16, 1873, 2.

Papal influence in German and Austrian politics was a formal institution and thus a problem for issues of sovereignty when the politicians were, themselves, Catholic. However most of the Catholic laity were merely informally bonded to the power of the Church. The problems for these liberals were the priests, who were subservient to the Church, taking orders directly from the pope. The trepidation that Austrian liberals felt about this issue appeared in newspaper articles and pamphlets against ultramontanism for years before the *Kulturkampf* brought it to the fore. In one article from 1871 in the *Leitmeritzer Zeitung*, for instance, the author declared that it was a "sad fact" in contemporary society, that religious figures had such an important role in politics since they did not represent the people's interests. Their influence on the vote undermined the democratic underpinnings of the society they had hoped to build, as it ensured that the pope's position was just as important as the people of Austria — a level of power that should not be afforded to a foreign head of state. The article went on to say that the influence of the pope on domestic politics was not simply an Austrian problem, but a problem in the whole world.[128]

Nevertheless, not all liberals agreed with the *Jesuitengesetze* or the *Maigesetze*. Several liberal politicians had rejected the legislation because they feared it might be applied to other groups. Others argued that it was wrong to only target the Catholics, since Protestants had a similar problem of being slaves to their religion. This sentiment — that ultramontanism was not the problem, but rather religious interference in general — had its roots in Austria going back to the Concordat of 1855. The anonymous author of the pamphlet *Aphorismen über Protestantismus und Katholizismus, herausgegeben von einem Laien*, for instance, found many similarities from a liberal perspective between the situations of Protestants and Catholics in

[128] "Die Wahlen und der Clerus," *Leitmeritzer Zeitung*, December 16, 1871, 1-2.

Austria. The pamphlet claimed that both denominations had an improper influence in politics. The political realm, the author claimed, needed to be entirely separate from the spiritual realm.[129]

Throughout the Monarchy, bishops expressed dismay and outrage at the laws enacted in Germany. Rudigier claimed the liberals were instituting and continuing a war between the Church and the state.[130] He firmly believed that the Church and the state should work together, citing (as others had) the phrase "Von Gottes Gnaden" as the reasoning for this necessary relationship.[131] Rudigier found the *Jesuitengesetze* of 1873 particularly troubling. Writing in the *Linzer Diözesanblatt* on March 10, 1874, he condemned Germany's restrictive laws, relating them to a larger problem concerning Catholicism. After briefly discussing the imprisonment of the archbishop of Posen/Poznań and Gnesen/Gniezno in Prussian Poland, Rudigier claimed that the *Kulturkampf* in Germany was merely an extension of the slow dissolution of Catholicism at the hands of liberals and Protestants starting with the legal dismantling of the Concordat of 1855.[132] Rudigier, like many contemporary Catholics, was anxiously looking across the border at the laws enacted there, but it was not just the legal ramifications that worried him. His concern about the archbishop of Posen/Poznań and Gnesen/Gniezno extended to their shared transnational identity as Catholics as well as their shared experience of being imprisoned for

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[129] *Aphorismen über Protestantismus und Katholizismus, herausgegeben von einem Laien* (Schaffhausen: Johan Friedrich Schalch, 1856).

[130] Rudigier, "5. Oktober 1871, Ueber die Nothwendigkeit der Aenderung der neuen Schulgesetze zur Wahrung der Interessen der katholischen Religion," in Franz Doppelbauer, ed., *Bischof Rudigier's politische Reden* (Linz: Franz Doppelbauer, 1889), 352-358.

[131] Rudigier, "21. Dezember 1871, Ueber das Verhältnis zwischen Kirche und Staat," in Franz Doppelbauer, ed., *Bischof Rudigier's politische Reden* (Linz: Franz Doppelbauer, 1889), 207.

[132] Franz Joseph Rudigier, "VII. Mittheilung," *Linzer Diözesanblatt*, March 10, 1874, Oberösterreichisches Landesarchiv.

their beliefs. While Rudigier used his platform of the *Linzer Diözesanblatt* to consistently oppose the laws with an authority and clarity that indicated his unwavering certainty in his belief, privately, the bishop's letters to his old friend, Bishop Feßler, who was at this point in St. Pölten, expressed their mutual fears that they would soon be censored and, perhaps, even destroyed.[133] It is understandable, given his past legal troubles, that Rudigier harbored such trepidation, but he could not afford to show any such fear in public.

Throughout the years of the *Kulturkampf*, the Catholic press and Catholic priests and bishops continuously used the German laws as a vehicle for Catholic unity. Whether they were actually concerned about the legislation penetrating the border and making its way to the Habsburg Monarchy or were merely using it as an opportunity to unify Catholic political support, the fact remained that they had plenty to argue against. While *Das Vaterland* and the *Linzer Volksblatt* continuously asserted that the liberals were trying to rid the world of Catholicism altogether, they tended to stop short of advocating direct political action, most likely because there was nothing to really oppose. The *Kulturkampf* had no real power in Austria, and, for the most part, liberals did not seek the destruction of the Catholic Church, a point that *Neue Freie Presse* made quite regularly.

Despite the *Neue Freie Presse*'s denials that its journalists opposed Catholicism, however, *Das Vaterland* continued to use the liberal newspaper as a scapegoat. *Das Vaterland* called upon Catholics to unite and be strong against the enemies of the Church and, it argued, the

[133] Letter from Rudigier to Feßler, April 264 1872, Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP; Letter from Rudigier to Feßler, April 26, 1872, Box 6, Korrespondenzen, Feßler, Akten 2, Bischöfe 1, Bistum St. Pölten 3, Diözesanarchiv I, DASP.

Monarchy itself.[134] Meanwhile, journalists at the *Linzer Volksblatt* chose to focus their anger on the modern state, arguing that the people had turned liberalism into an idol. The paper compared the advancement of liberalism to the betrayal of Uriah by David in the Old Testament. Much like David who murdered Uriah so he could marry Bathsheba, the author claimed that the people of Germany and Austria were trying to achieve modernity through their own sinful measures: the advancement of liberalism.[135] Like *Das Vaterland*, the *Linzer Volksblatt* did not demand direct political action, but rather tried to forge a sense of Catholic solidarity, taking its cue from Rudigier. Whether their trepidation resulted from worry about provoking the liberals even more or because they knew there was practically nothing they could do about the situation in Germany is unclear. Nevertheless, by fostering the sense of a Catholic identity, the Catholic press hoped to mobilize political support for the Catholic cause without expressly calling for it.

Illustrating a feeling of hopelessness felt by many Catholics in 1873 was pamphleteer Reinhold Baumstark. In his pamphlet *Was uns noch retten kann*, Baumstark noted that in the light of the liberals' war against Catholicism, "the Catholic Church is in danger, and it is as much in Germany as it is in Austria. The danger is large and strong and it is all grounds to ask presently: 'What can save us now?'" He was angry that anyone who asked this question or tried to turn back the tide of liberal oppression was labeled as ultramontane. Still, it was the duty of any Catholic, Baumstark argued, to stop what he saw as the "destruction of the Catholic Church," regardless of whether he believed that the pope had a true jurisdiction beyond the spiritual realm. Baumstark, like many Catholics, believed that the new laws in Germany, which

[134] "Der 'Staatsgefährliche,'" *Das Vaterland*, September 13, 1871.

[135] "Der Moderne Staat," *Linzer Volksblatt*, December 17, 1871.

he argued were a direct result of the provisions of Vatican I, would intentionally destroy the Catholic Church.[136]

Baumstark was not an arch-conservative. He believed that it was necessary to limit Catholic political power to protect the government, but that limitation should be just limitation. It should not be a complete destruction, as Baumstark predicted it would be. Baumstark's impassioned call for action was unique in 1873, as he directly called for political action to stop the laws rather than simply condemn them. In contrast, the articles in *Das Vaterland* in 1873 after the *Jesuitengesetze* were enacted were fiery in their condemnation of the laws but relatively subdued in calls for political action. The Catholic newspaper was full of religious rhetoric attacking the laws, but in substance, the political rhetoric was mainly used as a cudgel against the *Neue Freie Presse*. There were no calls for a political party to turn against the liberals or actively change the situation. Baumstark, however, hoped to mobilize the Catholic and even non-Catholic base to save the rights of the Church and the rights of Catholics themselves.

In 1873, Austrian Catholics were not strong or united enough to create a party like the Center Party in Germany. Some still seemed to believe it was not necessary or that it would do no good. Others thought they should continue to advocate from a moral position rather than mobilizing politically. It was clear that it would take a more concerted movement to protect the interests of the Catholic Church in Austria, and a new intellectual voice was needed to finally link Rauscherian political theology with political morality. That voice was Karl von Vogelsang, who stepped in to fill the void just as Rauscher's light faded.

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[136] Reinhold Baumstark, *Was uns noch retten kann?* (Vienna: Carl Sartori, 1873).

The Death of Rauscher and the Rise of Vogelsang

1875 represented a momentous year in Austrian political-Catholicism. In some ways, it was a change of the guard to a new generation of leadership. In other ways, it was merely the culmination of the political-theological paradigm established by Cardinal Rauscher. This paradigm had emerged in reaction to 1848, was incubated by the Concordat of 1855, tested by the *Maigesetze* of 1868, and then finally solidified in affirmation of Vatican I and opposition to the specter of the *Kulturkampf* in Germany from 1869 to 1875.

Outside of Austria-Hungary, things looked dire for political Catholicism. The *Kulturkampf* continued in Germany, with the Prussian parliament passing the so-called "Breadbasket laws" which cut off financial support for Churches unless they signed an explicit document of support for the earlier Prussian laws.[137] It also established the basis for confiscating any Catholic newspapers which printed the papal encyclical *Quod Nunquam*, which had condemned the German *Maigesetze* as "invalid" and "totally [opposed to] the divine order of the Church."[138] Meanwhile, the backlash against the institution of the doctrine of Papal Infallibility continued to percolate as the Old Catholic movement gained momentum throughout Europe due, in part, to the support of liberals who intended to use it for the destruction of Catholic power (in the same way that Bismarck used the liberals' opposition to Catholicism for his own ends). In France, the Third Republic began in earnest to disentangle the Church from the state, which it

[137] "Gesetz, betreffend die Einstellung der Leistungen aus Staatsmitteln für die römisch-katholischen Bisthümer und Geistlichen," Nr. 8281 (Berlin: Verlag der königlichen geheimen Ober-Hofbuchdruckerei, 1875).

[138] Pius IX, "Quod Nunquam," Papal Encyclicals Online, February 8, 1875, https://www.papalencyclicals.net/pius09/p9quodnu.htm.

would attempt through several reforms that mirrored those of Germany's *Kulturkampf*.[139] All these developments seemed to be a threat to the stability of Catholic political power in the Habsburg Monarchy and a vision of things to come. However, it was at this point that a new figure stepped into the limelight in Vienna — Karl von Vogelsang.

Karl von Vogelsang came from a noble family in Germany. He studied law and political science in Berlin before the revolutions of 1848. These revolutions, however, colored his views on politics forever. In particular, his greatest enemy became (as was the case for many Catholics before him) liberalism.[140]

When he came to Vienna in 1863 with his family seeking new economic opportunities, they moved to their new estate that he dubbed "Magdalenenhof" in Bisamberg, just outside the city, where he lived until his death in 1890. By the time he arrived in Vienna, he was already well known in Bavarian Catholic circles, having published extensively in their newspapers. Upon coming to Austria, he began to shift his attention to Austrian Catholic politics. He, too, had watched the proceedings of the Vatican Council, had discussed the issues of Papal Infallibility both in public and in private, and had weighed Döllinger's *Altkatholiken* against the beliefs of the Church.[141]

By 1875, he had gained enough credibility and caché in the Catholic press in Austria that he was named the chief editor of *Das Vaterland*. Under his guidance, the newspaper went from

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[139] Of particular importance, as it was in Germany and in Austria, was the debate about schooling. See: Yves Déloye, "Ecole et citoyenneté: l'individualisme républicain de Jules Ferry à Vichy" (Paris: Presses de la Fondation nationale des sciences politiques, 1994).

[140] Erwin Bader, *Karl v. Vogelsang: die geistige Grundlage der Christlichen Sozialreform* (Freiburg: Herder, 1990), 72.

[141] Karl von Vogelsang, "Letter to P. Bülow from Vogelsang" (January 15, 1869), Doc 51, Mappe 19: Briefe von/an P. Bülow, SJ, Vogelsangs Nachlaß, KvVI.

an important newspaper to the main organ for the nascent Christian Social movement, a movement for which Vogelsang was the ideological and intellectual progenitor in Austria.[142] This movement soon gripped the minds of the Austrian Catholics after the successful formation of the Christian Social Workers Party (CSAP) in Germany in 1878. With Vogelsang's intellectual leadership and the proof that such a party could be successful, the trajectory of Catholic political-theology shifted dramatically over the next decade.[143]

While it was Vogelsang who led the charge of the Christian Social Party and its ascendance as a power in Austria, this development was only possible through the careful cultivation of the political-theological paradigm established by Cardinal Rauscher and accepted by his bishops such as Rudigier. Rauscher's leadership had been invaluable throughout the tumultuous years before and following the First Vatican Council. He had issued countless pastoral letters directing the people and stemming the tide of both the Old Catholic insurgency and the encroaching liberalism of the *Kulturkampf*. The key events that shaped Rauscher's more outspoken mode seemed to be the passing of the Austrian *Maigesetze* and the subsequent arrest and trial of Bishop Rudigier. These events, which essentially undid all the work he had done on the Concordat, spurred him to action. Following 1868, Rauscher shifted his tone from merely explaining the proper place of the Church within society to repeatedly and fiercely attacking the forces against which he was fighting.[144] While his practical efficacy had been fairly limited due

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[142] Reinhold Knoll, *Zur Tradition der Christlichsozialen Partei. Ihre Früh- u. Entwicklungsgeschichte bis zu den Reichsratswahlen 1907* (Wien: Böhlau, 1973), 169-70; John W. Boyer, *Political Radicalism in Late Imperial Vienna: Origins of the Christian Social Movement, 1848-1897* (Chicago: University of Chicago Press, 1981), 167-80.

[143] This final shift and the beginning of the Christian Social Party in Austria will be the focus of Chapter 6.

[144] This shift can clearly be seen through his writings following the passage of the *Maigesetze* in 1868, which systematically tore down each aspect of the laws. In 1868 and 1869 alone, Rauscher

to the fact that the liberals controlled the government, he nonetheless continued to try to shape the political environment that he wanted to see in Austria.

On April 7, 1875, Rauscher issued a Hirtenbrief concerning the developments in Austria and Germany since the *Maigesetze* of 1873. Rauscher began by discussing the nature of theology and its place in society. For Rauscher, theology was primarily a means of discerning truth. However, the inadequate theology of German Protestantism had led many to believe that theology was incapable of revealing the truth of God on its own. This pernicious belief had led many to turn away from theology and toward pure reason and science, which they mistakenly believed could give them greater knowledge. Science, he argued, could only go so far in determining the true nature of the universe, and an understanding of the divine was necessary to gain further understanding beyond the barest surface meaning.[145] Rauscher then began to defend the theological shifts that had been instituted in the Vatican council, particularly the doctrine of Papal Infallibility.

In his usual style, Rauscher condemned liberalism and the Old Catholics who opposed the reforms of Vatican I, arguing that they were not truly Catholic at all, just instruments of the state being used to destroy the Church. There was, of course, some truth in his argument, as the liberals did use the Old Catholics to divide Austrian Catholic political power. Rauscher concluded that, since their sole goal seemed to be the destruction of the Catholic Church altogether, they should not be called "Old Catholics," but rather "New Protestants." In the end, he gave a rousing call to "stand firm in faith, and the Lord will be with us in defending the flock

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issued eleven major speeches and a book detailing what he described as the assault on the Church. Rauscher, *Hirtenbriefe*, 284-653.

[145] Joseph Othmar Rauscher, *Hirtenbrief: 7 April 1875* (Vienna: Holzhausen, 1875).

of Christ against the powers of darkness." [146] The existential threat of liberalism and the schismatic potential of the old Catholics, Rauscher believed, should and could not overcome the power of the true believers if they were willing to work together to defend their faith. For Rauscher, it was imperative for his followers to learn the truth: that liberalism lied, that all Catholics had a duty to defend themselves against those lies, and that they should understand that the Church was the only arbiter of truth.[147]

One intriguing point of the April 7 *Hirtenbrief* is the way that Rauscher defended the Catholic Center Party in Germany. This party, according to Rauscher, was under direct siege from the forces of liberalism (and thus the forces of evil) that were in control of the German government. Though he stopped short of pledging support to the new Catholic Center Party, he noted that it was one of the only forces standing in the way of the encroaching hordes.[148]

Of course, Rauscher was still part of the old guard, and thus he continued to lean on the old customary deference to "Render unto Caesar," but he did manage to go one step further, qualifying the statement by referring to Caesar Diocletian, who undertook a major persecution of Christians in Rome just before they won official status under Constantine. In a return to form, he alluded to the ideas of Aquinas, arguing that this deference to authority is somewhat limited and opposition is sometimes required. For Rauscher, the *Kulturkampf*, the Old Catholics, and encroaching liberalism in Austria-Hungary were like Diocletian, hellbent on the destruction of the Church, but destined to be turned back by the forces of God. His call for his flock to resist the imposition of the government on their religion, his tacit support for the Catholic Center Party,

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[146] Joseph Othmar Rauscher, *Hirtenbrief: 7 April 1875* (Vienna: Holzhausen, 1875).

[147] Joseph Othmar Rauscher, *Hirtenbrief: 7 April 1875* (Vienna: Holzhausen, 1875).

[148] Joseph Othmar Rauscher, *Hirtenbrief: 7 April 1875* (Vienna: Holzhausen, 1875).

and, finally and most importantly, his excoriation of his people to vote if possible clearly demonstrated the direction he hoped the Church in Austria would go. Though he did not live to see it take form, his nebulous vision of Catholic politics in Austria as a force to oppose liberalism and regain the power he had envisioned since 1848 eventually became a reality with the ascendance of Karl von Vogelsang and, by 1893, the Austrian Christian Social Party.

On November 24, 1875, seven months after his last *Hirtenbrief* and at seventy-eight years old, Rauscher passed away. Newspapers throughout Austria extolled his virtues as a leader. Even the liberal *Neue Freie Presse* begrudgingly paid its respects to the man whose pastoral letters, they argued, were a "declaration of war against the attempts of the modern state to free itself from the shackles of the Church." In the end, the paper argued, he had been a worthy opponent with whom they were always happy to spar, often offering the "opportunity for lively discussion and energetic resistance." He would, the authors concluded, always be associated with their era of history, whether they liked it or not. Though the article declared that Rauscher had become less forceful in his political opinions in the last few years, owing to developments outside of Austria, this assertion seemed more wishful thinking on the part of the liberals or, at the very least, an attempt to persuade anyone who might be inclined toward his particular ideas of political theology to be similarly passive.[149] The Catholic newspapers, however, painted a different picture.

Das Vaterland, under its new editor, Karl von Vogelsang, delivered a rousing obituary, declaring that Rauscher's fiery speeches and yet friendly disposition were an inspiration to all who heard him. It listed the many different ways that Rauscher had influenced the Church in Austria and abroad and how he had attempted to preserve Catholicism in the face of almost

[149] "Cardinal Rauscher," *Neue Freie Presse*, November 25, 1875.

certain defeat. "When someone such as him comes along," the paper proclaimed, "of him we can joyfully proclaim: His works will continue."[150] While the successors to Rauscher as Archbishop of Vienna certainly did not exude the same gravitas, the two who followed — Johann Baptist Rudolph Kutschker (1876-1881) and Cölestin Ganglbauer (1881-1889)— had both personally known and respected Rauscher and dedicated themselves to continuing his legacy. Their dedication, combined with the call to arms from *Das Vaterland* (as well as the waning power of the liberals in the Habsburg Monarchy) ensured that Rauscher's ideas would continue and the expansion of Rauscher's political-theological paradigm continued well past his death.

Conclusion

In the years that followed 1875, the political situation in the Habsburg Monarchy changed dramatically. The influence of Karl von Vogelsang and the beginning of the Christian Social Party in Austria contributed to the major political realignment of the state following the institution of the so-called "Iron Ring" of Count Eduard von Taaffe, which ushered in a resurgence of conservative politics in 1879.[151] Though the Church's theological position did not play a leading role in the Taaffe government, the more combative political-theological paradigm of Rauscher that developed following the *Maigesetze* in Austria, the Vatican Council, and the fear of the *Kulturkampf* in Germany created the theological backing by which others could take advantage of the Taaffe government in order to restore the political space of the Church.

[150] "Se. Eminenz Cardinal Rauscher," *Das Vaterland*, November 25, 1875.

[151] William A. Jenks, *Austria under the Iron Ring: 1879-1893* (Charlottesville: University Press of Virginia, 1965). See Chapter 6.

While the Church's position never reached the level it had in the height of its power under the 1855 Concordat, the power it achieved in the 1870s and beyond was a direct result of the political-theological paradigms that followed from the tumultuous year of 1848. While Rauscher was unable to see the fruits of his labor, Karl von Vogelsang's intellectual prowess allowed him to take what he learned from Rauscher and exploit this new paradigm to create one of the longest-lasting parties in Austrian political history. The creation of the Christian Social Party in 1893 was the culmination of all of his work and demonstrated the importance of the new balance of political-theology that was deft enough to maneuver in a modern political age.

Chapter 6: Karl von Vogelsang and the Beginning of the Christian Social Party

In 1889, the *Österreichische Monatsschrift für Gesellschaftswissenschaft und Volkswirtschaft* (hereafter, *ÖMGV*) celebrated the tenth anniversary of its founding by Karl von Vogelsang in 1879.[1] To commemorate the event, Vogelsang looked back at what the publication, the burgeoning Christian Social movement as a whole, and (by extension) he, himself, had achieved over the last decade. While the movement, which sought to blend the ideas of Christian charity and piety with economic reform, began as a "voice crying in the wilderness," he argued, the ideas it espoused had begun to take hold throughout the Habsburg Monarchy. Above all, the *ÖMGV* stood for the belief that one could only understand economics, freedom, law, and all other aspects of society through the lens of Christianity and its "revealed truth."[2]

While his pronouncement was perhaps a bit grandiose, as the readership of the *ÖMGV* was quite low compared to other newspapers and journals in Austria, there was significant truth to what he said. Since he first came to the Habsburg Monarchy from Bavaria in 1863, the monarchy had changed significantly. By 1889, liberal control of the government had declined significantly since the 1870s. Vogelsang's brand of Christian Socialism had taken hold, fallen out of favor, and taken hold again, this time with more electoral support, most notably in Vienna. Before his death in 1888, Count Leo Thun, Vogelsang's patron, had begun to sour on him, as Vogelsang became more radical and antisemitic. Nevertheless, Vogelsang's ideas influenced the

[1] By this point, the publication was known as the *Österreichische Monatsschrift für Christliche Sozialreform*, having changed names in 1883, but for the purposes of this dissertation, we will utilize its first name for both the full title and the abbreviation, *ÖMGV*.

[2] Karl von Vogelsang, "Zum neuen Jahr," *Monatsschrift für christliche Sozial-Reform*, vol. 11, 1889, 2.

political situation in the Habsburg Monarchy, most importantly in Vienna, as a new politician led the creation of the Christian Social Party. This man, who was able to exploit the groundwork laid by Vogelsang and all those who influenced him was the future mayor of Vienna, Karl Lueger.

Throughout his time as the editor of the monthly journal, the *ÖMGV*, Vogelsang consistently engaged with and spread ideas of political theology to the German-speaking public in Austria. Vogelsang did so by combining the formal theological works of the Catholic Church with practical economic and social concepts. Then, using the daily newspaper, *Das Vaterland*, Vogelsang repackaged his theological ideas, which were more suited to an academic audience, in a way that was more accessible to the average reader. In so doing, Vogelsang created a popular public theology in the Habsburg Monarchy. Building on the ideas of people such as the now-deceased Cardinal Rauscher, he argued that "Christianity is not just for the hereafter, but for the here and now," and thus should be accessible to ordinary people in order to give them something to make their lives better not just spiritually, but economically.[3] As a result of this new mode of theological discourse, he, in some ways, confirmed the greatest fears of the apolitical type of political theology espoused by Milde in 1848. For Milde and others like him, theology, if used as a political end, could be exploited by an unscrupulous politician, regardless of how closely his interpretations hewed to the orthodox Catholic belief. For Vogelsang theology was both an explication of the revealed truth of God and also, through such explication, a legitimization of political ideals. Through the Church's acceptance of his use of theology, however, Vogelsang's work did, indeed, open the door for politicians, like Karl Lueger, to use Vogelsang's political theology to cynically advance his own aims.

[3] Karl von Vogelsang, "Zum neuen Jahr," in *Monatsschrift für christliche Sozial-Reform*, vol. 11, 1889, 1.

The theological shift toward political action was, for early adopters like Bishop Rudigier and Cardinal Rauscher, revolutionary. The revolutionary nature of this shift helps to explained the upper clergy's reticence about accepting it in Austria. But the paradigm shift was also a slow revolution, the result of decades of changes, not just in Austria, but in the Catholic Church as a whole. It paved the way for greater cooperation between lay politicians and Church theologians to interact in a more direct way than ever before. Rauscher's continued and extensive use of the pastoral letter to reach the laity embodied this idea.[4] For Vogelsang, however, this shift helped justify greater and immediate action to help the lower classes (meaning, in his view, working-class German Catholics as opposed to Jews) and preserve Catholic moral teachings in his adopted home of Austria. It was through this new paradigm that Vogelsang was able to create a popular political theology and the intellectual ideological underpinnings of what became the Christian Social Party.

While Vogelsang was certainly not completely isolated from Church hierarchy, having consistent correspondence with priests and bishops throughout Austria, as a convert from Protestantism and a member of the laity, he nonetheless was still an outsider to the formal institutions of the Church. Nevertheless, his theological works make him a kind of popular public theologian, one who was active much earlier than many historians of theology have considered.[5] His ideology, revealed both in the more intellectual *Monatsschrift* and the popular *Das*

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[4] Albert Ettmayer, "Die Hirtenbriefe des Wiener Fürst-Erzbischofs Joseph Othmar Kardinal Rauscher: ein Beitrag zur österreichischen Kirchenpublizistik in der zweiten Hälfte des 19. Jahrhunderts" (Vienna, Universität Wien, 1982).

[5] Boyer argues that it was precisely his detachment from the mainstream that made him a more active and dynamic figure in a more traditional arena of Catholic politics in the Habsburg monarchy. John W. Boyer, *Political Radicalism in Late Imperial Vienna: Origins of the Christian Social Movement, 1848-1897* (Chicago: University of Chicago Press, 1981), 161.

Vaterland, proved indispensable to connect Austrian Catholic theology since 1848 with popular anti-liberalism.

While earlier historians, such as John Boyer, have discounted the importance of theology and theological discussions in the development of the Christian Social Party in Austria, it is clear that a change in the paradigm of political theology in the Austrian Church and, indeed, the Catholic Church as a whole, was a prerequisite for the foundation of the Christian Social Party. The shift in theology that had occurred over the previous three decades, ushered in by Cardinal Rauscher and reinforced by the First Vatican Council, made it possible for Vogelsang's writings to gain popularity both among the Church hierarchy and the laity. Likewise, Vogelsang's work was necessary to popularize the new theological paradigm among the laity and to mobilize the movement that eventually became the Christian Social Party. Thus, the theological shifts in the Austrian Catholic Church, through the new popular public theology of Karl von Vogelsang, made possible the establishment of the Christian Social Party in Austria in the late nineteenth century.

Popular Political Theology

It is the contention of this dissertation that Vogelsang's works should be understood as "popular public theology." The idea of a popular public theology, and, in particular, one primarily focused on the social and political needs of the people rather than simply their spiritual needs, is a relatively new concept in the study of theology, which traditionally focused on the formal theology that had been a part of Church teaching for centuries. Traditionally, the Catholic Church has understood theology as an academic exercise undertaken internally within the Church. This understanding derives from the Church's claim to spiritual authority that discounts

or even bans outside interpretations of scripture. However, as theologian Graeme Smith notes, "we find theological thinking in culture produced by those not formally trained in the discipline but still articulating ideas which fit within the categories of traditional theological thinking."[6] Vogelsang certainly fits the mold of a popular public theologian.

Popular public theology, as defined by Smith is "the informal and unofficial theological speech of society, distinct from the more formal theology of the Church and academy."[7] Smith's definition is extremely broad, but it is defined partly by its "informal and unofficial" nature. While allowing for "informal and unofficial" theological discussions seemingly works to broaden the definition of theology, it nonetheless closes off the idea that popular theology can be formal while still being unofficial. The formulation of popular public theology as necessarily informal might lead to its rejection by more traditional theologians, who argue that theology must be a formal exercise. I contend that this definition should be broadened even further to include formal work undertaken unofficially, that is, outside the auspices of the Church hierarchy. A broadening of this definition helps us understand the works of Karl von Vogelsang, both in *Das Vaterland* and the *ÖMGV*. *Das Vaterland* is admittedly less formal, but the articles in the *ÖMGV*, as will be shown later, could be quite formal if still unofficial from the Church's point of view. Vogelsang's multi-part studies (in particular, "The Material Situation of the Working Class in Austria,") were formal economic studies that were self-consciously intended to

[6] Graeme Smith, "A Popular Public Theology," *Political Theology* 16, no. 1 (January 2015): 24.

[7] Smith, "Popular Public Theology," 20.

support the theological points he was making elsewhere in the *ÖMGV*.[8] To call these studies informal is inaccurate.

It is worth noting that theological historians often associated popular public theology with modern movements that sometimes exist in opposition to the established norms of the Catholic Church. Perhaps the most salient modern example is that of "liberation theology," which developed in Latin America, in part as an opposition to colonialism and its aftermath.[9] Vogelsang's theology was not necessarily in opposition to the norms of the Church at the time, as his ideas gained acceptance even by Pope Leo XIII in his influential encyclical, *Rerum Novarum*, but the fact that his theological works were not initially accepted in the whole of the Church during this period nonetheless fits the idea of an oppositional theology. Vogelsang's use of *Das Vaterland* as a means of reaching the masses constitutes a facet of popular public theology, particularly when used in combination with the *ÖMGV*. These two works, together, created a level of deliberate engagement with both the theological ideas and the popular beliefs to fit the criteria of a modern popular public theology.

Despite the potential condescension that comes with labelling popular public theology unofficial and/or informal, the term is nonetheless useful and encompasses a variety of works and people who otherwise would not be counted in the formal definition of "theology" or "theologians." As a part of this inclusivity, one can conceive of popular public theology as an exploration of not just traditional theological avenues, but also the idea of political theology.

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[8] "Die materielle Lage des Arbeiterstandes in Österreich," *Österreichische Monatsschrift für Gesellschaftswissenschaft und Volkswirthschaft*, vol. 5, Nov-Dec, 1883, 561-629.

[9] For a primer on Liberation Theology, see: Christian Smith, *The Emergence of Liberation Theology: Radical Religion and Social Movement Theory* (Chicago: University of Chicago Press, 1991).

Chapter one of this dissertation defined political theology as the study of divine nature as it relates to politics. It then went on to show that political theology in its formal context generally refers to the work of the Church, but this work is necessarily defined and bounded by the work of the laity.[10] Nevertheless, in this formulation, political theology is still, at least in theory, the work of the Church. This dissertation holds that a further special distinction should be drawn between popular public theology and popular political theology, recognizing that this distinction indicates a more explicitly politically-connected idea than the broader term popular public theology might afford. When we affirm the understanding that political theology can potentially exist in the same mode as a popular public theology, we can then conceive of this "popular political theology," which is (combining the definitions of popular public theology and political theology and adding the inclusivity of formality as well as informality), the formal or informal unofficial theological speech of society, distinct from the official theology of the Church, which studies divine nature as it relates to politics.

By at least 1879, with the founding of the *ÖMGV*, Vogelsang undoubtedly engaged in popular political theology by combining the informal articles aimed at the broader public in *Das Vaterland* with the formal articles aimed at theologians and economists in the *ÖMGV*, which he used to seek an understand the relationship between a political society and the will of God with a particular emphasis on the economic dimension of both politics and Christianity.

Austria after 1875

While Vogelsang and other Christian Social politicians would have liked to accept the approbation/blame for the decline of liberalism in the Habsburg Monarchy, the reality is that this

[10] See: Chapter 1.

decline had more to do with the liberals' own internal problems than Vogelsang. Since 1866, the liberals that had dominated Austrian politics (and who would continue to control Austria until 1879), had started to lose favor with the emperor. The disastrous Austro-Prussian War of 1866, the capitulation to Hungarian demands with the Ausgleich of 1867, and, as William A. Jenks described, a liberal government that "had already shown signs of fatigue and of a lack of imagination after years of governing," all combined to cause a slow decline of enthusiasm for liberal politics throughout the empire.[11] The fortunes of the liberal control over the Habsburg Monarchy began to fade. As a result, a series of conservative politicians were able to take control of the government, paving the way for Vogelsang's ideas to gain more acceptance throughout the Monarchy.

It was not just a lack of imagination that lead to the downfall of the liberal coalition, however. Nationalism caused he first major crack in their ability to govern. Nationalist tensions had been slowly increasing throughout the late nineteenth century.[12] German nationalists, on the

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[11] William A. Jenks, *Austria under the Iron Ring: 1879-1893* (Charlottesville: University Press of Virginia, 1965), 28. For more on the overall history of liberalism in Austria, see Pieter M. Judson, *Exclusive Revolutionaries: Liberal Politics, Social Experience, and National Identity in the Austrian Empire, 1848-1914* (Ann Arbor: University of Michigan Press, 1996).

[12] Several studies show this general pattern, including Robert A. Kann, *The Habsburg Empire: A Study in Integration and Disintegration* (New York: Octagon Books, 1973); Paula Sutter Fichtner, *The Habsburg Empire: From Dynasticism to Multinationalism* (Malabar, Fla.: Krieger Publishing Company, 1997); Bradley F. Abrams, *The Struggle for the Soul of the Nation: Czech Culture and the Rise of Communism, The Harvard Cold War Studies Book Series* (Lanham, MD: Rowman & Littlefield, 2004); Hugh LeCaine Agnew, *The Czechs and the Lands of the Bohemian Crown* (Stanford, CA: Hoover Institution Press, 2004). Though some have rightly questioned the validity of teleological nationalistic arguments, showing that the reality of national tensions may be overplayed in the literature, these tensions nonetheless rose considerably in the late nineteenth century and played a real role in the politics of the time. For more on nationalist apathy, see István Deák, "Comments," *Austrian History Yearbook* 3, no. 1 (January 1967): 303–8; Jeremy King, *Budweisers into Czechs and Germans: A Local History of Bohemian Politics, 1848-1948* (Princeton: Princeton University Press, 2002); Pieter M. Judson, *Guardians of the Nation: Activists on the Language Frontiers of Imperial Austria* (Cambridge, Mass: Harvard University Press, 2006); Tara Zahra, *Kidnapped Souls: National Indifference and*

one hand, were heartened by the unification of Germany, but were also unhappy not only that the unification of Germany occurred under the Prussians and not under the Habsburgs, but that the Germans in the Habsburg Monarchy were excluded from this project. Likewise, Czech nationalists sought to gain more autonomy in the Bohemian lands, especially following the quasi-sovereignty given to the Hungarians in the 1867 *Ausgleich*. However, a bid for similar autonomy in 1871 failed when the so-called *Fundamentalartikel*, which would have established a trialist system instead of the then-current dualist system, failed to pass in the parliament. This was a major blow to the Czech nationalists, ensuring that they would not have autonomy until the end of the Habsburg Monarchy and the creation of Czechoslovakia following World War I.[13] Furthermore, Emperor Franz Joseph had expended quite a bit of time and effort at trying to arrange this legislation. The failure of his effort inaugurated the emperor's disillusionment with the liberal politicians, who annoyed him by continuously opposing his ideas. By 1879, when the Liberals began pushing against his foreign policy, Franz Joseph turned against them entirely.[14] Though the imperial administration had increasingly become independent of the emperor, who had been on the throne for more than thirty years, he nonetheless still exerted considerable power over the administration of his state. It would be his intervention that would end liberal

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the Battle for Children in the Bohemian Lands, 1900-1948 (Ithaca: Cornell University Press, 2008); Tara Zahra, "Imagined Noncommunities: National Indifference as a Category of Analysis," *Slavic Review* 69, no. 1 (2010): 93–119.

[13] Christian Scharf, *Ausgleichspolitik und Pressekampf in der Ära Hohenwart: die Fundamentalartikel von 1871 und der deutsch-tschechische Konflikt in Böhmen* (Munich: Oldenbourg, 1996).

[14] John Deak, *Forging a Multinational State: Statemaking in Imperial Austria from the Enlightenment to the First World War* (Palo Alto: Stanford University Press, 2015), 183, 197.

domination when he appointed his childhood friend, the conservative reformer Count Eduard Franz Josef von Taaffe, as his Minister President in 1879.[15]

Taaffe was a part of a well-connected noble family. His family had been in the Habsburg lands since 1690, having arrived from Ireland after the failure of James II's Irish forces in the Williamite War following the decisive Battle of the Boyne.[16] Count Ludwig Patrick Johannes von Taaffe, Eduard's father, married Eduard's mother, Princess Amalie von Bretzenheim de Regecz, in 1822, giving Eduard Irish, German, and Hungarian noble lineage. While it did not have a direct effect on his governance, the international character of Eduard Taaffe's ancestry illustrates the non-nationalist attitudes common among many members of the nobility at the time. Throughout his life, Taaffe's father had several positions in the Habsburg bureaucracy, and served briefly as Minister of Justice in 1848 under Emperor Ferdinand. Because of Ludwig's positions and connections, Taaffe grew up with the future emperor, Franz Joseph, as a friend.[17]

In 1861, following his law studies at the University of Vienna, Taaffe became the *Staathalter* of Bohemia, that is, the head of Habsburg administration representing the monarch in the district government. It was here that he began to demonstrate his opposition to the forces of nationalism which grew in intensity in that period. He believed that a strong Habsburg state should involve mutual cooperation and equality for all nationalities within the empire, bound together in the person of the emperor. His argument that Habsburg subjects should be "above the

[15] Deak, *Forging a Multinational State*, 197.

[16] Jenks, *Iron Ring*, 29.

[17] Jenks, *Iron Ring*, 29.

parties," likewise demonstrated his pragmatism that governed his later time as minister president.[18]

By 1863, Taaffe was the *Landeschef* of Salzburg. Following a brief moment as *Staathalter* of Upper Austria, he was appointed Minister of the Interior by Count Friedrich Ferdinand Beust in 1867. Beust had been the Foreign Minister, but was appointed as minister president after the dismissal earlier that year of Richard Belcredi, who was both unpopular with the German liberals and who had been upset by the emperor's negotiations with the Hungarians. Following the disastrous war with Prussia in 1866, Beust, a Saxon, seemed to appeal to the northern Bohemian Germans, who saw him as a fellow German.[19] Beust was tasked with passing the *Ausgleich* in 1867 and drafting the new constitutional laws that put it into place.[20] But in the course of doing so, he alienated the Czech politicians, who were already upset with the dismissal of Belcredi and who saw Beust's courting of the German liberals as a betrayal. Nevertheless, he managed not only to complete the *Ausgleich*, but he also instituted the December Constitution. This constitution, as noted in Chapter 4, was deeply unsettling to the Catholic conservatives because through it the liberals enacted the *Maigesetze*, which reduced Catholic control of schools, enabled civil marriage, and reduced the Church's rights over children who resulted from a marriage between a Catholic and Protestant. Moreover, the five laws that allowed the liberals

[18] Jenks, *Iron Ring*, 30; Arthur Skedl, *Der politische Nachlass des Grafen Eduard Taaffe* (Vienna: Rikola Verlag, 1922), 15-17.

[19] Mark Cornwall, "The Construction of National Identities in the Northern Bohemian Borderland, 1848-71," in *Different Paths to the Nation: Regional and National Identities in Central Europe and Italy, 1830-70*, ed. Laurence Cole (Basingstoke England ; Palgrave Macmillan, 2007), 153.

[20] Deak, *Forging a Multinational State*, 169

to gain control of the government in the late 1860s also created discord among the nationalistic factions of the liberal coalition that persisted well beyond their initial adoption.[21]

Eduard Taaffe worked as the Deputy Prime Minister to Prince Karl von Auersperg until Auersperg's resignation in protest of what he saw as Beust's interference in negotiations with the Czechs in 1868. Following Auersperg's resignation, Taaffe assumed the role of Minister President for the first time. However, the cabinet under Taaffe was constantly at odds with the centralists, and eventually the cabinet ministers issued a collective resignation in January 1870 in order to try to appease this faction.[22] The problems of the increasingly divided government, however, continued to plague the liberals' ability to govern. Throughout the 1870s national tensions led to the desertion of several factions within the Reichsrat. By 1879, the stage had been set for the return of Taaffe as minister president and the beginning of the so-called "Iron Ring" that epitomized the brief period of Taaffe's pragmatically conservative hold on the government.[23]

As noted previously, the beginning of the slide away from liberal control of the government came with the disastrous Hohenwart administration and its failure to pass the *Fundamentalartikel*. The liberals at the time counted Hohenwart's failure as a victory, but it had long-term effects that damaged their perceptions among centrist factions in the Empire. Hohenwart's efforts in his short-lived administration aimed at reforming the Habsburg state

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[21] An example of this dynamic can be seen in the province of Vorarlberg, as shown by Hubert Weitensfelder, *"Römlinge" und "Preußenseuchler": Konservativ-Christlichsoziale, Liberal-Deutschnationale und der Kulturkampf in Vorarlberg, 1860 bis 1914* (Wien: Verlag für Geschichte und Politik, 2008).

[22] Jenks, *Iron Ring*, 31.

[23] Jenks, *Iron Ring*, 31.

among "federalist" lines to both make the government more efficient and to help pacify the Czech politicians, who had been preventing the passage of even basic laws in the parliament. However, this ideal of federal cooperation was in stark contrast to the realities of a government that was increasingly fractured along nationalist lines. The problems that had eventually led to the resignation of the Taaffe cabinet in 1870 and the eventual dismissal of Beust as the *Reichskanzler* (a title that would not be passed down after his term ended) did not disappear under the leadership of Andrassy or Hohenwart. The attempt to face down the liberal factions in the government encountered fierce opposition based not on liberalism or conservatism, but on lingering nationalist issues — in particular the antagonism between Czech and German nationalists. This led to the failure of Hohenwart and, for a very short time, a resurgence of liberalism in 1873 following overwhelming liberal electoral victories. However, a cholera epidemic in the Summer of 1873, followed by an economic downturn after a stock market crash in May of the same year eroded much of the confidence in the liberal regime among electors.[24]

In some ways, Hohenwart's attempt to create a federalist government that was not loyal to any particular party resembled the last gasps of Archbishop Milde's "apolitical Catholicism." Both were attempting to hold onto an idea of their office being above the petty political issues in service of a higher goal. For Milde the higher goal was the attempt to maintain the salvation of the people while ignoring the encroaching liberalism of 1848. For Hohenwart it was the attempt to maintain control of the empire while ignoring not only the widening conservative/liberal divide following the rising fears of the *Kulturkampf* in Germany (see: Chapter 5), but also the complex back-and-forth of nationalist groups. Both approaches proved to be ineffective. For

[24] John W. Boyer, "Liberalism Ascendant: State Politics and Administration in the Austrian Lands, 1867–1879," in *Austria 1867–1955* (New York: Oxford University Press, 2022).

Hohenwart, currying favor with the Germans alienated the Czechs, and seeking to appease Czech nationalist goals was similarly met with outright hostility by the Germans.[25] The failure of the *Fundamentalartikel* and, thus, the trialist system of governance only further demonstrated the degree to which this divide could not be bridged.

The fight over the Fundamental Articles had been simmering since the adoption of the *Ausgleich* in 1867. Czech nationalists wanted the same degree of self-government as the Hungarians, arguing that the crown of St. Wenceslas was just as powerful as that of St. Stephen. The compromise that Hohenwart conceived and the emperor advocated promised that the Bohemian diet would no longer report to the Austrian parliament, thus granting Bohemia limited autonomy in the same fashion as the Hungarians. In return, the Bohemians, who had been protesting the imperial parliament, would return to federal governance and would recognize the 1867 Compromise, which they had to this point rejected.[26]

As expected, the Bohemian Czech nationalists were elated with the compromise, but the Bohemian Germans became enraged. Beust and the Hungarian leader Julius Andrassy both petitioned the emperor to end the attempt at reform, arguing that it would potentially lead to unrest in Cisleithania and even potential Prussian intervention. By the fall of 1871, the emperor decided to abandon the trialist system, which led to an even deeper rift with the Bohemian Czechs.[27] Though the nationalist liberal factions in Austria could celebrate their victory in defeating the Fundamental Articles and the Hohenwart administration, the tactics they used only increased Franz Joseph's ambivalence about the liberals. In the end, despite the liberals gaining

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[25] Boyer, "Liberalism Ascendant," n.p.

[26] Scharf, *Ausgleichspolitik und Pressekampf*, 70.

[27] Deak, *Forging a Multinational State*, 183.

another opportunity to govern in 1873, the fight over the trialist system led to the beginning of the emperor's disillusionment with liberal politicians in the Habsburg lands.

The final collapse of liberal power in Cisleithania came because of liberal opposition to Bosnia. The liberal hold on the government had been slowly unraveling since the emperor decided to occupy Bosnia and Herzegovina at the 1878 Congress of Berlin. The potential to add even more Slavic groups to the Habsburg Monarchy enraged the German nationalist factions, who saw things through the lens of a conflict of nations. When, led by Herbst, they voted against the treaty that certified the occupation of Bosnia and walked out of the governing coalition, liberal control of the government ended.[28] It was at this point that Franz Joseph turned against the liberals once and for all, appointing Taaffe, once again, as prime minister.

In his second term, Taafe oversaw a new election and, pragmatically, built a coalition with the conservative members of the Polish Club, the clerical conservatives, and the "Old Czechs," who ended their boycott of the imperial parliament as a means of drawing a distinction between themselves and the liberal Germans who had walked out. This government, known colloquially as the "Iron Ring," formed the basis of a conservative Catholic resurgence in Austrian political life.[29] While, indeed, the liberals were also largely Catholic, the conservative political Catholicism of the Taafe government took a very different view of the role of the Church in the government. The various factions of the Iron Ring were vocally Catholic, particularly with the inclusion of the Polish Club and the clerical elements of the political establishment. It was also the beginning of the repudiation of the "non-Party" politics of Hohenwart and others, providing the arena for the new explicitly Catholic political movement to

[28] Boyer, "Liberalism Ascendant," n.p.

[29] Jenks, *Iron Ring*, 36.

take hold. While much of this Catholic movement was merely anti liberal, it nonetheless stemmed from a personal devotion to religion, much in the same way that older Catholic leaders like Archbishop Milde had hoped. In short, it was a conservative movement that was also Catholic rather than a Catholic movement that wanted the resurgence of Catholic political life in the governance of the Monarchy. The opposition of the emperor toward liberalism, following the actions of people like Herbst, likewise aided the Catholic ascendency, as many Catholics saw an opportunity to retake control of the government.[30]

The rise of the conservative Catholic political resurgence coincided with the beginning of Karl von Vogelsang's rise to prominence in public life. He set his new political theories against the backdrop of a final fight against liberalism. From 1875 to 1889, Vogelsang directly opposed the liberals, seizing on their problems and fractious nature as a means of expanding Catholic control of the government, even after the liberals had largely lost power.[31] "Liberalism," he argued, had "exceeded the limits of its possibility to develop in Germany as well as Austria." As such, it not only should be destroyed a means of preserving the influence of the Church, but simply to fulfill the laws of nature, as liberalism was, to him, unnatural.[32] Furthermore, Vogelsang signaled that the political situation throughout Europe mirrored that of Austria, with liberalism in decline in favor of Catholic politics. This inevitability was a rhetorical strategy

[30] Boyer, "Liberalism Ascendant," n.p.

[31] There are countless examples of Vogelsang's use of liberals in *Das Vaterland*, especially "Katholisch und conservativ," *Das Vaterland*, 9 August 1875; "Der Streit unter den bayerischen Katholiken," *Das Vaterland*, 28 August 1877; "Die Ungarische Wahlen," *Das Vaterland*, 13 August 1878; "Die deutschnationalen und die confessionelle Schule," *Das Vaterland*, 16 November 1887, 2.

[32] "Conservative Aussichten für Oesterreich," *Das Vaterland*, 15 June 1877.

meant to bolster support for the movement even before it had fully gained traction in the Monarchy.

Perhaps the greatest shift to affect Habsburg politics came from outside the Monarchy. As Taaffe began his control of the "Iron Ring," Europe as a whole experienced a renaissance of Catholic political activity with the rise of Christian Socialism and Christian Democracy in Germany, Belgium, Switzerland, and the Netherlands. Christian Socialism, which sought to blend Catholic social teachings with politics, was in part a response to the *Kulturkampf*. The reactions to Bismarck's political pragmatism in the Habsburg Monarchy (as discussed in Chapter 5) similarly occurred in other states. Throughout Europe, a new Christian-centric platform spread that focused on social reform from a theological point of view.[33] In some instances, Christian Socialism was a direct repudiation of and alternative to socialism, also gaining ground at this time. Following the direction of the pope in his encyclical "*Quod Apostolici Muneris*" in 1878, which condemned socialism, these Christian Social parties began to formulate specific actions to counter both liberalism and socialism, such as expanding protections for workers in factories and grounding the measures in Catholic ideology rather than socialist or Marxist ideology.[34]

One such action that preceded the papal declaration (but nonetheless became an example of how such work could proceed) was the Swiss Factory Act of 1877. This act limited working hours and provided other benefits such as maternity benefits to factory workers. These goals, which were similar to the goals of socialists, were nonetheless framed as based on Christian

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[33] This movement is explored in depth in: Ellen Lovell Evans, *The Cross and the Ballot: Catholic Political Parties in Germany, Switzerland, Austria, Belgium and the Netherlands, 1785-1985* (Boston: Humanities Press, 1999); Stathis N. Kalyvas, *The Rise of Christian Democracy in Europe* (Ithaca: Cornell University Press, 1996).

[34] Leo XIII, "Quod Apostolici Muneris," Papal Encyclicals, December 28, 1878, https://www.papalencyclicals.net/leo13/l13apost.htm.

morality. Taafe's government adopted the main ideas of these acts and others like them, signaling its shift toward these Christian Social beliefs.[35] Moreover, it signaled the transnational Catholic dimension of these movements, owing not just to any particular context but to the shifting political theological paradigm of the entire Church. Other parties in Germany, Switzerland, Belgium, and the Netherlands began to explicitly advocate similar measures.

In the Habsburg Monarchy, with the tacit support of the Iron Ring, reformers such as Vogelsang began to take the stage and advocate for similar views. It would take some time before Vogelsang's ideology began to have a larger degree of acceptance among national politicians. Nevertheless, during Taafe's administration, the ideas of Christian Socialism in Austria underwent a slow developmental process, both privately in Vogelsang's correspondence with priests and other Church officials and publicly on the pages of his newspaper, *Das Vaterland*. The rise of the Taaffe government following the collapse of the liberal coalition proved to be the perfect incubator for Vogelsang's ideas to develop and become influential in the state — a process that was now possible due to the new theological paradigm ushered in by Cardinal Rauscher decades before.

Vogelsang and the Church

While, as will be shown, one of the ways Vogelsang had an impact on the Church hierarchy was through his more formal economic studies published in the *ÖMGV*, this journal was not his only way to influence the Church. In fact, Vogelsang was regularly in contact with several members of the Church through personal correspondence. In particular, he maintained a

[35] Margarete Grandner, "Conservative Social Politics in Austria, 1880–1890." *Austrian History Yearbook* 27 (1996): 77-107.

robust correspondence with many priests who belonged to the Society of Jesus, the Jesuits.[36] Through these letters, Vogelsang not only exerted a strong personal influence on the Church and, in particular, those who were actively preaching to members of the laity, he also engaged in academic discussions about theological matters, shaping and being shaped by the discourse from the more ultramontane Jesuits. While Vogelsang never called his brand of politics "ultramontane," as this term was, by 1875, mainly a pejorative against Catholic politics, he nonetheless consistently defended those who did identify as ultramontane and those who were called ultramontane by others.[37]

Between 1874 and his death in 1890, Vogelsang exchanged letters with at least fifteen different Jesuits throughout Austria. Four, in particular, maintained a long-term correspondence with him: Max Klinkowström, A. Forstner, Johan Mayr, and Victor Kolb. Klinkowström and Kolb, in particular, were extremely well-connected socially and politically and often discussed how they spread Vogelsang's ideas to their social and Church contacts.[38] Many of Vogelsang's ideas originated in his correspondence with Klinkowström, Forstner, Mayr, and Kolb. He also maintained a correspondence with several German Jesuits. P. Bülow in Bavaria, for example

[36] Vogelsang's collected letters to the Jesuits may be found at the Karl von Vogelsang Institut in Vienna. KvVI, Vogelsang's Nachlass, Mappe 26: Briefe von/an Jesuiten.

[37] "Der 'Ultramontanismus' in der Schweiz?" *Das Vaterland*, December 31, 1881; "Politische Chronik," *Das Vaterland*, July 24, 1882; "Aus Hannover," *Das Vaterland*, September 26, 1882; "Plus ultra!" *Das Vaterland*, January 1, 1886; "Altkatholische Propaganda," *Das Vaterland*, April 26, 1888.

[38] KvVI, Vogelsang's Nachlass, Mappe 26: Briefe von/an Jesuiten, docs 28, 29, 31, 36, and 37.

corresponded with Vogelsang between 1884 and 1888.[39] This dissertation will focus on Vogelsang's correspondence with the Jesuits in the Habsburg Monarchy.

Beginning in 1875, shortly after he arrived in Austria, Vogelsang started a correspondence with Max Klinkowström, the son of Friedrich August von Klinkowström, a famous convert to Catholicism, who founded a school that was very well-received by many aristocrats, including Empress Caroline Augusta of Bavaria. Max von Klinkowström's education led him to be an excellent orator.[40] Owing in part to the demand for his homilies, which often left no empty seats, and to the influence of his brother, Alphons, who was first *Statthalter* in Triest and then a successful journalist, Klinkowström was an extremely influential figure among the Jesuits.[41] While Klinkowström traveled throughout the monarchy and beyond, including helping to found the Jesuit mission in Australia, by 1875, he mainly traveled between Vienna, Prague, Innsbruck, and Pressburg, finally settling in a permanent position Ljubljana.[42]

Vogelsang wrote to Klinkowström often during the tumultuous years before 1879.[43] In their letters, Klinkowström discussed the events and press coverage, including its treatment of the Jesuits, a continuing problem since the *Kulturkampf's Jesuitengesetz* made them a target of

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[39] Vogelsang's correspondence with Bülow, KvVI, Vogelsangs Nachlass, Mappe 19: Briefe von/an P. Bülow, SJ, 1884-1891.

[40] W. Hoyer, "Klinkowström, P. Max von (1819-1896), Prediger Und Ordensangehöriger," in *Österreichisches Biographisches Lexikon*, vol. 3 (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1965), 413.

[41] Hoyer, "Klinkowström," 413.

[42] Hoyer, "Klinkowström," 413.

[43] KvVI, Vogelsangs Nachlass, Mappe 26: Briefe von/an Jesuiten, Docs 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 53.

the charges against "ultramontanism."[44] The language of the letters makes it clear that Vogelsang and Klinkowström were exceedingly friendly, congratulating each other and cheering each other on in their respective ventures. In 1879, the year of his death, Klinkowström wrote to Vogelsang congratulating him on his new venture at the *ÖMGV*. While he wished he could relay it in person (he was, by this point, quite ill), he nonetheless gave "heartfelt congratulations to you and your circle," on something that could provide meaningful change in society.[45] Klinkowström's enthusiasm for the *ÖMGV* shows how he approved of the project that Vogelsang was undertaking in his attempt to expand his theological work. It is understandable that Jesuits, long concerned with both education and missionary work, would approve of such a venture.

Likewise, much of the correspondence between Vogelsang and Klinkowström focused on the decline of education (as one might expect from a Jesuit). They agreed that if the people were better informed, they would be able to see the errors of liberalism.[46] Thus Klinkowström praised the *ÖMGV*. It is clear that Klinkowström had an effect on Vogelsang's thinking, and, although it is impossible to know the full extent, it is also clear that the regular friendly correspondence was in Vogelsang's mind as he discussed the issues of the day. Nevertheless, Klinkowström was not the most important Jesuit influence on Vogelsang.

Starting around 1883, Vogelsang also exchanged letters with another Jesuit, A. Forstner.[47] While his letters with Forstner were not nearly as collegial as those with

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[44] See Chapter 5.

[45] KvVI, Vogelsangs Nachlass, Mappe 26: Briefe von/an Jesuiten, Doc 31.

[46] KvVI, Vogelsangs Nachlass, Mappe 26: Briefe von/an Jesuiten, Docs 23, 26, 31.

[47] While it is impossible to know with full certainty, as he always signed his name simply as "A. Forstner, S.J." it is likely that this is Anton Forstner, the provincial for the Austro-Hungarian

Klinkowström, they were even more substantive. In one particular letter, dated December 30, 1883, Forstner took up a previous conversation with Vogelsang about the particular challenges that faced Austrian politics.[48] In this letter, Forstner argued that the biggest challenge for the people in Austria was that they were being led by bureaucrats, who were "the last who could understand the people."[49] His disdain for bureaucrats echoed Vogelsang's views as expressed in *Das Vaterland* that politicians were out of touch with the lived experience of everyday workers, whether through deliberate inaction or ineptitude — an argument that formed the main thrust of his "Material Situation of the Working Class." Forstner also argued that since the time of Maria Theresa, Catholic education in the country had diminished greatly, which contributed to the rise of liberalism and socialism throughout the monarchy. Without the proper backing of a good Christian moral education, no one could possibly withstand the two movements.[50] This dynamic was, of course, to him, the entire point of the liberals' political agenda — to weaken Christian moral education as a means of gaining power. His belief fit with Vogelsang's mission to educate the public, as such a venture would be necessary to protect the Monarchy if the universities could not do what they were supposed to.

Forstner's basic argument that the decline of Catholic education led to the rise of liberalism was an old one. It was also one of the primary points made by Cardinal Rauscher.[51] In

province for the Jesuits, meaning he was the head of the Jesuits in Austria-Hungary, reporting directly to the curia in Rome.

[48] The letters to which this letter are responding are sadly lost.

[49] KvVI, Vogelsangs Nachlass, Mappe 26: Briefe von/an Jesuiten, Doc 4.

[50] KvVI, Vogelsangs Nachlass, Mappe 26: Briefe von/an Jesuiten, Doc 4.

[51] See: Chapter 3.

his correspondence with Vogelsang on this issue, Forstner relayed a conversation on this topic he had with Bishop Rudigier, with whom Vogelsang also maintained a correspondence. The two agreed, according to Forstner, that the only way to bring the people back to the Church was that "the universities must become Christian again."[52] Taking direct action, he argued, would be difficult and would necessitate their participation in politics, which he agreed was not ideal. Nevertheless, they must act. Although the Church was reticent to get involved directly in politics, he argued, it should change its thinking and live by the motto, "Never reach into a wasp's nest… but if you do, squeeze it hard."[53] Political action in this case was necessary, according to Forstner, in order to save the Church. While it is impossible to know for certain how this affected Vogelsang, his rhetoric about political action increased in the late 1880s.

This call for direct action, inspired by Bishop Rudigier and relayed to Vogelsang, echoes both the change in political theology after Cardinal Rauscher and the degree to which conversations about this issue had become widespread in Jesuit and other Church circles. The shifting political paradigm recognized the need for direct action in the political arena despite the inclination toward passivity. Obviously, as the metaphor of the wasp's nest showed, conservative Catholics ideally did not want to get involved if at all possible, but since it was seemingly unavoidable, they needed to advocate completely and forcefully for greater Catholic control of politics.

This letter and the others that followed show exactly how much Vogelsang was internalizing this idea, not just that the Church needed to act, but that he, personally, needed to

[52] KvVI, Vogelsangs Nachlass, Mappe 26: Briefe von/an Jesuiten, Doc 4.

[53] KvVI, Vogelsangs Nachlass, Mappe 26: Briefe von/an Jesuiten, Doc 4.

act on behalf of all Catholics.[54] The Church, accustomed to inaction, was reticent to advocate for political control at that point, and so he, Vogelsang, would need to be the one to advance the cause. One year later, Vogelsang published his treatise, "The Material Situation of the Working Class in Austria," which focused on the hardships facing industrial workers in Austria and advocated for reform on the basis of Catholic moral frameworks.[55] This work seemed to take up the call from Forstner to act, as it not only directly addressed the problems facing political Catholicism in Austria at the time, but took the place of academic inquiry that he argued should be coming from the universities. As the universities had, in his estimation, been overrun by liberals, it was left to him to take up the challenge.

Klinkowström and Forstner were not Vogelsang's only Jesuit correspondents. From 1874 to at least 1887, he also exchanged letters with Johan Mayr, a Jesuit from Salzburg who, after 1875, served as the bishops' representative in the Tyrolean state parliament.[56] Mayr similarly worried about the same issues as Vogelsang: lack of Catholic education, disillusionment with bureaucracy, and the need for political action.[57] Vogelsang also corresponded with Victor Kolb, the eventual successor to Max Klinkowström in Ljubljana, until Vogelsang's death in 1890.[58] Kolb later became an important Catholic leader in Austria, founding the Pope Pius Association

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[54] KvVI, Vogelsangs Nachlass, Mappe 26: Briefe von/an Jesuiten, Docs 6, 7, and 8.

[55] See below.

[56] W. Hoyer, "Johann Georg Mayr, Priester und Kommunalpolitiker," in *Österreichisches Biographisches Lexikon*, vol. 5 (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1972), 431.

[57] KvVI, Vogelsangs Nachlass, Mappe 26: Briefe von/an Jesuiten, Docs 51-81.

[58] W. Hoyer, "Kolb, P. Victor, S.J., Kanzelredner," in *Österreichisches Biographisches Lexikon*, vol. 4 (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1966), 75.

for the Promotion of the Christian Press, which, as the name suggested, hoped to help invigorate an overtly Christian press.[59] The allusion to Pope Pius alluded to the anti-liberal sentiments of the association and its goals of promoting greater Church control over the state. The Pius Association fit within with scope of Kolb's discussions with Vogelsang, which tended to focus on the need for a robust Catholic press.[60] Through Vogelsang's interactions with Kolb and the other Jesuits, we can see not just the Society of Jesus's influence on Vogelsang, but Vogelsang's influence on the Jesuits.

Vogelsang also corresponded with non-Jesuit priests. While this correspondence likewise produced interesting friendships, some were more contentious than others. One such case of a contentious friendship was with Bavarian theologian, Albert Maria Weiss, who, at the time, lived in Graz and later Vienna.[61] Vogelsang's contact with Weiss constituted one of the most complete and formal examples of his engagement with official theology. Though the correspondence between Vogelsang and Weiss started out quite collegial, it was nonetheless strained in the end, due to a seeming falling out between the two old friends. Weiss was a theologian who lived from 1844 to 1925. Weiss wrote extensively about political theology, and he influenced Karl von Vogelsang extensively.[62] While Vogelsang's works were in the realm of popular political theology, Weiss wrote traditional theology. As a respected Catholic theologian, and in general a

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[59] "P. Viktor Kolb: Heimgang des großen Presseapostels Österreichs," *Reichspost*, November 3, 1928.

[60] KvVI, Vogelsangs Nachlass, Mappe 26: Briefe von/an Jesuiten, Docs 35-38.

[61] The correspondence with Weiss can be found in: KvVI, Vogelsangs Nachlass, Mappe 7: Briefe von/an Grafen Belcredi und P. Albert M. Weiß, Docs 1-21.

[62] W. Hoyer, "Weiss (Weiß) Albert Maria (Adalbert Gottlieb) OP," in *Österreichisches Biographisches Lexikon* (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2022), 23-24.

person of high social status as a member of the faculty at the University of Graz, Weiss's theological positions and his interaction with Vogelsang could and did provide gravitas to Vogelsang's works. Indeed, the *ÖMGV* often quoted and reprinted pieces by Weiss.[63]

Vogelsang filtered the ideas that he presented in *Das Vaterland* and the *ÖMGV* through the classical view of Weiss. Over a period of several years, Weiss and Vogelsang worked together to solidify each other's ideas. Weiss, like Milde and other theologians, feared that the theological ideas being espoused by Vogelsang could potentially be used for ill means.[64] If a politician were able to divorce the theology from the spiritual authority of the Church, he might use this theology to legitimize political positions that were counter to Church teachings while appearing to have the backing of the Church. Indeed, this dynamic would eventually play out in the Christian Social Party under the leadership of Karl Lueger. Nevertheless, Weiss agreed with the social teachings of Vogelsang's ideas, particularly with the need to use Christian morality to help the poor. As with Klinkowström, Forstner, Mayr, Kolb, and Rudigier, Vogelsang's engagement with Weiss went both ways. Weiss was firmly influenced by Vogelsang's economic ideas despite their potential for misuse, while Vogelsang was also influenced by the works of Weiss in formulating his political theology.

While Weiss eventually came to part ways with Christian Social ideas, owing partly to the ascendance of Vogelsang's effective successor, Karl Lueger, Weiss's ideas nonetheless provided legitimacy for Vogelsang's popular political theology. Likewise, the influence of

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[63] Weiss was a frequent guest columnist, and portions of his books, such as *Zins und Wucher*, were printed in the ÖMGV. Likewise, his works regularly made it onto the *Literaturebericht* sections that ended many of the issues of the ÖMGV.

[64] KvVI, Vogelsangs Nachlass, Mappe 7: Briefe von/an Grafen Belcredi und P. Albert M. Weiß, Doc 18.

Vogelsang's economic ideal is evident in Weiss's works. In particular, his 1882 work, *Interest and Usury, Loans and Capital, Capital and Labor* and his 1896 work, *Social Questions and Social Order,* are both replete with references to Vogelsang's writings.[65]

Despite Vogelsang's influence on Weiss, Weiss nonetheless despised the use of popular theology. He opposed the attempt to utilize theology for political means, and he later came to oppose the Christian Social Party primarily on these grounds.[66] Weiss was a holdover from the earlier modalities of political theology in Austria. In their correspondence, Vogelsang and Weiss argued about points of political theology. Weiss believed that theology belonged to theologians alone, while Vogelsang opposed this idea, arguing that the theological universities had become useless in the face of the ruling liberalism.[67] In this way, Weiss embodied the older, less confrontational views of the Church in the realm of politics, but as Vogelsang noted in his letters to Rudigier, that time for such passivity had long since passed.[68] Nonetheless, whether wittingly or unwittingly, his correspondence with Weiss helped to solidify Vogelsang's ideas and bring the new political-theological paradigm into focus.[69]

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[65] Albert Maria Weiss, *Zins und Wucher, Darlehen und Capital, Capital und Arbeit* (Graz: Buchdrückerei Styria, 1882); Albert Maria Weiss, *Soziale Frage und Soziale Ordnung oder handbuch der Gesellschaftslehre* (Freiburg im Briesgau: Herdersche Verlagshandlung, 1896).

[66] Anton Landersdorfer, "Albert Maria Weiß OP (1844-1925) Ein leidenschaftlicher Kämpfer wider den Modernismus," in *Antimodernismus und Modernismus in der katholischen Kirche: Beiträge zum theologiegeschichtlichen Vorfeld des II. Vatikanums*, ed. Hubert Wolf (Paderborn: F. Schöningh, 1998), 195.

[67] KvVI, Vogelsangs Nachlass, Mappe 7: Briefe von/an Grafen Belcredi und P. Albert M. Weiß, Doc 20.

[68] KvVI, Vogelsang's Nachlass, Mappe 33: Briefe des oberösterreichischen Bischofs Rudigier, doc 12.

[69] It is clear that some of these ideas came through in Vogelsang's earlier drafts of his larger works. These drafts can be seen in KvVI, Vogelsangs Nachlass, Mappe 2: Entwürfe und Kopien

Vogelsang's correspondence with the lower clergy in Austria was not his only contact with the Church, however. He also maintained a twenty-five-year correspondence with Bishop Rudigier of Linz.[70] Rudigier's experience during the 1870s and his continued editorship of the *Linzer Diözesanblatt* was a useful contact for Vogelsang's professional and political aims. The two also seemed to have formed a friendship, exchanging ideas back and forth.

In their letters, the bishop discussed the problems with obtaining funds from the liberal government, the problems of competing laws like the *Maigesetze* and the Concordat of 1855 that had led to his arrest ("So much for the question of power"), and problems of teaching ordinary people about the ideas of the Church.[71] He worried that his own newspaper had a narrow audience and beseeched Vogelsang to use his paper to reach a wider audience.[72] This exchange, like the exchange with Forstner shows the degree to which these conversations about how to increase the political presence of conservative Catholicism were happening in private. By 1875 and beyond, the shift in political theology in the Habsburg Monarchy was no longer a slow, organic change toward the new political paradigm. The new paradigm had, by this point, taken hold, and many in conservative Catholic circles were actively working to further their agenda by educating the population in order to regain political power in the monarchy. While Rudigier and the others were certainly not advocating for an overthrow of the government, they nonetheless

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von Vogelsang-Briefen zur Sozialencyklika; KvVI, Vogelsangs Nachlass, Mappe 3: Aufsätze und Notizen, 1881-1887.

[70] KvVI, Vogelsang's Nachlass, Mappe 33: Briefe des oberösterreichischen Bischofs Rudigier.

[71] KvVI, Vogelsang's Nachlass, Mappe 33: Briefe des oberösterreichischen Bischofs Rudigier, docs 10-15.

[72] KvVI, Vogelsang's Nachlass, Mappe 33: Briefe des oberösterreichischen Bischofs Rudigier, doc 11.

envisioned a time when Catholic moral education in the Monarchy was strong enough that they could resume control of the government and defeat the liberals for good.

The point at which Vogelsang seemed the most effective (and the point that made him the lynchpin of the program to reestablish Catholic governmental control in the monarchy) was his ability to transmit the theological ideas of the Church with the laity. He was more able than most to condense the high-brow views of Church officials and disseminate them throughout the monarchy. While the subscriber base was actually quite low for Vogelsang's paper, being limited mostly to Vienna, articles from Das Vaterland were reprinted in German language newspapers in various regions in the Monarchy, including Hungary.[73] Likewise, he could participate in the conversation about political theology and relay his concerns to Church officials. In short, he not only persuaded people that they should listen to the priests, but he convinced the priests that they needed to act for the good of the people.

This ability to engage the priesthood simply by interacting with them and allowing them to discuss political theology (even when they did not completely agree) was important for many reasons. First, it allowed Vogelsang to explain the plight of the people to the upper clergy, something they might not normally see. Klinkowström, for example, while very knowledgeable about the importance of education, might not have been as adept at understanding the social dimensions of his pastoral theology. Likewise, Weiss, the formal theologian, might have been well versed in theory, but not as well versed in theology in practice. Bishop Rudigier understood what it meant to be persecuted following his arrest, but he certainly would not understand the feeling of hunger and poverty. Vogelsang, who perpetually faced money problems, particularly

[73] Though the newspapers that reprinted or responded to *Das Vaterland* articles were almost entirely German-speaking, the sheer number of titles that interacted with *Das Vaterland* ensured that its reach went far beyond its subscriber base.

after the crash of 1873, always felt that he could relate to the plight of average people better than his peers, despite his aristocratic background.[74] Thus, he sought to materially improve the lives of ordinary people through a Catholic Christian morality that needed a strong theological backing to work.

Vogelsang's engagement with the clergy demonstrates the completion of the shift in the political-theological paradigm begun by Rauscher. By convincing the clergy that they should not be passive but rather active, Vogelsang took the need to act and blended it with social programs coming from places like Switzerland to allow Christian Socialism to come to the Habsburg Monarchy with the full-throated backing of many members of the Austrian Church. Rather than backing away from the questions of ultramontanism, Vogelsang was able to integrate the ultramontane charge into his rhetoric, engage the Society of Jesus, and create a coalition of support across the Monarchy. In this way, Vogelsang could exploit the fractious political climate of the time to promote the social teachings of the Church, making them more palatable to the laity while also receiving the legitimacy of support from the clergy. This legitimacy was necessary for Catholics to accept the project of Christian Socialism and advance the cause of what would become a fully-fledged political party.

The bridge between legitimacy and political action, however, necessitated another step for Vogelsang. While he could understand the dogmatic theological issues articulated by the clergy and the practical applications that were necessary, there was nonetheless a greater need for an intellectual-theological backing for his program that could blend theory and praxis and upon which he could rely for his public-facing works. The theological backing for the ideas of

[74] Boyer, *Political Radicalism*, 170.

Christian Socialism needed something more than just *Das Vaterland* and something more practical than theological exegeses. He needed the *ÖMGV*.

Vogelsang's Theology

Perhaps the most consequential and most often underestimated development for the Christian Social party was the founding of the *ÖMGV* in 1879. The creation of the *ÖMGV* was, in many ways, the final link in the chain of Vogelsang's influence and the solidification of the political theological paradigm that could allow for the development of the Christian Social Party. It provided an ideological backing for the beliefs of the burgeoning Christian Social movement that helped solidify its goals as a call for concrete action rather than simply a hope for a return to a mythical time in which the Church held the spiritual sword of Pope Gelasius.[75]

In many ways, the *ÖMGV* allowed Vogelsang to finally achieve the shift in the political-theological paradigm, which had been in process since 1848. While the theological changes that occurred between 1848 and 1875 had been piecemeal, relying on centuries-old intellectual traditions of the Church, the *ÖMGV* provided a new vehicle to blend modern ideas of sociology, economics, and theology together in a post-Vatican I world.

Rauscher and others in the Church had been bound by the older orthodoxy of leaders such as Thomas Aquinas and the Church fathers. Indeed, Rauscher's need to suppress both the liberalism of 1848 and the heretical theology of Anton Günther had, perhaps, hamstrung his

[75] As noted in Chapter 5, this refers to Gelasius's metaphor in 494, in which the powers of the world are envisioned as two separate swords: a spiritual sword and a temporal sword. The Church wields the spiritual sword while the earthly authorities wield the temporal sword, thus ensuring both their cooperation but also their mutual separation; Gelasius, "Famuli vestrae pietatis," reprinted in Heinrich Denzinger, *Compendium of Creeds, Definitions, and Declarations on Matters of Faith and Morals* (San Francisco: Ignatius Press, 2012), 347.

ability to utilize any newer theological modalities.[76] The *ÖMGV*, however, created a new kind of intellectual discussion that was not theological in the traditional sense, but rather a living theology for a constantly evolving modern age. As noted previously, this new theology fits within the conception of a popular political theology that is more responsive to the day-to-day lives of believers. While readers of the *ÖMGV* may not have seen it as a particularly dynamic publication compared to the daily newspapers such as *Neue Freie Presse* or *Das Vaterland*, it nevertheless responded to the problems of the day much faster than a formal theological exegesis could. The *ÖMGV*'s twin dynamism and formality allowed Vogelsang and others to rely on its intellectual backing to support calls to action in the more popular *Das Vaterland* (as will be discussed later in this chapter). Furthermore, the ideas developed in the *ÖMGV*, as influenced by the Jesuits and other theologians discussed above, informed the wider Church as well as intellectual and political audiences of the ways in which committed Christians could concretely blend the ideas of Christianity with social reform and charity while eschewing liberalism and socialism.

One could describe the *ÖMGV* as a form of Pastoral Theology. In this way, we can conceive of the journal as a location for formal discussion of theology as it pertains to the people themselves and their care by the Church. In formal theology, Pastoral Theology generally refers to the exploration of the ways by which the priests and the Church as a whole can care for their flock. This branch of theology presupposes the ideas of other branches of theology and seeks to understand how they can be practically applied to the care of souls on a day-to-day basis. This type of understanding is sometimes described as "lived religion," as it is concerned with the

[76] See: Chapters 3 and 5.

religion as lived by the people on a practical rather than theoretical basis.[77] In this way, popular public theology itself could also be seen as a sub-type of pastoral theology.

In the absence of Cardinal Rauscher's pastoral letters, a practice which his successors did not employ with as much vigor, the *ÖMGV* could fill the void by explaining complex theological issues as they related to the care of the people themselves.[78] However, it is worth noting that the *ÖMGV*, with its much more limited scope, could not reach the same level of engagement and importance to the congregation as Rauscher's *Hirtenbriefen* could. Rauscher's pastoral letters were intended to be read to all of the people, while Vogelsang's *ÖMGV* mostly reached a small subset of priests, politicians, and economists. Nevertheless, like Rauscher's pastoral letters, the works presented in *ÖMGV* could provide a much-needed support for the beliefs of the clergy in their dealing with the people.

Most importantly, the *ÖMGV*, as an ostensibly economic publication, demonstrated how the Church could and should relate in a concrete socio-economic way to the laity. The *ÖMGV*, at least on the surface, appeared to take its mandate to focus on economics very seriously. While it tended not to delve too deeply into questions of other branches of theology, such as exegetics, dogmatics, or apologetics, it envisioned practical economic ideas as a part of pastoral theology. Thus, theological truths guided the economics while the economics could be used to spread theological truths. This reciprocal relationship between economics and theology can be seen in the very first article of the journal, in which Vogelsang linked the economic issues of the day with Christian morality. For Vogelsang, it was only through Christianity that a gifted person

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[77] Jane F. Maynard, Mary Clark Moschella, and Leonard Hummel, *Pastoral Bearings: Lived Religion and Pastoral Theology* (Lanham, MD: Lexington Books, 2010).

[78] For the role that pastoral letters could play in disseminating theological ideas to the laity, see Ettmayer, "Hirtenbriefe."

could use his or her gifts "in ethical ways" and with "a higher sanction" than other people who did not have such a moral backing. Furthermore, people should use Christian morality to address the issues of economic inequality, so as to prevent "the abuses carried out by those with privilege" that not only keep people of lower classes down, but also "make their situation unbearable by positioning themselves quite comfortably" at the expense of the lower classes.[79] The question of whether economics or morality is more important is, in this case, somewhat irrelevant. For Vogelsang and the *ÖMGV*, both are necessary for salvation, and thus one without the other is useless. "We do not deny," he argued, "that there is natural and divine law," but both are God-given, and are both "eternal and unchangeable, binding for all people and time, and are both the source and the structure of all human rights."[80] Christian theology and economic ideals, to Vogelsang, were completely entwined. As such, by discussing economics, he was engaging in a theological discussion and vice versa.

While Vogelsang managed to keep much of the specific political discussions of the day out of *ÖMGV*, preferring the *ÖMGV* to be more theoretical and keeping the more concrete matters for his writings in *Das Vaterland*, it was clear in his writings that politics, being so intrinsically linked to economics, must also be linked to Christian ideals. We can see the firm link of politics, economics, and Christianity from the extensive reading lists published at the end of most issues, which included both books and journal articles that dealt with economics, political philosophy, and Christianity. Most of these books were current engagements with the field, written in German, French, English, and Italian, that dealt with some issue of economics or

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[79] "An unser Leser," *Österreichische Monatsschrift für Gesellschaftswissenschaft und Volkswirthschaft,* vol. 1, 15 January, 1879, 2.

[80] "Das Zweck im Recht," *Österreichische Monatsschrift für Gesellschaftswissenschaft und Volkswirthschaft*, vol. 1, 15 January, 1879, 40.

other issues currently plaguing worldwide Christianity.[81] These lists, combined with an almost unending apologia for the Catholic Church, seemed to confirm the belief that politics must be guided not just by Christian ideals in a broad sense, but by the Catholic Church in particular. This view also typified Leo XIII's papal encyclicals.

Leo XIII, pope after the death of Pius IX in 1878, wrote several scathing encyclicals and allocutions during his papacy meant to dismiss various ideas as heretical.[82] One of the most important encyclicals, written in 1878, was "*Quod Apostolici Muneri*s," also known as "On Socialism." In this encyclical, Leo XIII denounced the evils of "socialists, communists, [and] nihilists," which he regarded as being one unitary group, whose main purpose was to lead people away from the Church and toward "the overthrow of all civil society whatsoever."[83] He discussed what he believed were the assaults of socialists on private property as well, taking the encyclical firmly into the realm of economics. It seems to be no coincidence that this encyclical was published just one year before the founding of the *ÖMGV*, and seems to have been at least partly the inspiration for the *ÖMGV*'s founding, given how closely the *ÖMGV* covered such writings by Leo.[84]

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[81] Almost every issue had a similar "Literaturbericht" attached at the end. The works ran the gamut of different topics relevant to the ÖMGV, and some of Vogelsang's friends and correspondences (such as Albert Maria Weiss) managed to show up on these lists frequently.

[82] Aside from "Quod Apostolici Munderis" and "Rerum Novarum," both of which are discussed in this dissertation, Leo wrote 86 other encyclicals, most of which deal with some specific issue facing the Church.

[83] Leo XIII, "Quod Apostolici Muneris," Papal Encyclicals, December 28, 1878, https://www.papalencyclicals.net/leo13/l13apost.htm.

[84] From the very first issue, the ÖMGV discussed the encyclical of Leo XIII issued the previous Christmas. "Die Weinachts-Encyclica Leo XIII," *Österreichische Monatsschrift für Gesellschaftswissenschaft und Volkswirthschaft,* vol. 1, 15 January, 1879, 55-56.

"*Quod Apostolici Muneris*" was little noted by the liberal press following its publication, partly because liberals hoped to appeal to the potentially more conciliatory tone of the pope at the time toward issues arising from the *Kulturkampf.* The *Neue Freie Presse* noted in its discussion of Leo XIII as a part of its New Year's Day issue in 1879, that Leo seemed to be "more contemporary" in his approach than Pius IX, who had "negated all education and progress."[85] This more passive attitude toward Leo XIII would not last, and by November of that year, the *Neue Freie Presse* argued that Leo was even more dangerous than Pius IX, as he operated "gently and carefully," seeming to give in to liberal demands, while, in reality, being "firm and unforgiving."[86]

The beginning of the *ÖMGV* as both responding to and enacting the ideals of "*Quod Apostolici Muneris*" merely highlights the use of the *ÖMGV* as vehicle for pastoral theology. Just as "*Quod Apostolici Muneris*" attempted to show how socialism and its related ideologies were not only anathema to the survival of the church, but also could be replaced by Christian social teachings, *ÖMGV* provided practical advice for how to implement these social teachings. The theory of "*Quod Apostolici Muneris*" paired with the practice of the *ÖMGV* to create the pastoral theology that could guide the people of Austria. Likewise, the use of *Das Vaterland* to further expand the theological ideas of Vogelsang beyond the intellectual pastoral theology of the *ÖMGV* constituted a new kind of popular political theology that helped to guide Austria into a new era of Catholic politics.

Perhaps the most famous example of Vogelsang's interaction with the ideas of "*Quod Apostolici Muneris*" is also the most well-known of his articles in the *ÖMGV*, "The Material

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[85] "1877-1878," *Neue Freie Presse*, January 1, 1879.

[86] "Wien, 19. November," *Neue Freie Presse*, November 20, 1879.

Situation of the Working Class in Austria."[87] While this may seem like a fairly innocuous work at first glance, it was nonetheless revolutionary, as it laid out Vogelsang's views of what Christian Socialism would look like in Austria using both hard data and the soft moralistic framework typical of the *ÖMGV*. While Vogelsang focused on the specific issues facing the Habsburg Monarchy, he took ideas from similar movements throughout the continent and synthesized them into one major understanding of Christian Socialism.

The main thrust of the article is to show how the traditional teachings of the Church, though sound in theory, had failed in practice. The Church had traditionally argued that the prosperity of the worker would necessarily increase with the worker's productivity. Vogelsang, however, argued that this belief simply was not true in the modern, industrialized world. Using a statistical analysis of various industries in the Monarchy, Vogelsang sought to show that, in reality, the productivity of the worker had increased, but by and large "food has become more expensive, wages have hardly increased, and in many cases have sunk lower."[88] In order to continue the work of the Church, something had to be done to help the people. The highly technical article, which systematically looked at the economic conditions of workers throughout the monarchy, concluded that the only way to ease the problems of the workers was to restore Christian vision and morality in the government.[89] Only then could conditions improve. Since the state was, according to Vogelsang, based on Christianity, it was only through Christianity that the state could be saved. "When the insight finally emerges," Vogelsang argued, "that the

[87] "Die materielle Lage," 561-629.

[88] "Die materielle Lage," 562-563.

[89] Vogelsang explained that the study excluded Hungary, Galicia, and Bukovina due to both time constraints and, supposedly, the lower level of industrialization. "Die materielle Lage," 561, 625.

existence of the state is interested in ensuring that the torn social and economic conditions are gradually remedied through institutions and laws, and, in particular, through the renewal of Christian outlooks and morals," then the harm to society (that he likened to a cancer on the body) would no longer exist.[90] But that turn toward Christianity and, in particular, a renewal of Christianity in the arena of politics, must come before the problems could be fixed. Without this Christian morality, he argued, other moral systems would have room to grow and continue to destroy the state.[91]

In the same issue of the *ÖMGV*, another, often overlooked, article also appeared. While not nearly as influential as "The Material Situation of the Working Class in Austria," this work, entitled "A Chapter about Charity and Justice" provided the theological explanations for the technical economic data and commentaries in the previous article.[92] The conclusion of a long series on the meaning of Christian charity, this article examined the relationship between charity and justice and between worker and employer, using the *Summa Theologica* of Thomas Aquinas to argue that the workers deserved justice as equal citizens in society. As workers do not fit within the idea of king and subject or master and servant/slave, they must be regarded as equal in the face of justice.[93] While this article may seem minor, the ability to blend the traditional theological understanding of Aquinas with the modern concern for the need for justice for workers was the foundation of Vogelsang's world view. The interplay between the "Material

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[90] "Die materielle Lage," 626-627.

[91] "Die materielle Lage," 626.

[92] "Ein Kapitel über Charitas und Gerechtigkeit," *Österreichische Monatsschrift für Gesellschaftswissenschaft und Volkswirthschaft*, vol. 5, Nov-Dec, 1883, 629-636.

[93] "Charitas und Gerechtigkeit," 635-636.

Situation of the Working Class in Austria" and the "Chapter about Charity and Justice" underscores perfectly the importance of the *ÖMGV* for the Christian Social platform, particularly when the latter argues from a theological standpoint that "there would be nothing that would stand in the way of the formation of a separate labor law according to the teaching of St. Thomas... that ensures wages are above the subsistence of the wage worker's life as a means of justice."[94] Without this theological backing, Vogelsang was just another commentator shouting at the wind. But with the theological backing and the real-world data to back up his assertions, his call for action could move people both within and outside the government to act.

As a result of Vogelsang's calls for reform for workers, in part through the "Material Situation of the Working Class in Austria," the Taaffe government undertook several of these economic reforms, such as limiting working hours, ordering Sundays to be weekly holidays, and instituting accident and health insurance. These reforms, which ran counter to the goals of the liberal party, were immensely popular among workers.[95] Christians Socials continued to advocate for similar positions in the Monarchy as a means of promoting "social harmony," even though this risked alienating a large portion of their support, the artisan class, who believed they would be disproportionately affected by such positions. In the end, an exception to these laws was carved out in the case of artisan shops.[96] Eventually, trying to take the middle road between the middle classes and the workers led many workers to abandon Christian Socialism in favor of Social Democracy.[97] Of course, the Christian Social platform was not the only to call for such

[94] "Charitas und Gerechtigkeit," 636.

[95] Jenks, *Iron Ring*, 180-192.

[96] Boyer, *Political Radicalism*, 110-112.

[97] Boyer, *Political Radicalism*, 312-313.

reforms. In fact, outside of Austria, Bismarck instituted similar reforms without the influence of Christian Socials. However, the novel aspect of the reforms in the Habsburg monarchy was the fact that they were backed not by socialism or *Realpolitik*, but by a Catholic moral system, similar to the reforms that later came to typify liberation theology in Latin America.

Vogelsang ended his call to action with a promise to continue to look at the situation, not just in the Habsburg Monarchy, but throughout Europe.[98] Two issues later, he did just that, looking at the current state of other countries, their political-theological development at the moment, and their broader historical development. In this way, Vogelsang linked his ideas to wider European trends and considered ways to implement change in Austria.[99]

Although "The Material Situation of the Working Class in Austria" was Vogelsang's most enduring publication on the situation in the Habsburg Monarchy specifically, perhaps the most important work undertaken by Vogelsang was a conference he helped organize in Austria at Salzburg and Germany at Haid.[100] There, he and several other Catholic political reformers from Germany and the Habsburg Monarchy (though, in particular from Austria) met to draft the so-called "Haider Thesen." This ambitious document laid out several theses regarding the state of European politics since the Middle Ages and sought to unite Catholic Christian morality with political and economic goals. The ultimate result of these meetings was the creation of the "Free

[98] "Die materielle Lage," 636.

[99] "Die jüngste sociale Gesetzgebung in den west- und central-europäischen Staaten," *Österreichische Monatsschrift für Gesellschaftswissenschaft und Volkswirthschaft*, vol. 6, February, 1884, 94-107.

[100] Today this city is a part of Czechia and is known by its Czech name, Bor.

Association of Catholic Social Politicians," an international organization to advocate politically for social and moral reforms.[101]

The Haider Thesen, developed earlier the same year as "The Material Situation of the Working Class in Austria," contain several points of conflict with the liberal politics of the day. The Haider Thesen detested the liberalization of the economic world. In the Middle Ages, the authors argued, Christian ethics ruled the economies of Europe. This ethical system, which envisioned the people as one whole, united in the body of Christ, enabled the people, relative to the limitations of the time, to exist in some form of harmony. The guild system, for example, was a system of mutual class advancement which managed to both protect private property rights and allow for advancement of the lower classes while providing mutual benefits to one another.[102]

The origins of the problem for the drafters of the Haider Theses came with the liberalization of the economy, which did away with a Christian ethic in favor of scientific progress as a means of achieving greater profits. This economics without ethics became what the Haider Theses describes as the "Anarchy of production and consumption."[103] This anarchy, they argued, must end, and a greater degree of legal oversight, which they noted already had a legal precedent through restrictions such as tariffs, should be instituted on the basis of a Catholic

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[101] "Sozialpolitisches Programm („Haider Thesen") katholischer Experten," in Wolfgang Ayass, Florian Tennstedt, and Heidi Winter, eds., *Quellensammlung zur Geschichte der Deutschen Sozialpolitik, 1867 bis 1914*, vol. II, *Von der Kaiserlichen Sozialbotschaft bis zu den Februarerlassen Wilhelms II. (1881-1890)*, vol. 1, *Grundfragen der Sozialpolitik* (Mainz: Akademie der Wissenschaften und der Literatur, 2003), 139-150.

[102] "Haider Thesen," in Ayass, Tennstedt, and Winter, *Quellensammlung zur Geschichte der Deutschen Sozialpolitik,* 140.

[103] "Haider Thesen," 141.

moral order. If such a thing happened, they argued, "the absolutism of the entrepreneur and the loss of rights for the workers would dwindle."[104]

The main problem facing the reformers, according to Vogelsang and the other drafters of the Haider Theses, was that the ideals of the French Revolution of 1789 had muddied the political waters throughout Europe. On the one hand, according to Vogelsang, the dangerous anarchy and atheism of the French Revolution had led to the downfall of the Christian moral order. On the other hand, this same anarchy and atheism also created a fear among the laity of socialism, which helped to steer them away from those damaging systems.[105]

Vogelsang and the other authors of the Haider Theses were careful to draw a distinction between their brand of social reform and the dangerous socialism denounced by the pope. "While others believe the bettering of the social conditions is only considered possible through a break with all historical continuity, moral law, family, and personal property," meaning socialism, their platform, they argued, sought to not only uphold these ideals but to return to their original meanings as a manifestation of Christian morality. Moral strength, Vogelsang and the other authors of the Haider Theses argued, could be a means to advance the social and economic status of the workers.[106] The declarations of the Haider Theses were in direct opposition to the socialist views at the time, allowing Vogelsang and the others to balance collective responsibility and private ownership through their Christian moral framework.

Expectedly, Austrian liberals did not like the Haider Thesen. The liberal *Tages-Post* in Linz used the old label of "Ultramontanism," arguing that the Haider Thesen were an attempt for

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[104] "Haider Thesen," 141.

[105] "Haider Thesen," 144.

[106] "Haider Thesen," 140.

the Church to take over all institutions in Austria and beyond.[107] Similarly, the *Wiener Allgemeine Zeitung* raised alarms about the Haider Thesen, arguing that it was merely a means to blend the Church and state together as it had been before the modern era. The appeal about the old system of guilds and the orthodoxy of Catholic moral positions, it argued, were just the start for turning the Monarchy to backwardness. "Why not also abolish the printing press?" they argued. "At least then the Middle Ages would be complete!"[108] The *Neue Freie Presse* remained fairly muted on the subject, though it did not hesitate to note how the articles were ineffectual and opaque, having been discussed behind closed doors.[109]

Despite the alarm, the liberal press, also attempted to downplay the importance of the *Haider Thesen*. Both the *Tages-Post* and the *Wiener Allgemeine Zeitung* noted in their alarmist articles that none of these positions were binding, that they were unlikely to become law, and that they were merely more evidence that the Catholics did not know how to govern in a practical way.[110] This view seemed to be borne out by the fact that the Haider Theses did not gain the political backing in Germany and Austria that Vogelsang had hoped, leading them to be merely aspirational.

The Haider Theses were eventually shelved even within the conservative Catholic movement for strategic reasons. These Catholic politicians worried that they would need to defend against a new *Kulturkampf*, and attempting to enact policies based on the Haider Theses

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[107] "Die deutschen Ultramontanen und die soziale Frage," *Tages-Post*, September 19, 1883.

[108] "Wien 15. September," *Wiener Allgemeine Zeitung*, September 15, 1883, afternoon edition.

[109] "Politische Uebersicht," *Neue Freie Presse*, July 23, 1883.

[110] "Wien 15. September," *Wiener Allgemeine Zeitung*, September 15, 1883, afternoon edition; "Die deutschen Ultramontanen und die soziale Frage," *Tages-Post*, September 19, 1883.

would potentially enable liberal anticlerical laws to surface by giving them more rhetorical ammunition.[111] Nevertheless, the conference that produced them continued to meet and, two years later, adopted a more practical platform that could potentially be applied in both Germany and the Habsburg Monarchy. The members of the conference saw these positions, such as the securing of basic workers' rights, an end to work on Sundays, and compulsory state insurance, as a strategic starting point for the return of Catholic moral positions to the economic sphere.[112]

Vogelsang continued to advocate for the overarching goal of a return to Catholic morality as the basis for governance and economic policy. The Haider Theses demonstrate that he hoped to achieve this through a concerted political movement and, later, party. The Haider Theses and his overall strategy for political renewal were, after all, merely the culmination of a larger discussion that Vogelsang had been having within theological circles. Nevertheless, it was not merely theological conversations or political platforms that could engage the broader public. There was another avenue through which Vogelsang shaped these discussions: his popular political theology as presented in the newspaper *Das Vaterland*.

Vogelsang and the People

[111] "Brief des Reichstagsabgeordneten Dr. Ludwig Windthorst an den Theologieprofessor Peter Alexander Reuß," in Wolfgang Ayass, Florian Tennstedt, and Heidi Winter, eds., *Quellensammlung zur Geschichte der Deutschen Sozialpolitik, 1867 bis 1914*, vol. II, *Von der Kaiserlichen Sozialbotschaft bis zu den Februarerlassen Wilhelms II. (1881-1890)*, vol. 1, *Grundfragen der Sozialpolitik* (Mainz: Akademie der Wissenschaften und der Literatur, 2003), 150-153.

[112] "Versammlung katholischer Sozialpolitiker," in Wolfgang Ayass, Florian Tennstedt, and Heidi Winter, eds., *Quellensammlung zur Geschichte der Deutschen Sozialpolitik, 1867 bis 1914*, vol. II, *Von der Kaiserlichen Sozialbotschaft bis zu den Februarerlassen Wilhelms II. (1881-1890)*, vol. 1, *Grundfragen der Sozialpolitik* (Mainz: Akademie der Wissenschaften und der Literatur, 2003), 271-275.

In 1875, twelve years after he and his family relocated to Vienna, Karl von Vogelsang became the chief editor of the longstanding Catholic newspaper, *Das Vaterland*. Despite its lower subscriber base than other daily newspapers, *Das Vaterland*, founded in 1860, became one of the most important periodicals in Vienna and the monarchy as a whole, in part due to Vogelsang's influence.[113] The paper based itself on the traditions of clerical newspapers like the *Linzer Diözesanblatt* and was still intimately associated with the federalist nobility, which opposed both liberalism and centralization.[114] Under Vogelsang, however, *Das Vaterland* began to take a more combative role toward political matters.[115] While clerical newspapers were still restrained by the limitations placed on the Church, this newspaper, divorced from any official tie to the Church or any specific political party, could be much more vocal.

It was through *Das Vaterland* that Vogelsang began to appeal to readers about the Christian Social idea. Channeling earlier Catholic writers like Sebastian Brunner, Vogelsang portrayed the views of the Christian Socials while appealing to an overarching sense of justice aimed against liberalism. By providing the medium to attack liberalism and, in particular, the liberal press, *Das Vaterland* attempted to provide a point of catharsis for disaffected working-class Catholics (meaning, of course, non-aristocrats), despite Vogelsang's aristocratic background. While Vogelsang focused on industrial workers in both the *ÖMGV*'s theological studies and the popular articles in *Das Vaterland*, the industrial workers largely supported the Social Democrats rather than the Christian Socials. Nevertheless, Vogelsang's worldview, which

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[113] Boyer, *Political Radicalism*, 168-169.

[114] Boyer, *Political Radicalism*, 169.

[115] Egon Raisp, "Die Wiener Tagespresse, 1848-1950: Versuch einer Typologie" (Unpublished dissertation, University of Vienna, 1952), 96.

did seem to be genuine and not mere rhetoric, allowed him to directly oppose liberalism from a theological standpoint. Since the days of Brunner's tenure at the *Wiener Kirchenzeitung*, no newspaper had truly maintained a sustained fight against liberalism, but Vogelsang's paper filled that niche.[116]

One of Vogelsang's primary concerns in *Das Vaterland* was his combative stance toward liberalism. Certainly, *Das Vaterland* had always fought liberalism and, in particular, its old sparring partner, the liberal newspaper, *Neue Freie Presse*. Articles about *Neue Freie Presse* and "*Liberalismus"* as the opposite of the "Truth" were often charged and intense.

While references to *Neue Freie Presse* in *Das Vaterland* were more frequent in the years before Vogeslang's ascendance as editor, they had noticeably tapered off over the course of the previous decade. This unwillingness or, perhaps, inability to directly attack the most influential liberal newspaper among the German-speaking populations of the Monarchy mirrored the decline of the newspaper itself in both popularity and influence.[117] In 1865, references to *Neue Freie Presse* peaked at 41 days out of the year. By 1875, that number was down to 9. While *Das Vaterland* under Vogelsang's leadership continued a much lower engagement with *Neue Freie Presse* than in the mid-60s, reaching a height of 17 days in 1876 and 16 days in 1879, two things

[116] Brunner, who founded the *Wiener Kirchenzeitung* in 1848 in direct opposition to liberalism and as a mouthpiece for antisemitism, left the newspaper in 1865 to focus on his work in the Church as an honorary papal prelate (*päpstliche Hausprälat*). W. Hoyer, "Brunner, Sebastian. Priester, Schriftsteller und Historiker," in Österreichisches Biographisches Lexikon, vol. 1 (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1954), 121; Raisp, "Die Wiener Tagespresse," 96.

[117] Boyer, *Political Radicalism*, 169.

underpinned this trend that demonstrate the changed stance of the paper.[118] First, Vogelsang ushered in an era in which *Das Vaterland* declared *Neue Freie Presse* insignificant following a series of legal battles between contributors to *Das Vaterland* and *Neue Freie Presse*.[119] As liberalism declined in the Monarchy and conservatism expanded, *Das Vaterland* regarded the liberal newspaper, which it saw as having "very little honor," as no longer very important. *Das Vaterland* was, in Vogelsang's estimation, the true voice of the people, which could echo the "honest public opinion that (despite all prejudices) regards *Vaterland* as not in the interest of one state, nor in the interest of one narrow-minded party, but in the interest of all strata and groups of those working in body and spirit for our great and beautiful fatherland." In other words, *Das Vaterland* did not need *Neue Freie Presse* anymore.[120]

The second major change that Vogelsang undertook in *Das Vaterland* was the shift from merely discounting the ideas of liberalism and, instead, looking toward solutions to the problems that plagued Catholics in the Habsburg Monarchy. In 1873, for example, two years before Vogelsang took the helm, *Das Vaterland* posted one of its longest ever articles against liberalism. Yet, this article seemed to focus mostly on how liberalism was illogical and thus doomed to eventually fail, not on any concrete actions people could take to help bring this failure about.[121] When Vogelsang took over in 1875, he made clear that the paper was going to tackle the issue of liberalism by first surveying the opposition to the movement and finding it lukewarm

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[118] These numbers were attained through an analysis of *Das Vaterland*, utilizing data from the Austrian Newspapers Online (ANNO) database provided through the Austrian National Library at anno.onb.ac.at.

[119] "In Namen Sr. Majestät des Kaisers!," *Das Vaterland*, May 25, 1877.

[120] "Eine Stimme aus dem Publicum," *Das Vaterland*, July 16, 1876.

[121] "Todesangst des Liberalismus," *Das Vaterland*, August 17, 1873.

at best. "What would have happened to the Catholic Church," he asked, "if the saints and martyrs of the first century had preferred… state omnipotence to their persecution, imprisonment, martyrdom, and death?" It was clear that what they needed to do was avoid being "paralyzed" by fear and act against liberalism in concrete ways.[122] Following this proclamation, *Das Vaterland* largely ceased producing polemics on the dangers of liberalism itself and, instead, focused on issues of reform and voting as a means of combatting liberalism. By 1887, for example, *Das Vaterland* published another major article focused specifically on liberalism, but rather than simply declare it illogical and doomed to fail (though it did this as well), it spelled out specific policy positions, like restoring Catholic oversight in schools and expanding protections for sick workers, that could turn public opinion against liberalism and cause it to fail.[123] This major shift was underpinned by the founding of the *ÖMGV* in 1879. By interacting with Church theologians and creating the intellectual backing for the Christian Social Party through the *ÖMGV*, Vogelsang and *Das Vaterland* could transition from mere rhetoric to articulating more concrete ideas of how to advance Catholic power in Austria.

Under Vogelsang, voting became a positive action that one could take to create a new vision of the fatherland. Though most people at this time could not vote, *Das Vaterland* nonetheless hoped to reach those who could to vote to effect change in individual elections by focusing on politicians (regardless of any professed party) who advocated for Catholic renewal in the Monarchy.[124] Those who could not vote, Vogelsang argued, should not simply give up.

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[122] "Katholisch und conservativ," *Das Vaterland*, August 9, 1875.

[123] "Die Deutschnationalen und die confessionelle Schule," *Das Vaterland*, November 16, 1887.

[124] Although the Feburary Patent of 1861 had loosened the tax burden necessary to vote, and the introduction of a new curia in 1896 further expanded the franchise, it was nonetheless still quite

"Every friendly handshake" from a farmer or peasant, Vogelsang stated, could help to turn politicians toward the cause of Christian Socialism, whether that farmer could vote or not.[125] *Das Vaterland* under Vogelsang also focused not just on national elections, but on smaller elections as well, such as the Carniolian elections in 1883. In his discussion of this election, Vogelsang emphasized that smaller elections effect major changes for many people.[126] All of the strategies that *Das Vaterland* advocated were, themselves, backed by the intellectual exegesis in the *ÖMGV.* And by becoming a much more active force, *Das Vaterland* was able to help shift the conversation away from liberalism at a time when it was already losing ground.

While Vogelsang's *Das Vaterland* acted as a major point of contact with the people, Vogelsang himself also acted as a conduit from the people to politicians in the Habsburg Monarchy. His correspondence with his protege, Ekbert Belcredi, brother of former Minister-President of the Habsburg Monarchy, Richard Belcredi, was not only on professional matters – Belcredi had helped found *Das Vaterland* – but was also a means by which Vogelsang could gauge the moods of the political elites so he could then communicate them to the people. Furthermore, throughout their correspondence, it was clear that Belcredi communicated their discussions with other aristocrats, which only helped spread Vogelsang's views further.[127]

Das Vaterland was also able to link its popular audience (and, ideally, working class audiences) with the higher ideals of the *ÖMGV*. Throughout Vogelsang's editorship, *Das*

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limited until the institution of universal manhood suffrage in 1907. For a greater explanation of the curia system, see Chapter 3. Judson, *Habsburg Empire*, 374.

[125] "Stimmen aus dem Publikum," *Das Vaterland*, July 7, 1884.

[126] "Die Agnoscirung der krainischen Großgrundbesitzwahlen," *Das Vaterland*, 8 October 1883.

[127] The correspondence with Belcredi can be found in: KvVI, Vogelsangs Nachlass, Mappe 7: Briefe von/an Grafen Belcredi und P. Albert M. Weiß.

Vaterland referred to or discussed the *ÖMGV* hundreds of times. Sometimes the newspaper even reprinted whole sections from the *ÖMGV*, providing a summary gloss before and after to help interpret the larger issues for readers who might not be able to grasp esoteric economic and theological concepts. In this way, the *ÖMGV* legitimized ideas in the popular newspaper and also connected readers with concepts they might not otherwise know about.[128]

Eventually, *Das Vaterland* lost most of its readership to the upstart newspaper, *Reichspost*, following its founding in 1894 (notably, four years after Vogelsang's death). The *Reichspost*, which initially opposed the upper clergy in the Christian Social Party, was an explicitly and virulently antisemitic paper that managed to gain a following of the lower clergy and antisemitic laity, particularly as the Christian Social Party became, itself, more explicitly antisemitic. Though neither *Das Vaterland* nor the *Reichspost* were technically party organs of the Christian Social Party, the *Reichspost* had a greater claim in this regard by the time it was founded, as many of the readers of *Das Vaterland* were moderate aristocratic clerics, which did not fit the more radical antisemitic tenor of the Christian Social Party following the rise of Karl Lueger. Of course, Vogelsang and, thus, *Das Vaterland* were also greatly antisemitic, publishing countless articles that either explicitly or implicitly attacked Jews as both anti-Christian and tools of the worst elements of capital. The antisemitism of *Das Vaterland*, however was much less virulent than that of the *Reichspost*, which ultimately proved to be its undoing. Nevertheless, the success of the *Reichspost* was made possible through the work of Vogelsang in reviving the Catholic press through *Das Vaterland*.[129]

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[128] From 1879-1890, the ÖMGV is mentioned in *Das Vaterland* more than 200 times.

[129] Raisp, "Die Wiener Tagespresse," 96.

Lueger and the Christian Socials

As John Boyer notes, Vogelsang's shift toward a more combative brand of political Catholicism had the opposite effect of what he desired. While some politicians and, in particular, aristocrats applauded his efforts, others began to pull away from him and he from them as both saw their mutual association as damaging to their overarching goals.[130] The Taafe government, for example, did not go far enough for Vogelsang, despite his initial support, leading Vogelsang to be disillusioned with official political structures and to turn more radical. Leo Thun, the former Minister of Religion and Education and original founder of *Das Vaterland,* came to disagree with Vogelsang's views as he became more radical (particularly with regards to the rising strain of antisemitism in Vogelsang's writings), which limited Vogelsang's free hand at *Das Vaterland* until Thun's death in 1888.[131] While it is clear that Vogelsang harbored antisemitic views from the very beginning, it seems that he was greatly influenced by antisemitic figures at his so-called "*Enten-abende*," a series of intellectual meetings he sponsored at a restaurant called the *Goldenen Ente*.[132] These meetings attracted erstwhile followers of the famous antisemite, Georg von Schönerer, who had been disillusioned with Schönerer's anticlericalism, as advocated in the *Linzer Programm* in 1882.[133]

While the ideological backing that Vogelsang provided continued to be utilized by conservative Catholic and antisemitic politicians throughout Austria, the center of power for conservative Catholics was in flux. Fine distinctions between Vogelsang on one hand and

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[130] Boyer, *Political Radicalism*, 161.

[131] Boyer, *Political Radicalism*, 173.

[132] Evans, *Cross and the Ballot*, 181.

[133] Evans, *Cross and the Ballot*, 181.

Thun/Taaffe on the other came to the forefront. Vogelsang endured attacks from the aristocratic side of Catholic politics for being too radical and idealistic. He combatted this charge, however, by saying that he was merely a moralist and not advocating specific policies while, at the same time, doing just that.[134]

Meanwhile, radicals in the Christina Social movement criticized Vogelsang for not emphasizing antisemitism more. Until the establishment of the *Reichspost*, the antisemitic wing of the Christian social movement was utterly dependent on Vogelsang. While this dependence helped to moderate the antisemitism of the Christian Social movement in the early days, the antisemitic strains of the Christian Social movement continued to grow. Furthermore, Vogelsang's writings on the sin of "usury," traditionally a not-so-veiled attack on Jews, became more prominent as he became more overtly antisemitic because of growing antisemitic voices in his following and his need to maintain that following by appealing to their antisemitism.[135] Whether he was sincerely antisemitic or, as some historians say, "anti-semitic only incidentally" is of little concern, as he was, nevertheless, espousing antisemitic ideals for his followers and legitimizing these ideas through his Christian moral teachings.[136] As old religious prejudices against Jews slowly began to veer into newer conceptions of race, the gateway from religious to racial antisemitism seemed to be through the "science" of economics, as described by Vogelsang, which saw Jews as inherently incapable of separating themselves from the greed that

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[134] This was his primary dodge as well when critics maintained that his programs, like the *Haider Thesen*, were not grounded in reality.

[135] This was a topic of discussion from the very beginning of the ÖMGV, but it became a primary point of contention rather than just a side issue through the years.

[136] The idea that Vogelsang was "only incidentally" antisemitic is prevalent in many older works, but most notably in Peter G. J. Pulzer, *The Rise of Political Anti-Semitism in Germany & Austria* (Harvard University Press, 1988), 126.

embodied the worst elements of capitalism. While neither Vogelsang nor Lueger advocated specifically racial conceptions of antisemitism (and, indeed, Adolf Hitler later criticized Lueger's antisemitism for not being sufficiently racialized), Vogelsang's religious and economic antisemitism and Lueger's political antisemitism helped lay the groundwork for this later racial development.[137]

Despite his relative isolation from both the aristocratic and radical antisemitic sides of the Catholic political sphere, Vogelsang's influence continued to be enormous. After 1888, upon the death of Leo Thun, he gained an even freer hand at *Das Vaterland*. He continued to use this platform to bridge from theological issues to social ones. However, on November 8, 1890, Karl von Vogelsang died, ending his years of intellectual influence on the movement, an influence that *Das Vaterland* rightly noted would not be matched after he was gone.[138]

Vogelsang's death left a power vacuum in the Christian Social Movement that was quickly filled by another up-and-coming Catholic politician, Karl Lueger. Lueger and Vogelsang had come into contact with one another in the newly-formed *Antisemitenliga*, which linked some of the supporters of Schönerer with those who supported the Christian-Social Movement.[139] Lueger, Vogelsang, and fellow Catholic political agitator, Aloys von Liechtenstein, worked together to form the second Austrian *Katholikentag* in 1889 and, later, the "*Enten-Abende*," where many of the Christian Social adherents could train each other in the finer points of

[137] Robert S. Wistrich, "Karl Lueger and the Ambiguities of Viennese Antisemitism," *Jewish Social Studies* 45, no. 3/4 (1983): 252-53.

[138] "Baron Vogelsang," *Das Vaterland*, 9 November 1890.

[139] Boyer, *Political Radicalism*, 222.

Christian Social ideology and spread ideas to the rest of the movement.[140] It was through these contacts that Lueger began to shift his politics towards Vogelsang and toward antisemitism as a means of political unity and support.

Following the death of Vogelsang in 1890, Lueger emerged as the primary voice in the Christian Social movement. Lueger moved toward the development of a formal political party by cynically using the intellectual groundwork that Vogelsang had developed to unify Catholic theological teachings with political teachings. Through the work that Vogelsang had done, Lueger was able to create a platform from which a new political movement or party could spring. Of course, unlike Vogelsang, Lueger did not care about theology beyond its utility to his political platform, but it created legitimacy for Catholic political control for the laity that could not only appeal to a new era of mass politics, but also could receive support from the clergy and, in time, even the pope.[141] Furthermore, theology alone could not solve the problem that had faced Vogelsang for the last decade of his life: it was impossible to unite the various conservative Catholic factions in the Habsburg Monarchy. By adopting antisemitism Lueger could consolidate conservative Catholic power.

Antisemitism for Lueger, though sincerely held, nevertheless was primarily a rhetorical strategy to pit various political groups against one another and solidify support for his party

[140] Evans, *Cross and the Ballot*, 181.

[141] As noted below, Lueger eventually won the support of Pope Leo XIII following the challenges to his election as mayor of Vienna. Richard S. Karl Geehr, *Lueger: Mayor of Fin de Siècle Vienna* (Detroit: Wayne State University Press, 1990), 89; Evans, *Cross and the Ballot*, 182.

through the othering of the Jews.[142] Lueger was most successful with this strategy in the city of Vienna, which had experienced a major growth of the Jewish population since the restrictions on Jewish residence in the city were lifted in 1848. Indeed, by the late 1880s there were about 120,000 Jews in Vienna, forming 9% of the city population.[143] The ability to mold older theological views against Jews through Vogelsang's antisemitic public theological writings allowed Lueger to shrewdly maneuver and gain support both from Catholics in general, from the clergy, and from antisemites who might not be as receptive to the religious argument.

Fortunately for Lueger and unfortunately for Vienna's Jewish population, Lueger's gambit for power worked. By the 1891 Vienna elections, Lueger had gained some popularity in Vienna, owing in part to the creation of the first official Christian Social program in that year.[144] Though, as noted by Ellen Lovell Evans, the more religious dimension of Vogelsang's ideas regarding Judaism seemed to have faded from the platform by this point, as Lueger divorced Judaism and Jewishness from religious identity and merely sought to use it as a means of gaining and consolidating power in Vienna.[145] The theological backing for the Christian Social Party, like the antisemitism, seemed to by this point constitute a mere rhetorical strategy to achieve acceptance and domination.

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[142] This point is most famously explored in: Carl E. Schorske, "Politics in a New Key: An Austrian Trio," in *Fin-de-Siècle Vienna: Politics and Culture* (New York: Vintage Books, 1981), 116-180.

[143] For an in-depth look at the Jewish population in Vienna, see Marsha L. Rozenblit, *The Jews of Vienna, 1867-1914: Assimilation and Identity* (Albany: State University of New York Press, 1983); population statistics, p. 17.

[144] Reinhold Knoll, *Zur Tradition der Christlichsozialen Partei. Ihre Früh- u. Entwicklungsgeschichte bis zu den Reichsratswahlen 1907* (Wien: Böhlau, 1973), 169-170.

[145] Evans, *Cross and the Ballot*, 182-83.

Lending more support to the rhetorical strategies of Lueger and the Christian Social Party was the publishing of *Rerum Novarum* in 1891. This widely-cited papal encyclical, enunciated by Pope Leo XIII, went hand-in-hand with the teachings of Vogelsang, giving the Christian Social party even more legitimacy among the Catholic faithful in Vienna. *Rerum Novarum* addressed the plight of workers, blending the idea of Christian charity as explained by Thomas Aquinas with the economic rights and duties of Christians within society. It, like Vogelsang's *Haider Thesen*, denounced socialism and collective ownership, but it nonetheless advocated for measures like the creation of trade unions as a means of preserving the balance of social order in a Christian way.[146] While Lueger himself did not advocate openly for the "workers," preferring instead to advocate for a middle-class *Bürgertum*, that was paradoxically both privileged and universal, the ideas of *Rerum Novarum* nonetheless gave his political platform even more legitimacy.[147]

Owing in part to this call for the Christian political-economic social movement, Lueger was able to combine several competing Christian Social groups into one party by 1893, and this party gained seats in local elections throughout the Monarchy.[148] By 1895, Lueger was able to win the majority of seats in the Vienna city council. More conservative elements of political Catholicism in the Habsburg Monarchy asked the emperor to veto Lueger's election as mayor. A delegation of Catholic conservatives went to the point of traveling to Rome in order to persuade

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[146] Pope Leo XIII, "Rerum Novarum," Papal Encyclicals, May 15, 1891, https://www.papalencyclicals.net/leo13/l13rerum.htm.

[147] For Lueger's "*Bürgertum*" and its contradictions, see Boyer, *Political Radicalism*, 195.

[148] There is some disagreement as to the exact date of the founding of the Christian Social Party, but most either attribute it to the creation of the program in 1891 or the consolidation of competing parties in 1893. For the purposes of this dissertation, we will assume the party was formed in 1893, as this was the point that it came under the primary direction of Karl Lueger.

the pope to denounce the Christian Socials. Upon hearing about the Christian Social platform from Agliardi, the papal nuncio to Vienna, however, Leo XIII concluded that they blended well with the goals established in *Rerum Novarum*. The pope did not condemn Lueger, but the emperor did veto his election. Nevertheless, by 1897, having won election five times in total, the emperor acceded to his victory and allowed him to take his place as mayor of Vienna.[149]

Conclusion

By the time of Lueger's ascendency as mayor of Vienna in 1897, the theological shifts in the Habsburg Monarchy that were necessary for the rise of the Christian Social Party had been complete for almost twenty years. The beginning of Karl von Vogelsang's popularity in 1875 was the last shift necessary for the creation of an explicitly Catholic political party, as he utilized the rhetoric of Catholicism and gained support from the clergy and lay politicians alike. The shifts in political theology, which began in response to the 1848 revolution, continued through the Concordat of 1855, became solidified at the First Vatican Council, and were reinforced through *Rerum Novarum,* demonstrated the long way that Catholic political teachings had come since the time of the Council of Trent.

While it is not correct to attribute the rise of political antisemitism in Europe completely at the feet of the theological shifts in the Catholic Church, it is clear that these theological shifts created the necessary ideological background for the creation of a modern Catholic political party in the Habsburg Monarchy. Church figures in other parts of the world interpreted the

[149] The complexities of Lueger's five elections is beyond the scope for this dissertation. Nevertheless, for the back and forth of Lueger's elections as mayor and Franz Joseph's certification of the election on April 16, 1897, see Geehr, *Lueger*, 88-99; Evans, *Cross and the Ballot*, 182.

theological shifts of the Catholic Church differently. The development of similar movements in other states, such as Germany's Catholic Center Party, while having a similar trajectory, nonetheless took different paths based on the specific political-theological circumstances of that state. The Center Party in Germany is not the same as the Christian Social Party, but the legitimacy provided by the Catholic Church's theological shifts both within and outside the Church nonetheless played a role in both parties' ideological developments. In Austria, Vogelsang combined the Church's new political-theological paradigm with his economic ideals. Lueger combined Vogelsang's views with the prejudices of the day, cynically exploited them as a means of gaining and maintaining power at the expense of the Jews. It is unlikely that the Church and lay intellectuals who originated the movement sought this outcome, but the outcome is certainly one for which they were responsible, particularly as they actively or tacitly supported antisemitic tropes in their writings.

Karl von Vogelsang's writings constitute a popular public theology, as he attempted to bridge the gap from the high-minded theology of thinkers like Cardinal Rauscher to the laity. His use of the *ÖMGV*, the *Haider Thesen*, and his correspondence with the clergy as an intellectual backing to the public-facing *Das Vaterland* seems to be a precursor to later Catholic movements throughout the world. The shift toward antisemitism and Lueger's attraction to it as a rhetorical strategy in the 1880s served to unify the movement against "the other," particularly in a moment when liberalism ceased to be the boogeyman it once was. The fears of Cardinal Rauscher and Bishop Rudigier about the tyranny of the liberals no longer seemed necessary, but the theological shifts that formed the basis for a Catholic political sphere in the Monarchy remained.

Conclusion

In the conclusion to his second volume on Christian Socialism in Austria, entitled *Culture and Political Crisis in Vienna: Christian Socialism in Power, 1897-1918*, John Boyer posed the question, "How… are we to think about the Christian Social Party as a leading component of modern Austrian political culture?"[1] In some ways, this is perhaps one of the most important questions for any study that looks at the Christian Social Party, as it did have far-reaching consequences to the Austrian political life. Indeed, as Boyer later noted, historians could perhaps credit this party with creating the entire modern party structure in Austria beyond the collapse of the Habsburg Monarchy and into the present.[2]

While surveying the religious dimension of the party, however, Boyer argued that theological ideas played little to no role in its development. "For all the noise and animation with religious symbols and cultic performances," Boyer argued, "the party leadership in Vienna did not, at least in Lueger's time, conceive of itself as a confessional party…. Rather, its use of religion was more politically pluralistic and more culturally utilitarian…."[3] While it may be true that the party itself used religion cynically to gain power, Boyer's assertion that it was not a religious party belies an implicit argument about its theological backing. Since the party itself was not truly concerned with religious or theological issues, religious and theological conversations played little real role in the party's formation. This logic is especially clear when

[1] John W. Boyer, *Culture and Political Crisis in Vienna: Christian Socialism in Power, 1897-1918* (Chicago: University of Chicago Press, 1995), 460.

[2] Boyer, *Culture and Political Crisis*, 461.

[3] Boyer, *Culture and Political Crisis*, 166.

taken in conjunction with his first volume, which discounts the relevance of theology to the party's prehistory. Nevertheless, while the Christian Social Party, indeed, was little concerned with religious or theological conversations in the public forum, theology (in particular, the negotiated political theology that developed after 1848 in the Austrian Church) formed the bedrock from which figures like Karl Lueger could found and expand that party by providing legitimacy and a justification for clerical participation in politics. The participation of the lower clergy was imperative for the formation of Lueger's coalition, but the theological legitimacy needed to be in place before they could justify such participation.

By 1907, the Christian Social Party was no longer a small regional party with most of its power concentrated in Vienna. The agitation for greater suffrage, which culminated in first an expansion of the vote in 1897 and then universal male suffrage in 1907, allowed for the Christian Social Party to take advantage of a turbulent national political system to gain state wide significance.[4] The shrewd maneuver of the Christian Social Party to support German nationalists in the political crisis that resulted from the Badeni language ordinances expanded their share of the vote considerably.[5] The language ordinances, passed in April 1897, declared that Czech and German would be used in internal administration in Bohemia and Moravia, which required that all government officials be fluent in both Czech and German by 1901. While Czechs spoke Czech natively and learned German in school, German nationalists rarely learned Czech and, thus, feared exclusion from nearly all government jobs, despite many bureaucrats being well

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[4] Boyer, *Culture and Political Crisis*, 446; Pieter M. Judson, *The Habsburg Empire: A New History* (Cambridge, MA: The Belknap Press of Harvard University Press, 2016), 376.

[5] Ellen Lovell Evans, *The Cross and the Ballot: Catholic Political Parties in Germany, Switzerland, Austria, Belgium and the Netherlands, 1785-1985* (Boston: Humanities Press, 1999), 183.

versed in both languages.[6] When many of the local avowed Catholic confessional parties supported the ordinances, German nationalists fled in droves, some even converting to Lutheranism in protest.[7] By supporting the German nationalists, the Christian Social Party was able to consolidate power and win support, first in Tyrol, where the Catholic confessional parties had almost unanimously supported the ordinances, then throughout the Monarchy, particularly in German-speaking areas.[8]

While it is clear that the use of the Badeni Ordinances as well as mass politics explain the rise in power of the Christian Social Party throughout the monarchy, it is impossible to ignore the Catholicity of the party as the means of attracting its followers. The support that the party gained in Tyrol and the rest of the monarchy was owed not just to the antisemitism, antiliberalism, overarching political program, or charismatic leadership of the Party, though those certainly played a role, but rather the increase in the party's popularity primarily stemmed from its use of Catholicism to legitimize its political power. People who felt alienated from Catholicism through their disaffection with Catholic parties following their support of the Badeni Ordinances seemingly had two choices: join the Christian Socials or cease being Catholic. While many chose to do the latter, the solution for many others was to join the Christian Socials.

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[6] John Deak, *Forging a Multinational State: Statemaking in Imperial Austria from the Enlightenment to the First World War* (Stanford: Stanford University Press, 2015), 223-25.

[7] Evans, *Cross and the Ballot*, 183.

[8] Tyrol had a long tradition of Catholic politics, with notions of power bound up in the expressions of piety. See Laurence Cole, *"Für Gott, Kaiser Und Vaterland": Nationale Identität Der Deutschsprächigen Bevölkerung Tirols 1860-1914* (Frankfurt: Campus Verlag, 2000). For widespread support of the Christian Social Party in Upper and Lower Austria following the Badeni Ordinances, see Evans, *Cross and the Ballot*, 183.

By 1907, it is clear that the party no longer used theology as a conscious guide for its political positions, focusing more on antisemitism as a means of building a coalition. This antisemitic coalition building led it to become one of the most important parties in Austrian history, gaining a significant following.[9] Nevertheless, the vestiges of the original theological backing that allowed the party to rise in the first place — that is the political theology of the Austrian Church, the post-Vatican I political theology of the Catholic Church as a whole, and the popular political theology of Karl von Vogelsang as the bridge between formal theology and popular ideas of political power — could be felt through its fundamental legitimacy as a Catholic party.

This dissertation, in large part, has expanded John Boyer's magisterial work. I do not dispute that the Christian Social Party can and should be understood as an antisemitic party, whose most visible leader, Karl Lueger, sought to use antisemitism as a means of forming a coalition of support that eventually culminated in the party's political power after 1897. Likewise, I do not dispute his other argument, that much of the initial support of the party stemmed from the grievances of the lower clergy going back to 1848. Nevertheless, it is the argument of this dissertation that Boyer and other historians have fundamentally ignored the importance of theology and theological discourse to the development of the Christian Social Party. Theological discussions underpinned the foundations of the Christian Social Party going back to the Revolutions of 1848 and, indeed, carried through to its accession as the political power it became in the 1890s.

[9] To this very day, the Austrian People's Party (ÖVP), the post-World War II successor to the Christian Social Party, holds significant power in Austria. At the time of writing, the ÖVP has the largest number of seats in the Austrian parliament and forms a governing coalition with the Austrian Green Party, though it is no longer avowedly antisemitic.

The Revolutions of 1848 presented a crisis in political theology in the Habsburg Monarchy. The theological paradigm that had developed since the Council of Trent in 1545 to 1563 was remarkably adept at combatting heresy and Protestantism, but it had proven to be unable to deal with the new forces of liberalism and socialism. The separation of the Church from state affairs through an interpretation of Thomas Aquinas's views of justice and propriety led the archbishop of Vienna, Vinzenz Eduard Milde, to a near political apathy, which made him personally unable to adequately respond to the pressures of the Revolutions. The reaction to Milde's unwillingness to weigh in on the issues of the Revolutions alienated both liberal and conservative members of the clergy, beginning a renegotiation of the political-theological paradigm in Austria.

Following Cardinal Joseph Othmar Rauscher's consolidation of the political theological paradigm as one of legalistic compromise, the Church and the Habsburg state negotiated the Concordat of 1855. Following the passage of the *Maigesetze* in 1867, which unraveled many of the provisions of the Concordat and led to the arrest of Bishop Franz Joseph Rudigier of Linz, however, a new political-theological paradigm seemed necessary. Again, Rauscher led the charge for this new paradigm, with the backing of the social teachings of the Church in the First Vatican Council. Despite fears of backlash against the council's provisions regarding ultramontanism, and the specter of anticlerical legislation like the *Kulturkampf*, Rauscher was able to consolidate support for a more active view of political theology, in which direct participation in political institutions by the Church and its advocates in the laity was necessary to secure the future of Catholic morality in the Monarchy.

Following the death of Cardinal Rauscher in 1875, Karl von Vogelsang built on his political theological paradigm to provide the bridge between theological legitimacy and practical

political efficacy. By using the academically-minded *ÖMGV* as a means of exploring formal theological concepts and blending them with practical economic ideals, Vogelsang legitimized and popularized the views of his new Christian Social movement through his public-facing newspaper, *Das Vaterland*. From 1848 to 1890, the political theology of the Austrian Church had changed from an understanding of the Church as an institution wholly separate from political society to an understanding of the Church as being inextricable from the very fabric of political society. Attendant to that shift was an implicit change in the understanding of theology as a formal exercise undertaken officially by the Church to theology as an exercise that could and, perhaps by necessity, must also be undertaken informally and unofficially outside the walls of the Church as a means to preserve the stability and longevity of the Church's formal institutions. Thus, the acceptance of Vogelsang's popular political theology by the Church, manifested in Leo XIII's acceptance of Vogelsang's successor, Karl Lueger, and therefore also its acceptance of the very foundation of the Christian Social Party, was only possible because of the political theological shifts in the Habsburg Monarchy since 1848.

While this dissertation has focused extensively on the political theological developments in the Habsburg Monarchy from 1848 to 1893, it is by no means a complete examination of the dynamics of theology in the Monarchy. More attention can and should be paid to the influence of political theology, whether explicitly or implicitly, both before and after this time period. I argue that insufficient attention has been paid to the influence of theology as a whole on society. Yet theology is important, because it lends legitimacy to political movements, whether officially associated with confessional parties or not.

This dissertation has primarily focused on the German-speaking areas of the Monarchy, but the dynamics of theological discourse in the Monarchy stretch beyond the German-speaking

areas. Future studies should examine the theological issues in the rest of the Monarchy and among different language groups. While this will necessarily take the scope of the analysis out of the context of the Christian Social Party, it may open up further avenues of analysis that I have heretofore not considered. The dynamics of confessional politics in Czech-speaking groups and within Czech Catholic parties, in particular, could use a much greater degree of analysis through the lens of theological discourse. Much has been written about Bohemian confessional politics before the nineteenth century as a result of Bohemia's role in the Reformation, but far less has been written about the nineteenth century and beyond.[10] Likewise, an analysis of the influence of political theology in the Hungarian lands and, perhaps, Hungarian nationalism itself could also merit a greater degree of discussion, especially given the role of Hungarian Christianity during the Holocaust.[11]

Furthermore, while antisemitism has formed a line of continuity from the earliest days of political theology to the nineteenth century and beyond, antisemitism has not been a primary focus for this study. Nevertheless, the antisemitic dimension to the theological ideologies present in the Christian Social Party merit some exploration. As Christian Wiese notes in his work on the dynamics of politics, theology, and antisemitism, there has been reticence on the part of Christian institutions to deal with the legacy of their theological positions in relation to the

[10] There are, of course, several books that do a good job examining the confessional politics and theological influence on Bohemia into the eighteenth century, such as Howard Louthan, *Converting Bohemia: Force and Persuasion in the Catholic Reformation* (Cambridge: Cambridge University Press, 2009).

[11] While it does not quite approach the level of theological discourse called for in this dissertation, an extremely useful discussion of these dynamics can be found in Paul Hanebrink, *In Defense of Christian Hungary: Religion, Nationalism, and Antisemitism, 1890-1944* (Ithaca: Cornell University Press, 2006).

development and, indeed, legitimacy of antisemitism with regards to the Holocaust.[12] The role of the Christian Social Party in the popularization of antisemitism in the Habsburg Monarchy has been explored in great detail, but the lack of acknowledgement of the theological origins of the Christian Social Party obscures the connective tissue between theology and the legitimization of antisemitism.[13] Hopefully a future study can use the material presented in this dissertation to analyze the relationship of theology to antisemitism, even if that theology is merely being used as a tool for legitimacy.

In some ways, an exploration of the influence of theology on political developments is an old-fashioned kind of history. It presupposes the importance of theology not just to political life but to religious life itself. Indeed, most lay Christians engage very little with formal or even informal theological discussions, raising the question of whether or not theology can be a predictor or motivator for action in history or if external values are more important in framing such actions. Nevertheless, studies have shown that theology can form a fundamental basis for understanding non-religious social issues such as civil rights, the acceptability of war, antisemitism, and suicide more so than external values.[14] Given the primacy of religion and

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[12] Christian Wiese, "The Political Dimensions of Theology: Christianity and Antisemitism," in *Antisemitism Before and Since the Holocaust*, ed. Anthony McElligott and Jeffrey Herf (Cham, Switzerland: Palgrave Macmillan, 2017), 53–113.

[13] There are countless studies that explore the Christian Social Party's promotion of antisemitism, but for a basic overview, see Robert S. Wistrich, "Karl Lueger and the Ambiguities of Viennese Antisemitism," *Jewish Social Studies* 45, no. 3/4 (1983): 251–62; Peter G. J. Pulzer, *The Rise of Political Anti-Semitism in Germany & Austria* (Harvard University Press, 1988); Boyer, *Culture and Political Crisis*.

[14] Vincent Jeffries and Clarence E. Tygart, "The Influence of Theology, Denomination, and Values upon the Positions of Clergy on Social Issues," *Journal for the Scientific Study of Religion* 13, no. 3 (1974): 309–24; Ted G. Jelen, "Political Christianity: A Contextual Analysis," *American Journal of Political Science* 36, no. 3 (1992): 692–714; Benton Johnson, "Theology and the Position of Pastors on Social Issues: Continuity and Change Since the 1960s," *Review of Religious Research* 39, no. 4 (1998): 293–308; Don Gray, "Beyond Orthodoxy: Social Theology

theological beliefs to the religious adherent, theology cannot be discounted when examining the history of any region, especially one as historically connected to a religion as the Habsburg Monarchy is to Catholicism.

This dissertation has sought to understand the dynamics of political theology in the context of the Habsburg Monarchy as a means of explaining the foundation and rise of the Christian Social Party from 1848 to 1893. Inherent in this study is the argument that theology can and should be understood as a driver of history. Though some, such as John Boyer, may argue that theology is merely ancillary to the understanding of this rise, this dissertation argues that discounting the theological origins of Christian Socialism, which is, itself, a discounting of the utility of theology to the history of the Habsburg Monarchy as a whole, is a mistake. In the end, we must understand that for conservative Catholics in the late Habsburg Monarchy, whether motivated by revolutionary thought, antisemitic feelings, struggles for power, or an attempt to restructure the entire political system, the ideological backing for their beliefs and understanding of the world came down, as Bishop Rudigier noted, to "God rather than men."

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and the Views of Protestant Clergy on Social Issues," *Review of Religious Research* 50, no. 2 (2008): 221–40; Ronald E. Brown, R. Khari Brown, and Aaron W. Blase, "Religion and Military Policy Attitudes in America," *Review of Religious Research* 55, no. 4 (2013): 573–95; Jong Hyun Jung and Daniel V. A. Olson, "Religion, Stress, and Suicide Acceptability in South Korea," *Social Forces* 92, no. 3 (2014): 1039–59.

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