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**Relationship Aspects of State-church in
the Habsburg Empire during Emperor
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**Relationship Aspects of State-church in the Habsburg Empire
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Abstract

The Church constituted for them the representative institution around which the first projects, which were aiming at “uplifting”, emancipating from the humble condition of tolerated people, had gathered even since the beginning of the 18th century. The religious politics of the Habsburg reformism, of the Josephine one in particular, constitutes a highly complex subject due to the complicated circumstances and interests that shaped the options and the objectives of the representatives of Vienna in this field. The radical measures of the 80s in the religious area have a past full of long research and attempts incarnated into legal acts or establishment of some speciality organizations called to administrate the transformation that the Court from Vienna was thinking about in this field, in order to impose the interests of the state. That is why we considered necessary and desirable to open this article with the general evolution of the state-church relationship during Joseph II in order to capture the difficulty of reforming a system preoccupied with the pope-monarch duality in a multiconfessional construct with fragile balances. Joseph II is known in the historiography pages for his tolerance politics promoted among his people. In this regard, special attention was given first to the genesis of Joseph II's concept of tolerance in order to emphasize the finality and especially the meaning that the monarch gave to his politics in this field. One of the representative acts of the Josephine reformism was certainly constituted by The tolerance Edict (1781), act that was born due to political reasons, and not religious ones, which officially opened a new, integrating perspective to the Orthodox segment. One of the great merits of this measure with a revolutionary character for that period was that it trained under a psychological, political and judicial aspect, the premises of the Romanians' uplifting and integration at the level of the other peoples of the monarchy.

Keywords:

Introduction

The analysis of the state policy in the church reform during Joseph II becomes extremely complex, given the relationship between the two institutions. Understanding the phenomenon of the Josephine reform cannot be achieved based on modern criteria of the twentieth century when the two institutions – the State and the Church – have strictly defined their areas of competence. As Emperor and Apostolic King, Joseph II claimed the control of the Church, based on the medieval and canonical law¹.

The Differences between Religious Policy Empress Maria Theresa and Joseph II

The difference between Maria Theresa and Joseph II consisted not only in the tone of the reforms, as historian *Ioan Marin Mălinaș*² considered, but especially in how they were addressed. If during Maria Theresa, the reform aimed especially the economic and secular aspects expanding then to the doctrinal ones, all against a sinuous collaboration with Rome, the new king attacked from the beginning the ecclesiastical problems of the Catholic Church, without attempting a minimal collaboration with the papacy³. It is true that Joseph II, an expert in the administrative problems of the Empire⁴, understood that the Austrian political and religious reality had changed substantially compared to the period of 1740. Due to the crisis in Moravia and to that the Austrian government did not decisively intervene, the Protestants in other provinces of the Empire asked the authorities for a tolerant and conciliatory treatment⁵. In recognition, since 1780, Kaunitz gave Empress Maria Theresa a project granting limited toleration to the Protestants in Moravia⁶. Although Joseph was favourable to the Chancellor's project, Maria Theresa categorically rejected it, according to her religious beliefs⁷.

A Stormy Start Religious Policy of Emperor Joseph II - Edict of Tolerance

After the long period of co-regent, Joseph II could move towards to apply his conceptions of state governance, with the death of Maria Theresa and with taking the absolute control on November 30, 1780. Following these events, the king understood that religious uniformity could not be a long-term project

¹Kovács 1983, p. 29-30.; Săsăujan 2002, p. 58.

²Mălinaș 2001, p. 69.

³Wodka 1959, p. 298-299.

⁴In this direction see Gutkas 1989.

⁵Horga 2000, p. 154.

⁶Tolerance that afterwards had to be extended to the rest of the Empire.

⁷About this dispute during 1780 see Maaß 1951-1961, Band II, p. 222-252.

without major repercussions for the Empire¹. From the first month of his reign, there were issued provisions for solving any religious dispute with moderation and gentleness, dismantling the religious committees dealing with the people's manners². Due to the new emperor's provisions³, a state of relaxation was tuned in the empire, against which the religious issue became a topic of public debate⁴. The Roman Catholic Church for the first time endures several open criticisms from intellectuals who wanted its reform⁵. This climate has eased the the relations between Protestants and authorities, but gave them the opportunity to openly address the king. Discussions on the issue of an Edict of Tolerance for non-Catholics started within the State Council⁶, following a petition submitted by the Hungarian Protestants at the beginning of 1781⁷. The measures to introduce this important document, announced in advance by the emperor⁸, were hurried because of the violent religious movements awaked by Protestants, movements that threatened to expand in the entire Empire⁹. Franz Karl Kressel detailed and the emperor approved the basic principles of the new religious policy and implicitly of the Edict of Tolerance¹⁰. The important step taken was not singular at that time, the emperor and his counsellors knew that countries like Prussia, England and the Netherlands had resorted to such measures beneficial to the economy¹¹. The Edict of Tolerance was promulgated on the 13th of October in Linz for the Upper Austria. Later, tolerance patents will be developed for other parts of the Empire: Hungary on October 25th, Moravia and Styria on the 27th of October, Bohemia on October 30, Kraina on November 3, Transylvania on November 8, Galicia on the 10th of November, the Austrian Netherlands on November 12, Schleswig on March 30, 1782 and Lombardy on the 30th of May 1782¹². It thus started from the model of the Edict of Tolerance¹³, issued for the Upper Austria and the text has been adapted to the political and religious realities in each province¹⁴. Even if there

¹Horga 2000, p. 154.

²Fazakas 1998, p. 73.

³Fazakas 1998, p.74; Horga 2000, p. 154. An important step with major effects is also stopping any type of censorship until June 1781.

⁴Moving censorship to the secular control was the beginning of a thriving stage in Austria, known in the specialized literature as the pamphlet era. For details of the subject see Bálazs 1997, p. 167-180; Padover 1967, p. 153-159.

⁵Beales 2005, p. 237-239; Sorkin 2008, p. 216-218; It will culminate in 1782 with Eybel's publication, a former student of Rigger and current professor of canon law at the University of Vienna, the pamphlet *What is the Pope?*.

⁶About these discussions in the State Council see Elmér 1939, p. 127-139.

⁷Kosáry 1987, p. 87.

⁸Fazakas 1998, p.77; Official statements were issued on the tolerance policy on May 22nd, 16th of June and 13th of September 1781.

⁹Gerson 1890, p. 76.

¹⁰Elmér 1939, p. 195-205.

¹¹Oppenheim 2001, p. 104.

¹²Horga 2000, p. 155-156.

¹³For the Edict of Tolerance see: Boutier 1992, p.115-116; The text of the Edict of Tolerance of October 13, 1781 is fully available at <http://www.koeblergerhard.de/Fontes/ToleranzpatentOE1781.htm>, seen on April 2014.

¹⁴Horga 2000, p. 154.

is inevitably a difference between the letter of the administrative provision and its implementation, the official term – *Das Toleranzpatent* – introduces a new, modern term, in stark contrast to the whole past of abuses and religious persecutions. In the eighteenth century, there is a radical new concept that marks again a new terminology of freedom in the Empire. It is proclaimed, in theory at least, the full liberty of religion, the cessation of any persecution. Equality of all religions is recognizing and their free oral and written speech is guaranteed¹. The Edict of Tolerance marked an important moment in the history of state-church relationship through the major transformations it opened with reverberations in many confessional, social, political or cultural areas. If Catholicism was to Maria Theresa the link of the Empire's spiritual unity, her successor nuanced all these things. To Joseph II, Catholicism remains the most important Austrian state religion – he himself never denied this – but in the spirit of political utilitarianism² and reformism, a state religion or a religion controlled by the state must emerge. How did the emperor understand this? The solution is given by the Edict of Tolerance and the decrees issued during this period that supported the efficient Christian religious worships within the Empire. Basically, every cult is given the freedom of expression in various plans, bringing them closer to an official religious expression. In order to create such a consensus, a religious array, is not surprising that the Catholic religion is heavily hit by rationalization and efficiency measures taken by the imperial administration while other religions receive more rights than hoped before. For the non-Catholics, and in this segment we have in mind primarily the Romanian Orthodox in Transylvania, the consequences of this political act, considered revolutionary, must be pursued in the long term, as a turning point, as the generator of a new spirit and a new attitude, both in the leader-subject relationship and in the local and central authorities' relationship to them³. From a legal and constitutional point of view, the change of the non-Catholics' state is radical. The individual is thus viewed in terms of its economic efficiency and not in terms of the religion practiced⁴. Thus, the Edict of Tolerance offered the non-Catholics the access to various public and administrative functions that had been conditioned before 1781⁵, by the affiliation to Catholicism. Tracking the concrete political acts of the reign, particularly the *1781 Edict of Tolerance* and the personal correspondence with other representatives of political influence in the Empire, reflect that Joseph II

¹Marino 2005, p. 36.

²Klingenstein 1993, p. 14-15; Joseph II's cameralism was the result of the conflicts with Prussia.

³Horga 2000, p. 154; From this point, citizens report to the law and not to religion they practice. These effects are valid for the Romanian Orthodox in Transylvania.

⁴Mălinaș 2001, p. 74; The enlightened and tolerant spirit sprang from the conviction that every citizen of the state must have a minimum of Culture and Education. Good citizens, soldiers, taxpayers need to form irrespective of religion or nationality.

⁵Kosáry 1987, p. 88; The number of Protestants within universities and central government structures has increased steadily during Joseph II, although this phenomenon was tried to prevent.

remained loyal to his principles to the tolerance issue. In December 1787 he wrote to Van Sweeten:

“[...] So far, Protestant religion was suppressed in my states and those who professed it were regarded as strangers; their civil rights, property rights, dignities and honours were banned. However, from the beginning of my reign I wanted to adorn my crown with the love of my whole nation and to follow the principles of generous and fair governance. I published the laws on tolerance and I have broken the yoke that oppressed Protestants. Now, no one will be persecuted for his faith. Tolerance is the propagation of Light, which now extends over the whole of Europe; it is based on philosophy and on its great founders. It is a monument that shows the progress of the human spirit, it is the only one governors should follow”¹.

Relations between the Roman Catholic Church and Emperor Joseph II

The risk of losing its dominant position in relation to Protestants and Orthodox in the Empire due to the Edict of Tolerance, has led to a strong opposition of the Roman Catholic Church, expressed by Cardinal Migazzi and József Batthyány, the Archbishop of Estergom². They were strongly supported in the State Council by Councillor Carl Hatzfeld³, the president of the Chamber of Auditors (*Hofkammer*)⁴. Joseph II defied this opposition⁵ and expressed a clear intention to continue the religious reform. For this reason, Pope Pius VI decided to make a huge step towards getting Rome and Vienna closer⁶. In February 1782, the pope arrived in Vienna where he met Joseph II and Kaunitz⁷. In general, the authorities treated him coldly⁸. The journey of Pius VI appears as a vain attempt⁹, although at its end, the pope issued a proclamation in favour of the emperor, in a supreme gesture of reconciliation¹⁰. Subsequently, the relations between the Empire and the Pope would deteriorate. In 1783 in Rome, legate Perciò Garampi¹¹ bluntly stated that the

¹Gueffier 1822, p. 107.

²Aston 2002, p. 142.

³Elmér 1940, p. 222-224.

⁴Bérenger 2000, p. 349.

⁵Evans 2006, p. 95; Because of his opposition, Carl Hatzfeld is replaced from the head of the Chamber of Auditors of Baron Franz Anton Kolowrat, the future chancellor.

⁶Kosáry 1987, p. 84.

⁷Aston 2002, p. 156.

⁸About Pope's visit, see: Garms-Cornides 2001, p. 287-292.

⁹Gonda & Niederhauser 1978, p. 159; Although the Pope called for a return to the old relations of cooperation, Joseph II explained that he was not going to retract any edict issued during that period.

¹⁰The proclamation of Pope Pius VI was found at the Romanian Academy Library, Cluj-Napoca Branch, *Fondul de foi volante și tipărituri mărunte*, *Discursul papei Pius al VI-lea ținut la Curtea Imperială*, Vienna, 19th of April 1782, no. 2926.

¹¹Garms-Cornides 200, p. 281-285; Perciò Garampi, papal representative in Vienna, was commissioned by Rome since 1781 to negotiate a rapprochement between the two institutions,

emperor was seeking to break the church from the papal authorities, making it dependent on the Austrian state. Kaunitz was the one who clearly summarized the state-church relationship when answering legate Garampi. According to his opinions “[...] the state’s supremacy over the Church extends to all canonical and ecclesiastical aspects and whatever the church undertakes, it will have to ask the consent of the secular power; the state must always have the power to limit, modify or cancel the canon law when there are abuses or simply when required by the state interests”¹.

In order to implement the idea of State’s supremacy over the Church the emperor decided to establish a Commission for religion² (*Geistliche Hofkommission*), on July 1782. The new committee was charged with reforming and rebuilding the Roman Catholic Church in the Empire³ in the spirit of Jansenist ideas and of the emperor’s personal visions⁴. Franz Karl Kressel further coordinated the Committee⁵. His adviser and secretary remained Franz Joseph von Heinke⁶. The religious commissions of the Empire provinces have been subordinated to the committee, as happened in Hungary on the 10th of October 1782⁷.

The Committee has prepared the most spectacular Josephine religious reform⁸, namely the dissolution of the contemplative monasteries. The act issued on November 30, 1781⁹ emphasized the fact that the emperor, according to his utilitarian ideas¹⁰, gave great care to secular clergy¹¹. Franz Joseph von Heinke, who in 1782 published *Ueber die also Exemptiones geistlichen der Orden*, arguing his imperial decisions, developed the decree sketch and the instructions of its application¹². Measures taken during the period 1782-1790 finally led to the abolition of many traditional monasteries in the Empire. The exact number is not known but is probably between 400¹³ and 800¹ monasteries

in the spirit of the period of Maria Theresa. Between Garampi and Kaunitz was a rich correspondence during Joseph II.

¹Correspondence between Garampi and Kaunitz in Maaß 1951-1961, Band II, p. 292-296.

²Maaß 1951-1961, Band I, p. 333-334.

³Dickson 1995, p. 331.

⁴Hasquin 2007, p. 195; The author insists that the religious commission model could have been inspired by the French model. Louis XVI in 1766 had established the so-called Commission de Réguliers, made of five clergy and five officials with responsibilities similar to the Austrian. Joseph could have known the French model during the visit of 1777.

⁵Evans 2006, p. 95.

⁶Behind many of the imperial decisions in this area were the projects prepared by Franz Joseph von Heinke.

⁷Kosáry 1987, p. 85.

⁸Zölner 1997, p. 399.

⁹Dickson 1/1993, p. 92; The act was issued a year after Joseph’s II ascending to the throne of Austria. Its issuance during celebration demonstrates the importance the king attached to that reform.

¹⁰Winter 1962, p. 115; Over time, the state had lost thousands of people in agriculture and other areas of social activity, because of their entry into the Catholic monastic orders.

¹¹Dumitran 1999, p. 342.

¹²Heinke 1782; The book’s pages also announce the structures’ reform and the episcopates’ organization, which will occur in 1784. Heinke contributed to the development of the decree.

¹³Bérenger 2000, p. 361.

monasteries out of 2163 in 1770. The ultimate goal was to reduce the number of contemplative clergy² in favour of priests who were very important for the Josephine reform plans³. For the non-Catholics' emancipation and hence for the Romanians', this decision was particularly beneficial in another way. The issue of church properties and dissolved monasteries assets was resolved by passing them in the state administration. Vienna created the Religious Fund (*Religionsfonds*) that would financially support the Josephine reforms in this area⁴. Each cult would manage its own properties and income by its own interests and by the state's interests under the supervision of the secular authorities and of a subcommittee subordinate to the Court of Auditors led by Ludwig von Zinzendorf⁵. To know the real situation, Joseph II asked Zinzendorf for an extensive investigation in the Empire provinces intended to clearly know the heritage of all churches and the number of active priests and monks. Due to the Court of Auditors'⁶ overload by Joseph II, plus a certain opposition of churches, data were quite difficult to collect⁷. From the data obtained in 1790, it appears that the number of clerical has decreased from 47,000 before the Josephine reform to 38,000⁸. From this perspective, we can conclude that the Josephine reformism has been a real success. The Religious Fund has become the pivot around which other measures have been taken to streamline religion and education⁹. The aim was to better organize the parochial system that has reached its maximum development¹⁰. Two standards were considered: the existence of a parish church one hour-walk away for each parishioner and the existence of a parish in all communities that had over 100 families¹¹. This highlights the important role that the priest was to play in the community as one of the main pillars of the Josephine reforms¹². The Religious Fund has always been loaded with new tasks although its original purpose was to fill the obligations which the state assumed instead of ecclesiastical

¹Sásăujan 2002, p. 46; Real reforms were introduced only in the last decade of the reign of Empress Maria Theresa. An ecclesiastical division was established in order to coordinate these reforms in the state's interest. The state religious reforms on monasteries peaked during 1782-1786, when Emperor Joseph II ordered the dismantling of about 800 monasteries in the Austrian monarchy countries, about one third of the existing monasteries. All monasteries living a purely contemplative life were dissolved, remaining only those who have dedicated to education, care of the sick, agriculture and to other social activities.

²Kosáry 1987, p.84. In Hungary, over 1484 monks and 190 nuns were affected. Also, a total of 134 monasteries were closed from 1782 to 1786.

³Bérenger 2000, p. 362.

⁴Aston 2002, p. 147.

⁵Dickson 1/1993, p. 92.

⁶Wright 1966, p.135; In 1784, Zinzendorf complains to the emperor about the workload required by the Court of Auditors and disclaims any investigation he requested.

⁷Dickson 1/1993, p. 92; Data were obtained as follows: Lower Austria in 1783, Bohemia and Tyrol in 1785, Upper Austria and Galicia in 1786, Hungary in 1787 and Transylvania in 1789.

⁸Dickson 1/1993, p. 101.

⁹Winter 1962, p. 122.

¹⁰Bérenger 2000, p. 362; 263 new parishes had been created in Lower Austria, 180 in Moravia and more than 1000 in Hungary.

¹¹Kosáry 1987, p. 87.

¹²Winter 1962, p. 125.

institutions that have meanwhile been removed. He was not able to support all the new requirements and instead of bringing new revenues, he will force the government to increase its contribution, leading ultimately to a financial failure¹.

The essence of the Josephine reforms was still imposing the state's supremacy over the church. Based on *Febronius*'² ideas of bishops' rights and in accordance with the principles of a state church, Joseph II acknowledged that bishops should have a greater autonomy to Rome together with an increased dependence on the state³. A first step was already done in 1781 by banning ties with Rome and subjecting the clergy mail to censorship and civil administration approval⁴.

Subsequently, in accordance with the *Jura circa sacra*, a national reorganization was applied to episcopacies in the Empire⁵. Where necessary, new episcopacies and dioceses were founded, where, reformist clerics close to Josephinism⁶ were generally appointed. In the same direction of increasing episcopal authority against Curia, bishops received new tasks in disciplining the priests and monks through their diocese monasteries' direct legal subordination⁷. In addition, parts of the papal powers were transferred to bishops, an example in this respect being the marriage dispensations that had been hitherto a monopoly of Rome⁸. In terms of relationship with the state, episcopacies and consistories became administrative offices recording the imperial will and putting it into practice⁹, completely subordinated to the state and isolated by the Holy See¹⁰. Joseph II sincerely believed that the divine service must be purified of all superstitions and streamlined to serve the state's interests. For this reason, the Josephine reformer spirit did not stop the church's organizational problems. The new decrees stipulated to the smallest detail: how to conduct the divine service, the number of candles, length and style of preaching, prayers and hymns, priests clothing, various passages from the Bible and other religious books that were no allowed to read etc¹¹. Prohibiting

¹Dickson1/1993, p. 112; The Religious Fund remained constant around 20 million florins until 1790. Over 3.5 million florins were paid only for new clerics' salaries, the pensions of the old monks and for other minor problems.

²Padover 1967, p. 150.

³Pompiliu 1998, p. 195-196.

⁴Romanian Academy Library, Cluj-Napoca Branch, *Fondul de foi volante și tipărituri mărunte, Decretul lui Iosif al II-lea prin care se oprește clerul să primească corespondență de la Roma fără avizul și aprobarea imperială, Viena, 27 martie1781, FV/238, no. 2746.*

⁵ Padover 1967, p163; Bishops reformation was held in parallel with the administrative reform and thus, ne. w episcopacies were founded. In parallel, Heinke introduced a new regulation for episcopacies function.

⁶Bérenger 2000, p. 362.

⁷Winter 1962, p. 122-123.

⁸Reinöhl 1881, p.87; Later, in 1783, these exemptions were withdrawn becoming an exclusive prerogative of the state.

⁹Horga 2000, p. 50.

¹⁰Dumitran 1999, p. 348.

¹¹Hasquin 2007, p.218-220; They clearly demonstrated the extent of religion's and church's transformation into a "state business".

confraternities, the cult of relics and religious processions were themselves discontents that finally led to “popular” resistance against the imperial authority¹.

Conclusion

The rapidity in taking these measures and their radicalism led to the strongest opposition of both the Catholic and the non-Catholic population. In fact, the lack of dialogue between the emperor and his subjects was the Achilles heel². Grievances were to deeply burst at the end of his reign, leading leading to the cancellation of a significant part of its reforms, but the Tolerance Edict remained in force ending a policy dating since 1650, which believed that the Empire’s main binder ought to be the Catholic religion³.

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¹Hasquin 2007, p. 221.

²Mălinaș 2001, p. 69; Even his closest collaborators disliked him because of his character.

³Bérenger 2000, p. 367.

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