Religion, Liberalism and the Social Question in the Habsburg Hinterland: The Catholic Church in Upper Austria, 1850-1914

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Abstract

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This dissertation focuses on the diocese of Linz in the Habsburg Monarchy during the second half of the nineteenth century, examining how the Roman Catholic Church and its priests adapted to and confronted the broad set of modernizing forces that were shaping the world around them against the backdrop of rising Ultramontanism within the Church. The study is divided into three sections. The first section explores the structural and ideological transformation of the Catholic Church in Upper Austria in this period. With a focus on the clergy, it examines the changing networks and structures of religious life; it investigates how the diocese changed under the watch of Bishop Franz Josef Rudigier (1853-1884) and Franz Maria Doppelbauer (1889-1908), and also under the influence of Ultramontanism. The second section examines the confrontation with liberalism. It begins in the 1850s, exploring how two events - the building of a general hospital in Linz and the burial of a prominent Protestant in a small town - inform our understanding of the dynamics of Catholic-liberal conflict in 1850s Austria. Next it turns to the height of the Austrian Kulturkampf between 1867 and 1875, exploring, how liberals and Catholic-conservatives presented a social vision that used the active exclusion of the 'other' to define itself. The third section shifts from liberalism to socialism, and from a study of the rise of Ultramontanism to that of Ultramontanism in practice. Examining Catholic responses to the social question, the study argues that Ultramontanism created its own
internal set of contradictions when converted into policy, especially after the
publication of the 1891 encyclical *Rerum Novarum*. Instead of bringing the different
elements together within the Church, the encyclical had the opposite effect; each
group began to interpret the document in different ways and to act accordingly,
effectively demolishing the image of Catholic unity that existed around
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<td>AStL</td>
<td>Archiv der Stadt Linz</td>
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<tr>
<td>BA</td>
<td>Bischofshof Akten, Linz</td>
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<tr>
<td>BC</td>
<td>Bischöfliches Consistorium</td>
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<tr>
<td>BMFC</td>
<td>Bibliothek des Museums Franzisko-Carolinum</td>
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<tr>
<td>BO</td>
<td>Bischöfliches Ordinariat</td>
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<td>CA</td>
<td>Consistorial Akten (with subheadings: /3: 1843-1870; /4: 1871-1875; /5: 1876-1880; /6: 1881-1890; /7: 1891-1901; /8: 1902-1914)</td>
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<tr>
<td>DAL</td>
<td>Diözesanarchiv Linz</td>
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<td>DOM</td>
<td>Dombauakten</td>
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<td>FAK</td>
<td>Fakultätsakten</td>
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<td>HA</td>
<td>Handschriften</td>
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<td>k.(u.)k.</td>
<td>kaiserlich (und) königlich</td>
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<td>KB</td>
<td>Katholische Blätter</td>
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<td>LDB</td>
<td>Linzer Diözesanblatt</td>
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<td>LTP</td>
<td>Linzer Tages-Post</td>
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<tr>
<td>LVB</td>
<td>Linzer Volksblatt</td>
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<tr>
<td>LZ</td>
<td>Linzer Zeitung</td>
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<tr>
<td>MdI</td>
<td>Ministerium des Inneren</td>
</tr>
<tr>
<td>MfC&amp;U</td>
<td>Ministerium für Cultus und Unterricht</td>
</tr>
<tr>
<td>NFP</td>
<td>Neue Freie Presse</td>
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<tr>
<td>ÖNB</td>
<td>Österreichische Nationalbibliothek</td>
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<tr>
<td>OöLA</td>
<td>Oberösterreichisches Landesarchiv</td>
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<td>OöLB</td>
<td>Oberösterreichische Landesbibliothek</td>
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<td>Personalia</td>
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<td>Seminarakten</td>
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<td>SHL</td>
<td>Statthaltarei Linz</td>
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<tr>
<td>SPA</td>
<td>Stadt- und Stadtpfarramt</td>
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<tr>
<td>STAR</td>
<td>Statthaltarei Allgemeine Reihe</td>
</tr>
<tr>
<td>StPr</td>
<td>Statthaltarei Präsidium</td>
</tr>
<tr>
<td>TPQ</td>
<td>Theologisch-Praktische Quartalschrift</td>
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<td>WZ</td>
<td>Wiener Zeitung</td>
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Maps of Upper Austria

Figure 1: Upper Austrian Regions / Administrative Districts, 1853-1867

The above map shows the 4 regions of Upper Austria that formed the administrative structure of the province from 1854 until 1867. In this period, the towns of Linz and Steyr enjoyed special administrative privileges and are thus listed separately.

Figure 2: Towns and Upper Austrian Administrative Districts after 1867

The above map shows the twelve administrative districts of Upper Austria with their respective capitals after the 1867 reforms. Further municipalities mentioned in the text are also included in smaller type.

Source: Adapted from, Slapnicka, *Oberösterreich unter Kaiser Franz Joseph*, p. 16.
Acknowledgements

The Internet search-engine Google recently developed a service entitled “Google scholar,” which has as its motto, “stand on the shoulders of giants.” It is hard to overstate the importance of those shoulders, from antiquarian Heimathistoriker to theoreticians of historical method, for making one’s own scholarship possible. Scholarship is, above all, a long and engaging conversation with one’s ‘peers’ – most of whom one does not know and will never meet – and it is a pleasure to add my voice a bit to the din.

At Columbia University, many people contributed to this dissertation. Within the history department, I especially want to thank my advisor, Volker Berghahn, who provided much support and always-constructive criticism during the writing process; Bradley Abrams and István Deák, both of whom provided helpful feedback at various stages; Victoria de Grazia, whose comments on one of my early dissertation proposals did much to shape the way I would approach this topic; and Fritz Stern, whose encouragement from the sidelines and occasional suggestion for further reading did much to lift my spirits. Finally, Sarah Witte and the rest of the staff at the University Library provided help and guidance whenever it was required – a truly wonderful place to work!

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Doing research in cities and countries that are not one’s own requires a good deal of guidance and, in this regard, I could not have picked a better setting. In Upper Austria, the staff in the archives and libraries was unfailing in their support as I sought to orient myself in the local landscape. My thanks go to the staff at the Oberösterreichisches Landesarchiv, especially its director, Gerhart Mackhgott, who also served as my advisor within the Austrian Academic Exchange Service, and Franz Scharf, who provided some guidance in the structural aspects of archival holdings in the region. The Diözesanarchiv Linz is a genuinely wonderful place to work, and not
just because the reading room has a nice lovely of the seminary gardens. Johannes Ebner, its director, and Monika Würthinger, the second archivist there, answered a thousand little questions about Linz and Catholicism, helping my project in innumerable ways. In the Oberösterreichische Landesbibliothek, Friedrich Ortner spent several afternoons with me hunting down obscure periodicals; and Marlene Gerstgrasser, who worked in the stacks and reshelved the many books I dug out, was unfailingly friendly and helpful. At the Johannes-Kepler University in Linz, Michael John was the very model of a gracious host, providing more than a few dinners with much wine and talk at his gorgeous house. And Michael Pammer, whose knowledge of Catholicism in Upper Austria greatly outweighs my own, immediately got me involved in a book project of his. Did I mention the beautiful landscape in the Salzkammergut south of Linz? These things are all undoubtedly the spoils of a regional history project.

Alas, graduate school does not consist only of long weekends in the Salzkammergut. Many friends helped make my time in graduate school bearable and, dare I say, enjoyable, contributing to this project in ways great and small. I especially want to thank Eliza Ablovatski, Winson Chu, Michael Ebner, Christina Gehlsen, Uffa Jensen, Ben Martin, Ryan Minor, Tom Ort, Ari Sammartino, Anna Salzano, David Tompkins, and Todd Weir for their help, camaraderie and encouragement over the years.

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My biggest thanks, however, go to my wife, Ute, and our daughters, Hannah and Marlene. All three are only now getting to know me in that exotic and strange phase called ‘life after the dissertation.’ This work is dedicated to them.
Introduction

This dissertation is a study of Catholicism in a period of rapid change. It focuses on one diocese – Linz / Upper Austria\(^1\) in the Habsburg Monarchy\(^2\) – during the second half of the nineteenth century, examining how the Roman Catholic Church and its priests adapted to and confronted the broad set of modernizing forces that were shaping the world around them. The focus will be on the Church’s\(^3\) involvement in two conflicts – the first with liberalism, the second with socialism and the “social question” – as they relate to the rising Ultramontanism within the Church.

\(^1\) The diocese is named after the city where the bishop resides, thus Linz. Upper Austria is the corresponding province within the Habsburg Monarchy. The two are not completely congruent: the diocese was established 1781/82 under Joseph II and, for some time, diocese and state administrative province were geographically one and the same. A series of administrative reforms in the nineteenth century, especially in and around 1848, made small changes to the administrative boundaries of the Habsburg province but the Catholic Church did not follow suit, leaving small but not insignificant divergences.

\(^2\) Finding the ‘proper’ term for the conglomerate of lands and peoples under Habsburg rule in the nineteenth century has always been an arduous task. The western half was formally an empire, the eastern half a kingdom, thus necessitating the acronym k.(u.)k. — kaiserlich (und) königlich — that preceded every institution and imperial or governmental body. I will use the terms Habsburg Monarchy or Austria-Hungary to denote the monarchy as a whole, and Austria or Cisleithania to denote the monarchy’s western half, which, according to the 1867 constitution, officially consisted of, “the Kingdoms and Lands represented in the Reichsrat.” For a succinct and humorous introduction to the complexities of naming “die Monarchie,” as it was invariably known, see, Robert Musil, The Man without Qualities, (1930), Eithne Wilkins and Ernst Kaiser trans., 8th ed., (New York, 1965), pp. 33-34. For place names I have used the contemporary German term whenever no ready modern English equivalent exists, adding the Czech or Hungarian name in parentheses when current practice dictates, e.g., Budweis (České Budějovice). On the problems and politics of place names in Habsburg historiography, see the ever-relevant note in, István Deák, The Lawful Revolution: Louis Kossuth and the Hungarians, 1848-1849, (New York, 1979), p. xvii-xx.

\(^3\) A note on terms: for the sake of brevity, the phrase “the Church” with a capital “C” refers to the Roman Catholic Church throughout the text, while church with a small “c” can refer to a church building or to the organizational structure of a confession in a more general manner, e.g., “the various churches in the German states.”
Ultramontanism denotes a strain within Catholicism that emphasizes a strict sense of hierarchy and the primacy of the pope within the Catholic Church as a whole. I use the term Ultramontanism rather than ultramontane because, as Nicholas Atkins and Frank Tallett have rightly noted, “in an age of ‘-isms,’ …[the term] came to embody an ideology that took in liturgy, devotion, clerical discipline, theology and extended to the realm of politics, social action and culture.” In relation to liberalism, Ultramontanism denotes the idea of a Roman Catholic Church existing apart from – or, on occasion, even above – the (liberal) state. Liberals had a quasi-secular vision of society in which the Catholic Church was relegated to a ‘mere’ subsystem of society and the polity rather than being one of its core components. Within the

4 Before the sixteenth century, *ultra montanus* (“beyond the mountain,” as the literal Latin translation of the term Ultramontane conveys) implied a Catholic from “north” of the Alps (seen from Rome) and was often used to imply moderate views in ecclesiastical politics. In the seventeenth century, especially in the context of the long conflict between the Gallican bishops and Rome, the definition began to shift; ultramontane was now used to denote Jesuits who were seen as “Italian” in their allegiance. By the early nineteenth century, the term had taken on its present-day definition. See, Philippe Boutry, "Ultramontanism," in *The Papacy: An Encyclopedia*, ed. Philippe Levillain, (London and New York, 2002), p. 1529; *Ultramontane*, 2003 [Online Encyclopedia]. Oxford University Press, [cited 19 February 2005]. Available from <http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t140.e82638>.


7 By quasi-secular I wish to emphasize that Austrian liberals did not envision a secular society with a classic division of church and state. Rather, they felt that the Catholic Church’s grasp on the social order was far too strong and needed to be “corrected” by the strong hand of the state.

8 On Subsystems (“*Teilsysteme*”) and the idea of secularization as the de-centering of a church’s role in society, see, Niklas Luhmann, "Answering the Question: What is Modernity," in *Niklas
Catholic Church, especially among a younger generation of priests educated in the 1830s and 40s, liberalism produced a flood of antithetical sentiment ‘from below.’ As the well-known Catholic theologian, Johann Adam Möhler, put it, “If there will be no higher power than the state in Europe, then human freedom has come to an end.”

These Catholics, profoundly shaken by the manner in which liberals wanted to limit the power of the Church, began an intricate process of re-definition, one that privileged an Ultramontane ‘social vision.’ From the mid-1850s until the mid-1870s, lay Catholics in Upper Austria were awash in a flood of new associations and print media (newspapers, journals and scores of devotional pamphlets); just as importantly, they were also catered to by a new generation of motivated and dutiful priests. A greater part of the Catholic laity participated willingly and, already by the late 1850s, membership in Catholic associations in Upper Austria outpaced membership in liberal ones by a ratio of more than four to one.

In the Habsburg Monarchy, Ultramontanism played a dual role within the Catholic Church as both an “antidote” to liberalism and to Josephinism. Josephinism, a mode of church-state relations initiated during the reigns of Maria Theresa and Joseph II in the latter half of the eighteenth century, envisioned the Church as a powerful appendage of the state, useful in disciplining and controlling the population through the parish priest. This arrangement gave the Church immense amounts of

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power and responsibility – primary education and poor relief, for example, were controlled by the Catholic Church on a local level and, in many smaller rural communities, the parish priest was often the only direct link to the central government. However, it also meant that the government kept close tabs on the Church. Correspondence between the parish clergy and the bishop, between the bishops and the nuncios, and between the Austrian Catholic Church and Rome passed through the hands of administrative officials before it could reach its final destination. In the early nineteenth century, a younger generation of increasingly Ultramontane priests began to question this arrangement, arguing that it unduly limited the freedom of the Church. When Ultramontanism reached what could be termed its “crowning moment” in 1870 with the adoption of the dogma of papal infallibility at the first Vatican Council, much of the groundwork in Austria had already been laid in the preceding decades under the guise of anti-Josephinism.

Every “crowning moment,” however, signals a subsequent decline. Beginning in the second half of the 1870s, Ultramontanism as a unifying ideology began to unravel, partly at the papacy’s own doing. Pius IX (pope from 1846-1878) channeled Ultramontanism ‘from below.’ He had taken an increasingly popular current among conservative Catholic intellectuals and added a certain symbolic effect – e.g. the emphasis on devotion to the Virgin Mary and the outspoken and over-the-top anti-liberalism in documents such as the Syllabus of Errors (1864). When combined with the promulgation of a Catholic-conservative “message” through the growing body of

Catholic newspapers and periodicals, these factors created a powerful popular movement that quite naturally placed the pope at the epicenter of the Catholic world.

When Pope Leo XIII (pope from 1878-1903) succeeded Pope Pius IX, the new pope took the various strands of popular Ultramontane Catholicism spurred on by his predecessor and attempted to turn them into a rigorous and coherent system of Catholic ideology. Leo focused on Ultramontanism ‘from above.’ While Pius IX had been quite successful at bringing the various strands of Catholic conservatism together under the umbrella of Ultramontanism, he did not make much of an effort to give this broad concept an ideological foundation beyond a general anti-liberalism and the central position of the pope within the Church as a whole. Leo changed all that. One of the new pope’s first encyclicals, *Aeterni Patris* (1879), called on theologians to return to the teachings of St. Thomas Aquinas, placing a renewed emphasis on tradition and the importance of doctrinal unity. As Georg von Hertling, the German Catholic Center Party politician, noted, the new pope seemed to say,

*Do not yet lay down the sword of conflict, but instead use the other hand to take up a trowel and build a structure of Christian*

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11 I find the concept of “Ultramontanism from above/below” to be more useful than the idea of an inward turn (“*eine Wende nach Innen*”) traditionally used by historians working on nineteenth-century Catholicism in central Europe. See, for example, Wilhelm Damberg, "Wende nach Innen? Katholizismus und Diktatur," in *Sozialer Protestantismus im Nationalsozialismus. Diakonische und christlich-soziale Verbände unter der Herrschaft des Nationalsozialismus*, ed. Norbert Friedrich and Jähnichen Traugott, (Münster, 2003); Markus Lehner, *Caritas. Die Soziale Arbeit der Kirche. Eine Theoriegeschichte*, (Freiburg im Breisgrau, 1997), pp. 193-200. Lehner uses the phrase to discuss the social work of the Catholic Church in Upper Austria in the 1850s; Damberg focuses on Catholic associational life in the Weimar and Nazi-era Ruhr region. On the development and dominance of neothomism, more generally, see, Gerald A. McCooll, *Catholic Theology in the Nineteenth Century: The Quest for a Unitary Method*, (New York, 1977); Gerald A. McCooll, *From Unity to Pluralism: The Internal Evolution of Thomism*, (New York, 1989).
With Aquinas as their guiding light, Catholic theologians were encouraged to give Ultramontanism a firmer theological foothold while also unifying the disparate strands of theology and streams of political that had emerged over the course of the nineteenth century.

Yet Ultramontanism ‘from above’ was a complex process with unintended consequences, especially brought to light through Leo XIII’s most famous encyclical, the 1891 *Rerum Novarum* on the working classes and the social question. To many, the plight of the working poor under laissez-faire capitalism and the general evils of godless socialism presented an opportunity to re-focus on the unity of the Church, to give it a renewed sense of purpose in an increasingly industrial, democratic and – it must be added – secular world. Could socialism become the ‘new foe,’ rallying Catholics together in the way that anti-liberalism had in the 1860s and 70s? With the publication of *Rerum Novarum*, the Church finally seemed to find an ‘official’ voice that, much like that of Pius IX on liberalism, represented a road map to Catholic working-class activism. However, instead of bringing the different elements – the higher clergy and bishop, the parish priest, the papal curia in Rome, and, of course, Catholic employers and employees – together within the Church, the encyclical had the opposite effect. Each group began to interpret the document in different ways and to act accordingly. The bishop and higher clergy emphasized the evils of socialism and

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the importance of the press; their version of the document barely mentioned the working class and left out working-class associations altogether. Priests, on the other hand, especially the social activists among them, often turned radical, becoming capable campaigners on behalf of the working class. While Rome sought to encourage such efforts on behalf of priests – the pope and his advisors repeatedly expressed their disappointment in the unwillingness of Austrian bishops to take concerted steps in combating the ‘social question’ – these efforts had the effect of undermining the rigid Ultramontane hierarchical system in the dioceses established in the wake of papal infallibility. As the bishops moved to quell dissent and reinforce a sense of hierarchy, their efforts ran up against Ultramontanism ‘from above’ – in effect, Leo XIII’s direct appeal to his Catholic ‘subjects’ on the social question – undermining the very sense of hierarchy and ideological centralization that Ultramontanism has sought to instill.

The Setting

This dissertation will trace the rise of Ultramontanism and its shift from ‘below’ to ‘above’ on a regional level, examining first how Ultramontanism as anti-liberalism began to take hold within the diocese, and then how the Church’s handling of the social question would come to undermine these newly established Ultramontane hierarchies. The diocese of Linz in the late imperial period (1850-1914) represents an engaging setting for this study. First, the multi-national Habsburg Monarchy, unlike France, Great Britain or even Germany in the nineteenth century, could not count on nationalism as an integrating force. In its place, the ruling family relied on the army, the bureaucracy, the nobility, the symbolic value of its own longevity, and, of course,
Catholicism, to provide centripetal force to the myriad Habsburg lands and peoples.\(^\text{13}\)

As Joseph Roth fittingly wrote in his novel, *Radetzkymarsch*,

*Our Kaiser is a secular brother of the Pope, he is His Imperial and Royal Apostolic Majesty; no other is as apostolic, no other majesty in Europe is as dependent on the grace of God and the faith of the nations in the grace of God. The German Kaiser can still rule without God, by the grace of the nation. The Emperor of Austria-Hungary must not be abandoned by God.*\(^\text{14}\)

More than most states, the Habsburgs had a vested interest in the theory and practice of Catholicism in their lands and beyond. Second, Linz, as the capital of a religiously and ethnonationally homogeneous province,\(^\text{15}\) allows this study to isolate one element – religion – in the precarious mix of forces that kept the Monarchy together and study it in relative isolation.

Finally, two long-reigning bishops who in many ways mirrored the larger trends within Austria and Catholicism ruled the diocese of Linz during this period and it makes sense to introduce them here in a bit of detail: The first, Franz Josef Rudigier (1811-1884, bishop from 1853-1884), was one of the Monarchy's, if not Europe's, most vocal and talented defenders of Catholicism. Born the youngest of eight children to a poor smallholder family in the religious and conservative province of Vorarlberg,

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\(^{15}\) The percentage of non-Catholics – mostly Protestants and a few Jews – hovered around two to three percent during the period under investigation.
he was the first commoner (i.e., non-noble) and the up until then youngest priest elected to the post. Rudigier first studied theology in Brixen before attending the Frintaneum in Vienna, an elite seminary for priests from the Monarchy. Both institutions had been founded in the spirit of Josephinism, with the mission of keeping priests in Austria rather than sending them to Germany or Rome, and of keeping the education of priests under the eyes of the state. By the 1830s, although the Josephinist structures remained, both institutions had become hotbeds of Ultramontanism. Indeed, Rudigier was an archetypal Ultramontane of what one might call the first post-Napoleonic generation: extremely pious, deeply anti-liberal, and distrusting of the state. To him, *liberté, égalité, fraternité* symbolized the chaos of occupation under foreign troops, not the promise of freedom and better government – all products of a childhood spent under Napoleonic rule.

When Rudigier became Bishop of Linz in 1853, he used the office to dismantle the last remnants of the Josephinist system and fight for the interests of the Church. Most famously, a pastoral letter of Rudigier’s protesting the anti-clerical May Laws of 1868 led to his arrest and conviction by the state for promoting civil unrest – the only bishop in the late-imperial Monarchy convicted in a court. Rudigier very much embodied Ultramontanism ‘from below:’ a *Kulturkämpfer* who sought to revitalize Catholicism within his diocese by emphasizing the moral force of Catholicism as an antidote to liberalism.

The second long-reigning bishop in the nineteenth century, Franz Maria Doppelbauer (1845-1908, bishop from 1888-1908), was also the first “local” bishop – i.e., the first born in Upper Austria who rose through the ranks there. A rigorous
scholar who did not experience the same constraints on his education as Rudigier did, Doppelbauer attended the prestigious *Collegium Germanicum* in Rome, where he received doctorates in both canon and civil law. Thereafter he returned to Upper Austria for a decade in a variety of posts before returning to Rome as the rector of the *Santa Maria dell’ Anima* – the German national church in Rome. After his appointment as bishop in 1888, Doppelbauer proved to be a methodical administrator of his diocese: to ensure a steady flow of new priests, he built a new Jesuit *Gymnasium*, the *Collegium Petrinum*, and expanded the priestly seminary; he built the Catholic press association a new building for its activities and founded the diocese archive; finally, he was much more actively involved in the everyday life of priests, demanding long and detailed reports on candidates in the seminary, and taking a much more methodical view in where these candidates would then be placed.

Doppelbauer thus embodied Ultramontanism ‘from above.’ He was exceptionally well versed in the intricacies of *Roman* Catholic theology and was also a rigorous administrator who strove to keep his priests in line. He was also much less mistrusting of the state; a “real fan of the Habsburgs,” as historians have noted. Rudigier and Doppelbauer represent the two trajectories of Catholicism in nineteenth-century Europe and a study of ‘their’ diocese in Upper Austria will shed new light on how Ultramontanism was experienced at a local level while also deepening our

understanding of the changing role of the Catholic Church within the Habsburg Monarchy.

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This study began as an urban history of Linz from a religious perspective. While researching, however, it soon became clear that outside of the largest cities, the Catholic Church is not easily confined to a single urban area; policy was developed, implemented, reacted upon, changed, and is thus best understood within the confines of a diocese. Moreover, in Upper Austria, policy within that diocese was most often formulated in reaction to events taking place outside the capital; the more I examined the workings of the Catholic Church in Linz, the more I also felt the need to look at other cities in the region. To nevertheless maintain the focus on ‘the city,’ it seemed necessary to restructure my study as one of ‘urban spaces’ within a diocese; after all, if I was interested in the evolving relationship between Catholicism, liberalism, and the “social question,” I needed to study those places and events within the diocese that shaped how the bishop, the diocese administration, the priests, and the laity formed their opinions, and on which they focused their attention. Thus although Linz still receives a disproportional amount of attention in my study, there are important excursions to Ried and Steyr, two of the other larger towns in Upper Austria, as well as to smaller towns such as Schwanenstadt and Gmunden.

Such an approach is also the result of the structures and holdings of the Upper Austrian archives. The Municipal Archive in Linz (Archiv der Stadt Linz - AdSL), though it contains rich holdings on the nineteenth century, lacks much of the material that might allow an examination of religious practice through municipal eyes. The
Diocese Archive’s (Diözesanarchiv Linz - DAL) holdings are much richer, but, as already mentioned, show an administration that did not readily differentiate in its treatment of Linz and of other towns; moreover, policy tended to develop based on multiple incidents spread throughout the diocese. As a result, while focusing on the diocese archives, I began to rely heavily on the Upper Austrian State Archive (Oberösterreichisches Landesarchiv - OöLA), which had the richest and most intricate set of holdings. These largely mirrored the diocese administration, but told the ‘other side’ of the story.

**Regionalism and Catholicism**

Regional histories, as Celia Applegate has written,

> [do] not so much undermine the national histories as complicate them and, especially in the case of border regions, emphasize the ambiguities and instabilities of the nationalizing project. Looked at over time, regional identities have proven persistent, yes, but only by dint of constant adaptation to changes in national boundaries and systems of meaning.\(^{17}\)

Within the multi-national Habsburg Monarchy, regional history in the manner envisioned by Applegate has been mostly ignored. Indeed, without a “nationalizing project,” which the Monarchy, as a complicated conglomerate of lands and peoples, never dared to undertake, the tensions between region and nation that have made

regional studies so exciting in German history\textsuperscript{18} seemed to become lost in translation. Rather, historical studies of regions within the Monarchy have traditionally tended to focus on the nationalizing processes – e.g., of Czech and German speakers in Bohemia, or of Croatia in the Hungarian half of the Empire – making their study as defined geographical units existing outside the constraints of language, ethnicity, nationalism and statehood a moot point.

In spite of, or, rather, precisely because of this phenomenon, historians of the Habsburg Monarchy have recently begun to turn toward regional history for the way it can reframe larger historiographical issues. Indeed, in the past decade many themes central to the historiography of the Monarchy have seen novel approaches through a renewed emphasis on ‘region.’ Jeremy King’s recent study of urban politics in southern Bohemia gave new life to perhaps the Monarchy’s most persistent theme, nationalism and national identity. By studying a regional city with a relatively homogeneous social structure and open polity, King demonstrated that the formation of national identity could be a much slower and more fluid process than historians had traditionally assumed.\textsuperscript{19} In a similarly important study, Daniel Unowsky has reshaped how historians view the role of the dynasty by studying the imperial tours in a local setting – those to Galicia in 1851, 1868 and 1880, as well as the imperial celebrations

\textsuperscript{18} See, for example, Celia Applegate, \textit{A Nation of Provincials: The German Idea of Heimat}, (Berkeley, 1990); Alon Confino, \textit{The Nation as a Local Metaphor: Heimat, National Memory and the German Empire, 1871-1918}, (Chapel Hill, N.C., 1997).

of 1898 and 1908. While the 1851 tour presented the emperor at the head of a centralized state – all provinces should be treated equally, local elites were ignored and/or put in their place – later tours became complicated exercises in balancing different power structures, as local elites, democratic and national forces, and the government in Vienna each vied for influence in determining how the ceremonies would be staged. Unowsky’s work thus highlights how imperial ceremonies mirrored the shifting balance of powers between the center(s) and peripheries within the Monarchy. Finally, Allison Frank’s engaging recent study of the emerging oil industry in Habsburg Galicia has provided an important impetus for understanding the role of the regional economy in the social, economic and national relations among its inhabitants.

Urban historians have also begun moving beyond that Habsburg triptych of Vienna, Budapest and Prague. Especially welcome here is the recent edited volume by Peter Urbanitsch and Hannes Steckl on small-town bourgeoisie (Kleinstadtbürgertum), which brought a wide range of methodological approaches to a consciously disparate

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20 Daniel Unowsky, "The Pomp and Politics of Patriotism: Imperial Celebrations in Habsburg Austria, 1848-1916" (Ph.D. Dissertation, Columbia University, 2000). These ideas have been developed further in several articles, Daniel Unowsky, "Our Gratutide has no Limit": Polish Nationalism, Dynastic Patriotism and the 1880 Imperial Inspection Tour of Galicia, "Austrian History Yearbook" 34 (2003); Daniel Unowsky, "Reasserting Empire: Habsburg Imperial Celebrations after the Revolutions of 1848," in Staging the Past: The Politics of Commemoration in Habsburg Central Europe, 1848 to the Present, ed. Maria Bucur and Nancy M. Wingfield, (West Lafayette, IN, 2001). A book-length treatment is forthcoming.


selection of medium-sized towns throughout the Monarchy. Directing much of their methodology from recent Bürgertums- and Liberalismusforschung of imperial Germany, the editors focused on two elements of provincial urbanity: First, the complex matrix of Bürgertum identities and interests that only a disparate set of local studies can present. By examining how this ever-flexible social class developed within myriad changing social, economic, nation and religious conditions, we have gained a welcomingly diverse account of the middle-class experience within the Monarchy.

And, secondly, the authors explore the development of the local middle class in the context of the ‘delayed urbanization’ ("nachholende Urbanisierung"): improvements in the infrastructure; the buildup of a cultural program; and the ever-varying mix of endogenous and exogenous impulses that led to modernization.

In short, the recent historiography on the late-imperial monarchy has brought with it a plethora of fresh approaches based on studies of ‘peripheral’ regions and places. Yet while these studies have provided fresh perspectives on a number of


25 And, as the editors point out, these were just ten of the 476 “provincial towns” – defined as having between 5,000 and 50,000 inhabitants – that existed within the Monarchy. Peter Urbanitsch et al., "Zusammenfassung: Kleinstadt und Bürgertum in Cisleithanien 1862-1914," in *Kleinstadtbürgertum in der Habsburgermonarchie: 1862 - 1914,* ed. Peter Urbanitsch and Hannes Steckel, (Vienna, 2000), p. 465.

important themes and institutions in the late imperial Monarchy, what is still lacking is a similar treatment of religion, especially of the Catholic Church. This lacuna becomes clear when examining several recent works on the Tyrol that use religion to great effect in connecting regional identities with larger issues. Thomas Götz’s examination of Bürger-activism on a communal level in German and Italian Tyrol brings out the complex ways in which the liberal movement was able to efficiently carve a niche out for itself early on, even in the ‘darkest days’ of 1850s neoabsolutism. Over the ensuing decades, liberals, through chambers of commerce, festivals, associations, book clubs, and the emerging press, found room to exist apart from the absolutist state. Götz’s study thus re-contextualizes the idea of the “long shadow of the state” posed by Ernst Hanisch, presenting, instead, the state as a foil, catalyst and arbiter of liberal energies all at once.\(^{27}\) The second is Laurence Cole’s study of the shifting contours of national identity in the region between 1860 and 1914.\(^{28}\) At the center of Cole’s study are two festivals (Landfeste): the first, in 1863, celebrated the region’s 500 year association with the Habsburg Monarchy and was dominated by liberals and had deep anti-clerical overtones; the second, held in 1909, was dominated by conservatives, who held up the image of Andreas Hofer, the ‘freedom fighter’ who helped lead the uprising against


Bavarian dominion in 1809, as a powerful rallying point for Catholic-conservatives. Cole argues that nationalism could serve any number of purposes, from proud regionalism to dynastic loyalty, and from secular liberalism to conservative-Catholic impulses. Both Catholics-conservatives and liberals seemed to accept the larger construct – the Monarchy – as a given and had no problem combining this with their regional Tyrolese identity. Rather, liberals tended to emphasize the importance of the state (Tyrol as a province within the Monarchy), while Catholic-conservatives focused on the monarch and the dynasty (Tyrol as the last bastion of true Catholic-Habsburg patriotism). Finally, Hans Heiss and Ulrike Königsreiner’s study of liberal-conservative conflict in Tyrolese Brixen, one of the contributions to the edited volume on *Kleinstadtbürgertum* mentioned above, argues that a long-term Catholic political hold on the city was made possible by a distinct vision of “Catholic urbanity” (“*katholische Urbanität*”).²⁹ Within Brixen, conservative Catholics in the municipal administration focused on developing modern municipal services (water, sanitation, electricity, etc.) and set these developments within a specific ideological and social context — in the case of Brixen, a touristy spa-town within a strong conservative-Christian milieu. While the ideological content of the Catholic conservatism in Brixen was different from that found among Christian Socials in Vienna, the method of

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popularizing this ‘social vision’ – combining it with basic municipal services – was similar.³⁰

All three works isolate aspects of larger (religious) themes in a regional setting, emphasizing the variety of approaches that can be used in a regional setting: Götz’s study of liberalism on a communal level demonstrates the importance of using comparative microhistorical analysis to test (and problematize) larger hypotheses about social groups and actors. Cole’s work turns from the commune to the region as a whole, exploring the shifting contours of regional nationalism as it balanced between liberal and Catholic-conservative forces. Finally, the work of Heiss and Königsreiner reminds us to also focus on the setting itself: if there can be “katholische Urbanität” – a vision of the modern city as a Catholic city – then we must ask: Why there? And how did it function? How was it related to larger narratives of Catholicism in the region and in the Monarchy as a whole? Yet none of the studies mentioned above focus specifically on the Catholic Church, the institution most responsible for articulating and implementing a specifically Catholic social vision in its most basic form. While studies of liberalism and the middle class have, in recent years, placed the Bürgertum on center stage, studies that use religion rarely focus on the Catholic Church and, more importantly, its priesthood. A glance at the existing literature on the Catholic-conservative movement at a regional level only goes to reinforce this point.³¹


³¹ See, for example, Karl Amon and Maximilian Liebmann, Kirchengeschichte der Steiermark, (Graz, 1993); Leo Haffner, "Die Aufklärung und die Konservativen. Ein Beitrag zur Geschichte der katholisch-konservativen Partei in Vorarlberg," in Nachträge zur neueren Vorarlberger
Religious History in the Habsburg Monarchy

This trend, however, is not for a lack of focus on the Catholic Church in general. In contrast to imperial Germany, where the study of religion and Catholicism has enjoyed a renaissance over the course of the past two decades, religious history in the Habsburg Monarchy was always a well-established sub-discipline. Indeed, because


the Catholic Church and, later, the Christian Social party, remained such a potent force politically, socially, culturally, and economically – the Church was long the largest landowner in the Monarchy – these institutions have been impossible for historians to ignore. Until the 1970s, however, the great majority of the work being done on Catholicism concerned itself purely with political or diplomatic history (either of Church politics within the Monarchy, or of inner-Church politics) and was, more often than not, polemical in nature, attacking or defending the Catholic Church or the legacy of Josephinism in the Austrian state.\footnote{33} The work of two historians, Erika Weinzierl and Friedrich Engel-Janosi, was instrumental in creating a middle road, producing a steady stream of monographs and articles by “critical Catholics,” as Weinzierl once described herself, based on thorough archival work.\footnote{34} Yet this work, solid, thorough

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and fascinating as it was, largely failed to explore religion’s social and cultural “underbelly” in the Monarchy. What role did it play and by what means did it help keep the Monarchy together – or, conversely, did it contribute to its dissolution? How did Catholicism adapt to the new social and political structures that emerged after 1848 and especially after 1867? How did it interact with the social forces it encountered?

This gap is all the more perceptible if one considers the number of studies that exist for the ‘other’ side of the debate: liberalism. Karl Vöcelka’s important study of the liberal struggle against the 1855 Concordat, which culminated in the Constitution of 1867 and the May Laws of 1868 and 1874, for example, inquires what function the anti-Concordat campaign played within the grander framework of the liberal movement and its ideology. He comes up with three answers: first, the campaign served as a litmus test to discover to what extent the imperial house would back the new constitution and anti-clerical reforms; second, it served to distract attention from the non-existence of a coherent liberal economic policy; and, finally and most


35 Here it is interesting to note that historians have criticized the neoabsolutist regime for exactly the opposite reason, i.e. for letting the Conrcodat – and the anti-state energies it unleashed among
importantly, the campaign functioned in lieu of a central liberal program or ideology. Only in the directed assault against the Catholic Church and the Concordat could the various factions – middle-class merchants and burghers at the local level, liberal parliamentarians in the lower house, and Josephinist nobles in the upper house – find some common ground.\textsuperscript{36} In a more recent monograph, Michael Gross, focusing on anti-Catholicism in the decades before the \textit{Kulturkampf} in imperial Germany, has mirrored Vocelka’s emphasis on \textit{function}, but has made a much more refined argument:

\begin{quote}
The liberal response was to develop new anti-clerical and anti-Catholic rhetorical metaphors and practices that by means of differentiation and contrast proved powerful ways to define and assert the bourgeois claim to social hegemony.\textsuperscript{37}
\end{quote}

What Gross adds to the discussion of \textit{function} is that liberalism largely defined itself through demarcation. By framing “Jesuits, priests, monks, and Catholics as stupid, medieval, superstitious, feminine, and un-German,” liberals could in turn frame their own movement in terms of “modern rationalism, bourgeois individualism, high industrialization, free-market capitalism, the unified nation-state and gender-specific public and private spheres.”\textsuperscript{38}

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\textsuperscript{37} Michael B. Gross, \textit{The War Against Catholicism: Liberalism and the anti-Catholic Imagination in Nineteenth-Century Germany}, (Ann Arbor, 2004), p. 22.

\textsuperscript{38} Gross, \textit{War Against Catholicism}, p. 22.
Such an approach, however, needs to also be applied in the other direction. Just as liberals were grappling with issues of identity in the 1850s, Catholics were in a similar process of self-(re-)definition. Confronted by the French Revolution, the Napoleonic wars, the 1830 Revolution, the separation of church and state – first only in the ideas of Félicité Robert de Lammenais and then in the reality of the 1831 Belgian constitution – the Cologne troubles over mixed marriages in 1837, and finally the revolutions of 1848, Catholicism had also begun to formulate the beginnings of a new ideology in the first half of the nineteenth century. This ideology – Ultramontane Catholicism – centered around two poles. The first pole of course consisted of the pope in Rome, a centralizing and charismatic figure to whom all Catholics should identify and owe a type of allegiance. The second, equally if not more important, pole consisted of its demarcation from liberalism. As Pius IX made clear in his 1864 Encyclical *Quanta Cura* and its accompanying *Syllabus of Errors,* the Church refused to “reconcile [itself], and come to terms with progress, liberalism and modern civilization;” its stated goal was instead to “permit the Catholic Church to

practice her laws, and allow no one to oppose her liberty." This refusal to participate in the liberal state was perhaps the driving force behind the rise of Ultramontanism. Seemingly excluded from the liberal state, “the papacy used the opportunity…to develop a clear ideological autonomy from temporal forces,” as the sociologist Gene Burns has argued. And yet while we take the end result of this development for granted – the first Vatican Council and its accompanying doctrine of infallibility – we know very little about how this transformation took place.

One approach is the structural work of the historical sociologist Michael Ebertz, who focuses on bureaucratic and ideological transformation within the Catholic Church during the nineteenth century. As Ebertz argues, subtle shifts – a renewed emphasis on the office of the nuncio, the redistricting of parish structures, the growing power of a bishop in his diocese and of the pope within the Church as a whole – produced a slow but steady bureaucratic modernization and ideological centralization. At a local level (through the restructuring and the office of the bishops), a quasi-national level (through the offices of the nuncios and the Bischofskonferenzen), and internationally (through the increasingly charismatic figure of the pope and his growing power within the Church as a whole), the Church was engaged in a mammoth process of reorganization, which increased toward the end of the nineteenth century. Ebertz stresses that these shifts came in three phases: during and in the decades after


the Napoleonic wars, after 1848, and after 1870. Each phase emphasized different aspects of the ecclesiastical power structure and culminated in the dogma of infallibility passed at the first Vatican council in 1870. Though many of the specifics mentioned by Ebertz do not hold true when applied to the Habsburg Monarchy – here, as already mentioned above, the confrontation with its Josephinist past remained the central axis of the Church’s structural reformation, at least in its initial phase – his focus on the restructuring of dioceses and the redistribution of power within the Church as a whole nevertheless provide an important approach in studying the structural transformation of the Church in the nineteenth century.

Yet little work has appeared on this subject for the Habsburg Monarchy. The few contributions that do exist, such as the Forschungsgespräch on papal authority organized by Erika Weinzierl in 1970, rarely venture outside the realm of internal Church politics and have nothing to say about how such developments played out on the ground – in a regional setting, in the various diocese and parishes. John Boyer’s early work, which deals with the generational tensions that emerged in the 1880s between an anti-Semitic and increasingly radical lower clergy and the Ultramontane Church hierarchy, represents an important building block, as does Gavin Lewis’ work

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43 On Catholicism as an ideology, also see, Burns, "Politics of Ideology."

44 As above, see, Weinzierl, Päpstliche Autorität.
on Catholic politics in Lower Austria. Both these studies, however, cover the period after the 1880s, when the conflict with liberalism had for the most part abated. The path breaking work of William Bowman on priests in lower Austria is, in this regard, a step in the right direction. His *Priest and Parish in Vienna, 1780-1880* focuses on the social history of the priesthood in lower Austria from the rise to the fall of Josephinism, and his examination of the background, education, placement and pastoral practice of the priesthood breaks new ground in the topic in every way. Yet Bowman makes little attempt to tie his research into larger political, cultural or religious narratives: the crisis of the priesthood in the late 1840s, the pressures of 1848/49 for priests, the downfall of Josephinism with the 1855 Concordat, and the generational split between Josephinist and the Ultramontane clergy that began to develop in the 1830s and 40s are all missing in his account. Thus while we do get a detailed image of the Josephinian priest, it is an image seemingly set in stone. In short, what is missing is a study that takes the theological, political and social changes taking place within Catholicism and the Catholic Church and reconnects them with the larger historical narrative of the late-imperial period, especially outside Lower Austria and the capital city.

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This study will use the recent impulses in regional history to address the lacunae in the religious history of the Monarchy. It integrates different case studies at

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45 See, especially, Boyer, "Priests in Lower Austria." Some of the material is covered in the first chapters of Boyer, *Political Radicalism*. On Gavin Lewis, see above, note 31.

a local level into a larger narrative of Catholicism within the Habsburg Monarchy, examining how the Catholic Church confronted and adapted to the challenges of liberalism and socialism in Upper Austria during the second half of the nineteenth century. It is divided into three sections: After a background chapter on the history of Upper Austria, the first section will explore the structural and ideological transformation of the Catholic Church in Upper Austria during the middle decades of the nineteenth century. With a focus on the clergy, this section examines the changing networks and structures of priestly life, first in the seminary and later in the diocese as a whole. It investigates how the diocese changed under the watch of Bishop Franz Josef Rudigier and the influence of Ultramontanism, and how the networks of communication within the clergy, and between the clergy and the laity, where then changed by these developments.

The second section then consists of three chapters that examine the confrontation between liberalism and the Catholic Church from the 1850s to the 1870s. A first chapter — Chapter Four — focuses on the dynamics of Catholic-liberal conflict in the 1850s. It uses the building of a general hospital in Linz and the burial of a prominent Protestant in a small Catholic town to demonstrate how, already in the 1850s, the Catholic Church faced stiff resistance from a liberal vision of social order at a local level. In these conflicts, however, the Church is never a passive victim but instead uses them to begin an intricate process of re-definition: both struggles bring to light the contours of Rudigier’s own Ultramontane ‘social vision’ while also bringing to the surface some of the fissures, especially generational, that began to take place within the priesthood. The next two chapters then turn to the height of the Austrian
Kulturkampf between 1867 and 1875 and explore how each of the two competing visions of social order – Catholic and liberal – used the other to define itself. Chapter Five centers on the experiences of the Catholic clergy in the liberal court system after 1867. It begins with an analysis of two ‘sensationalist’ trials — one of Bishop Rudigier in 1868 and another of the Carmelite monk Gabriel Gady, who became involved in a confessional scandal in 1871/72. The chapter then explores how these trials influenced the lower clergy: how priests conceived of their own role in the struggle between clericalism and liberalism, how they become politically active, and how they absorbed the role models and stereotypes that surrounded them. Chapter Six examines the systematic exclusion of liberal Catholics after the first Vatican Council in 1870. Here the spotlight is on the Old Catholic movement, a protest movement that developed among liberal lay Catholics around the time of the first Vatican Council to protest infallibility. The ensuing conflict demonstrates the mechanisms used by the Church to control its ideology, and for the way the conflict helped transform the relationship between Catholic Church and state in Austria. With the promulgation of infallibility and the systematic exclusion of liberal Catholics, we see the Church shift gears and begin its process of Ultramontanism ‘from above’ – the process of ideological consolidation within the ranks.

This process of consolidation and its consequences are the subject of this study’s final section. Here, the study moves from liberalism to socialism – the second ‘great foe’ the Church faced during the nineteenth century – and examines the fissures that began to appear in Ultramontanism as the Church devoted itself to this very different type of conflict. A first chapter, Chapter Six, follows the development of
Catholic thinking on the ‘social question’ in Upper Austria from the 1850s onward, charting the shift within the Church as its traditional role in administering poor relief began to break down. This process then forced the Church to come to terms with that larger theoretical construct, the ‘social question.’ The most significant development was the papal encyclical *Rerum Novarum* from 1891, and the second and final chapter, Chapter Seven, turns to the period after its promulgation. Rather than assessing the successes and failures of working class activism within the Church, however, the chapter examines the conflicts that began to develop as the process of consolidation inherent in ‘Ultramontanism from above’ ran up against Catholic working-class activism. It begins with the initial successes that many priests had in forming new working-class associations after 1891. A complex process of negotiation between the activist lower clergy and the diocese administration – notably the bishop – in which the counters of permissible action become the subject of debate, however, followed these successes. The chapter continues with perhaps the most direct and obvious confrontation to the bishop’s authority, the Christian Social movement, which, unlike in neighboring Lower Austria and the Tyrol, failed to find a foothold in Upper Austria, largely because Rudigier’s successor, Doppelbauer, combated traces of Christian Social doctrine wherever he could and actively worked to keep ‘his’ lower clergy in line with Ultramontane conceptions of hierarchy and authority. The conflict between authority and activism then dramatically comes together in a final section that explores the irreconcilable contradictions within Catholicism at the turn of the century through an analysis of a 1909 strike of Catholic workers at the construction site of the *Maria-Empfängis-Dom.*
Section One: Linz, Upper Austria and the Catholic Church

Linz and Upper Austria remained under Habsburg rule almost without interruption from the thirteenth century until the Monarchy’s demise in November 1918. Though certainly not one of the Monarchy’s most central regions, both the province and its capital did, on occasion, play an important role within the Habsburg lands. Frederick III, who introduced the cryptic acronym AEIOU into Austrian lore, chose Linz for his summer residence in the fifteenth century and moved the imperial court there after losing Vienna to the Hungarians in 1485. In 1521, Ferdinand I married Anne of Hungary in Linz, a fateful wedding that would cement Austrian claims to the Hungarian crown five years later. During the Reformation, a majority of the region’s residents went the way of Protestantism and the region became a focal point of Habsburg efforts at re-Catholicization in the late sixteenth and seventeenth century. Indeed, this ‘rebellion’ seemingly extended to all layers of society: it was Ferdinand II’s policy of re-Catholicization that cemented the Upper Austrian nobility’s desire to refuse him the crown in 1619, and, in 1627, the same policy, in addition to a series of economic gripes, that led the peasantry to launch its own major revolt. He


48 A good account can be found in, Joseph F. Patrouch, *A Negotiated Settlement: The Counter Reformation in Upper Austria under the Habsburgs*, (Boston, 2000).
called the region a “Nest der Untreue und der Rebellion,” and redoubled his efforts. He was successful.49

Since the seventeenth century, Upper Austria has been a predominantly Catholic province, though with significant pockets of Protestants. In the time period covered in this dissertation, between 1851 and 1914, the percentage of non-Catholics continually hovered between two and three percent.50 Of those, the vast majority were isolated Protestants living either in towns in the north and west of the province, or workers and miners in the various salt mining communities in the southern Salzkammergut, where economic grievances could quickly dissolve into religious unrest until well into the 1850s. The Jewish population in the district was minuscule, largely owing to the fact that Jews were de jure not allowed to reside in Upper Austria until 1849; even thereafter the number of Jews in the province remained negligible. A Jewish community — the israelische Kultusgemeinde — formed in Linz only in 1870 and, even by 1890, the Jewish population in the province as a whole totaled just over 1,000, about half of whom lived in Linz.51

By the late seventeenth century, the region had once more become a bastion of the Catholic faith, as well as more prosperous economically. Linz as a regional capital was on the ascendant and by the 1670s had regained its monopoly over trade and production in Upper Austria. In 1700 the city could boast an active workforce of

50 Figures based on the numbers in, Personalstand der Geistlichkeit der Diözese Linz, (Linz, 1851-1865); Schematismus der Geistlichkeit der Diözese Linz, (Linz, 1866-1924).
around 4,000 laborers.\textsuperscript{52} Indeed, as Charles Ingrao has noted, by the eighteenth century Linz had become “one of the Monarchy’s major commercial and manufacturing centers, specializing in the production and export of textiles, as well as the transshipment of wine and minerals from Hungary,” and thus a “serious competitor to Vienna by virtue of its superior commercial position.”\textsuperscript{53}

The war of Austrian Succession that began in the wake of Maria Theresa’s ascent to the Austrian throne in 1740 unleashed a new set of destructive forces on the region. The Bavarian Monarch Charles Albert celebrated his first and most giddy success there in September of 1741, when he marched into Linz with the Franco-Bavarian army to proclaim himself “friend, lord and sovereign” as well as Duke of Austria. The local population, not quite as averse to his courtship as Maria Theresa had hoped, failed to rebel. Charles Albert finally lost the city a few months later, in January 1742, on the very day he was crowned Holy Roman Emperor in Frankfurt.\textsuperscript{54}

In the following decades and especially under the reign of Emperor Joseph II, Upper Austria became a focal point for administrative reforms: the addition of Bavarian territory in 1779 (the \textit{Innviertel})\textsuperscript{55} prompted a reorganization of the region’s communes (\textit{Gemeinden}), which culminated in a new \textit{Obderennsischen}


\textsuperscript{53} Ingrao, \textit{Habsburg Monarchy}, pp. 7, 16.

\textsuperscript{54} In some accounts it is the day before. See, Reed Browning, \textit{The War of the Austrian Succession}, (New York, 1993), pp. 69-70, 75, 91; Haider, \textit{Geschichte Oberösterreichs}, pp. 211-212; Ingrao, \textit{Habsburg Monarchy}, p. 156.

\textsuperscript{55} The “\textit{Innviertel}” represents about one quarter of modern-day Upper Austria. It was claimed by Austria in the War of Bavarian Succession.
Landesregierung in 1783, finally making the province an independent administrative unit within the empire.
Chapter One. Upper Austria

Urbanization and Industrialization

Until the beginning of the nineteenth century, economic activity and migration to and within Upper Austria were both rather small scale affairs. Several large public works projects in the 1830s changed all that. The first was the building of the so-called Maximillian Towers, a series of thirty-two fortifications planned in the wake of the Napoleonic war; and the second was the Linz-Budweis (České Budějovice) railroad.\(^{56}\) The projects were very similar: both helped jump-start immigration to Linz and both were obsolete even before they had been finished. The railroad relied on horse-drawn carriages rather than steam engines and the tracks were laid too narrow to enable a later change to steam. To make matters worse, the existence of the railroad assured that state money would be sunk into transportation projects elsewhere in the Monarchy for years to come — the *Westbahn*, connecting Vienna and Regensburg via Linz, was only finished in 1859. Similarly, the Maximillian fortifications, though well-intended, proved militarily obsolete only a few years after their completion and were abandoned as fortifications in 1858. Both projects, however, brought a large number of artisans to Linz — carpenters, stonemasons, etc. — including a fair number of Czech-speakers

from Bohemia. Finally, a third development that helped spur migration in the pre-March period, and one not already obsolete at its conception, was the arrival of regular steamship service on the Danube in 1838, which brought a much greater influx of goods and people to the city.

In the first half of the nineteenth century, Linz and Upper Austria also began to experience the first pangs of industrial growth coupled with an increase in population. Yet this was a haphazard process; some towns, such as Linz, Steyr and Wels, grew at a steady rate, while just as many, if not more, suffered a marked decline in population. Increased competition from abroad, coupled with limited success in founding new industries at home meant that industrialization occurred in a slow and piecemeal fashion. In 1852, the province counted 166 factories. At the end of the 1860s this number had increased to 187, with between 9,000 and 12,000 employees. Growth in the ensuing decades was slow and only after 1890 was there a marked upswing so that by 1902 one could count over 500 factories with upwards of 40,000 employees.

In the 1850s, Linz, the capital city, was the twenty-third largest city in the Monarchy with a population of about 27,000. If the suburbs are added — important, since that is where most of the industrial activity occurred and working-class

58 Such statistical examples are nevertheless problematic due to the often changing methods of counting. In general, “factory” represents any industrial workplace with upwards of 20 employees. Haider, *Geschichte Oberösterreichs*, p. 347.
59 This is compared to a population of 431,000 in Vienna, 118,000 in Prague, or even 55,000 in Graz. In order, the largest cities in the Monarchy in the 1850s were: Vienna, Milan, Venice, Prague, Pest, Lemberg, Trieste, Graz, Padua, Verona, Krakow, Szegedin, Pest, Brno, Bratislava (Preßburg/Pozsony), Bergamo, Brescia, Maria Theresiope (Subotica), Debreczin, Mantuam Vicenza, and Cremona. See, F. Schmitt, *Statistik des österreichischen Kaiserstaates. Nach "Hain's Handbuch der Statistik" für den Schulgebrauch*, (Vienna, 1854), pp. 68-69.
population lived — the population figure comes to about 40,000 people, which
represented about 5.6% of the population of Upper Austria, itself a province of about
720,000 in an empire of over approximately 32 million. 60 Both the province and its
capital were thus on the smallish side.

Table 1: Cities in Austria, 1869-1910 61

<table>
<thead>
<tr>
<th>By City</th>
<th>1869</th>
<th>1880</th>
<th>1890</th>
<th>1900</th>
<th>1910</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vienna</td>
<td>880,051</td>
<td>1,136,700</td>
<td>1,399,922</td>
<td>1,728,738</td>
<td>2,031,498</td>
</tr>
<tr>
<td>Prague</td>
<td>163,558</td>
<td>171,992</td>
<td>195,066</td>
<td>222,831</td>
<td>223,741</td>
</tr>
<tr>
<td>Lemberg</td>
<td>87,109</td>
<td>109,746</td>
<td>127,943</td>
<td>159,877</td>
<td>206,113</td>
</tr>
<tr>
<td>Trieste</td>
<td>70,274</td>
<td>74,544</td>
<td>120,333</td>
<td>134,146</td>
<td>160,993</td>
</tr>
<tr>
<td>Krakow</td>
<td>57,195</td>
<td>76,091</td>
<td>92,767</td>
<td>121,839</td>
<td>151,886</td>
</tr>
<tr>
<td>Graz</td>
<td>81,119</td>
<td>97,791</td>
<td>112,069</td>
<td>138,080</td>
<td>151,781</td>
</tr>
<tr>
<td>Brünn (Brno)</td>
<td>73,771</td>
<td>82,660</td>
<td>94,462</td>
<td>109,346</td>
<td>125,737</td>
</tr>
<tr>
<td>Linz (w. suburbs)</td>
<td>44,531</td>
<td>57,086</td>
<td>65,965</td>
<td>84,693</td>
<td>101,927</td>
</tr>
<tr>
<td>Western Monarchy</td>
<td>20,394,980</td>
<td>22,144,244</td>
<td>23,895,413</td>
<td>26,150,708</td>
<td>28,571,934</td>
</tr>
</tbody>
</table>

Urbanization in the second half of the nineteenth century was sporadic, with
stagnation and decline in the 1850s and 60s, a steady though minimal increase
throughout the 1870s and 80s, and, finally, a dramatic upsurge after the 1890s. By
1910, Linz had just about trebled in size relative to 1850: over 70,000 now lived inside
the city and a further 30,000 in the suburbs. One can also measure the extent of
urbanization in the province as a whole: Linz and its suburbs also now included 12%

60 Figures are for 1857. “Suburbs” refers to the following towns: Urfahr, Kleinmünchen,
Ebelsbergm Traun and St. Peter. See, Michael John and Gerhard A. Stadler, “Zur
Bevölkerungsentwicklung und Stadtwachstum in Linz, 1840-1880,” Historisches Jahrbuch der Stadt
Linz (1987): p. 121; Österreichisches Statistisches Zentralamt, Geschichte und Ergebnisse der

61 Source: William H. Hubbard, “Politics and Society in the Central European City: Graz, Austria,
Ergebnisse der Ausserordentlichen Volkszählung vom 31. Jänner 1920 nebst Gemeinderverzeichnis,
of the region’s population (See Figure 3). Though this rate of growth was nowhere near that of the fastest growing cities in Europe (Bochum, for example, grew from around 4,200 in 1842 to 120,000 by 1907), it grew at what could be called a respectable rate for urban centers in the western Habsburg Monarchy, mirroring growth rates in Vienna and Graz, as well as in many other central European cities.

**Figure 3: Population Growth in Linz and Upper Austria, 1851-1919**

Regardless of their inconsistent rate of growth in the 1850s and 60s, these smallish urban centers nevertheless remained busy points of transfer. Michael John, using the Linz conscription lists between 1854 and 1866, has estimated that more than

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64 Source: *Personalstand; Schematismus der Geistlichkeit*. Figures include non-Catholics.
130,000 people lived in Linz at some point in those twelve years, a statistic that points to a highly mobile population; a city where people moved in, out, and around at a dizzying rate. Thus, even though we can not yet speak of a population boom in the 1850s and 60s, we can speak of a constantly changing urban space: while the number of native ‘Linzers’ declined from 16,411 to 13,734 between 1850 and 1869, the number of registered foreigners grew from 12,099 to 17,535.

Figure 4: Linz Population by Heimatberechtigung, 1810-1900

65 These lists were a combination of census data and municipal registration lists. Michael John, *Bevölkerung in der Stadt: "Einheimische“ und "Fremde" in Linz (19. und 20. Jahrhundert)*, (Linz, 2000), p. 78. See also the excellent article on which parts of the book are based, John and Stadler, "Bevölkerungsentwicklung."

66 The German distinction is between *Heimatsberechtigte* or *Einheimische* (natives) and *Fremde* (foreigners). The latter category makes no distinction of whether an immigrant came from a village in Upper Austria 5 miles from the Linz border, the furthest reaches of the Habsburg Monarchy, or even elsewhere in Europe. On *Heimatrecht*, see Chapter Six, below.

And within Upper Austria, Linz was by no means the exception. The other larger cities, such as Wels and Steyr, and even smaller towns, such as Ried, Braunau or Vöcklabruck, all experienced similar rates of growth in the second half of the nineteenth century. Indeed, the most extreme example, though certainly an anomaly, can be found in Steyr, which was home to Austria’s largest arms factory, the Österreichische Waffenfabriks-Aktiengesellschaft led by Josef Werndl. Depending on the volume of a given contract, employment figures at the factory could fluctuate between 700 and 2,000 employees (often in the short space of a few months), always accompanied by a similar migration in and out of the city.  

Figure 5: Employment in Upper Austria by Sector, 1900

By 1900, just under half of the province’s workforce was employed in agriculture. The most important branches of industry were linen weaving and twine production. By the late eighteenth century, textile factories existed in larger towns

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such as Linz and Vöcklabruck, as well as in smaller towns, such as Schwanenstadt or Neuhofen a.d. Krems. The southern part of the province, the Salzkammergut, was dominated by the salt industry — hence its name — which employed between 4,000 and 5,000 workers in a chain of small towns and villages around Hallstatt. A third important source of industry located in the east and southeast of the province and centered in Steyr was the steel and iron working industry, though apart from the weapons’ factory, this branch of industry began to decline after the 1840s due to increased competition from abroad.\textsuperscript{70}

**A Careful Democratization**

In terms of democratization, Upper Austria is a classic example of the rise and fall of liberal hegemony on a local level. Already in the 1830s and 40s, a growing middle-class began to agitate against absolutist government, economic regulation, and the power of the Catholic Church. In 1848 these grievances came to the fore as the revolution spread to the province: in Linz, workers rioted over economic issues, causing liberals to form a Volkswehr – modelled loosely on the Nationalgarde in Vienna – and join forces with the government to put down the riots. At the same time, liberals began to use the Volkswehr and other ad hoc governmental structures as a form of shadow municipal administration, pressuring the state for change. Liberals pushed the Vienna-appointed mayor, Joseph Bischoff, out of office and clamored for greater autonomy in the affairs of their city. A liberal press quickly appeared and

\textsuperscript{70} Haider, *Geschichte Oberösterreichs*, pp. 265-268.
began agitating against the Catholic Church. By April, the Jesuits had been expelled from their house on the Freinberg just on the outskirts of Linz. Just as importantly, these successes did not suddenly disappear after 1848. By 1850, Linz had an elected liberal mayor and a liberal-leaning lawyer from Salzburg, Alois Fischer, as governor.71

The revolution of 1848 also spurred different streams within the Catholic Church to action. By August of that year the province had its first Katholikenverein and, a short while later, its first overtly political Catholic newspaper, the Volksbote für Religion und Gesetz, later renamed the Katholische Blätter. An initial politicization of the priesthood also took place during this time and two Upper Austrian priests, the conservative Jodok Stülz from St. Florian and the more liberal and German nationalist Beda Piringer from Kremsmünster, were elected to the assembly in the Paulskirche in Frankfurt.72

In the 1850s, as will be covered in Chapter Three in greater detail, the government in Vienna forced liberals out of power in the provincial administration while nevertheless allowing them to retain their positions in the municipalities. Only after Austria-Hungary’s 1859 military defeat in Solferino were liberals able to force the cash-poor government into a series of new concessions, eventually leading to the

71 On 1848 in Linz and Upper Austria, see, Karl von Görner, Das Revolutionsjahr 1848 in Linz und Oberösterreich, (Linzer Tagespost, 1898), (Linz, 1898); Franz Kirchmayr, "Oberösterreich in der Zeit des Neoabsolutismus (1850-1860)" (Ph.D. Dissertation, Leopold-Franzens Universität Innsbruck, 1968).

1860 October Diploma and 1861 February Patent. Upper Austria was granted a new provincial constitution and an elected Diet with fifty members. Such changes, though welcome, were still a long way from provincial autonomy or self-rule: the Statthalterei, which controlled the administrative apparatus of the region, remained firmly subordinated to the Ministry of the Interior. The Diet, however, did gain an important say in how its budget — the Landesfond — was spent.

Suffrage in provincial elections — for the communes and for the provincial Diet — increased in only a piecemeal fashion. Between 1861 and 1873 about 110,000 of the province’s 725,000 registered legal residents (Heimathberechtigte, the number includes women and children) had the right to vote in the various local elections (Gemeindewahlen) and about 40,000 could take part in the elections of the provincial Diet. By 1896 this latter number had increased to 73,000. Even these numbers are misleading, however, because, like in most other regions in central Europe in the nineteenth century, the voters were divided into four curia, sharply divided by income and social status. Universal male suffrage arrived in 1909, two years after elections for the Cisleithanian Reichsrat had already become universal (though still ahead of

73 Only 49 were elected: the bishop of Upper Austria automatically held a seat and, though he had no voting rights, the Statthalter also sat with the delegates. On the Diet, see, Harry Slapnicka, "Der Oberösterreichische Landtag," in Die Habsburgermonarchie 1848-1918. Vol. VII. Verfassung und Parliamentarismus, ed. Helmut Rumpler and Peter Urbanitsch, (Vienna, 2000).

74 Harry Slapnicka, Oberösterreich unter Kaiser Franz Joseph (1861 bis 1918), (Linz, 1982), pp. 77-96.
most other provinces in Cisleithania), and in the form of a separate curia rather than as part of a complete overhaul of the suffrage system. 

Table 2: Elections to the Upper Austrian Diet, 1861-1909

<table>
<thead>
<tr>
<th>Elections</th>
<th>1861</th>
<th>1867</th>
<th>1870 (Sep.)</th>
<th>1878</th>
<th>1884</th>
<th>1890</th>
<th>1896</th>
<th>1901</th>
<th>1909</th>
</tr>
</thead>
<tbody>
<tr>
<td>Catholic-Cons.</td>
<td>8</td>
<td>7</td>
<td>20</td>
<td>19</td>
<td>22</td>
<td>33</td>
<td>33</td>
<td>30</td>
<td>47</td>
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<tr>
<td>Liberal</td>
<td>42</td>
<td>43</td>
<td>30</td>
<td>21</td>
<td>31</td>
<td>28</td>
<td>17</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Deutsch-Liberale</td>
<td></td>
<td></td>
<td></td>
<td>13</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Verfassungstreue</td>
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<td></td>
<td></td>
<td>2</td>
<td>1</td>
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<td>Pan-German</td>
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<tr>
<td>Deutschnationale</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>2</td>
<td>8</td>
<td>20</td>
<td></td>
<td></td>
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<tr>
<td>Socialist</td>
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<td></td>
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<td></td>
<td></td>
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<td>1</td>
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<tr>
<td>Total</td>
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<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>68</td>
</tr>
</tbody>
</table>

Except for a few months in 1871, liberals retained control over the Diet from its inception in 1860 until 1884, after which the Catholic-conservatives held control until the outbreak of war in 1914. From the beginning, the liberal delegates were not without opposition — eight conservatives, including 5 priests, were elected to the first Diet in 1861. In the 1880s, the liberals’ polity splintered under increasing pressure from several directions: a Bauernverein (Smallholders’ Party) emerged with a strong rural base, becoming the second largest political party in the province until 1907 (though it received no mandates under the existing curia system). A decade later, the liberal movement itself slowly gave way to radical-nationalist and pan-German political parties; the sixteen ‘liberal’ delegates of 1890 had, by 1909, given way to a

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77 A general account of the elections to the Diet of Upper Austria can be found in, Slapnicka, *Oberösterreich unter Kaiser Franz Joseph*, pp. 152-239.
faction of twenty German nationalists. Indeed, two developments help one observe the
decline of liberal influence and reorientation of its values: first, the *Liberal-Politischer Verein*’s steadily declining membership numbers. Already in the 1870s membership dropped from 2,600 in 1873 to approximately 1,000 in 1878. A second development was the continual renaming of the *Verein*: in 1885, it became the *Deutscher Verein für Oberösterreich*, followed a year later by the *Fortschrittspartei*; in 1888 it again switched names, becoming the *Deutschnationaler Verein für Oberösterreich und Salzburg*; finally, in 1897 the remaining faction, led by the pan-German and anti-Semitic Carl Beurle, switched its name to the *Deutscher Volksverein für Oberösterreich*.  

For a variety of reasons, not the least being the pronounced anti-Socialists
tendencies of the provincial administration and the slanted franchise system, the Social Democrats were very weak in the province. Early and sustained police action hindered the formation of a political organization. When it finally did emerge, the movement became bogged down in sustained arguments between idealists and realists, a division reinforced by nationalist sentiments, since the former often consisted of Bohemian immigrants. The official founding of the Social Democratic Party in Upper Austria is usually dated to the Hainfelder Congress of 1888/89 and, soon thereafter, a flurry of

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local association were formed under its aegis. In 1897 the Social Democratic paper, the Wahrheit! first appeared, but the party had to wait until 1909 for its first electoral successes: a single delegate to the Upper Austrian Diet.\(^8^0\)

### Secularization and its Discontents

For many conservative Catholics who came of age at the beginning of the nineteenth century, the French Revolution and the French conquest of central Europe represented the ideological excesses of the enlightenment, unbound and on display much too close to home. War, pillage, plunder, and anarchy seemed to mix far too freely with ideas of liberty, equality and fraternity during the Napoleonic wars. In those parts of the western Habsburg Monarchy where the French occupation was of some duration — in the Tyrol and Vorarlberg, which became Bavarian for a good part of the conflict, but also in Upper Austria — the greater part of a generation grew up in deep mistrust of the forces that would later reassemble themselves under the guise of liberalism.\(^8^1\)

In the 1820s and 30s, Catholic thinkers began formulating responses to what they perceived of as the chaos of a false liberty. Periodicals such as Der Katholik, founded 1822 in Mainz under the auspices of Bishop Ludwig Colmar, or the

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\(^8^0\) On the Social Democratic movement in Upper Austria, see, Gerhart Baron, Der Beginn. Die Anfänge der Arbeiterbildungvereine in Oberösterreich, (Linz, 1971); Helmut Konrad, Das Entstehen der Arbeiterklasse in Oberösterreich, (Vienna, 1981); Anton Weiguny, Erinnerungen eines Alten. Aus den Anfängen der oberösterr. Arbeiterbewegung, (Linz, 1911).

Katholisch-Kirchliche Zeitung, founded by Franz Baader in Aschaffenburg, created a new voice for a passionately conservative and Ultramontane Catholicism. At the same time, the circle that assembled around Clemens Maria Hofbauer in Vienna began promoting new forms of spirituality that distinctly moved away from a Josephinist model. The various struggles between Catholic Church and state over the question of marriage laws in the 1830s, most famously in Cologne, prompted a new generation of lay Catholics to move into the Ultramontane camp – and the revolutions of 1848 only strengthened their resolve to this effect. While these movements would come to affect Upper Austria in the 1840s and especially after the appointment of Franz Josef Rudigier in 1853, for the most part its clergy was still a model of Josephinist discipline in the first half of the nineteenth century.

In the 1830s and 1840s, the various Ultramontane movements began to attract followers, but the state did not yet see the Church as a strategic ally. That changed in the 1850s, as governments throughout central Europe sought to stem the tide of unrest and anarchy unleashed in 1848, now turning to the Catholic Church as a pillar of the new order. Nowhere did this shift occur as dramatically as in Austria. Young clergymen, such as Joseph Rauscher and Friedrich von Schwarzenberg, were swept into the limelight and used the opportunity to create powerful new forums for the

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Catholic Church, the most important of which was the Österreichische Bischofskonferenz. The Bischofskonferenz first met in 1849 to lobby the young monarch, Francis Joseph, and his government for greater freedoms for the Church, to unite bishops and state officials in reversing the legacy of Josephinism, and to consolidate the position of the Church within the state. In 1855, the Monarchy signed a Concordat with the Vatican that evolved from these new streams of Catholic thought. Among other things, the Concordat gave the Church control over marriages and education. It also radicalized anti-clerical feeling among liberals.

In 1860s, as liberals again began to exert greater influence in public affairs, the Catholic Church became an easy target. It was laden with rights and responsibilities — schooling, marriage laws, censorship, and the keeping of birth, death and marriage registries — that, liberals felt, should be the exclusive domain of the state. After taking power in Austria in 1867, the new liberal government began systematically to dismantle the bonds between Catholic Church and state. The height of the conflict came between 1868 and 1874, at a time when a great number of seemingly disparate events — the beginnings of a mass press, the unification of Germany, the pope’s loss of temporal power in Rome, the papal declaration of

84 Joseph Ottmar Rauscher (1797-1875), later Cardinal and Archbishop of Vienna, was initially appointed bishop of Sekkau in 1849 after having served as a tutor to a young Francis Joseph before the latter’s assent to the throne in 1848. Friedrich von Schwarzenber (1809-1885), then Archbishop of Salzburg and later Archbishop of Prague, was the brother of the Austrian Minister President Felix von Schwarzenberg.

85 While some disagreement remains as to whether its clauses furthered or ended the Josephinist order, there is no disagreement on the importance of the Concordat in rallying its opponents into the liberal camp. See, Vöcelka, Verfassung oder Konkordat, pp. 32-50; Weinzierl-Fischer, Konkordate, pp. 86-98; Peter Wozniak, "Count Leo Thun: A Conservative Savior of Educational Reform in the Decade of Neoabsolutism," Austrian History Yearbook 26 (1995).
infallibility — combined to kindle the flames of the conflict.86 In these years, the liberal government in Vienna passed two sets of anti-clerical legislation, greatly diminishing the power of the Church and effectively annulling the Concordat. These, then, were the years of the “Kulturkampf” in Austria.

Within the Habsburg Monarchy, however, the “classic” Kulturkampf narrative of clerical / anti-clerical conflict and the slow, purposeful separation of church and state needs to be seen against an equally important backdrop of Josephinism and anti-Josephinism within the Austrian Catholic hierarchy. In the mid-eighteenth century, government reforms under Maria Theresa and her son, Joseph II, greatly changed the relationship between church and state. These reforms, later termed Josephinism, meant above all three things: the end of 'unproductive' religious practices (closing monasteries with contemplative orders, a ban on hermits); the professionalization of the clergy through more rigorous training, often in secular subjects such as math and the sciences along with dogma; and, finally, the lessening of direct Vatican control over the hierarchy, with a corresponding rise in state control. All communication with local clergy had to first pass through the Austrian government, no Papal Bulls or encyclicals could be issued without the monarch's approval, and all clergy had to take an oath of allegiance to the state.87 Upper Austria as a separate diocese with a bishop


87 Most scholars now agree that “Josephinism” began before Joseph came to power and continued on well after his death, especially when related to the Catholic Church and its clergy. Some scholars then go on to argue that Josephinism was the Austrian version of reform Catholicism, while others emphasize its uniquely Austrian aspects, focusing on the role it played in the Habsburg state-building process. For an example of the former, see, Winter, Der Josefinismus und seine Geschichte. Beitrage zur Geistesgeschichte Österreichs, 1740-1848. For the latter, see, Bowman, Priest and Parish;
in Linz and subordinated to the Archbishop in Vienna, was only founded in 1785. Before that date the province had been part of the bishopric of Passau and the new diocese was the direct result of Joseph II’s attempt to make the administrative districts of the Catholic Church synchronous with those of the state.

In the early nineteenth century, Josephinism backfired. Austria emerged from the Napoleonic Wars with a well-educated and independent-minded clergy at a time when the state desired obedience and complacency on the part of the clergy and the populace. Much of the era was subsequently spent trying to 'un-enlighten' the clergy with predictably mixed results. At the same time, as already mentioned above, a new generation of priests that came of age during the Napoleonic Wars viewed the state — and thus Josephinism as a model of relations between church and state — with increasing skepticism. Thus while in most German-speaking regions of central Europe the conflict between liberal and conservative forces within the Catholic Church turned on the issue of Ultramontanism, in Austria the various sides tended to argue about the legacy of Joseph II — often to the incomprehension of observers farther west and north. As the well-known Munich theologian Ignaz von Döllinger commented while speaking 1850 in Linz,

&Wir draußen in Deutschland wussten äußerst Wenig von dem, was in dem katholischen Österreich auf dem theologischen Gebiete


88 Bunnell, *Before Infallibility*. 
While it often makes little sense to speak of a „Germany“ before 1866/71 — that is to exclude the German-speaking regions of the Habsburg Monarchy from the historical narrative before that date —, it is true that when it comes to Catholic theology and inner-Catholic politics, there was a marked difference between those German-speaking provinces within and without the Monarchy long before German unification.

It was around the issue of anti-Josephinism that the hierarchy in the 1850s and 1860s came together. The 1855 Concordat was, in this sense, above all an exercise in anti-Josephinism, its Ultramontane tendencies unintended side effects. Indeed, Rauscher, a leader of the anti-Josephinist movement within the higher clergy and principal architect of the Concordat, was one of the most outspoken leaders of the anti-Ultramontane minority in Rome during the first Vatican Council in 1869-70. At the same time, the ardently Ultramontane bishops in the western Monarchy, Rudigier in

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91 Some historians have argued that the Concordat can be interpreted as a “rearticulation of Josephinist principles regarding the church-state relationship.” In the scope of its ambitions and its willingness to dispense with existing regulations it certainly matched the scale of many Josephinist reforms; but whereas Josephinism had sought to fuse the two bureaucracies together, the Concordat aimed at separating them while giving the Catholic Church jurisdiction over central state functions such as primary education and marriage laws. Josephinist principles, in contrast, were always first and foremost about state jurisdiction. Boyer, Political Radicalism, pp. 20-21; Judson, Exclusive Revolutionaries, p. 71.
Linz, Josef Feßler in St. Pölten, and Vinzenz Gasser in Brixen, remained a distinct minority within the Austrian upper clergy in the 1850s and 60s. Unlike in France or in other German speaking lands, where democratic and republican forms of government seemed a distinct possibility, the longevity of the Habsburg family’s rule produced its own dynamic. In Austria, it seemed, a monarch and his or her authority would always stand above the state. The anti-Josephinist movement thus wanted to free the Catholic Church and its administration from the grasp of the state, but it still saw the Church within the Monarchy as a single entity, a further pillar and tool of the emperor in ruling his subjects. That the school system, marriage courts, and the parish registries remained not only under Church control but also were the official schools, marriage courts and registries for the Monarchy (or, better said: of the Monarch) thus seemed only natural. The Church was to be both separate and equal to the state administration.
Chapter Two. The Priesthood in Upper Austria

When attempting to understand the role of the Catholic Church in a society, one needs to begin with the clergy. The Sunday sermon in the parish church is the most direct form of contact between parishioner and Catholic Church in any given week; and it is through the social and charitable activities organized at a local level that a parish most directly ‘experiences’ the Church and its workings. While it is easy to examine the correspondence of the diocese administration in order to get a sense of how the center of power understood the role of the Church in society, this leaves questions unanswered: who disseminated policy, how was it disseminated, and, perhaps most importantly, how did the laity receive it? The first two of these questions are the subject of this chapter, a brief social history of the clergy in Upper Austria — how many there were, what their working conditions were like, how, as a group, they changed over time.

Organization

The diocese of Linz, created 1783 and 1785 in the midst of Josephinist reforms, more or less encompasses the territory of present day Upper Austria. In the late nineteenth century, the diocese was divided into twenty-eight districts called Dekanate, which in turn contained a total of 403 parishes. Dekanate, however, were

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92 There were minor “border-lapses” with the dioceses of Graz, Salzburg and St. Pölten.
not equal in size, population, or even in the number of parishes contained within; the largest Dekanat had twenty-two parishes, the smallest one seven; the average was around fourteen.\textsuperscript{93} Ideally, a parish would consist of a priest and an assistant priest (called a Kooperator) but conditions were often far from ideal. The average number of priests in a given year during the second half of the nineteenth century hovered around 640 for the diocese as a whole, which meant that most parishes were strictly one-man affairs. Urban parishes often did have several priests, usually three to four working together, but even here the ratio of priest to parishioner was far above the norm.\textsuperscript{94}

Life within the Catholic Church was, in many respects, a universe within itself. At the top of each diocese stood the bishop, head of the “executive branch” of the ecclesiastical government. The Domkapitel, an advisory board of high-ranking ecclesiastical advisors, supported him in his endeavors. The main brunt of the administrative duties was, in turn, borne by two separate administrative offices: the Bischöfliches Ordinariat and the Bischöfliches Consistorium. The Bischöfliches Ordinariat was the organizational branch of the ecclesiastical government. It dealt with matters such as the placement of priests, the coordination of the activities of the

\textsuperscript{93} Figures are for 1885. P. Wolfgang Dannerbauer, \textit{General-Schematismus des geistlichen Personalstandes der Diöcese Linz vom Jahre 1785 bis 1885. Eine Festschrift zur Ersten Säcular-Feier des Bisthums Linz}, (Linz, 1887), pp. xvii-xxii.

\textsuperscript{94} Unless otherwise noted, all statistics relating to priests and population come from Dannerbauer, \textit{General-Schematismus; Personalsstand}; Georg Russinger, \textit{Erster Ergänzungsband zum Generalschematismus des geistlichen Personalstandes der Diöcese Linz umfassend die Jahre 1885 bis 1915}, (Linz, 1916); \textit{Schematismus der Geistlichkeit}. The population statistics include only Catholics. The Schematismus also have statistics for non-Catholics in each parish. The total population for each year, however, tends to disagree with the numbers given in the more recent literature and thus should only be taken as an approximation. I have nevertheless decided to use the data here, because these were the figures the administration used when trying to place priests or plan for the future. More recent figures can be found in, John, \textit{Bevölkerung in der Stadt}; John and Stadler, "Bevölkerungsentwicklung."
myriad institutions (parishes, hospitals, convents, seminary, etc.) within the diocese, and thus served as the official administrative organ of the diocese. The Bischöfliches Consistorium, in contrast, was a theological and judicial advisory board, usually an expanded version of the Domkapitel. Rounding off the administration was the ecclesiastical court system, which mainly functioned in two capacities: it implemented marriage laws for all Catholics, and functioned as a civil court for priests. In addition to priest, parish, and administration there existed numerous monasteries and religious orders, a series of Church-run hospitals, the priestly seminary, the school system, and its very own corrections facility, the Priesterhaus Mitterberg.  

**Demography**

The logistics of matching priest to parish was never easy and a general shortage of priests a chronic problem. In the eighteenth century, the Josephinist benchmark was to have between 700 and 1,000 Catholics per priest in a diocese, though such an ideal became increasingly difficult to maintain anywhere in Europe as the nineteenth century progressed.  

As Table 3 shows, when compared with other dioceses in Austria and Prussia, Upper Austria was about average with its ration of parishioners per priest in the 1870s, i.e. it faced similar problems as other dioceses. Since the Catholic population of the province as a whole increased only slowly in the nineteenth century, climbing from 698,179 in 1851 to 847,909 in 1914, the ratio, even at it worst in 1903 (1299 Catholics per priest) did not compare to Vienna. Nevertheless, even

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95 On the Priesterhaus Mitterberg, see, p. 70, below.
with such a relatively “benign” rate of growth, the diocese continually had difficulty finding and training enough priests.

Table 3: Catholics per Priest, Prussia and Austria

<table>
<thead>
<tr>
<th>Diocese</th>
<th>1873</th>
<th>1881</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hildesheim</td>
<td>493</td>
<td>1384</td>
</tr>
<tr>
<td>Münster</td>
<td>656</td>
<td>845</td>
</tr>
<tr>
<td>Osnabrück</td>
<td>675</td>
<td>849</td>
</tr>
<tr>
<td>Paderborn</td>
<td>719</td>
<td>885</td>
</tr>
<tr>
<td>Cologne</td>
<td>888</td>
<td>1,050</td>
</tr>
<tr>
<td>Trier</td>
<td>945</td>
<td>1,236</td>
</tr>
<tr>
<td>Fulda</td>
<td>1,021</td>
<td>1,169</td>
</tr>
<tr>
<td>Ermland</td>
<td>1,052</td>
<td>1,267</td>
</tr>
<tr>
<td>Linz</td>
<td>1,087</td>
<td>1,159</td>
</tr>
<tr>
<td>Posen</td>
<td>1,222</td>
<td>1,793</td>
</tr>
<tr>
<td>Limburg</td>
<td>1,255</td>
<td>1,485</td>
</tr>
<tr>
<td>Vienna</td>
<td>1,470</td>
<td>1,470</td>
</tr>
<tr>
<td>Kulm</td>
<td>1,618</td>
<td>2,230</td>
</tr>
<tr>
<td>Breslau</td>
<td>1,644</td>
<td>2,100</td>
</tr>
</tbody>
</table>

For dioceses with shifting populations and urban centers, however, such statistics often underplayed the real problem. While overall population growth remained relatively low in the diocese as a whole, it was the “internal” migration rate that caused much greater problems. As we saw in Figure 3 in the previous chapter, while the population of Upper Austria as a whole grew only at marginal rates in the second half of the nineteenth century, the population of Linz (measured here as the Dekanat Linz, which includes some, but not all, of the suburbs) experienced a much more dramatic increase in population, especially in the years from 1890 to 1905 when

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98 Figures for Vienna are for 1870.
the population doubled in size. Furthermore, Linz, as the seat for the diocese, had an overhead of administrative clergymen that tended to skew the statistics.

As in most dioceses undergoing a process of industrialization in the nineteenth century, the problem of the number of priests in Upper Austria was thus compounded by the logistical nightmare of sending them to the right places. Though the Bischöfliches Ordinariat kept meticulous records on the subject, solving the logistical problems associated with industrialization and urbanization — founding new parishes, building more churches and re-assigning priests — was a higher art form within diocese administration. Rudigier, an ideological warrior who often pleaded for more priests, was not all adept at placing them efficiently, and, especially in Linz, the ratio of lay Catholics per priest increased steadily during his tenure. His immediate successor, Ernst Maria Müller, was no different. Only Müller’s successor and Rudigier’s protégé, Franz Maria Doppelbauer, finally proved up to the task. Doppelbauer kept a much more meticulous tab on the administrative side of running the diocese. As Figure 6 shows, while the ratio of Catholics per priest grew steadily under both Rudigier and Müller, Doppelbauer was able to rein it in to manageable levels within the space of a decade. To accomplish this, Doppelbauer made the placement of priests a priority of his tenure as bishop. He was meticulous and rigorous in how he selected and placed priests\(^9\) and Doppelbauer built a new Jesuit secondary

\[^9\] Ebner, "Kollegium Petrinum," p. 146. This impression is reinforced when examining records from almost any part of his administration. From meeting notes to seminarians’ entrance exams, Doppelbauer’s administration maintained much more meticulous records than its predecessors.
school, the *Petrinum*, to ensure that the number of young candidates for the priesthood would continue to increase in the foreseeable future.

**Figure 6: Catholics per Priest in Linz and Upper Austria, 1851-1919**

The Seminary

A central aspect of good diocese administration was thus the priestly seminary, where budding graduates of a *Gymnasium* could become priests.\(^{101}\) Seminarians generally attended the seminary for four years; the more talented among them were

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\(^{100}\) Source: *Personalstand; Schematismus der Geistlichkeit*.

\(^{101}\) A *Gymnasium* degree was required for entrance to the Seminary. The Catholic Church had an intricate system of giving fellowships to talented but poor students, mostly in rural areas, in the expectation that they later entered the priesthood.
ordained priests at the end of their third year. It is in the seminary that young students were first confronted with the reality of what it meant to be a priest, not just the intricacies of theology but also the other important duties that came with pastoral care: maintaining the parish registries, performing weddings, writing sermons, administering poor relief, maintaining a steady rate of visitations within the parish, and so on.¹⁰²

Like its counterparts in other dioceses in the Monarchy, the Linz seminary was very much a product of Josephinist reform. Founded in 1804 by Bishop Josef Anton Gall (classes began in 1806), its purpose was to give the young diocese a place to educate ‘its’ priests, who, until then, had continued to receive their training in Bavarian Passau. But “within the diocese“ did not mean controlled by the Church. The Alumnen, as the priests-in-training were called, were to receive as much of their training as possible from institutions controlled by the Austrian state. For example, while the Alumnen lived in the seminary, their classrooms were located in the local Lyceum, the philosophical preparatory school where students went prior to university. Here, the Alumnen were ‘forced’ to mingle with other lay students – this was Josephinism in action – preparing for university exams or received training in other, more worldly disciplines.

¹⁰² My emphasis here is to give a short overview of the seminary, pointing out some areas where practice in Upper Austria differed from that in Vienna and other dioceses. Those interested in a more thorough study of the curriculum and social history of the Catholic seminary in Austria should turn to, Bowman, Priest and Parish, especially chpt. 4.
One of the first things Franz Josef Rudigier did upon being appointed bishop in 1853 was to move the classrooms into the seminary. Indeed, in his first years as bishop, Rudigier initiated a number of important measures to reform the seminary. His goal was to have the *Alumnen* cut off from the outside world as much as possible until their character had been “sufficiently formed” to survive its seeming spiritual wasteland – i.e., alone, in a parish. In addition to moving the classrooms back into the seminary, the *Alumnen* were prohibited from crossing the main square when going through the city. Rudigier also increased the frequency of confession and communion required for *Alumnen* and put much greater emphasis on proper etiquette: how to dress, how to greet professors and colleagues, and where to leave one’s coat and hat upon entering the seminary.

Moreover, not just the students were the objects of Rudigier’s reforms. To reign in what he considered lax behavior among the professors of the seminary, Rudigier cancelled the informal weekly meetings on theological questions called *Pastoralkonferenzen*, which had been organized by members of the seminary faculty since 1846. He also began reprimanding the faculty for lax discipline in much the same tone as the seminarians. In an especially telling letter to the sub-regent of the Seminary in 1855, Rudigier complained that most faculty members had not appeared at that year’s epiphany procession:

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103 *Chronik des bisch. Seminars in Linz, 1806-*, DAL, pp. 129-130.

104 Taken from Rudigier’s comments on a set of statutes from 1847. DAL SEM A/1 Fasz. IIC, Sch. 3.

105 On the early *Pastoralkonferenzen*, see below, page 73.
Wenn wir Priester sind, so müssen wir vor allen Anderen Männern des Gebethes sein … Und wenn wir Priester erziehen wollen, so müssen wir die theuren Zöglinge vor allen Anden zu Männer des Gebethes bilden … Und wenn wir nicht Priester im vollen Sinne des Wortes bekommen, wie wird die Zukunft der Diözese sein? … Ich würde den Abgang einiger Professoren der Theologie bei der gedachten Prozession nicht so sehr empfinden, wenn sie sich sonst als Männer des Gebethes darstellen würden;…nicht einmahl die Heil. Messe wird von allen in einer Weise gelesen, welche Andacht u. Glauben verbreitet.106

But the new bishop was not all stick and no carrot: at the same time he imposed the above restrictions on the Alumnen and chastised the faculty, he also raised the weekly allowance of the Alumnen, took an active role in improving the quality and consistency of their meals, and had additional material comforts installed in the seminary, including a pricey new water-boiler installed in the regent’s private chambers.107

The seminary was by no means a large affair. It averaged about twenty-four new students a year, of which, on average, seventeen eventually became priests.108 The averages are misleading, however, for the actual number of new Alumnen could

106 Rudigier to the Vice-Direktor der Theologischen Diözesan Lehranstalt, 9 January 1855. DAL FAK A/1 Sch. 6 Fasz. III.


108 1,760 students entered the seminary between 1835 and 1907, of whom 467 either dropped out or, in a very few cases, died during the course of their studies. Josef Rettenbacher, Das bischöfliche Priesterseminar der Diözese Linz während seines hundert-jährigen Bestehens vom Jahre 1806 bis zum Jahre 1906, (Linz, 1907).
fluctuate dramatically from one year to the next, meaning that the seminary housed somewhere between 35 and 110 students, depending on the respective sizes of the various classes.¹⁰⁹

**Figure 7: Alumnen entering the Seminary, 1835-1907**¹¹⁰

Looking at the fluctuation over time, there does not appear to be a correlation between the number of priests entering the seminary and the degree to which the Catholic Church enjoyed a “privileged place” in society. The 1850s and 1880s, both eras when the Catholic Church enjoyed the legal and administrative comforts of a friendly

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¹¹⁰ Source: Rettenbacher, *Priesterseminar*. The table counts each entering class and their graduation rate. Thus for any given year it does not reflect the number of seminarians who graduated that year, but rather, how many new seminarians entered and how many of them eventually were ordained into the priesthood.
government, produced widely varying entrance rates for the seminary. Similarly, the years of antagonistic politics, between 1867 and 1877, and from 1890 until the end of the Monarchy, strike the observer only in their strange consistency, hovering around the center of the range.

Table 4: *Alumnen* in the Seminary by Decade, 1840-1907\(^{111}\)

<table>
<thead>
<tr>
<th>Decade</th>
<th>Enrolled</th>
<th>Dropped Out</th>
<th>Finished</th>
</tr>
</thead>
<tbody>
<tr>
<td>1840s</td>
<td>22.7</td>
<td>4.8 (21%)</td>
<td>17.4 (77%)</td>
</tr>
<tr>
<td>1850s</td>
<td>19.0</td>
<td>4.3 (23%)</td>
<td>14.5 (76%)</td>
</tr>
<tr>
<td>1860s</td>
<td>26.9</td>
<td>5.4 (20%)</td>
<td>20.7 (77%)</td>
</tr>
<tr>
<td>1870s</td>
<td>16.8</td>
<td>5.2 (31%)</td>
<td>11.2 (67%)</td>
</tr>
<tr>
<td>(1867-1877)</td>
<td>21.2</td>
<td>5.6 (27%)</td>
<td>14.8 (70%)</td>
</tr>
<tr>
<td>1880s</td>
<td>32.1</td>
<td>9.6 (30%)</td>
<td>21.3 (66%)</td>
</tr>
<tr>
<td>1890s</td>
<td>22.9</td>
<td>4.7 (21%)</td>
<td>17.7 (77%)</td>
</tr>
<tr>
<td>1900s</td>
<td>22.8</td>
<td>4.6 (20%)</td>
<td>17.8 (78%)</td>
</tr>
</tbody>
</table>

Certainly there are ‘exceptional’ years, especially at the start of the *Kulturkampf* in 1867 and in the years following Rudigier’s death (which also marked Ernst Maria Müller’s tenure as bishop), but such peaks were followed by valleys: after a record forty new seminarians enrolled in 1867, the number fell to twenty-five in 1868, and, by the end of the *Kulturkampf* in the mid 1870s, fell to a record low of ten.

Table 5: Average number of *Alumnen* in the Seminary by Bishop per Year\(^{112}\)

<table>
<thead>
<tr>
<th>Bishop</th>
<th>Enrolled</th>
<th>Dropped Out</th>
<th>Finished</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ziegler (1827-1852)</td>
<td>21.9</td>
<td>4.3 (20%)</td>
<td>17.3 (79%)</td>
</tr>
<tr>
<td>Rudigier (1853-1884)</td>
<td>22.2</td>
<td>5.8 (26%)</td>
<td>15.9 (71%)</td>
</tr>
<tr>
<td>Müller (1885-1888)</td>
<td>35.2</td>
<td>9.4 (27%)</td>
<td>24.0 (68%)</td>
</tr>
<tr>
<td>Doppelbauer (1889-1908)</td>
<td>26.7</td>
<td>5.8 (22%)</td>
<td>19.8 (74%)</td>
</tr>
</tbody>
</table>

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\(^{111}\) Source: Rettenbacher, *Priesterseminar.*

\(^{112}\) Source: Rettenbacher, *Priesterseminar.*
Such large fluctuations in the number of priests meant that slight variations could count for a great deal over time, a point especially born out by looking at how the various bishops fared in recruiting and keeping Alumnen. Gregorius Thomas Ziegler, Rudigier’s predecessor as Bishop of Linz, had the lowest rate of enrollment, for example, but also the lowest dropout rate, making ‘his’ seminary an extremely efficient producer of new priests. Rudigier, by contrast, had both a higher rate of enrollment (though this fluctuated wildly, see Figure 7) and a higher rate of dropouts, a tendency that became even more pronounced under his immediate and short-lived successor Ernst Maria Müller, who had both the highest average enrollment and dropout rate. It was only Rudigier’s heir apparent, Doppelbauer, who got the numbers back under control. Though the number of new seminarians under his watch also declined over time, it was a slower decline begun from a much higher starting point.

Doppelbauer made the combating of “Priestermangel” – as the problem was termed – a central tenet of his reign as bishop. Just as Rudigier initiated the building of the Maria-Empfängnis-Dom in 1855 to anchor the Catholic Church more visibly in public life, Doppelbauer’s lasting contribution to the diocese consisted of the Petrinum, the Jesuit Gymnasium built in the 1890s on a hill overlooking Urfahr. Rudigier and most other bishops issued isolated appeals to encourage parish priests to recruit for the seminary, but there is no correlation — even if delayed by five or ten years —

\[113\] Urfahr is across the Danube from Linz. It was incorporated into Linz in 1919.
between the dates of the appeals and significant changes in the number of seminarians at any one time.\textsuperscript{114}

So how can one account for the differences in dropout rates? Two factors seem significant: first, whether an \textit{Alumn} came from Upper Austria; and, second, whether he had attended one of the Jesuit-run \textit{Gymnasien} in Linz, the \textit{Freinberg},\textsuperscript{115} founded in 1851, or, after 1897, the \textit{Collegium Petrinum}.\textsuperscript{116} To begin with place of origin: the average dropout rate for all \textit{Alumnen} in a given year was 23.5 percent. For \textit{Alumnen} from Bohemia, however, this rate jumped to 42.3 percent. Although a steady influx of Bohemian students was important to the diocese so that it could care for its Czech-speaking population (see pp. 266-267 below), these students had trouble fitting in. To some extent this was a language problem, as many new seminarians, especially from Bohemia, came with only a marginal command of German. By the late 1880s, however, it had also become a national problem, as tensions between German and Czech Seminarians flared up on occasion within the seminary, hinting at deeper patterns of ostracism.\textsuperscript{117} Language skills can account for only some of the fluctuation, however, as seminarians who came from other parts of the Monarchy and from other

\textsuperscript{114} Based on a comparison of the articles combating Priestermangel found in the Linzer Diözesanblatt and Figure 7.

\textsuperscript{115} The \textit{Freinberg} was a Jesuit school founded in 1851 after the building, which had been one of the thirty-two fortification towers built by Archduke Maximillian between 1828 and 1837, was donated to the order in 1837. It was one of only three Jesuit-run \textit{Gymnasien} to enjoy financial support from the state through the so-called \textit{Öffentlichkeitsrecht}, though, like all Jesuit-run schools in the Monarchy, the government withdrew this right at the height of the Kulturkampf in 1868. Stefan Malfèr, ed., \textit{Die Protokolle des Österreichischen Ministerrates. V. Abteilung. Die Ministerien Erzherzog Rainer und Mensdorff}, vol. 2: 1. Mai 1861 - 2. November 1861, (Vienna, 1981), p. 423.

\textsuperscript{116} On the \textit{Collegium Petrinum}, see, Ebner, "Kollegium Petrinum;" Rettenbacher, \textit{Priesterseminar}.

\textsuperscript{117} See the materials in DAL FAK A/1 Sch. 6 Fasz. III.
German-speaking provinces had similar problems adjusting. In 1860, for example, thirteen seminarians came from Münster in the Rhineland, of which six returned home during the course of their studies. And a cursory glance at the available data suggests that this was no isolated incident: whether prospective priests came from Vienna or Salzburg, Hungary or the Rhineland, non-Upper Austrian priests had much higher dropout rates, similar to those of their Bohemian peers.\footnote{118}

In contrast, entering seminarians who had attended one of the Jesuit-run Gymnasien in Linz seemed well-prepared for seminary life. Compared to the regular dropout rate of 23.5 percent, graduates of the two Jesuit schools experienced a dropout rate of only 13.4 percent. This divergence can mostly be explained by the fact that the Jesuit seminary, in contrast with any given regular state-owned Gymnasium, saw itself expressly in the business of preparing students to be seminarians. All of teachers were Jesuit priests, with a well-defined tendency toward Ultramontane, conservative and strict; they thus presented an apt model for student life in the seminary. In contrast, students entering the seminary after having graduated from a public Gymnasium had a more difficult time adjusting to the rigors of seminary life and dropped out at over twice the rate of their Jesuit-schooled peers. Moreover, the two groups remained divided even within the seminary, existing as two separate cliques.\footnote{119}

\footnote{118} Similar results can be found in Vienna as well. See, Bowman, Priest and Parish, p. 114. \footnote{119} On this point, see, for example, the entries from 3 January 1866 and 17 March 1867, Hanrieder Diary, 50, 106. Norbert Hanrieder, a seminarian between October 1863 and July 1867, kept a diary over the course of his studies, which is an excellent source for the everyday life of young seminarians. The diary, including a typewritten transcription prepared by Matthias Zinnöcker, can be found under, DAL Pers A/2, Fasz. H36, Sch. 25. In citations to the diary, I give the date of the entry followed by the page number from the Zinnöcker transcription. On Hanrieder in general, see: Franz Höfler, "Norbert Hanrieder (1842-1913). Mundartdichter und Seelsorger," in Oberösterreicher, ed. Harry Slapnicka and
Figure 8: *Alumnen* by Place of Birth, 1835-1907

Just as interesting as the question of how the vision from above affected enrollment from below is an inquiry into the social origin of the *Alumnen*. Although the profession of the parents is not listed in the statistics, the place of birth was. Evidence in recent literature points to the increasing ruralization of the priesthood in the nineteenth century, meaning that over the course of the century, an increasing number of new priests came from rural rather than urban, and lower class rather than middle or upper class, backgrounds.\(^{121}\) Within Upper Austria, a predominantly rural

\(^{120}\) Source: Rettenbacher, *Priesterseminar*.

\(^{121}\) Bowman, *Priest and Parish*, pp. 75-92; Irmtraud Götz von Olenhusen, "Die Ultramontisierung des Klerus. Das Beispiel der Erzdiözese Freiburg," in *Deutscher Katholizismus im Umbruch zur*
province, this should indeed not come as a surprise. In any given year, the overwhelming majority of the Alumnen came from rural areas and non-industrial smaller towns, though there does seem to be a general declining trend among the Alumnen from urban areas, especially when one factors in the dramatic redistribution of population that occurred in favor of urban areas during the last third of the century (see Figure 8).

Table 6: Alumnen at the Collegium Germanicum, Profession of the Fathers, 1820-1900

<table>
<thead>
<tr>
<th></th>
<th>1820s</th>
<th>1830s</th>
<th>1840s</th>
<th>1850s</th>
<th>1860s</th>
<th>1870s</th>
<th>1880s</th>
<th>1890s</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pub. Official</td>
<td>9</td>
<td>7</td>
<td>14</td>
<td>21</td>
<td>14</td>
<td>24</td>
<td>21</td>
<td>25</td>
</tr>
<tr>
<td>Industrialist</td>
<td></td>
<td></td>
<td></td>
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<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Worker</td>
<td></td>
<td></td>
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<td>1</td>
<td>4</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Merchant</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>8</td>
<td>8</td>
<td>13</td>
<td>10</td>
<td>16</td>
</tr>
<tr>
<td>Artisan</td>
<td>7</td>
<td>3</td>
<td>7</td>
<td>17</td>
<td>15</td>
<td>23</td>
<td>24</td>
<td>16</td>
</tr>
<tr>
<td>Innkeeper</td>
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<td>Agriculture</td>
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<td>No Data</td>
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<td>35</td>
<td>26</td>
<td>27</td>
<td>22</td>
<td>40</td>
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Where a significant shift in emphasis did make itself felt was within the higher clergy. In contrast to their predecessors, Rudigier, Müller and Doppelbauer — the collective bishops of Linz from 1853 to 1908 — all came from rural, lower-middle class backgrounds: Rudigier’s parents were smallholders in Vorarlberg, Müller’s teachers in Moravia, and Doppelbauer — the first Bishop of Linz born in Upper Austria — had innkeepers as parents. This, too, is supported by evidence elsewhere. A

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study by Peter Schmidt of the students at the elite *Collegium Germanicum* in Rome, which Doppelbauer attended as a student and where he later served as a director before becoming bishop in Linz, shows that from the 1840s onward, the number of rural *Alumnen* there increased dramatically.

**After Seminary**

After being ordained, a young priest would spend his first years as a *Kooperator* — an assistant priest — in several different parishes. If all went well and a position opened up, the priest, usually after four or five years, would then be entrusted with a small parish of his own. Remaining in that parish until retirement was not uncommon, though many priests tended to transfer every decade or so in the hope of getting a ‘better’ parish: one with a better endowment, more friendly parishioners, or closer to home – i.e., the town or village where the priest came from.

The remaining *Alumnen* can broadly be placed in two categories: those destined for higher office and the “troublemakers.” To begin with the former: the very talented (1-2 priests a year) were given the opportunity to go to Vienna to complete their studies at the *Weltpriester-Bildungsinstitut St. Augustin*, the so-called *Frintaneum*, a state-sponsored institute of higher learning founded as a Josephinist alternative to studying in Rome. Rudigier, for example, attended in the 1840s after completing his studies at the seminary in Innsbruck. Even in the early 1840s, however, the student body tended to be more conservative and Ultramontane than Josephinist.  

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123 The *Frintaneum*, a theological college, was established by the Austrian government in 1816 to ensure that gifted priests would remain in the Monarchy to take a doctorate rather than go to Rome,
signing of the Concordat in 1855, another road also stood open to an elite few: the *Collegium Germanicum* in Rome.\(^{124}\) Here only the brightest and most ardently Ultramontane could venture, the criteria for entry being not only an *Alumnat’s* intelligence and enthusiasm, but also the willingness of his bishop to recommend him for the post. As Table 7 shows, the largest number of the candidates came from two of the most Ultramontane and conservative dioceses in the Monarchy: Rudigier’s Linz and the just as conservative Bishop Vinzenz Gasser’s diocese in Brixen.\(^{125}\) Upon their return, these priests inevitably rose quickly in the ranks of the diocese administration and played a not unimportant role in fostering close ties between intellectual currents in Rome and those within the diocese at home.

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\(^{125}\) On the triptych of conservative bishops — Rudigier, Gasser and Joseph Feßler (St. Pölten) that emerged in the 1850s, see: Mayer, *katholische Grossmacht*. Why Feigerle and then Feßler in St. Pölten did not begin sending 'their' seminarians to Rome in the 1860s is unclear. On Upper Austria, see, for example, Rudolf Zinnhobler, "Die Briefe des Linzer Kirchenhistorikers Mathias Hiptmair nach Rom (1872-1909)," *Neues Archiv für die Geschichte der Diözese Linz* 13 (1999/2000).
The latter — priests with disciplinary problems, i.e., the ‘troublemakers’ — are a category in their own right. Once ordained, priests held their office for life and banishing them from the priesthood, which usually included an excommunication from the Church, occurred only in the rarest instances. Thus, in order to exert discipline, the diocese administration tended to resort to other measures. As already stated above, the most common disciplinary measure was shifting priests around: there were financially well-endowed and badly-endowed parishes,\textsuperscript{127} barren parishes with unruly parishioners and scenic ones with an obedient ‘flock’; and, most importantly, early in their careers while serving as a\textit{Kooperator}, there could be kinder and more difficult priests to work for as assistants. Finally, if all else failed, there was also the diocese-internal correctional facility, the\textit{Priesterhaus Mitterberg}, which functioned as a correctional and disciplinary facility of last resort. Between its founding in 1838 and the start of the First World War in 1914, it housed a total of 180 priests, usually

\begin{table}[h!]
\centering
\caption{Austrians at the\textit{Collegium Germanicum}, 1859-1913\textsuperscript{126}}
\begin{tabular}{|c|c|c|c|c|c|}
\hline
 & Linz & St. Pölten & Vienna & Brünn (Brno) & Prague & Brixen \\
\hline
1859 & 1 & 1 & & & 2 & \\
1860s & 3 & & & & 5 & \\
1870s & 3 & & & 2 & 3 & \\
1880s & 4 & 3 & 4 & & 5 & \\
1890s & 3 & 3 & 1 & 2 & & 2 & \\
1900s & 2 & 3 & 2 & 4 & & 5 & \\
to 1914 & 1 & & & 2 & & 2 & \\
\hline
\end{tabular}
\end{table}

\textsuperscript{126} Source: Schmidt, \textit{Collegium Germanicum}, p. 193.

\textsuperscript{127} While most parishes in Upper Austria were financed through the state \textit{Religionsfond}, a large number received support through patronage or a small endowment. A good overview of parish finances can be found in, Bowman, \textit{Priest and Parish}, pp. 139-176.
between two and five at a time, and the most common offenses tended to involve alcoholism, debt or the suspicion of a sexual affair. The length of stay was usually from three to six months, though in some cases it ranged up to several years. While there, priests underwent a strict regiment of fasting, confession, solitary “reflection,” and “Exercitien” — a mix of moral lectures, readings and essays.¹²⁸

**Priest and Parishioner**

One of the most important preconditions for a politically active and ideologically cohesive priesthood is a means of communication, a network through which ideas and ideology can be disseminated and internalized. This next section will move from the priest to the parish and diocese as a whole, examining networks built up within the priesthood, and by priests in cooperation with lay Catholics. Here it is best to differentiate between internal and external networks: The former consist of publications, meetings and conferences intended for the most part exclusively for priests. The “external” networks consist of daily newspapers and associations intended to more closely connect together lay Catholics with their Church.

¹²⁸ The Bischöfliches Consistorium received regular reports on each priest and decisions on a priest’s length of stay were made centrally in Linz and not in Mitterberg. While some priests horribly disliked the facility, requesting their release within a few weeks of arrival, others seemed to bear the confinement rather amicably. There also existed a cadre of about five or six priests who became habitual guests, almost all alcoholics whose brief respite from Mitterberg were followed by predictable patterns of abuse leading to renewed confinement. On Mitterberg, see, DAL CA/3, Fasz 1 / 7, Sch. 23, 24, and 25; DAL CA / 8 Fasz. M/32 Sch. 138; DAL CA/9 Fasz. 1/8 Sch. 5; BA (Rudigier Archiv), Sch. 5; and, OöLA StPr XI N Sch. 431.
Internal Networks: the Clergy

In the parish, the secular clergy was removed from the ‘comforting’ discipline of the diocese seminary, a state of affairs that tended to worry bishops. As Nikolaus von Weis, bishop of Speyr, wrote in 1865,

*The secular clergy from time to time need religious commitment and institutional discipline not less but even more that the people so that they do not become secularized by their constant contact with the world.*

Apart from the day-to-day correspondence with the diocese administration in Linz, the second half of the nineteenth century saw the emergence of two periodicals and a set of regular meetings and conferences meant for the clergy alone. The first periodical was the *Theologisch-Praktische Quartalschrift*, whose emergence can be traced back to an initiative by the professors of the Linz seminary in 1848. Still in existence today, at its high point in the 1890s the periodical had over 10,000 subscribers throughout German-speaking central Europe.\(^{130}\) Like other Catholic publications, the *Theologisch-Praktische Quartalschrift* tended to vary the extent and intensity of its political content depending on the climate — very political in 1848; less so in the 1850s, though it saw a marked increase in anti-Protestantism in that decade; increasingly political again in the 1860s and 70s; anti-Semitic in the 1880s; and with


\(^{130}\) Circulation declined after the turn of the century when Rome decreed that income generated from the collection box at mass could no longer be used for magazine subscriptions. Lehner, *Caritas*, p. 61.
shifting (and often conflicting) Christian Social leanings in the 1890s. The editorial offices remained under control of the professors of the Linz seminary until the late 1880s, when Bishop Doppelbauer began to assert greater control in order to combat what he saw as the periodical’s increasingly Christian Social and anti-Semitic tendencies.\textsuperscript{131} Yet while its reach extended far beyond the confines of Upper Austria, the periodical’s content was very much grounded in the diocese first, the Monarchy second, and the rest of Europe third. At the center of the periodical’s focus stood the everyday life of the parish priest. Articles covered any range of theoretical and practical issues: practical applications of moral theology, new ideas in pastoral theology, articles on the social question, economics (from a thoroughly Christian Social perspective), legal advice on new laws, book reviews, and a regular ‘current events’ column entitled \textit{Kirchliche Zeitläufe}, which served as a running clerical commentary on the political events of the day.\textsuperscript{132}

The most important publication in terms of contact between the hierarchy and the clergy specifically in Upper Austria was the \textit{Linzer Diözesanblatt}. Founded by Bishop Rudigier in 1855,\textsuperscript{133} the \textit{Diözesanblatt} served a wide array of purposes: It was first and foremost the official internal organ of the diocese and contained new diocese regulations as well as state laws pertaining to the office of the priest or the Catholic

\textsuperscript{131} On the conflict between Doppelbauer and the editorial offices of the \textit{Theologisch-Praktische Quartalschrift}, see below, p. 314.


\textsuperscript{133} A number of Austrian \textit{Diözesanblätter} were founded in the 1850s and 60s. Brixen’s in 1857, for example, and Vienna’s in 1863.
Church. A short and occasionally polemical essay clarifying the Church’s position usually accompanied new state laws and decrees. There were also regular contributions by the bishop and top diocese officials on any number of items: the *Dombau*, for example, was covered extensively as was the chronic shortage of priests; calls for charity collections were made here, determining which of myriad causes would be highlighted for the collection box on any given weekend; and the questions to be discussed at the biannual *Pastoralkonferenz* were also printed here. Just as important were the obituaries, since a death generally also meant an opening in a parish.\(^\text{134}\)

In addition to these two periodicals, a series of local conferences and meetings emerged, each bringing together a specific set of priests to discuss a pre-defined set of issues. The smallest of these meetings consisted of the so-called *Pastoralkonferenzen*, held biannually in each *Dekanat* beginning in 1869; the largest was the all-German or, after 1867, all-Austrian *Katholikentag*, which consisted of thousands of priests and Catholic laymen (and lay-women, though they sat in a separate balcony) from German-speaking Europe and, later, from Cisleithania. The *Pastoralkonferenzen* began their life as small, usually clandestine meetings in Linz centered around a group of professors from the seminary to discuss theological issues — clandestine because they began in 1846 at a time when Austrian law did not permit such gatherings and it is unclear whether Bishop Ziegler was even aware of their existence at the start. In 1848, the *Pastoralkonferenzen* quickly exploded into larger, more official gatherings

\(^{134}\) My thanks to Dr. Johannes Ebner of the *Diözesanarchiv Linz* for pointing this out to me.
that seem to have been quite popular, though *Alumnen* were at first excluded. The gatherings were generally loose and open affairs in which any number of theological topics could be addressed, ranging from discussions of the Roman Catechism to freewheeling debates on “*gibt es eine Natur-Religion?*” On occasion, one of the attendees would give a short paper, but usually the meetings consisted of the reading of a short text followed by a group discussion. It was on the initiative of these early *Pastoralkonferenzen* that the *Theologisch-Praktische Quartalschrift* was founded. The meetings continued until 4 July 1853, or until about a month after Rudigier’s arrival in Linz, leading one to suspect that either their style or content did not suit the new bishop and in the following years, their spirit lived on only in the editorial offices and meetings of the *Theologisch-Praktische Quartalschrift*, which, in 1863, even published an article asking for their reinstatement, albeit without effect.

In 1868, following the rise of liberal politics and the need to ‘rally the troops,’ so to speak, the *Pastoralkonferenzen* suddenly found favor in the diocese’s highest office and Rudigier reinstated the tradition. However, the contrast with their predecessors could not be starker: Instead of regular meetings of a core group of participants (the original members met weekly or bi-weekly during the semester), *Pastoralkonferenzen* were now held twice a year in every *Dekanat* in the diocese. Instead of a freewheeling discussion on a wide variety of theological issues, two guiding questions were now published in the *Linzer Diözesanblatt* in advance and

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135 The notes and speeches on the early *Pastoralkonferenzen*, as well as a letter by the fourth-year students protesting their exclusion can be found in, DAL CA/3 Fasz. 1/11, Sch. 36.

each participant was required to prepare a short paper on the topic. This was to be followed by a general discussion that included all participants. Attendance was mandatory, notes from each conference, including attendance lists, were then sent to the Bischöfliches Ordinariat, which often commented on the proceedings in detailed replies that were returned to the Dekan. On occasion, the most ‘fitting’ papers were published in the Theologisch-Praktische Quartalschrift, which also provided short synopses of the Pastoralkonferenzen. From the 1890s onward, the whole process began to take on quasi-industrial dimensions, as papers were now often sent to external reviewers, who would make recommendations to the diocese administration on their quality. In summary, instead of an initiative from below, the Pastoralkonferenzen were reborn in 1868 as a means of firmly instilling ideology from above; but this is not to say that the process met with resistance among the clergy. The Pastoralkonferenzen were settings in which priests could learn and practice that ideology on the way to becoming a new body politic. They set both the tone and the topic for discussion among the clergy and provided the Bischöfliches Ordinariat the

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137 See, for example, D., "Die weltliche Herrschaft des Papstes. Ein Pastoral-Conferenz-Vortrag," Theologisch-Praktische Quartalschrift 24 (1871); R., "Gregor VII. und Pius IX. Eine beantwortete Pastoral-Conferenz Frage," Theologisch-Praktische Quartalschrift 26 (1873); Josef Reiter, "Eine zeitgemäße Pastoral-Conferenz-Arbeit," Theologisch-Praktische Quartalschrift 24 (1871); Josef Sprinzl, "Die erste Pastoral-Konferenz des Jahres 1869," Theologisch-Praktische Quartalschrift 23 (1870); Josef Sprinzl, "Die Pastoral-Konferenzen im Jahre 1868," Theologisch-Praktische Quartalschrift 22 (1869).

138 "Die Lösungen der vorgelegten Fragen sind eingehend und vollkommen befriedigend," wrote the Bischöfliches Ordinariat to the Dekanat Steyr in a letter from 16 April 1891, acknowledging receipt of the conference notes and papers, and even suggesting a book for further reading. Correspondence from 1909 shows that in that year papers were sent to an “external grader” who commented on their form and content. Josef Fierer to BO, 8 March 1910. Correspondents, notes, papers, and other materials relating to the later Pastoralkonferenzen can be found in, DAL CA/7 Sch. 12, Fasz. I / 11a.
opportunity to ascertain that each priest was well versed in the most important issues of the day.

On the next level came a series of more irregular meetings at various levels of the hierarchy. The various Dekane, the heads of the twenty-eight Dekanate in the diocese, met with Rudigier in Linz at irregular intervals — every one to two years —, a practice Rudigier began in 1855 to announce his plans for a Maria-Empfängnis Dom and to emphasize his position on the role of the Church in a modern polity. No direct records of these meetings remain. Also, the Austrian bishops themselves met at irregular intervals, beginning with the first Bischofskonferenz, hastily organized in 1849, which sought to press the young monarch Francis Joseph and his government into making larger concessions to the Church and to begin negotiations on a Concordat. In time, the Bischofskonferenz became one of the central institutions within the Monarchy for both coordinating strategies between the bishops and their dioceses, and for lobbying the state for more Church rights.\footnote{On the development of the Austrian Bischofskonferenzen, see the essays in, Sekretariat der Österreichischen Bischofskonferenz, \textit{150 Jahre Österreichische Bischofskonferenz, 1849-1999}, (Vienna, 1999).}

Finally, the largest organizational unit for Catholics in central Europe was the Katholikentag. Begun in 1848 as the annual meeting of all Catholic associations in Germany, the meetings convened thousands of Catholics in one city and tried to cover all major questions and themes of the day, from nationalism to the social question and from the importance of a good press to the fine arts. In many respects, the Katholikentage were the bigger brothers of the Pastoralkonferenzen: there were panels
on the major questions and problems of the day in which speakers presented papers followed by a discussion. They served to give the Austrian clergy an important sense of cohesion into the larger clerical milieu throughout Austria and central Europe.\footnote{My use of the term “milieu” is loosely based on the work of M. Rainer Lepsius and many of the other works cited on p. 18, above. The general contours of Lepsius’ theory – of “Soziale Einheiten, die durch eine Koinzidenz mehrerer Strukturdimensionen wie Religion, regionale Tradition, wirtschaftliche Lage, kulturelle Orientierung, schichtspezifische Zusammensetzung der intemidiären Gruppen gebildet werden” – certainly can apply to the Austrian case, but any more particular use of the theory tends to break down in the Austrian context. M. Rainer Lepsius, "Parteiensystem und Sozialstruktur: zum Problem der Demokratisierung der deutschen Gesellschaft," in Deutsche Parteien vor 1918, ed. Gerhard A. Ritter, (Cologne, 1973). For the use of Lepsius’ “milieu” theory in an Austrian context, see, for example, William D. Bowman, "Religious Associations and the Formation of Political Catholicism in Vienna, 1848 to the 1870's," Austrian History Yearbook 27 (1996); Rupert Klieber, Politischer Katholizismus in der Provinz. Salzburgs Christlichsoziale in der Parteiensellschaft Alt-Österreichs, (Vienna, 1994).} Until 1866 the conferences were held throughout German-speaking central Europe; after 1866, the German section broke off on its own, continuing the annual cycle, while the Austrian section proceeded into a series of false starts before the first all-Austro-Hungarian \textit{Katholikentag} was organized for 1877 in Vienna.

The diocese of Linz was intimately acquainted with both types of \textit{Katholikentage} — all-German and Austro-Hungarian. The diocese held its first internal \textit{Landeskatholikentag} in 1849 and the fourth all-German \textit{Katholikentag} in 1850 took place in Linz. The city then went on to host another all-German \textit{Katholikentag} in 1856 and Austro-Hungarian \textit{Katholikentage} in 1892 and 1913. But the \textit{Katholikentag} differed from the \textit{Pastoralkonferenzen} in that their topics and presentations could not be so easily manipulated from above. Indeed, \textit{Katholikentage} tended to put the tensions between the lower and upper clergy on display, which partly goes to explains the long delay from the last all-German \textit{Katholikentag} in 1866 and the first Austro-Hungarian \textit{Katholikentag} in 1877, and then again from 1877 until a second
Katholikentag was held in 1889. (These Katholikentage were only ostensibly Austro-Hungarian – they took place in Cisleithanian cities and the working language was German.) In 1849, for example, Ignaz von Döllinger, already one of the more famous Catholic thinkers around, attended with his pupil, Lord Acton, to give a rousing speech on the Catholic Church, the German nation and the idea of freedom, which did not sit well with many of the conference organizers.\(^{141}\)

This web of publications and events served to create a common pool of knowledge, a common language and code of behavior, and a common way to think about issues of the day. The Linzer Diözesanblatt might carry an article explaining how priests were to approach a new government law. The Theologisch-Praktische Quartalschrift would then add a number of longer theoretical articles around the same subject, which would, on occasion, also be published as a pamphlet by the Katholischer Preßverein.\(^{142}\) Then, the articles could become the topic of a Pastoralkonferenz and would certainly serve as the basis for many Sunday sermons throughout the diocese. If the issue prompted liberal retaliation or represented a


\(^{142}\) On the Preßverein, see below, p. 84.
general assault on the liberal state, the regional Catholic papers — from the *Linzer Volksblatt* to the local papers in Wels, Steyr, and other cities — would also follow with articles on the matter, most of them written by priests. The largest issues would then make their way to the *Katholikentag*. Together these publications thus created a web — of common knowledge, of language use, of authors, publishers and readers — which bound together the priesthood in Upper Austria.

**External Networks: Priests and the Lay Catholic**

The formation of the interweaving networks that then bound the priests and their parishioners together into a dense clerical milieu also required an intensive and controlled network between the clergy and the laity. Such an “external” network was comprised above all of two elements: associations and the popular press. Missionary activity, a mainstay of the “Catholic revival” in other German states in the 1850s and 60s, was more sporadic in the Habsburg Monarchy and, at least in Upper Austria, did not play a major role in the diocese. The bond between clergy and laity — the everyday praxis of the clerical milieu — played out in associations. For liberals in Upper Austria, these forms of collective action had already begun to play a role before 1848. Especially important were the ostensibly apolitical musical associations, like the *Linzer Musikverein* and the *Liedertafel “Frohsinn”* in Linz. Such choral groups are

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143 On Missions in the northern German states before 1871, see, Gross, *War Against Catholicism*, chpt. 1; Sperber, *Popular Catholicism*, pp. 56-63. Missions were not unheard of in Upper Austria, but took place much more sporadically then in the Prussian and north German provinces covered in Gross’ book, though they were treated by the authorities in a similar manner. Documents on the missions can be found in, OöLA StPr 11 C, Sch. 423. Also see the pamphlets by the rebellious Roman Catholic and later Old Catholic priest, Alois Anton, *Ein Wort über die Wallfahrten*, (Linz, 1872); Alois Anton, *Ein Wort über Jesuiten-Missionen*, (Linz, 1871).
best understood as a type of permanent liberal sideshow, especially in the 1850s, when overt forms of political organization were banned. Like a very different association, the Verein gegen Tierquälerei, also founded in the 1850s, these associations found a steady influx of members and were repeatedly suspected of political activities by the state and thus should be seen as continual symbols of a liberal presence in the city from the late 1830s through the 1850s.

For conservative Catholics, however, there was little associational activity before 1848. Following the events of that year, a series of local Katholikenvereine sprang up in various cities in the fall of 1848, first in Linz and then in Kremsmünster, Steyr, Wels, Ried and a host of other cities. By mid-1849, the Linz Katholikenverein had become a Zentralkatholikenverein for Upper Austria — a mother organization for the different branches in towns throughout the province — and soon ran into trouble with the authorities. The local Katholikenvereine were expressly political in their goals and thus had to fold under the new 1849 laws barring political associations. Subsequently, the Verein had to undergo two appeal processes and change a number


145 Both the Musikverein and the Verein gegen Tierquälerei had 800 members in Linz alone in 1852. The Liedertafel ,Frohsinn,' a choir, had eighty. Other towns had similar associations and came under similar suspicions — the Gesangverein in Braunau, especially, was repeatedly suspected of political activity. Kirchmayr, "Oberösterreich," p. 231, 247-250.
of paragraphs in its statutes before the Ministry of the Interior finally re-classified it as non-political in March of 1850.  

A look at the founding members and the original statutes of the Katholikenverein demonstrates how much liberalism and religion could still overlap in and around 1848. Among the founding members we find, most prominently, Ulrich Ritter von Laveran, a leader of the liberal Nationalgarde, Franz Xaver Vogler, a member of the first liberal Gemeinderat of Linz, as well as a number of other prominent liberals. Furthermore, the founding statutes decreed that the purpose of the association was, “die Förderung des Sinnes für staatsbürgerliche Freiheit, insbesondere die Wahrung der rechte der katholischen Kirche auf gesetzlichen Wege,” thus as yet far removed from a strict Ultramontane conception of Catholic Church and society. Clerical anti-Josephinism thus freely mingled with liberal patriotism at a time when liberals were determining the discourse of politics. The Katholikenverein, restricted to men, was followed in 1849 by the Katholischer Frauenverein and also developed a large membership; in 1850 the process of founding associations reached its peak: the Bonifatiusverein, the Standes- und Tugendbündnisse, the Kindheit-Jesu-Verein, the Marienverein and the katholischer Arbeiterhilfsverein für Männer und Frauen all sprang to life in that year. A Gesellenverein followed in 1852 and a

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Diözesankunstverein in 1859. Membership levels in these new associations were high. The Zentralverein had 3,325 members and the Bonifaciusverein 3,000. All in all, the various associations could already boast over 10,000 members in 1853. By contrast, the largest liberal association, the Verein gegen Tierquälerei, had 800 members.\textsuperscript{148}

The success of Catholic associations in Upper Austrian — seen both inside and outside the province — is also demonstrated by the fact that, as stated above, two all-German Katholikentage were held in Linz in the 1850s.

These early foundations of Catholic associational life are all too easily forgotten when historians speak of the birth of political Catholicism at the end of the 1860s. Although a step removed from the heyday of political associational Catholicism — the stringent clerical milieu that formed the Katholischer Volksverein after Rudigier’s trial in 1869 —, these early efforts created a functioning network between priests and parishioners, creating a necessary base and willing clientele for politicization. Helga Embacher has argued that, “the revolutionary events [of 1848] helped the lay Catholic movements find a certain degree of emancipation within the Catholic Church.”\textsuperscript{149} I would turn this argument around: the example of associational life as created by liberals in the 1830s and 40s, and tested successfully in the wake of 1848, helped the Church find a vehicle for creating a clerical milieu apart from the state and apart from other forms of formal organization, a vehicle that became increasingly important in the political 1860s and 70s.

\textsuperscript{148} Kirchmayr, "Oberösterreich," p. 231.
\textsuperscript{149} Embacher, "Vereinswesen," p. 53.
The second form of these “external networks,” the Catholic press, also sprang to life after 1848 and, in Upper Austria, quickly emerged as one of the most dominant regional presses in the Monarchy.\textsuperscript{150} The first major periodical, founded in the summer of 1848, was the \textit{Katholische Blätter}, initially called \textit{Volksblatt für Religion und Gesetz}, which became the central organ of the \textit{Katholischer Volksverein} whose members received a copy each week. And from the beginning the \textit{Katholische Blätter} concerned itself with politics. During the 1850s, when political publications were banned and censorship remained rigorous it, like other publications, had to reign in its commentary, though certainly traces of the political remained.\textsuperscript{151} In the more open 1860s, it quickly reemerged as the central organ for an — as yet ideologically unstructured except in its anti-liberalism — political Catholicism in Upper Austria, and moved to a biweekly format.\textsuperscript{152}

It was the founding of the daily \textit{Linzer Volksblatt für Stadt und Land} in late 1868 — the first issue appeared 2 January 1869 — that marked a true turning point for the Catholic press in Upper Austria. After 1869, the \textit{Katholische Blätter} retreated to predominantly “cultural” fare while the \textit{Linzer Volksblatt} became the focal point for Catholic political activism in Upper Austria. The newspaper thrived in its role as the central organ of Catholic public life, and a number of trials, scandals and conflicts during its initial years certainly helped the paper along. More than any other Catholic

\textsuperscript{150} In the 1860s and 70s, only Vienna had a more active Catholic-conservative press with 5 newspapers. Felix Kern, \textit{Oberösterreichischer Landesverlag}, (Ried im Innkreis, 1951), pp. 52-53.

\textsuperscript{151} Throughout the 1850s, commentary in the paper was often violently anti-Protestant.

paper, the *Linzer Volksblatt* reveled in its political activity; its editors made regular
court appearances and suffered only slightly less regular convictions and jail times.\textsuperscript{153}
Such occurrences were then sold to the readership as examples of the hypocrisy of the
liberal public system — liberal papers always seemed to get away with far more
outrageous slanders! — and were then placed within the context of the fight for the
freedom of the Church within the liberal system.\textsuperscript{154}

With the founding of the *katholischer Pressverein* in 1870 the clerical milieu
created a platform for creating thematically and regionally varied publications to
appeal to a larger and more varied readership. With the *Pressverein*, the Catholic
Church especially began a successful foray into local publishing, founding newspapers
in Ried (already in 1865), Wels, Steyr, Braunau, and Gmunden.\textsuperscript{155} By 1907 the
*Pressverein* published a total of twelve newspapers and nine periodicals with a
combined circulation of 178,250.\textsuperscript{156} The *Pressverein* also became the nerve center of
clerical activities outside of the world of periodicals. Publications ranged from
devotional literature and pamphlets to calendars, religious guides, books, and other
irregular publications. Though in memoirs and official histories, the writers always
seem keen to point out that the *Pressverein* was a poor organization, scraping by on

\textsuperscript{153} Michael Dörr, the paper’s initial editor, was first tried and convicted in December 1869. One to
two arrests a year for the editor was not at all uncommon throughout the 1870s. Kern,

\textsuperscript{154} Even when the day’s run of a liberal paper was confiscated by the state, the editors of Linz’s
liberal paper, the *Tages-Post*, were rarely convicted in court.

\textsuperscript{155} Pressebureau des Piusvereines, *Die Katholische Presse Österreich-Ungarns*, (Vienna, 1907), p. 12.

\textsuperscript{156} See figures for Upper Austria in Piusvereines, *Die Katholische Presse Österreich-Ungarns*, pp. 12-15.
the good will of the authors and the printing press, the sheer quantity and diversity of its output tends to put such statements into doubt.\textsuperscript{157}

Through a more consistent and regulated system of education and this intricate network of press and associations, the Catholic Church was able to nurture a priesthood that was able to articulate a common message and defend the Church in a coherent and consistent manner from the pulpit and in public. Furthermore, it was also able to bind to this new ideology a large sub-stratum of the population – a clerical milieu – that increasingly looked to the Church for political, social, moral, and economic guidance.

\textsuperscript{157} For a model study of the finances and activities of a Catholic publishing house in the nineteenth century, see, R. Howard Bloch, \textit{God's Plagiarist: Being an Account of the Fabulous Industry and Irregular Commerce of the Abbé Migne}, (Chicago, 1994). The official history of the Pressverein in Upper Austria is not quite as revealing; a thorough study would be a welcome addition to the historiography. Kern, \textit{Oberösterreichischer Landesverlag}. 
Section Two: Catholicism and Liberalism, 1848-1880

Newly founded Catholic periodicals, pastoral conferences, a popular Catholic press and a dense web of associations must nevertheless spring from some need – some ideological or political desire to significantly alter the status quo. The following section will focus on this desire for change by examining three arenas of liberal-Catholic conflict: It will begin in the often overlooked 1850s, exploring the range of Catholic-liberal conflict that began to develop in those years. In Upper Austria, we see a marked turn toward a new conception of Catholicism and church-state relations in this decade through the arrival of Franz Josef Rudigier as bishop in 1853. By examining two of the initial conflicts he and the liberal community became enveloped in, we can examine how he began to develop his philosophical principles and rhetorical devices – his conception of a Catholic Church that must exist wholly apart from the state while nevertheless performing important social (the state would counter: civil!) functions.

The section then continues with two chapters that explore exclusion on each side – of Catholics from the ‘liberal’ state, and then of liberals from the Catholic Church. The first of these chapters examines how the liberal state and the liberal press systematically sought to exclude the Catholic Church from participating in the public sphere. It begins with two sensationalist trials – of Bishop Rudigier in 1869 and of the Carmelite Monk Gabriel Gady in 1872 – and then continues with a number of
subsequent smaller trials of priests. The third chapter in this section, Chapter Five, will then explore the issue of exclusion from the other side, focusing on the splinter group of liberal Catholics who refused to assent to papal infallibility and their systematic exclusion from the Roman Catholic Church. Here the issue is thus the systematic exclusion of liberals and liberal principles from the ideological restructuring of the Catholic Church after infallibility.
Chapter Three. Liberal-Catholic Conflict during Neoabsolutism

On 8 March 1849, Upper Austria’s first liberal governor, Alois Fischer, stood on the balcony of the Rathaus in Linz’s market square to proclaim the closing of the democratically elected Austrian Reichstag in Kremsier, marking the end of that body’s efforts at creating a constitution for the Monarchy. As the newly crowned emperor, Francis Joseph, wrote in the proclamation that Fischer now read to the crowd, the delegates had taken too long in their deliberations, wasting time on “dangerous theoretical discussions;” their labors had become redundant and the emperor would decree his own constitution. After reciting the imperial proclamation, Fischer retired to the side and let his assistant read out the document. Named after its principal architect, Minister of the Interior Franz Stadion, the new constitution was mildly liberal, although, unlike its unfinished predecessor, it was wholly unambiguous when it came to the monarch: his powers were immense and — the document made sure to point out — derived from God, not from the people.158 In practice, the constitution was mostly ignored.159 Fittingly perhaps, those assembled in front of the Rathaus that day could barely make out what was being said. As one participant described the scene, the was


159 The proclamation was dated 4 March 1849. On both constitutions, see, Macartney, Habsburg Empire, pp. 417-425.
wind so strong, “daß der einen vor Staub den Nachbarn nicht sehen ließ.” The return of absolutist government thus came to Linz unintelligibly, wrapped in a dense cloud of dust.

The long decade that began with the defeat of the revolutions in 1849 and ended with the return to a quasi-constitutional monarchy in 1861 is commonly referred to as the era of neoabsolutism. Although often thought of as reactionary, the decade should in no way be seen as an attempt by the state to return to the *status quo ante*. Rather, neoabsolutism represented an alliance of mostly conservative forces that sought to fill the power vacuum created by the 1848 revolution with a centralized and homogenized government that matched their own sensibilities. “To make the empire *one* in every sense,” is how the British historian Lord Acton fittingly described their goal in 1861. It is important to emphasize “mostly conservative:” several of the new government ministers, most notably the new Minister of Justice and later of the Interior, Alexander Bach, had a “liberal past,” while many traditionally conservative

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forces, especially the noble estates and other proponents of traditional rights and a federal structure of empire, were systematically excluded from participation. The energy and purpose with which the government approached its task is perhaps best illustrated by a memorandum Bach wrote to the provincial governors on 18 August 1849:

\[Es \textit{wird die Aufgabe jedes leitenden Funktionärs sein}, dort, wo ältere Gesetze und Vorschriften mit den Grundsätzen der neuen Institutionen nicht im Einklange stehen, den letzteren immer überall praktisch Geltung zu verschaffen.\]^{163}

The era is thus best termed a neo-conservative realignment with strong centralizing-reformist tendencies.

\textit{Liberals and Municipal Authority}

As the government in Vienna sought to centralize and increase its powers, this shift occurred at the expense of independent provincial administrations. In 1849, the provincial Diets were closed and the \textit{Statthalterei} (the provincial governor’s office) became more closely tied to the various ministries in Vienna. In Upper Austria, this new close relationship between the \textit{Statthalterei} and Vienna was reinforced through personal ties: from 1851 until 1861 the \textit{Statthalter} (governor) in the province was Eduard Bach, brother of the already mentioned Minister of Justice and the Interior,

Alexander Bach.\textsuperscript{164} Whereas Eduard Bach’s predecessor, Fischer,\textsuperscript{165} had been a liberal lawyer from Salzburg,\textsuperscript{166} Bach was a career bureaucrat.\textsuperscript{167} Because of the strong position of the Statthalter, reinstatement of political censorship, and the absence of a provincial Diet, historians have tended to characterize this decade as “politisch bedeutungslos.”\textsuperscript{168} This is wholly incorrect.

Yet as the provincial Diets drifted into a decade long slumber, a different civic body received a new breath of life: the Gemeinde (commune or municipality).\textsuperscript{169} Indeed, a complete reordering of the Gemeindeordnung under Stadion brought a swift


\textsuperscript{165} On Fischer, who held the position from 1849 to 1851, see, Alois Fischer, \textit{Aus meinem Amtsleben}, (Augsburg, 1860).

\textsuperscript{166} Until 1849, Salzburg was administratively part of Upper Austria.

\textsuperscript{167} Born in 1814 the son of a middle-class lawyer in Vienna, Bach quickly proved a capable and able administrator. By 1847 he had served as Kreishauptmann of the Bukowina and Civilcommissär in Transylvania-Siebenbürgen. In 1851 he came to Upper Austria as Statthalter, where he would remain for over a decade. During his tenure, he focused his energies largely on improving transportation infrastructure and education. Because these efforts were implemented without consent of the Diet, Bach soon acquired an undeserved reputation as a spendthrift and stooge of Vienna after the Diet came back into session in 1861. This view continued to inform accounts in the standard historiography until the 1980s. See, for example, the biased and often inaccurate, Friedrich Walter, "Beiträge zu einer Biographie Eduard Bachs," \textit{Mitteilungen des Oberösterreichischen Landesarchivs} 8 (1964). A more balanced view can be found in Harry Slapnicka, "Eduard Bach (1814-1884). Kaiserlicher Statthalter in der zentralistisch-bürokratischen Ära," in \textit{Oberösterreich: Lebensbilder zur Geschichte Oberösterreichs}, ed. Gerhart Markhgott and Harry Slapnicka, (Linz, 1991); Harry Slapnicka, \textit{Oberösterreich, die politische Führungsschicht: 1861 bis 1918}, (Linz, 1983). The “official" record is probably closer to the mark: see Bach’s obituary, \textit{Linzer Zeitung}, 17 February 1884, p. 1. A biography of Bach would be a welcome addition to both Upper Austrian and Habsburg historiography.

\textsuperscript{168} Wimmer, \textit{Liberalismus}, p. 22.

\textsuperscript{169} The German term Gemeinde denotes a geographical sub-unit of the province (“Land”) and is thus equivalent to the English term commune. The larger municipalities existed as separate entities and usually enjoyed further privileges, either through their status as “market” or “free” towns, or with a unique set of privileges granted by the emperor. See, Franz Stundner, "Die Entwicklung des Städtewesens in Österreich im 19. Jahrhundert," in \textit{Die Städte Mitteleuropas im 19. Jahrhundert}, ed. Wilhelm Rausch, (Linz, 1983).
and dramatic shift in the balance of power. The new provisional communal law of March 1849 began, “Die Grundfeste des freien Staates ist die freie Gemeinde,” and the communes were committed to turning these words into fact. The communes greatly increased their autonomy, becoming free to decide how to elect their representatives and whom to let reside inside their borders. The effect of the communal legislation was to create a new space for liberal energy in local, especially municipal, politics and liberals held on to power in many towns at the local level throughout the 1850s. Thus while national politics was mostly devoid of liberal energy, and most newspapers — local and national — remained careful of what they wrote, local and municipal governments became hotbeds of liberal activity.

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172 Liberal historians and commentators have, of course, thus pointed to these provisions as “Stadions reifste legislatorische Leistung.” Ogris, "Gemeinderecht," p. 86.

173 On this point see, Götz, Bürgertum und Liberalismus, chpt. 4.

174 Even this view of the press during neoabsolutism is slowly being reconsidered. As a recent article by Jeffrey Leigh demonstrates, the press – liberal, Catholic-conservative and nationalist – was much more vocal, especially during the early years of the neoabsolutist period from 1849 to 1852, and the government much more careful in how it treated potential agitators, than historians have generally assumed. Jeffrey T. Leigh, "Public Opinion, Public Order, and Press Policy in the Neoabsolutist State: Bohemia, 1849-52," Austrian History Yearbook (2004).
Liberals ‘returned’ to the commune in the 1850s, often as mayors or officials in the municipal government, using these offices to promote their policies and ideals. For liberals, the rights and privileges restored to the communes in 1848/49 required a comprehensive defense against the encroaching absolutist state. In Linz, the Vienna-appointed mayor of the Vormärz, Joseph Bischoff, quickly became the focus of local liberal resentment in the heated climate of March 1848. In 1848-49, liberals set up organizational structures independent of the municipal government with the aim of making Bischoff increasingly irrelevant, and they succeeded in their goal: In 1850, the mayor once again became an elected office and in the first election, it was the liberal merchant and former leader of the anti-Bischoff faction, Reinhold Körner, who became Linz’s first elected mayor in an extravagant ceremony. As Körner stated during his inauguration,

_ich sage also so: der Staat erhalte so viele Rechte und Befugnisse, als er zum Wohle des Ganzen braucht, und daß er die höchste Gewalt des Innern, Achtung gebietend nach Außen sei, alles übrige bleibe den Gemeinden, in jedem falle aber müße ihnen die Selbstständigkeit und Öffentlichkeit gerettet werden._

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175 In the Vormärz, Austrian counties and municipalities enjoyed comparatively few rights when compared to their neighbors to the north. As Nipperdey fittingly put it, during these years, “die städtische Verwaltung wurde verstaatlicht.” Nipperdey, Deutsche Geschichte, 1800-1866, p. 339; Ogris, "Gemeinderecht;" James J. Sheehan, German History, 1770-1866, (Oxford and New York, 1989), p. 489.


177 See accounts in, Linzer Zeitung, October and November 1850.

178 From Körner’s speech upon being elected mayor. Reprinted in, Linzer Zeitung, 17 November 1850.
Despite having been one of the founders of the liberal *Nationalgarde*, Körner was allowed to continue in his post until 1854, even though he had done little to distance himself from his revolutionary past. When he finally resigned in protest over the *Statthaltm*’s strong-arm methods,\(^{179}\) his deputy, Heinrich Jungwirth, replaced him; Jungwirth’s revolutionary past was almost as colorful as Körner’s. Jungwirth, in turn, was succeeded by the only recently ennobled factory owner, Josef Dierzer von Traunthal, head of the local Chamber of Commerce and a member of the same professional clubs and associations as his predecessors. Finally, the last mayor during the neoabsolutist period, Vinzenz Fink, was a politically active liberal publisher and bookseller who had belonged to the closest circle around Körner since well before 1848.\(^{180}\) Linz’s mayoral office thus remained firmly in liberal hands throughout the 1850s and it was against the backdrop of the neoabsolutist state that the communes could finally reach for their place in the sun.

**The Catholic Church in the Era of Neoabsolutism**

While the role of local governments during neoabsolutism has been largely overlooked, the Catholic Church has always stood front and center in historians’ accounts. Indeed, with the signing of the 1855 Concordat, the Church became both a

\(^{179}\) There is some doubt among historians over whether Körner resigned in protest or was forcefully asked to resign. More than probably it was a mix of both. Georg Grüll, *Das Linzer Bürgermeisterbuch*, (Linz, 1959), p. 108; Kirchmayr, "Oberösterreich," p. 167.

\(^{180}\) On the mayors in Linz in the 1850s, see, Grüll, *Bürgermeisterbuch*, pp. 104-111; Kirchmayr, "Oberösterreich," p. 8, 166-169.
pillar of the regime and the emblem of a reactionary era.\textsuperscript{181} There is much truth to this view: in the early days of neoabsolutism, the Catholic hierarchy in Austria mobilized quickly, lobbying effectively for new privileges from the government. The \textit{Österreichische Bischofskonferenz} pressed for an end to the Josephinist ties between the Catholic Church and the state.\textsuperscript{182} The conference recorded its first success the following year with the so-called April Ordinances of 1850: Whereas Joseph II had forbidden direct contact between the Austrian bishops and Rome — all correspondence passed through state hands first — Francis Joseph now freed the Austrian hierarchy of any such obligation; and whereas Joseph II established twelve general seminaries to educate priests under state supervision, in the April Ordinances, Francis Joseph returned all control over priestly education to the Church.\textsuperscript{183} The ordinances proved to be an important initial measure in reversing the legacies of Josephinism and creating a Catholic hierarchy independent of the state.

The high point of the Church’s lobbying efforts came with the signing of the Concordat on 18 August 1855, the Emperor’s twenty-fifth birthday. The Concordat represented a watershed in the relationship between the Catholic Church and the Austrian government, enshrining the newfound independence of the Church while at

\textsuperscript{181} A.J.P. Taylor, following Heinrich Friedjung, wrote mockingly that, in the 1850s, the Church gained rights “it had not enjoyed since the worst days of the Counter-Reformation.” Friedjung, \textit{Österreich von 1848 bis 1860}, p. 506; Taylor, \textit{Habsburg Monarchy}, p. 89. This was not quite true: it had probably never held such rights. See, Robert Bireley, “Confessional Absolutism in the Habsburg Lands in the Seventeenth Century,” in \textit{State and Society in Early Modern Austria}, ed. Charles W. Ingrao, (West Lafayette, Ind., 1994); R.J.W. Evans, \textit{The Making of the Habsburg Monarchy, 1550-1700. An Interpretation}, (Oxford, 1979), chpt. 2 and passim.

\textsuperscript{182} On the Bischofskonferenzen, see above, p. 46.

\textsuperscript{183} This last right was given \textit{pro forma} only; all priestly appointments still needed the signature of the monarch. On the Ordinances of 18 and 23 April 1850, see, Weinzierl-Fischer, \textit{Konkordate}, p. 59.
the same time handing it vast amounts of responsibility over basic state functions such as education and censorship. The second article, for example, reaffirmed the free correspondence between the bishops and Rome, as well as between the lower clergy and the hierarchy. This time, though, it added that this was the case because in these matters “die landesfürstliche Bewilligung nachzusuchen, nicht unterliegen, sondern vollkommen frei sind.” It gave bishops the right to pass judgment on the education of all Catholics in their diocese at public or private schools until the university level.\footnote{On this point, see, Wozniak, "Thun."} This measure effectively gave the Church oversight over all schools that taught even a single Catholic student. Furthermore, although the Concordat did not re-impose censorship, it granted each bishop the right – “mit vollkommener Freiheit” – to select books that posed a “moral threat” to society, and promised government cooperation to limit their distribution. In marriage law, it strictly separated the worldly from the spiritual, placing all matters that dealt with Catholics before ecclesiastical courts. Furthermore, the legacy of Josephinism suffered a further blow with the announcement that the Religionsfonds, established under Joseph II from the proceeds of sold Catholic properties and administered by the state to finance the affairs of the Church, “Kraft ihres Ursprungs Eigenthum der Kirche [sind], und werden im Namen der Kirche verwaltet.”\footnote{Although this point may sound minor, it represented a major and hard-won concession on the part of the Church. The complete Concordat is reprinted in, Weinzierl-Fischer, Konkordate, pp. 250-258.}

Taken as a whole, the Concordat thus did for the Catholic Church what the revolutions of 1848 had done for the neoabsolutist state: it created a tabula rasa by
breaking down existing practices, removing the privileges held by the state as well as by prelates in various parts of the Monarchy, and then building a new edifice — independent of the state, unified in structure and aggressively anti-Josephinist in outlook — on top. Indeed, Cardinal Rauscher spent much of 1854 arguing with other bishops from the Monarchy, especially from Hungary, Moravia and Galicia, over the loss of particular and local rights they suffered as a result of the Concordat. To many Hungarians, the Concordat was merely one part of the “k.k. Germanisierung in Ungarn,” as a pamphlet from 1860 put it. Although liberals were rightly distraught at many aspects of the Concordat, it also created the basis of a separation of church and state that would make the later transition to religious equality and liberal constitutionalism much easier.

In the following sections, I will explore two very different conflicts between the Catholic Church and local liberals during the 1850s. The first focuses on Linz and explores the conflict that took place over the building of an Allgemeines Krankenhaus during the 1850s. The second takes place in Schwanenstadt, a small town south-west of Linz, and involves the widow of a protestant factory owner who is at odds with the Catholic Church over his burial in the local Catholic cemetery. Both conflicts focus on the process of secularization: how jurisdiction over health care and cemeteries increasingly came to be seen as municipal responsibility.

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186 Weinzierl-Fischer, Konkordate, pp. 73-74, 100.

187 On this point, see the discussion in, Boyer, Political Radicalism, pp. 19-21; Burns, "Politics of Ideology," pp. 1130-1132.
The Struggle for the *Allgemeines Krankenhaus* in Linz

Until the late eighteenth century, hospitals tended to be small scale affairs: *Siechhäuser* set up during or right after an epidemic; *Bruderhäuser* or *Bürgerspitale* erected by artisans or town burghers to care for their peers; or *Hospitale* erected by religious orders or sometimes by the communes to serve as multi-functioning quarters for the sick, terminally ill, indigent, and often the insane. In contrast, the idea of the hospital that emerged in the late eighteenth and nineteenth centuries — the *Allgemeines Krankenhaus* — was set apart from these earlier structures in two important ways: First, the *Krankenhaus* aimed to heal the curable sick; neither charity nor — unless it was for medical research — the terminally ill necessarily interested its doctors. Second, it aimed at universality: to serve all social classes and curable illnesses in one building.\(^\text{188}\)

\(^{188}\) I will use “general hospital” to denote the German *allgemeines Krankenhaus* and “religious hospital” for *Ordensspital*. There are no ready equivalents in English for the words *Hospital* and *Krankenhaus*. Hospice, the nearest equivalent to *Hospital*, fails to convey the openness of the term — which refers to any institution that took people in and remains in use in Austria and Switzerland (*Spital*) as a synonym for *Krankenhaus*. The very term *Krankenhaus* thus denotes an attempt of the late-eighteenth-century medical community to differentiate ‘their’ institution from *Spitale*. Robert Jütte, "Vom Hospital zum Krankenhaus: 16. bis 19. Jahrhundert," in "Einem jedem Kranken in einem Hospitale sein eigenes Bett." Zur Sozialgeschichte des Allgemeinen Krankenhauses in Deutschland im 19. Jahrhundert, ed. Alfons Labisch and Reinhard Spree, (Frankfurt a.M. and New York, 1996), p. 32.

Universality meant, however, that while all patients would enter through the same front door, they were immediately separated by disease, gender and social class once inside. This separation was grounded in what Michel Foucault and others have called the emerging ‘clinical gaze’ of the medical profession in the late eighteenth and early nineteenth century: General hospitals became clinics in which patients were separated by disease and each disease was treated and studied in isolation — as much for the patient’s sake as for the sake of the doctors, who could better observe and learn in the process. At the same time, aspirations of a universal clientele also meant that the social classes existed together apart: private rooms for an emerging middle class not rich enough to have a private doctor care for them at home but repelled by the idea of sharing a room with the laboring masses became the most important financial base for the new hospitals.

Within the modernization of hospitals and health care in nineteenth-century Germany, historians of medicine tend to differentiate between two phases: a ‘push’ phase from about 1790 to 1848, as the medical community restructured itself, successfully lobbying the state for new hospitals — an inordinate amount of which were built during these years — and a ‘pull’ phase from 1848 until 1914, when an industrializing and increasingly urban population began to make greater use of those hospitals, filling existing beds and demanding more. In the first phase, local medical communities, strengthened by the experience of epidemics like cholera, successfully

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petitioned the state for increasing resources to better care for their communities. In the second phase, an increasingly diverse clientele in terms of gender, age and profession then began to use those hospitals; the number of beds per inhabitant (as hospitals added wings and wards) and sick days per bed, per year skyrocketed.

**Austria, Linz and a Diverging Trend**

In the medieval and early modern period, Linz was in many ways a ‘typical’ central European city in the number and type of hospitals contained within the city. Linz and, to a large extent, Austria, however, diverged from the ‘German’ model in the timing and fashion of the transition from Hospital to Krankenhaus, and especially in the role of the Church in this transition. New hospitals in Linz during the middle-thirds of the eighteenth century — those of the Elisabethiner in 1744 and of the Barmherzige Brüder in 1756 — were built under the auspices of religious orders and only ostensibly placed under centralized state control in 1770. These hospitals fostered a certain tension between the Catholic Church and the ‘clinical gaze’ of the state: although *de jure* public health was controlled by a state-appointed commission of medical doctors, *de facto* doctors in each hospital remained under Church oversight.

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193 On hospitals in Linz before the nineteenth century, see, Anton Knörlein, *Kurzgefasste Geschichte der Heilanstalten und des Medicinalwesens in Linz*, (Linz, 1855); Sturmberger, "Vom 'Hospital' zum 'Krankenhaus'," pp. 227-241.
194 The 1770 *Sanitäts-Normativ* created a medical council of government officials and doctors in each province, which met every 8 days to consult on matters of public health. But while this did much to centralize the medical profession, it did little to increase state oversight of Church-controlled hospitals, over which the council had no direct control. See, Knörlein, *Geschichte der Heilanstalten*, p. 15.
in day-to-day practice. In Linz and Upper Austria, the switch from segmented care — specialized artisan, burgher or pilgrim hospices — to universal Krankenhaus care thus already began to occur in the early eighteenth century, but unlike in France or Prussia, it occurred under the aegis of the Church.195

In the early nineteenth century, medical practitioners, especially in smaller cities, increasingly became aware of the limitations of this system, made all the more clear by the few examples of Allgemeine Krankenhäuser in the Monarchy: Vienna (built 1784), Olmütz (Olomouc) (1787), and Prague (1790). Anton Knörlein, one of Linz’s most prominent medical doctors and director of the city’s insane asylum, described the frustration he and many of his colleagues felt in the 1850s in a book on the state of medicine in Linz: “der scholastische und mystische Unsinn [muss] aus den Köpfen hinweggefegt werden, um vernünftigen Anschauungen natürlicher Vorgänge des Lebensprozesses Platz zu machen.”196 For liberal doctors such as Knörlein, these conjectures seemed based on real data: whereas the three clerical hospitals had patient fatality rates of between six and ten percent, those at the municipal hospital hovered between one and four percent.197 In Austria and Linz, the medical ‘old order’ was thus tied much more closely to the Church than in France or in Prussia, and the transformation of the ‘clinical gaze’ into modern clinical practice also became an

195 The Catholic Church played an important role in health care throughout the eighteenth and early-nineteenth century, a welcome partner of the state in endeavors such as the vaccination campaign in the late eighteenth century. Michael Pammer, "Vom Beichtzettel zum Impfzeugnis: Beamte, Ärzte, Priester und die Einführung der Vaccination," Österreich in Geschichte und Literatur 39 (1995).

196 Knörlein, Geschichte der Heilanstalten, p. 11.

197 The municipal instution in his sample, the städtisches Krankenhaus, however, catered only to women with venereal disease, which explains the lower rate of fatalities. Based on figures between 1845 and 1854. Knörlein, Geschichte der Heilanstalten, p. 51.
exercise in anti-clericalism: modern medicine needed not just general, but also *secular* hospitals.

No secular hospitals were built in Upper Austria before 1848 — in contrast to Munich, Mainz and most other medium-sized towns in German-speaking Europe — with the result that the ‘push’ and ‘pull’ phases of health care modernization largely took place concurrently. The first ‘pull’ came in the 1830s, as several public-works projects, better methods of transportation, and the establishment of the first textile factories in the Linz suburb of Kleinmünchen drew workers and travelers to the city on the Danube.\(^{198}\) The often unsanitary working and living conditions brought rates of sickness and disease well above the capacity of the local hospitals to deal with; a single new hospital with forty beds that was built under the auspices of the religious order *Barmherzige Schwestern* in 1842 did little to help.\(^{199}\) Also, a new type of epidemic, Asiatic cholera, made its first European appearance between 1826 and 1837. Though Linz as a whole was spared, the medical community, the provincial administration, and the municipalities received valuable training in the necessity of

\(^{198}\) The building of the Maximillian Towers and the Linz-Budweis (České Budějovice) railroad in the 1830s, as well as the start of regular traffic on the Danube through the *Donau-Dampfschiffahrtsgesellschaft* brought a steady stream of workers, merchants and tourists to the region. See p. 32, above.

\(^{199}\) The hospital of the *Barmherzige Schwestern* was the first institution to admit both men and women, and the first to practice homeopathic medicine in Upper Austria. Especially this last detail came as an affront to secular medical doctors in the region. 60 years later, in 1904, when the hospital received a new wing and hired a new, secular head doctor, the well-known Linz *Primärazt* Alexander Brenner noted, that, finally, "*auch die wissenschaftlichen Medizin den Einzug in diese Räume gestattet wurde.*" Alexander Brenner and J. Kempf, *Das Allgemeine Krankenhaus der Stadt Linz: 1865-1904*, (Linz, 1904), pp. 8-9.

The hospital’s construction needs to be understood both as a last attempt by the religious authorities to maintain control of health care and as part of the pre-March drive by the Church to re-introduce religious orders wherever possible. Sturmberger, "Vom 'Hospital' zum 'Krankenhaus'," p. 242.
cooperation and social-hygienic policing: during the crisis, the city placed the entire municipality — including, for the first time, the religious hospitals — under their medical supervision.200

Writing a report on the question for the Ministry of the Interior, the General-Inspektor für Gefängniswesen in Upper Austria, Weis von Starkenfels, counted a mere 160 beds in Linz’s three hospitals: the Elisabethiner (60), the Barmherzige Brüder (60) and the Barmherzige Schwestern (40).201 Linz, however, had a total population of 27,000 (with suburbs over 40,000),202 which translated into one hospital bed per 168 (with suburbs per 250) inhabitants. By contrast, when the 400-bed general hospital opened in Munich in 1813, it had a ratio of one bed for every sixty-eight inhabitants.203

200 “4 Cholera-Spitäler [wurden] errichtet, die Stadt in Sanitäts-Bezirke getheilt, und Aerzte und Wundärzte zu deren Überwachung aufgestellt.” Knörlein, Geschichte der Heilanstalten, p. 31. On Asiatic cholera in Europe, see, Richard J. Evans, "Epidemics and Revolution: Cholera in Nineteenth-Century Europe," Past & Present 120 (1988). In the Monarchy, doctors from all provinces were invited by the government in Vienna to travel to Galicia in 1831 in order to study the effects and dangers of Cholera up close. Zdenek Hornof, "Josef Skoda als Choleraarzt in Böhmen," Clio Medica 2 (1967). In Upper Austria, as in most other towns in Central Europe, the results of the expedition were followed quite closely. See, for example, Berichte des Herrn Doktor Leo aus Warschau über die heilung der Cholera, (Steyr, 1831). As Peter Baldwin has noted, the 1830s epidemic produced “a veritable bibliocholera” that in itself seemed acutely contagious. Peter Baldwin, Contagion and the State in Europe, 1830-1930, (Cambridge, 1999), pp. 38-39.

201 Starkenfels to (Alexander v.) Bach, 16 January 1856. OöLA StPr VII D, Sch. 371. A rather different estimate is available in Kirchmayr, "Oberösterreich,” pp. 474-478. He comes to a total of 600 beds, although he includes all the institutions that catered to ‘specialized’ groups: the Landes-Irrenanstalt (the insane), the Gehär- und Findelanstalt (unwed mothers), the städtisches Krankenhaus (women with venereal disease), and the städtische Versorgungsanstalt (a poor house).


The Allgemeines Krankenhaus in Linz

The push for a new general hospital began in the 1840s and was subsequently made a focal point of liberal demands in 1848. By 1850, all sides — the government, prominent liberals and even the Catholic Church — agreed that there was an ardent need for additional hospital beds. The disagreement came over where to put them. The Church and, for some time, the Ministry of the Interior, argued that an expansion of the existing religious hospitals would be the most cost-effective solution; liberals and the medical community in Linz wanted to build a new ‘secular’ general hospital. Reinhold Körner’s election to the mayor’s office in 1850 gave liberals a new and powerful platform from which to press their case. Already on the eve of Körner’s election on 15 September 1850, the Liedertafel “Frohsinn” held a benefit concert in his honor, raising 458 Fl. for the erection of a general hospital. Three days later, the newly elected Linz Gemeinderat put the building of a new hospital on its agenda, but things did not go smoothly. A petition for a series of tax-free lotteries to raise money for the project was rejected by the Ministry of the Interior, even with a positive recommendation from the local Statthaler.

By February of 1852, the city had managed to raise 30,000 Fl. for the hospital through the sale of municipal property and an additional 10,000 Fl. through private

204 in their plea to the Statthalteteri, Knörlein and Onderka called it a Civilkrankenhaus in order to further distinguish it from the religious Ordensspitäler. (Josef Onderka was the head of the medical community, the Regierungs- und Landes-Medicinalrath, in Upper Austria). Knörlein and Onderka to SHL, 29 October 1855. OöLA StPr VII D, Sch. 371.

donations. Feeling optimistic, the mayor’s office sent a delegation to Munich to study the general hospital there as a model. In 1854, the Emperor finally permitted the municipality to draw funds from the state lottery, which added a further 53,220 Fl to the project, bringing the total to 93,220 Fl. This sum represented a solid financial foundation on top of which construction could begin. But drawing funds from the state lottery also meant an additional review of the project by the Imperial Building Commission, which judged it too expensive and, in early 1856, recommended the expansion of existing religious hospitals.

Using the Imperial Building Commissions’ recommendation, the religious orders, prompted by the diocese administration, now began pleading their case in earnest. First, Maria Läcilia, abbess of the Elisabethiner-Orden, wrote to the Statthalterei, informing it that their hospital had recently expanded from sixty to seventy-five beds and could easily fill double that number. A few weeks later, the Bischöfliches Consistorium wrote as well, adding that it fully agreed with the wishes of the Elisabethiner, but that any plan needed approval from both the Bischöfliches Consistorium and the Elisabethiner so that there is a “geistliche Kommunität” and an,

Übereinstimmung des Baues mit den Ordensstatuten nehmentlich in Beziehung auf die Klausur, wesentlich um auch bei anderen

A complete list of contributions can be found in, Brenner and Kempf, Krankenhaus, pp. 16-19.


Starkenfels to (Alexander v.) Bach, 16 January 1856; Beul to (Eduard v.) Bach, 8 April 1856; and, Baumgarten to SHL, 27 May 1856. All letters at OöLA StPr VII D, Sch. 371.
In late May, an additional report from the Upper Austrian Building Commission appeared, also recommending that an expansion of the religious hospitals would help keep costs down.

Next the Statthalterei wrote to Julius Dotter, head of the Order of Barmherzige Brüder, asking whether the order would want to be included in any plans for more hospital beds. Dotter replied positively but, like the Elisabethiner, also outlined the conditions under which the order would participate: a new hospital wing would always remain religious and could never be turned over to municipal control, not even during epidemics; the head of the order was to remain head of the new wing, “mithin über diese neue Anstalt auch nie eine weltliche oder fremde Direktion mitgesetzt werden dürfte;” all employees would be paid from a Fond created to build the buildings so that the expenses of the additional beds would not burden the order; finally, although the brothers of the order set the fees, it would be the duty of the secular authorities—who would not be in daily contact with the brothers—to collect those fees from the patients. Following the letters from the orders, Bishop Rudigier also began a small publicity campaign in support of the religious hospitals. In a series of articles in the Linzer Diözesanblatt—clearly aimed at producing content for the weekend’s sermons—Rudigier emphasized the importance of charity as a principle in hospital maintenance, a principle, he argued, the Catholic Church was better suited to

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209 Läcilia to SHL, 22 April 1856; and, BC to SHL, 10 May 1856, both at OöLA StPr VII D, Sch. 371.

210 Dotter to SHL, 9 June 1856, OöLA StPr VII D, Sch. 371.
upholding than the state, while also stressing the bishop’s authority in controlling those hospitals.\footnote{Linzer Diözesanblatt 2 (1856), 179, 295.}

The hubris exhibited by the religious hospitals in making their demands can largely be attributed to the confidence that the Church exhibited after the conclusion of the Concordat, barely a half-year old in the spring of 1856. It also prompted liberals — who by the mid-1850s had few other outlets for their political energies — to push for their own vision with renewed vigor: “Jedem Kranken ohne Unterschied der Nationalität, des Bekenntnisses und Geschlechtes, sowie jeder Krankheitsform zu jeder Zeit zugänglich sein,” was to be the motto for the new hospital.\footnote{E.B., Allgemeinen Krankenhauses, p. 5.} In a flurry of letters to the Statthalterei and the Ministry of the Interior, officials from the mayor’s office and the medical council now sought to reaffirm these principles, which, in their eyes, made a general rather than religious hospital an absolute necessity:

1. *Die Aufnahme der Kranken soll zu jeder Stunde des Tages und der Nacht stattfinden;*

2. *es sollte Jedermann, so ferne er wirklich krank und noch heilbar ist, auf eine unverweigerte Aufnahme, rechnen dürfen;*

3. *es sollten für jene, welche eine separierte Krankenpflege in Anspruch nehmen wollen, eigene Abtheilungen vorhanden seyn;*

4. *die Anstalt sollte das Gepräge der Allgemeinheit ihres*
Wirkens tragen, und jene Beweglichkeit nach Innen, sowie nach Außen entwickeln, welche ebenso den Fortschritten der ärztlichen Kunst und Wissenschaft als den sich vervielfältigenden Wünschen und Bedürfnissen des Publikums Rechnung tragen.\textsuperscript{213}

This was the liberal vision of a general hospital: universal in who it accepted, open at all hours and (in its own way) to all classes, and managed for the benefit of both the patients and doctors. This vision was consciously designed to contrast with the religious hospitals: only open at certain hours of the day, unwilling to treat either pregnant women or those with sexually transmitted diseases, while at the same time utterly indiscriminate with the patients it did take — everyone, rich and poor, with a broken arm or a contagious fever, shared a room and, when need be, a bed. As the Landes-Medizinalkommission\textsuperscript{214} now wrote: to expand the existing hospitals would only make “ihre schwachen Seiten unheilbar.” For them, the question of separate rooms for middle-class patients was not merely an exercise in pampering; it was a question of public health and of money: What good was a hospital that scared away its only paying clientele? How could middle-class patients, not rich enough to pay for in-house medical care but nevertheless of sufficient social standing to make residency next to common laborers and maids uncomfortable, be treated? \textit{Die Bestellung einer

\textsuperscript{213} Fink to SHL, 2 November 1856, OöLA StPr VII D, Sch. 371. 

\textsuperscript{214} The \textit{Landes-Medizinalkommission} was established in 1850 as a more ‘professional’ successor to the 1770 \textit{Sanitäts-Normativ}. Kirchmayr, "Oberösterreich," p. 484.
separaten und gegen festgestellte Bezahlung zu erlangende Krankenpflege,” was a necessity for the “zahlreichen Mittelstand unserer Hauptstadt.”

Just as importantly, so continued one petition to the Statthalterei on the matter, the independence of the medical profession suffered visibly under the current arrangement.

Der ordinierende Arzt in seiner Ordinationen nicht immer unabhängig ist, sondern sich nach den herkömmlichen Gewohnheiten und Einrichtungen des Klosters, selbst nach vorgesagten Meinungen über Kurmethoden richten muss, wenn er nicht seine Stellung, als bestellter Arzt gefährden will.

The problem of authority went further, as the doctor in a religious hospital merely made visitations; he was not a “im Krankenhaus wohnender Arzt, bei dem die Anwesenheit Regel … ist.” Furthermore,

ob die Ordensvorsteher auch jederzeit im Stande oder gewillt wären, die, im Interesse der Kunst, Wissenschaft oder auch der Humanität gelegen, mit der Zeit auftauchenden Reformen und Verbesserungen im Spitalwesen mit Opfern ihrer Geldmittel … anzustreben?

It was public health in general that suffered most, as the religious hospitals insisted on their independence and thus were difficult to control.

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215 Knörlein and Onderka to SHL, 29 October 1855. OöLA StPr VII D, Sch. 371.
216 Knörlein and Onderka to SHL, 29 October 1855. OöLA StPr VII D, Sch. 371.
When an outbreak of Asiatic cholera afflicted the region in the summer of 1855, liberals saw a new opportunity to make their case. The outbreak of cholera was horrific; in Linz alone, 1,429 people — just over five percent of the population — died from the disease in the three summer months of that year. Writing to the Statthalterei in the midst of the epidemic, Vinzenz Fink, then mayor of Linz, argued that the hospital question was not only relevant to the city of Linz but also affected Urfahr and Linz’s other suburbs, “deren manche im Besitze von Fabriken eine zahlreiche Arbeiterklasse beherbergen.” A general hospital was also relevant to the four rural districts adjoining the city, all of which were home to large populations, including many Bohemian immigrants who, without formal residency, were not adequately tied into the local health care systems. With religious authorities controlling the system and flatly opposed to any sort of regional or municipal authority structure, Fink argued, municipalities were powerless in cooperating effectively and pooling resources in times of crisis. In the wake of the epidemic, the idea of expanding the religious hospitals was shelved for good — even the Ministry of the Interior now supported a new municipal hospital — but it was not until 1863 that construction on a general hospital began.

In the ensuing seven years, with the Church out of the way, the city and the Land became embroiled in a bitter battle over funding and control of the future

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217 Cholera statistics from Knörlein and Onderka to SHL, 29 October 1855. OöLA StPr VII D, Sch. 371. See, as well, the various articles in the Linzer Zeitung, 25 June until late September 1855.

218 On formal residency (Heimatrecht), see below, p. 254.

219 Fink to SHL, 14 August 1855. OöLA StPr VII D, Sch. 371.
hospital. The city, though desperate to build its hospital, lacked the financial means to guarantee construction — though it had raised over 90,000 Fl., the total cost of a new hospital was estimated at around 150,000 Fl. The Land, represented by the Statthalterei, had the means but would only contribute if the resulting hospital was placed under its jurisdiction. The point was by no means esoteric: the presiding authority set and collected the patients’ fees, which either came from the patients themselves or, when the patients were unable to pay, from the town in which they held Heimatrecht.220 In 1861, as Austria returned to a quasi-constitutional monarchy, the provincial Diets where called back into session. The Upper Austrian Diet at first proved a more willing partner than the Statthalterei in finding a solution to the finance problem. By 1863, a compromise had been worked out whereby the city pledged to overtake the majority of the financial obligations, but the Land would make additional funds available. However, in a dramatic last-minute turn of events, the Upper Austrian Diet cancelled the project after Franz Seyrl, a politically liberal but fiscally conservative delegate who had even been a member of the original committee to build the general hospital in 1850, changed his mind and made a rousing speech against the project.221 The failure of a deal between the city and the Land represented the classic


221 Seyrl’s book, one of the few sources for Upper Austrian fiscal politics and liberalism in the 1850s, was a sensation when first published on the eve of the Diet’s first session in 1861, especially in the vehemence with which it attacked Eduard Bach’s supposed financial mismanagement of the province. Bach even wrote a pamphlet defending his actions and attacking Seyrl which was attached to a second edition of the book and published in Linz a year later, but to no avail: Bach was forced out of his post a year later in a successful liberal smear campaign. See Linzer Zeitung, 24 January 1863; E.B.,
case of a liberal Diet reasserting control over its finances *ad absurdum* after a ten year hiatus.

After defeat in the Diet, the city decided to build the hospital on its own, ignoring the question of long-term financing altogether. On 15 September 1863, thirteen years to the day after the first initiative to build the hospital together with the election of the Linz’s first liberal mayor, the groundbreaking ceremony finally took place.  Two years later, the hospital was finished, although at first it lacked the much-needed *Öffentlichkeitsrecht*. It first served as a military hospital in the war of 1866 before opening to the public in 1867. Even then, however, the battle between the city and the *Land* continued and only in 1874 did the provincial Diet finally authorize an *Öffentlichkeitsrecht*; until then, its day-to-day operations remained insecure.

The conflict surrounding the building of the general hospital in Linz demonstrates how the idea of health care, through specific conflicts, shifted away from one of Christian charity toward one of responsibility by the secular authorities — the medical professionals, the municipalities, the provinces, and the state. At first, efforts by the municipality to build a general hospital fell on deaf ears. Slowly, however, the

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*Allgemeinen Krankenhauses*, p. 5; Franz Seyrl, *Der österreichische Landesfond und die Bach'sche Verwaltung. Eine Vorbereitung für den Landtag 1861*, (Wels, 1861).

222 Rudigier opened the proceedings with a sermon. *Katholische Blätter*, 16 September 1863, 333.

223 *Öffentlichkeitsrecht* signified a reimbursement by the *Landesfond* if a patient was without means. To acquire such a standing, hospitals had to focus on the curable and not the terminally ill, treat natives and non-natives equally (*Einheimische* and *Fremde*, according to *Heimatsrecht*), have a fixed price based on the length of the hospital stay, keep accounts that were to be audited by the *Land*, and remain “unter der Überwachung politischer Behörden.” Ernst Mischler and Josef Ulbrich, *Österreichisches Staatswörterbuch: Handbuch des gesammten österreichischen Öffentlichen Rechtes*, 2nd. ed., 4 vols., (Wien, 1905), vol. III, p. 245.

224 Whereas the number of patients hovered around 400 between 1870 and 1874, it shot up to 651 in 1874 and reached 1,754 by the end of the decade. Brenner and Kempf, *Krankenhaus*, p. 35.
population strain brought on by urbanization and industrialization began to make itself felt: the insufficient number of hospital beds; epidemics, especially the cholera epidemic of 1855, reinforced the growing importance of the medical community in working together with the state on issues of social health and medical policing; and, finally, in ideas of “modern” medical practices — from longer opening hours to the separation of patients by disease and social class — which the religious hospitals could not and did not want to heed. In this instance, the alliance between the Catholic Church and the centralized Austrian state in the neoabsolutist era ran up against an equally powerful coalition of local liberal politicians and medical professionals.

**The Death of a Protestant**

Turning now from illness to death, this next section examines the same conflict between religious and communal concepts of authority in the 1850s in the context of cemeteries and burial practices. Instead of focusing on the broader discourse between liberals and the Church, it will focus on a single event: the death of a Protestant in a small Catholic town and its repercussions. The town, Schwanenstadt,\(^{225}\) lies roughly thirty-five kilometers southwest of Linz and in the 1850s had a population of about 5,000. The recently deceased, Fridolin von Jenny, was a Protestant factory owner in an overwhelmingly Catholic town. When Fridolin died on 21 June 1855 — a Thursday — his widow, Susanna von Jenny, began what should have been a relatively straightforward process: she wanted her husband buried in the local cemetery. The

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\(^{225}\) In 1860, Schwannenstadt became Schwanenstadt, dropping an ‘n’. I have chosen the present-day usage for the text, but have left the old spelling unchanged in quotations.
task should have been made even easier by the fact that Fridolin was neither poor nor unimportant. His family had emigrated from Switzerland in the 1780s and settled in Schwanenstadt after receiving an imperial commission to open a textile factory there. Some sixty years later, the factory remained one of the towns’ largest employers. In spite of the circumstances, however, the local priest, Jakob Reitshammer, refused her request: Fridolin was Protestant, the town cemetery Catholic.

Though the decision should not have come wholly unexpected, Susanna was horrified. The von Jenny family was confessionally mixed: Susanna was Catholic, as were her four daughters, while her husband and their only son were Protestant. Either Fridolin or, more probably, Susanna had been to see Reitshammer on the matter some time before Fridolin’s death and Reitshammer, in turn, brought the issue to his bishop, who used it to illustrate how he viewed the ‘cemetery question’ in general. Already a week before his death, the religious complications posed by Fridolin’s funeral had been part of a one day Dekante-Conferenz in Linz. There, Bishop Rudigier used the von Jenny case to speak at some length on the importance of insisting on the Church’s rights when determining who could and could not be buried.

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227 This arrangement was another remnant of Josephinist marriage laws. Vocelka, *Verfassung oder Konkordat*, p. 23.

228 On Dekanate-Conferenzen, see p. 77, above.
in one of ‘its’ cemeteries, though it is unclear whether the von Jenny family was made aware of the bishop’s position before Fridolin’s death.229

Regardless, Susanna quickly came to know the bishop’s views. But instead of bowing to the will of the Catholic Church she contacted her son-in-law, Moritz von Mayfeld, an official in the provincial administration in Ried, to inquire whether there were other means of proceeding.230 Mayfeld, after researching the legal precedents, petitioned the Statthalterei in Linz “daß der Verstorbene Morgen auf dem Friedhof zu Schwannenstadt unbeirrt zur Erde bestattet werden kann.”231 Convinced by his reasoning, the Statthaltberei responded on the same day with a series of orders to the municipal authorities and the parish priest in Schwanenstadt, as well as the Bischöfliches Ordinariat in Linz, decreeing that, legally, nothing stood in the way of the funeral. As Mayfeld had argued in his letter and the Statthaltberei now repeated, the Josephinist cemetery laws of 1788 dictated that in Gemeinden without a separate
cemetery specifically for non-Catholics,232 “die Leichen der Selben in dem daselbst
bestehenden allgemeinen Friedhof zu beerdigen sind, so kann die Beerdigung der
Leiche des Fridolin von Jenny auf dem Friedhofe zu Schwannenstadt nicht verweigert

229 Rudigier to (Eduard v.) Bach, 18 July 1855; and Rudigier to Thun, undated letter (approx. July
1858). Unless stated otherwise, all correspondence relating to the von Jenny case can be found under
the insignia “ad 3521 1855” in OöLA StPr XI F, Sch. 424.

230 Von Mayfeld held the rank of Kreiskomissar 3. Klasse, Kreisbehörde Ried.

231 Emphasis in the original. Von Mayfeld (Kreisamt Ried) to SHL, 23 June 1855. OöLA StPr XI F,
Sch. 424.

232 “Non-Catholics” refers to what Rudigier and his contemporary termed “Akatholiken”: Christians
of a non-Catholic confession. Jews and Moslems were regarded separately; atheists and members of other religious congregations could not yet legally register those faiths.
Rudigier, incensed, personally sent a higher Church official over to the Statthalterei to plead his case, to no avail.

On the next day, Sunday, 24 June — the day after Mayfeld’s request and three days after Fridolin’s death — the funeral took place. “Die Beerdigung wurde...mit dem größten Pomp vollzogen,” complained Rudigier, who had received a report from Reitshammer on the matter, to the Minister for Education and Religion, Leo von Thun und Hohenstein. It featured “eine ungewöhnlich große Musikkapelle,...auffallend viele Begleiter” and — what Rudigier found most offensive — “die k.k. Behörden von Schwannenstadt.” Presiding over the events was the Protestant pastor from the nearby village of Rutzenmoos, who performed the service under the watchful eye of two gendarmes that had been sent by the Bezirksamt in case Reitshammer and his supporters tried to interrupt the proceedings. This especially incensed Rudigier:

“Könnte der Kampf und das öffentliche Gedränge größer sein?” he wrote,

so etwas findet sich nicht zufällig zusammen; es war Vorbereitung, Absicht bei dieser Schaustellung; und gegen wen war sie gerichtet? Nicht bloß gegen die katholische Kirche, sondern auch gegen das Ansehen der k.k. Verordnungen, welche diese Gepränge verbiehen.

Commenting on the use of gendarmes, he added,

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233 SHL to Bezirksamt and Pfarramt, Schwanenstadt, 23 June 1855. OöLA StPr XI F Sch. 424.


For Rudigier, the conspiracy seemed to possess all the trademarks of a liberal local government bent on using any and all means “als Demonstration gegen die katholische Kirche.” With this last point he was undoubtedly right.

Yet why was the bishop so angry? It was, after all, only a small local affair; the deceased had married a Catholic and let his daughters be raised in their mother’s confession; moreover, Fridolin von Jenny was a well-respected businessmen with strong ties to the local community. In a word, he was the type of non-Catholic for whom the Catholic Church should normally have made an exception. And yet it did not. Why? First, to begin with the obvious, the Statthalterei’s decision conflicted with Rudigier’s own feelings on the matter. He placed the laws of the Church – in his view constant and unchanging – above those of the state and the von Jenny funeral hardly differed from any other matter in this regard. In his first letter to Eduard Bach on the von Jenny affair in July 1855 — thus still before the conclusion of the Concordat, in the negotiations for which Rudigier had only played a tangential role — Rudigier wrote of the Josephinist cemetery legislation:

*Mit dem Inhalte dieses Erlasses kann ich nicht einverstanden*

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236 Rudigier to (Eduard v.) Bach, 18 July 1855. OöLA StPr XI F, Sch. 424.

sein, weil die Kirchengesetze die Beerdigung eines Nichtkatholiken auf dem katholischen Friedhof geradezu verbiethen, und die Beerdigung, unter welche bei der bestehenden weltlichen Gesetzgebung von den Bischöfen in Österreich dergleichen Begräbnisse bisher toleriert wurden. Die katholische Kirche hat nämlich eine höhere Ansicht von einem Gottesacker; sie setzt derselben in unmittelbarer Beziehung zu den Glaubenslehre der Gemeinschaft der Heiligen.

For Rudigier, the ecclesiastical laws were permanent and universal, those of the state temporary and arbitrary. He saw it as duty to remind the state of its errors at every opportunity in an attempt to correct its course. Furthermore, he assumed that in the decade following 1848 the government had an obligation to publicly support the Catholic Church against the encroaching forces of liberalism. To Rudigier, the presence of “k.k. Beamten” at the funeral was a significant affront to the position of the Church within the polity and in society, and called into question the neoabsolutist alliance between the Catholic Church and the Austrian state in particular.

A second reason for his anger was the blow that the incident delivered to his fledgling authority as a bishop. As a new and relatively young bishop in Linz — he took office in 1853 at the age of forty-two and was the diocese’s first bishop of non-noble descent — Rudigier was still very much in the process of consolidating his authority within the diocese. Upper Austria was a traditionally more Josephinist diocese and thus the local priests tended not to question his rulings of the

\footnote{Rudigier to (Eduard v.) Bach, 18 July 1855. OöLA StPr XI F, Sch. 424.}
Statthalterei.\textsuperscript{239} Such seeming complacency did not sit well with a priest who was brought up in the Ultramontane and anti-liberal milieu of Vorarlberg and the Tyrol.\textsuperscript{240} The Dekante-Conferenz at which Rudigier presented his case was the first time the twenty-eight Dekane of the diocese met with their new bishop and thus represented the first opportunity for Rudigier to speak at length on his philosophy of pastoral practice. In the conference, he used the von Jenny case to illustrate the need for the Church to take a much harder line: to forbid whenever possible the burial of Protestants in Catholic cemeteries. The call for the building of a new Cathedral in the diocese, which comprised the other big topic at the Dekante-Conferenz, was only two months old and still seemed an insurmountable enterprise. With the Statthalterei’s decision, Rudigier’s energy, his drive, his grand schemes, and his whole concept of ecclesiastical administration was called into question. As he admitted to Thun three years after the incident, “Ich war demnach vor den Dechanten der ganzen Diözese kompromittiert.”\textsuperscript{241}

\textbf{The internal Investigation}

The reasoning of the Statthalterei in the matter did rest on solid legal footing. Cemetery legislation from between 1751 and 1788 was based above all on concerns of

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\textsuperscript{239} On the inner-Church tensions between the Josephinists and anti-Josephinists, see, Weinzierl-Fischer, "Kirchenfrage," pp. 178-183.

\textsuperscript{240} Though also Ultramontane in outlook, Rudigier’s predecessor, Gregorius Thomas Ziegler, had not embarked on a grand reform of the diocese during his tenure as bishop; moreover, his relationship with the diocese’s secular clergy remained tense. Mayer, \textit{katholische Grossmacht}; Rudolf Zinnhobler, ed., \textit{Die Bischöfe von Linz}, (Linz, 1985).

\textsuperscript{241} Emphasis in the original. Rudigier to Thun, undated letter (approx. July 1858). OöLA StPr XI F, Sch. 424.
\end{flushright}
public hygiene. It decreed that cemeteries be built outside of cities and away from municipal water supplies. Commune by commune, the government closed existing cemeteries — first prohibiting new cemeteries next to Churches (1751, 1772 and 1774); then closing those cemeteries altogether (1783); and finally decreeing that all cemeteries located in populated areas be closed and replaced with communal cemeteries located outside municipal boundaries (1784).\textsuperscript{242} The cemeteries that resulted from these regulations, however, presented a classically Josephinist conundrum: since a degree of continuity from the old cemetery was assumed, they mostly retained their confessional (and thus in almost all cases Catholic and exclusive) nature; at the same time, because they were built using a mixture of Church and state funds, they also retained a public (and thus universal, inclusive and municipal) character. The practical aspect of this problem was partially resolved with the 1788 law that Susanna von Jenny’s son-in-law, von Mayfeld, cited in his legal brief to the Statthalterei:

\begin{quote}
Einzelne Einwohner einer solchen Religion, die bei einer Gemeinde mit keinem Friedhof versehen ist, sollen in dem vorhandenen Gottesacker anderer Religionen begraben werden; und der nächste Geistliche der Religion, zu welcher der Verstorbene sich bekennet hat, müsse die Funktion verrichten.\textsuperscript{243}
\end{quote}


Although a 1832 law somewhat tightened the burial rules for Protestants in Catholic communal cemeteries, in the 1840s and especially after 1848, communities increasingly began to assert control over what they saw as their cemeteries.

In the face of Rudigier’s confrontational tone, the Statthalterei became unsure of itself — especially since the Statthalter, Eduard Bach, had been away during the crucial days in June — and began a frantic evaluation of existing laws and practices: what laws currently governed cemeteries? What practices were in effect in the different communities of Upper Austria? What was common practice in Schwanenstadt? And exactly how far from Schwanenstadt was the closest Protestant community with a cemetery? From the beginning, it was the state that remained at a disadvantage in gathering this information: births and deaths, marriages and baptisms were registered in each parish with the priest. Under Joseph II, this arrangement was preferred because it both saved money and integrated the Church administration more closely into the workings of the state. In the 1850s and especially after the 1855 Concordat, an increasingly independent Catholic Church presented an additional administrative hurdle for state officials. The control of important state documents remained under very real Church control.

244 The 1832 law reaffirmed that, although the 1781 Toleranz-Patent of Joseph II permitted the worship of other, recognized religions, “der Vorzug des öffentlichen Religions Excercitii aber blos der katholischen Religion eingeräumt wurde.” In Catholic cemeteries this meant no sermons during the funeral, which was not standard practice among Austrian Catholics in the nineteenth century, nor any forms of singing. Regierungskrieg from 26 October 1832, Z. 28241. k.k. ob der ennislichen Landesregierung, Sammlung der politischen Gesetze und Verordnungen für das Erzherzogthum Oesterreich ob der Enns und das Herzogthum Salzburg, vol. 10 (Verordnungen 1. Jän. bis 31. Dez 1828), (Linz, 1832), pp. 340-342.
Even the answer to the first question — what laws governed cemeteries in general? — turned out to be more muddled than the *Statthalterei* had hoped for. Joseph II’s laws were certainly the foundation, but each cemetery also had its own *Friedhofsordnung* — a document usually issued jointly by the Church and the local commune — which regulated local practice. In the case of Schwanenstadt, the *Statthalterei* came up empty, but an investigation of existing practices there turned up eight other non-Catholics, “auf dem katholischen Friedhofe zu Schwannenstadt durch den Pastor zu Rutzenmoos beerdigt,” including one “Johann Jenny, Mouselinfabriksdirektor,” who died in 1832. Meanwhile, the closest Protestant cemetery was in Rutzenmoos, a small town another eleven kilometers southwest of Schwanenstadt. Finally, the established practice seemed to have been that while non-Catholic residents of Schwanenstadt were buried in the local cemetery, other non-Catholics — Protestants who died in Schwanenstadt while visiting or traveling through — were taken to Rutzenmoos to be buried.

Further confusion stemmed from the liberal legislation issued in 1848. Protestants lived in small numbers in communities throughout Upper Austria and many were buried in their local (ostensibly Catholic) cemeteries. In an effort to

245 Neither Susanna von Jenny nor the municipal administration in Schwanenstadt mentioned a Johann Jenny in their correspondence. It is probable that he was a brother or other relative of Fridolin’s who helped run the factory. Eight non-Catholics were buried in the local cemetery in the fifty years preceding the von Jenny case. The last funeral had taken place in 1846. *Gemeinde* Schwanenstadt to SHL, 12 January 1856. OöLA StPr XI F, Sch. 424.

246 This is my own measurement. In the correspondence between Church and government officials, there was much disagreement on this point.

247 *Gemeinde* Schwanenstadt to *Kreisvorstehung* Wels, 10 August 1855. OöLA StPr XI F, Sch. 424.
demonstrate the provincial government’s tolerance toward ‘its’ Protestant citizens, Alois Fischer, the short-lived liberal Statthalter from 1848-1851, issued a decree organizing the province’s Protestants into proper parishes, giving them the semblance of an official status. Under that decree, the community in Schwanenstadt, a town of about 5,000 people which included sixty Protestants, was assigned to the parish in the aforementioned village of Rutzenmoos, population under 500 – though almost all of them were Protestants. In the von Jenny case, Rudigier now cited the same Verordnung über die Einpfarrung der in der Provinz Österreich ob der Enns und Salzburg wohnenden akatholischen Glaubensgenossen zu bestimmten Bethhäusern in order to cleanse all not-officially-integrated cemeteries in Upper Austria of their non-Catholics bodies. Since all Protestants in the region were members of an existing parish, he argued, it was there rather than in their local municipal (Catholic) cemetery that they should be buried.

The Priest

To understand why the von Jenny case rather than another came to the bishop’s attention also requires us to turn our attention to the priest in Schwanenstadt, Jakob Reitshammer. Reitshammer was no ordinary member of the lower clergy, destined to spend his years a parish priest. Rudigier and he had studied together at the elite Frintaneum in Vienna in 1839. After receiving his doctorate in theology, Reitshammer returned to Upper Austria to work at the Stadtpfarre in Linz and teach at the seminary.

248 Verordnung über die Einpfarrung der in der Provinz Österreich ob der Enns und Salzburg wohnenden akatholischen Glaubensgenossen zu bestimmten Bethhäusern, issued 17 January 1849. Fischer took office on 1 January of the same year. The decree can be found inside a letter from Rudigier to Kreil, 23 June 1858. OöLA StPr XI F, Sch. 424.
His posting in Schwanenstadt between 1853 and 1856 can be seen as a ‘standard’
interlude of practical training (he continued his teaching duties throughout) before
again returning to Linz to take on a higher position in the diocese administration.
Indeed, soon after the incident with von Jenny, Rudigier called on Reitshammer to
lead the effort in organizing the post-Concordat ecclesiastical marriage courts
\((Ehegerichte)\)\(^{249}\) and the school oversight boards. Unlike his two predecessors in the
parish, who each served long terms as priest in the parish,\(^{250}\) Reitshammer suspected
his stay would be short and was thus more interested in demonstratively defending the
interests of the Church than in maintaining harmony among his parishioners. While his
predecessors regularly let the Protestant priest from Rutzenmoos preside over funerals
without a fuss, Reitshammer instead brought the von Jenny case to Rudigier’s
attention.

**Concepts of Community**

Fridolin von Jenny’s burial took place at a time when the Catholic Church
faced increasing scrutiny of its policies in the wake of the Concordat. On the issue of
cemeteries and burial practices, public outrage became especially pronounced after
Cardinal Rauscher, Bishop Ignaz Feigerle of St. Pölten, and Rudigier jointly issued a
pastoral letter in February 1856, which sought to clarify Church policy in light of the
Concordat. The bishops wrote,

\(^{249}\) Under the Concordat, all matters relating to Catholic marriages were heard in an ecclesiastical
rather than secular court.

\(^{250}\) Reitshammer’s two predecessors, Norbert Petermandl (1817-42) and Simon Pumberger (1843-
der katholische Pfarrer [hat] bei dem Leichenbegräbnis eines Akatholiken in keiner Weise mitzuwirken: er darf also nicht gestatten, daß die Glocken des katholischen Gotteshauses geläutet werden; er muß jede Zumuthung ablehnen, die Leiche, sei es auch ohne Zeichen seinen kirchlichen Amtes, zu begleiten und dadurch den Schein anzunehmen, als übe er bei einem nicht katholischen Christen eine seelsorgerliche Amthandlung. In Gegenden, wo akatholische Gemeinden bestehen und dieselben einen eigenen Friedhof besitzen, ist in keinem Fall zu gestatten, daß ein Akatholik auf dem katholischen Gottesacker beerdigt werde.²⁵¹

Whereas Josephinist law had sought to unify the parish and the commune — both are ‘Gemeinde’ in German —, the bishops now aggressively sought to separate the two.

In a rare show of public disagreement in the 1850s, a series of articles appeared in the state-run Wiener Zeitung attacking the pastoral letter. In the articles, the authors avoid the use of “Gemeinde” at all costs, instead emphasizing the municipality (Ortschaft) as the central organizing principle for cemeteries. Juxtaposing the Concordat and the pastoral letter of Rauscher with Josephinist legislation, they commented,

die Gesetzgebung Kaiser Josephs II...ging von dem ganz entgegengesetzten Gesichtspunkt aus, daß die Errichtung gemeinsamer Friedhöfe für Katholiken und Akatholiken zu begünstigen sei.... Sie gestattete ferner den Akatholiken, sich bei Begräbnisse ihrer Glaubensgenossen des katholischen Geläutes zu

²⁵¹ Pastoral letter from 25 February 1852. OöLA StPr XI F, Sch. 424.
After the Concordat and even well into the 1870s, the Catholic Church refused to move from its position and conflicts between the local authorities and the Church over who could be buried in a local cemetery continued. Even as late as 1876, the parish priest in Braunau, a medium-sized town along the Austro-Bavarian border, refused the burial of a prominent liberal and Protestant, Jakob Schönthaler, along the same grounds.253

The Tombstone

The von Jenny case, however, did not end with Fridolin’s funeral and the Church’s demarche. Knowing that the funeral had taken place before the final signing of the Concordat, Susanna von Jenny, no doubt spurred on as much by her liberal compatriots as by her own anger, decided to take the matter one step farther: she asked that a tombstone be placed on her husband’s grave. In October of 1856, over a year after the funeral had taken place, Susanna wrote to the Statthalterei complaining, “das hiesige Pfarramt will, unter Berufung auf den neuen Begräbnis-Vorschriften, zu

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252 Wiener Zeitung, 6-8 June 1856. The diocese filed copies under DAL CA/10, Fasz. L25, Sch. 26.

253 Just as in the von Jenny case, however, the local administration fought the Church and won. Schönthaler was a prominent merchant and a leader of the Protestant community. Bezirkshauptmann Braunau to SHL, 9 April 1876. OöLA StPr XI F, Sch. 425. As the Pfarrchronik Braunau records, he was buried “mit Gewalt” in the local cemetery. (Emphasis in the original). Cited in, Slapnicka, Politische Führungsschicht, p. 195.
meiner unaussprechlichen Kränkung, dies nicht dulden.”

The Statthalterei was in no mood to again quarrel with the Bischöfliches Ordinariat, however, and, after a rather half-hearted inquiry, replied that a gravestone “nach den kirchlichen Bestimmungen nicht zulässig ist.” Susanna did not let the matter rest, even as she was turned down at each successive appeal.

Finally, in April 1858, she wrote to the only figure in Austria that still stood above both church and state: the emperor. In her letter to Francis Joseph, she retold the story of Fridolin’s death, the funeral, the treatment she received at the hands of her Church (she was, after all, Catholic), the distance to the Protestant cemetery Rutzenmoos, and the cemetery laws of 1788. She then pointed out that both her husband’s death and the funeral had taken place before the signing of the Concordat and thus should not be subject to its provisions, and, moreover, that the laws of 1788 permitted Protestants to mark their grave with “das ihrer Religion entsprechende Zeichen — ein Kreutz, einen Stein.” Just as importantly, she added, her father and grandfather, both Protestant, were buried with gravestones in the same cemetery. Protestants in Vienna and elsewhere seemed to have no trouble receiving their last rights in local cemeteries, “nur im Kronlande Österreich ob der Enns scheint man eine

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254 Von Jenny to SHL, 20 October 1856. OöLA StPr XI F, Sch. 424.
255 SHL to Bezirksvorsteher, Schwanenstadt, 24 October 1856. OöLA StPr XI F, Sch. 424.
256 By April 1857 the matter had made it to the Ministry for Religion and Education in Vienna. See Thun to SHL, 5 April 1857. OöLA StPr XI F, Sch. 424.
Ausnahme davon machen.” The Church, she concluded, was overstepping its jurisdiction and the laws of the state were being treated disrespectfully.²⁵⁷

Emperor Francis Joseph dutifully read the complaint, wrote a short note, and delegated the matter to his Minister for Religion and Education, Leo von Thun und Hohenstein. Thun now began a new — the third — investigation into the matter. As in 1855, the ministry turned up many of the same documents and soon faced the same problems and questions as the Statthalterei three years earlier. In its final decision, however, the ministry could count on the only unquestionable source of law in the Monarchy, the emperor, who finally ruled personally on the matter:

Wiewohl die katholische Kirche der kirchlichen Autorität unterstehen, so hege Ich doch zu den Bischöfen das volle Vertrauen, daß sie dabei nicht anders als mit billiger Erwägung aller Verhältnisse und Rücksichten vorgehen werden. Sie haben also der Witwe Susanna v. Jenny bedeuten zu lassen, daß sie wegen des Denkmals, welches sie ihrem verstorbenen Gatten auf dem Kirchhoffe zu Schwannenstadt zu setzen wünscht, sich an den Bischof von Linz noch einmal geziemend zu wenden habe, und über den Erfolg Mir seiner Zeit zu berichten.

Thun passed the emperor’s decision on to the Statthalterei in Linz, which in turn passed it on to Susanna. Thun added that he had been in contact with the Bishop of Linz, who now declared himself willing to allow the gravestone on the condition that it can contain only the name and the dates of birth and death. To Susanna von Jenny, Thun stressed that the bishop’s approval very much depended on whether she

²⁵⁷ Von Jenny to Franz Josef, OöLA StPr XI F, Sch. 424.
presented her request “wirklich in geziemender Weise ... und ihre Bitte auf das Maß beschränke, in welchem der Bischof sie bewilligen kann.” Cognizant of the tense mood in Schwanenstadt, Thun added,

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\text{Was aber der Schonung der kirchlichen Autorität anbelangt, so wird es sich abgesehen von dem anständigen Benehmen der Bestellerin, insbesondere darauf ankommen hintan zu halten, was den Anschein verbreiten könnte, als handle der Bischof nicht aus freier Selbstbestimmung, oder was den Verlauf der Sache als einen Sieg über den Bischof in den Augen des gläubigen Volkes erscheinen lassen könnte.}^{258}
\]

Nevertheless, Rudigier had ‘lost’ and it is doubtful that this fact was lost on anyone in Schwanenstadt. A few weeks later Susanna indeed wrote to the Bischöfliches Consistorium with a flurry of predilections, asking for permission to erect a gravestone, to which Rudigier replied with a rather cold, short letter asking for its exact dimensions. Susanna held to her end of the bargain — small, with only name and dates of birth and death — and Rudigier finally approved.\(^{259}\)

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Although Susanna won her case, it was not without consequences for the Catholic Church or its opponents. For the Church, small challenges like this only served to heighten its resolve in enforcing the Concordat with a vigor and attention to

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\(^{258}\) Thun to (Eduard v.) Bach, 8 June 1859. OöLA StPr XI F, Sch. 424.

\(^{259}\) All correspondence from July 1859. OöLA StPr XI F, Sch. 424.
detail that regularly led to liberal protests well into the 1860s. Four years later, for example, when August von Jenny, the only son of Susanna and Fridolin and, like his father, a Protestant, died, Susanna again wrote her son-in-law Moritz von Mayfeld. This time, however, the response from the Church came swiftly and effectively: August was buried in Rutzenmoos. For liberals, however, such incidents — and they were not isolated — meant that a portion of the anti-clerical laws in May 1868 had to focus on cemeteries:

\[Keine\ \textit{Religionsgemeinde}\ \textit{kann}\ \textit{der}\ \textit{Leiche}\ \textit{eines}\ \textit{ihr}\ \textit{nicht}\ \textit{Angehörigen}\ \textit{die}\ \textit{anständige}\ \textit{Beerdigung}\ \textit{auf}\ \textit{ihr} \textit{Friedhof} \textit{verweigern}:\]

\begin{enumerate}
\item \textit{wenn es sich um die Bestattung in einem Familiengrabe handelt, oder wenn}
\item \textit{da, wo der Todesfall eintrat oder die Leiche gefunden wurde, im Umkreis der Ortsgemeinde ein für Genossen der Kirche oder Religionsgenossenschaft der Verstorbenen bestimmter Friedhof sich nicht befindet}.\end{enumerate}

Both provisions — on the importance of familial precedence and especially the more precise wording of \textit{Ortsgemeinde} rather than \textit{Gemeinde} — seem tailor-made for the von Jenny case. Even with this new legislation, however, the ‘cemetery question’ was

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\textsuperscript{261} Von Jenny to von Mayfeld, 17 September 1863; and BO to SHL, 17 September 1863. OöLA StPr XI F, Sch. 424.

\textsuperscript{262} RGBl. 49, 25 May 1868, pp. 99-102. See, Österreichische Nationalbibliothek, ANNO, [cited.
far from over, and in many if not most municipalities, a legal battle between the local government and the Church continued for many years to come.²⁶³

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This chapter has focused on two examples to demonstrate the conflict between the Catholic Church and local liberals in the 1850s. The decade was both progressive and reactionary in character, which meant that an ostensible political conservatism and close attachment to the Catholic Church mingled with strong centralizing, rationalizing, progressive and reformist tendencies within the state. Local liberal elites where able to use these inconsistencies to their advantage, presenting a ‘modern’ democratic and rational concept of society that squarely conflicted with that of the Church. In the case of hospitals, an older concept of health care that seemed infused with Catholic ideals of an organic society, began to give way to a more ‘modern’ medical sensibility, with patients separated by both disease and social class. In the conflict over Fridolin von Jenny’s burial, two concepts of community — of Gemeinde in its political and religious connotation — came into conflict. Here, the democratic and multi-confessional ideals of the political community came up against the hubris of a Church seeking to consolidate its power in the aftermath of the Concordat. This difference between the hospitals and cemeteries is important: if the conflict over

hospitals emerged as a simple question of old and new — or, better, of ‘outdated’ and ‘modern’ — then the conflict over Fridolin von Jenny’s grave demonstrates that the Church was also in the process of remaking itself, of instilling new ideals — Ultramontane and stridently independent from any political order — among both its clergy and its parishioners. Both conflicts thus show not only the often hidden liberal-clerical conflict of the 1850s but also the increasing self-confidence of a Church trying to re-invent itself in an Ultramontane and post-Josephinist manner.
Interlude: The *Kulturkampf* in Upper Austria, 1860-1874

Before delving into the next two chapters, it makes sense to present a brief overview of church-state and conservative-liberal conflict in Upper Austria during the 1860s and 70s. The military defeat suffered by the Habsburg Monarchy against France at Solferino in 1859 severely weakened the power base of the neoabsolutist regime. Over the course of the 1860s, liberals began to systematically take advantage of this weakness, asserting greater control in both provincial and national affairs. The October Diploma of 1860 reestablished the provincial Diets and allotted them much leeway in managing their own affairs. Although the February Patent of 1861 subsequently dampened these powers, the restoration of the Diets nevertheless gave liberals a powerful platform for articulating their views. A second military defeat, at Königgrätz (Hrádec Kralové) to Prussia in 1866, then led to the state structure that would subsequently accompany the Dual Monarchy until its demise after the First World War: Dualism. The dualist arrangement (*Ausgleich*) of 1867 created “Austrian” and “Hungarian” halves within the Monarchy, joined only by a common ruler, and common ministries of foreign affairs, war and finance. In Cisleithania, the Monarchy’s western half, liberals quickly assumed control of the government. More importantly, a new Austrian Basic Law (*Grundgesetz*) came into being that same year – also known as the December Constitution – which brought with it a constitutional monarchy with
two parliamentary houses, an independent judiciary, and the equality of all citizens and recognized confessions before the law.

For the Catholic Church, such measures had severe repercussions. Equality for all citizens and confessions meant that the privileged position of the Roman Catholic Church was under attack. The new liberal government began to use its powers immediately, passing a series of anti-clerical laws in May of 1868 that explicitly sought to remove any remaining privileges of the Catholic Church. The so-called ‘May Laws’ removed elementary and secondary education from control of the Catholic Church, placing both under state supervision; they reaffirmed the equality of all religious bodies and the legal possibility of civil marriage for Catholics, and, as already mentioned above, they regulated burial practices. The 1867 Basic Law and the 1868 May Laws quickly became objects of clerical scorn: The liberal government seemed to desire nothing less than the Church’s “comprehensive humiliation,” commented the Catholic-conservative *Vaterland*.264

A second set of laws in 1874 went even further. These reversed the liberal principles of religious equality enshrined in the 1867 Basic Law and 1868 May Laws and reestablished a series of state controls and restraints over the activities of the Catholic Church. In doing so, the liberal government argued that a complete separation of church and state in Austria would turn the Catholic Church into a private society, leaving it wholly outside government control, which was a much too dangerous fate for so powerful a social institution. Rather than a return to Josephinism,

264 Quoted in, Okey, *Habsburg Monarchy*, p. 211.
however, these laws were designed to limit the scope of the Catholic Church’s activities while granting it large freedoms within what the government considered the Church’s sphere of influence: religious teachings and services, Church laws and its constitution, discipline of the clergy, control of its rituals, and jurisdiction over the priestly seminaries — i.e., ‘internal’ affairs — were to remain outside of state jurisdiction; the appointment of new priests and bishops, the publication of pastoral letters or encyclicals, and — most importantly — the administration of the Josephinist Religionsfond from which priests were paid and parishes financed, were deemed ‘external’ affairs and required state oversight and approval.\footnote{The government’s very interesting Motivenbericht on the 1874 laws can be found in, Georg Franz, Kulturkampf. Staat und katholische Kirche in Mitteleuropa von der Säkularisierung bis zum Beschluß des preussischen Kulturkampfes, (Munich, 1954), pp. 148-149. Also see the analysis in, Vocelka, Verfassung oder Konkordat, pp. 170-176.} Karl von Stremayr, the Minister for Religion and Education at the time of the legislation, commented aptly that while it was not in the state’s interest to create a ‘second’ bureaucracy, the government also sought to prevent, “daß aus den Dienern Gottes Mandatare der staatsrechtlichen Opposition werden.”\footnote{Quoted in, Franz, Kulturkampf, p. 151.}

It is also important to emphasize that the conflict between church and state in Austria was by no means unique; rather, it was part of a greater European reorientation in which both parties — the Catholic Church and the liberal state — sought to reorient the Church’s role in society and the polity. Indeed, similar conflicts were well underway in Italy, Spain, France and parts of Germany — as well as in the Hungarian half of the Monarchy — and these parallel developments gave both sides immense
feelings of international solidarity.\textsuperscript{267} Liberal anti-clericals argued that countries began “to progress at an amazing rate as soon as they freed themselves from clerical tutelage (\textit{geistliche Vormundschaft}),” whereas in Naples and other states, where the clergy had ruled until recently, “the inhabitants are stuck fathoms deep in superstition, ignorance, sloth,…and destitution.”\textsuperscript{268} Both the escalation of the \textit{Kulturkampf} in Bismarck’s Germany after 1871 and the March on Rome by the Italian government in 1870 — which left Pope Pius IX a “prisoner of the Vatican” — were events intensely experienced in Upper Austria, providing much of the ideological and verbal fodder for the \textit{Kulturkampf} there. Indeed, the image of Pius IX ‘trapped’ within the encroaching liberal Italian state served as a consolidating metaphor for a whole generation of Catholics who saw the pope’s suffering as both a symbol and an extension of their own plight.

This national and international constellation provided an auspicious backdrop as the \textit{Kulturkampf} ‘arrived’ in Upper Austria. In the spring of 1869, the Upper Austrian Diet began discussing how to implement the 1868 May Laws on schools, marriages, and confessional equality in the province. Rudigier, as bishop, was an automatic

\begin{quote}

268 "Vor der Geschichte – und vor Gott," \textit{Morgen-Post},

\end{quote}
member of that body, and as each new piece of legislation was submitted, the arguments between the bishop and liberal parliamentarians grew more agitated, especially over the schools question. To this one must add two further factors: First, the founding of the Liberal-Politischer Verein and the conservative Katholisch-Patriotische Casino in Linz in 1869/70, which, though they should not be thought of as full-fledged political parties, nevertheless gave each side a new organizational platform from which to operate. And, second, the launching of the Catholic daily Linzer Volksblatt in January 1869, which meant that the political deliberations of the Diet were much more widely circulated. Unlike in past years, when the Diet had only been covered by the liberal Tages-Post, founded in 1865, conservative Catholics now had their own powerful public pulpit from which to comment on the proceedings.

In the midst of this strained political climate, Upper Austria experienced three provincial elections in quick succession between July 1870 and December 1871. The first of these, held in July of 1870, was critical in merging discontent ‘from below’ with abstract politics ‘from above.’ Different streams and movements – anti-clerical, anti-liberal, anti-state, anti-Josephinist – having first come together in the liberal Verein and conservative Casino, now began to resemble political blocs as delegates sided with either one or the other association. The liberal press attacked the Statthalter Hohenwart for his increasingly conservative views while the clericals were taunted as Ultramontane sheep in a papal flock. (The election took place just weeks prior to the

\[269\] Many bishops in the Habsburg Monarchy enjoyed an unelected “Virilstimme” in “their” provincial Diet.
final vote on infallibility in Rome). Yet in their first truly organized election, the Catholic-conservatives did well, gaining thirteen seats, mostly in rural communes, so that the Diet now had twenty Catholic-conservatives sitting opposite thirty liberals.

The second election, held in September 1871, came about as a result of political maneuvering in Vienna. In 1871, the more conservative and federalist Hohenwart, fresh from his tenure as Statthalter of Upper Austria, was asked to form a new government there. Within the space of a few months, the new government dutifully dissolved provincial Diets with liberal majorities and called for new elections. In the midst of the resulting confusion, a well-organized Catholic-conservative faction using more modern electoral tactics and enjoying quite a bit of luck, took power from the unprepared liberal camp in the Diet for the first time since it was reconstituted in 1860. When the Diet opened, twenty-nine clericals sat opposite twenty-one liberals. The latter party, incensed, declared the election and its resulting Diet illegal. When, in November 1871, the government in Vienna changed hands for the second time that

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270 Slapnicka, Christlichsoziale, p. 37.

271 For an overview of elections and seat distributions, see, Table 2, above. Until 1909, the Upper Austrian electorate was divided into four curia: rural (Landgemeinden) (19 seats), urban (Städte) (17 seats), chamber of commerce (Handelskammer) (3 seats), the noble landowners (Großgrundbesitz) (10 seats), and the bishop (1 seat). The clericals tended to win the rural seats, the liberals the urban seats and the chamber of commerce. Thus all hinged on the nobility. Slapnicka, Oberösterreich unter Kaiser Franz Joseph, p. 78.

272 Hohenwart had been a leading figure in organizing the Upper Austrian Großgrundbesitz and was even elected to the Diet from that curia in the 1870 elections. Slapnicka, Politische Führungsschicht, pp. 116-117.

273 At the time of the September 1871 elections, the noble curia went conservative while the chamber of commerce was in organizational disarray. Internal squabbling prevented the chamber from choosing a new leader and three delegates for the Diet. Slapnicka, Oberösterreich unter Kaiser Franz Joseph, p. 158.

274 Slapnicka, Oberösterreich unter Kaiser Franz Joseph, p. 158.
year – this time headed by the liberal Prince Adolf Auersperg – the liberals used the same tactics to dissolve provincial Diets dominated by Catholic-conservatives, including Upper Austria. In these new elections, held December 1871, liberals regained control of the noble curia and thus of the Diet as a whole; the resulting Diet consisted of nineteen Catholic-conservatives and thirty-one liberals.

These next two chapters will focus on this conflict between liberals and the Catholic Church from opposite angles. The first chapter explores how priests fared in the new liberal system. It will explore two sensationalist trials — the well-known trial of Bishop Rudigier from 1869 and the lesser-known libel trial of the Carmelite monk Gabriel Gady in 1872 — as well as a number of less-publicized proceedings involving lower clergy in the years after 1872. The chapter will explore how Catholic priests perceived the state and how they fared within the state’s machinery – the court system. The second chapter, Chapter Four then turns this model on its head, by focusing on how liberals — liberal Catholics, that is — fared within the machinery of the Catholic Church. Here the focus is on that group of dissenting (and overwhelmingly politically liberal) Catholics who refused to accept the dogma of infallibility in 1871 and tried to form the Old Catholic movement in those same years.
Chapter Four. Trials of the Clergy, 1868-1874

This chapter will focus on the years from 1868 to 1874 in Upper Austria, examining how Austrian Kulturkampf made itself felt in the province. The first part examines the most notorious trials: the Rudigier trial, in which the Bishop of Linz was sentenced to a fortnight in jail after one of his pastoral letters was found to incite resistance to the law; and, second, the Gady trial of 1872, in which Pater Gabriel Gady, a Carmelite monk, sued the liberal Linzer Tages-Post after the paper accused him of taking advantage of a young girl in a confessional. Both trials are important in understanding how the dynamics of the Kulturkampf became rooted in local experience and how liberals and clericals sought new modes of behavior to defend their interests. The second part then switches gears from the sensationalist to the everyday, examining fourteen trials involving members of the lower clergy, many of which were not covered in the press at all. This part examines how the sensationalist trials affected the behavior of the priests. Did the priests follow certain strategies of legal or political action? What can these trials tell us about how the often abstract political conflict between church and state translated to the local level, to the small town?
The Rudigier Trial (1869)

On 12 July 1869, a jury in Upper Austria convicted Franz Josef Rudigier, bishop of Linz, of disturbing the public peace; the judge set the sentence at fourteen days in jail. The incriminating evidence consisted of a pastoral letter, written September 1868, in which the bishop had protested the passage of the anti-clerical May Laws of the same year. Both the trial and its resulting sentence became a media spectacle of European if not global dimensions (even Australian newspapers covered the trial). The trial was an important first in a number of ways: it was the first arrest, trial and conviction of an Austrian bishop in recent memory, the first expressly political trial of a member of the clergy in Upper Austria since the liberal constitution of 1867, and the first trial by jury of any kind in Upper Austria since the liberal judicial reforms of 1869 instated the procedure. Both the liberal government in Vienna and the local justice system thus had a great deal of interest in the trial.

The Pastoral Letter

The incident began with Rudigier’s pastoral letter dated 7 September 1868, which sharply criticized the May Laws in blunt but by no means unusual language. The letter was structured in two parts: the first explained the laws themselves in what was, for Rudigier, relatively restrained language. The second half then tackled the question “wie katholische Christen in Betreff derselben zu denken und zu handeln haben?” and here Rudigier attacked the reforms more directly. He emphasized the dual nature of power — temporal and spiritual —, which existed independently of one another. The 1855 Concordat, the document that regulated this relationship in
Habsburg Monarchy, remained binding, he argued, and could not be rendered invalid by new state laws without the consent of the other party, the Vatican. For Catholics, he continued, the Concordat thus remained in force: the Church’s marriage laws still applied; a civil marriage involving a Catholic remained immoral and could not be condoned under any circumstances; state oversight of the school system would invariably lead to the secularization of the youth; and cemeteries were and would remain Catholic, subject only to the secular authorities in matters of building codes and hygiene ordinances. Rudigier’s pastoral letter couched these arguments in a confrontational language that shocked liberal officials not used to such displays.  

What at first angered the authorities was the tone that insinuated the May Laws were heretical lies. Rudigier – and this was cited at every juncture of the unfolding investigation – began his letter with a quote from Cor. 2.11: “But I fear, lest by any means, as the serpent beguiled Eve through his subtlety, so your minds should be corrupted away from the simplicity that is in Christ.” The serpent, Rudigier continued, was the original father of lies, whose purpose it was “Gläubige der christlichen Wahrheit zu entfremden.” It was in this context that Rudigier mentioned the May Laws, “in welchen die Lüge ihre ganze Kraft erprobt.” For liberals, this was a direct attack on the authority of the state, proof that the Catholic Church meant to use its moral voice to undermine the legitimate power of the state.

275 On this point, see the excellent, Gerhart Marckhgott, "Der Hirtenbrief Bischof Rüdigers vom Herbst 1868 zum Konkordatsbruch," Neues Archiv für die Geschichte der Diözese Linz (1993/1994). It is important to remember that the pastoral letter remained sealed and unavailable to the public during until well after the proceedings had ended. See below, p. 147.

276 All biblical quotations are taken from, Bruce M. Metzger and Roland E. Murphy, eds., The New Oxford Annotated Bible, (New York, 1991).
On their own, Rudigier’s sentiments did not fall outside the mainstream of Catholic discourse in the Monarchy around 1868. Even Pope Pius IX had jumped into the fray, issuing an allocution in June of that year, which strongly condemned those who drafted the Austrian legislation while praising those bishops who actively spoke out against it.\textsuperscript{277} Indeed, a fair number of bishops were already publicly and privately protesting the laws. The bishop of Brünn (Brno), Anton von Schaaffgotsche, had written in the clerical \textit{Das Vaterland} just weeks after passage of the laws that,

\begin{quote}
the new civil marriage law can in no way supercede canonical law regarding the marriage. The rules and regulations prescribed by the Church continue to be the standards of conduct which the Catholic is to observe in this matter.\textsuperscript{278}
\end{quote}

In a similar vein, Bishop Joseph Feßler of St. Pölten had remarked that the Concordat remained ecclesiastical \textit{and} state law, regardless of the present legislation;\textsuperscript{279} Cardinal Rauscher in Vienna had sharply criticized the new legislation;\textsuperscript{280} and the emperor never signed the laws.\textsuperscript{281} Indeed, by the time he wrote the infamous pastoral letter, Rudigier had himself already twice commented on the legislation himself, writing at one point,

\begin{quote}
Wenn Staatsgesetze kommen sollten..., die mit dem Dogma in
\end{quote}

\textsuperscript{278} \textit{Vaterland}, 11 June 1868. Cited in France, "Kulturkampf in Austria," p. 159-161.
\textsuperscript{281} Judson, \textit{Exclusive Revolutionaries}, p. 133.
And in a second article, he emphasized that “die Gesetze der Kirche … nach wie vor in voller Kraft bleiben.” Comparing Rudigier’s statement to that of Schaaffgotsche, it is evident that even if the message was largely similar, Rudigier’s tone was definitely more contentious. However, for those well acquainted with Catholic-conservative discourse on the matter, Rudigier’s pastoral letter certainly would not have seemed out of the ordinary.

Yet while his writings fell into the mainstream of Catholic-conservative criticism, his actions served to set him apart from his peers. Over the course of 1868, Rudigier had become involved in a series of well-publicized run-ins with both the liberal press and the state. He developed a reputation among liberal commentators as, “der Percy-Heißsporn unter den Ultramontanen, der Brunner unter den Kirchenfürsten.” In January 1868, he had reprimanded the editors of the two main regional liberal dailies — the Linzer Tages-Post and the Welser Anzeiger — for their

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284 Percy-Heißsporn (Hotspur), made famous in Shakespeare’s *Henry IV*, was burgher-shorthand for a tragic (ironic) rebel without a cause; Brunner, of course, is the notorious Sebastian Brunner, editor of the Ultramontane and anti-Semitic *Wiener Kirchenzeitung. Neue Freie Presse*, 27 February 1868; cited in, Vocelka, *Verfassung oder Konkordat*, p. 106.
anti-clerical leanings and threatened them with censorship if they did not change their tone, a power he theoretically still enjoyed under the Concordat. Rudigier had also come into conflict with the Statthalterei in February and March of 1868. After the Ministry of the Interior issued the first of several decrees requesting that priests’ political pronouncements be closely watched, Rudigier wrote a flurry of letters to the local Statthalterei and published several articles in both the Katholische Blätter and the Diözesanblatt (the Linzer Volksblatt did not yet exist) arguing, “dass das Staatsgesetz eine verbindliche Kraft nicht haben, wenn es den Grundsätzen der Religion zuwider ist.” As these examples show, by the time the pastoral letter appeared in September, both the liberal press and the local authorities must have been well aware of Rudigier’s opinions and his rhetoric.

Rudigier and the Liberal Regime

Then why would the state authorities single out what was merely another pronouncement by the bishop on the matter for such harsh treatment? Here it is important to emphasize the political constellation of the time and to single out a key

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285 As Neue Freie Presse commented, such censorship was still within Rudigier’s legal grasp, as those parts of the Concordat had not been revoked through the new Basic Law of 1867. The incident quickly became a minor cause célèbre, widely covered in the Austrian press. Linzer Tages-Post, 4 January 1868; Neue Freie Presse, 8 January 1868. Also see, Meindl, Leben und Wirken, vol. I, pp. 689-690; Vocelka, Verfassung oder Konkordat, p. 106.

286 “Wo Verletzungen der öffentlichen Ordnung durch Wort und That vorkommen, sollen sie ungesäumt die gesetzliche Amtshandlung zur Folge haben,” was the blunt wording of the SHL decree on the matter. Marckghott gives no date for the correspondence between the Ministry of the Interior and the Statthalter, though he implies that the order arrived in the early days of September. The documents cited in Meindl make February or early March 1868 a more likely date, i.e., in connection with the build up to the May Laws and publication of numerous pamphlets for and against. Marckghott, ”Hirtenbrief,” p. 64; Meindl, Leben und Wirken, vol I, pp. 689-690.

figure, who, in the late summer and fall of 1868, was relatively new to Upper Austria: Karl von Hohenwart zu Gerlachstein. Hohenwart had been appointed *Statthalter* of Upper Austria in July of that year by the liberal ‘Bürger Ministry’ headed by Karl von Auersperg. Although he is best remembered as Minister President of the short-lived conservative government in 1871 (and as failed architect of a pro-Czech Bohemian compromise), as *Statthalter* between 1868 and 1871, Hohenwart towed a much more radical anti-clerical line.\(^{288}\) The new Bürger Ministry, as Pieter Judson has argued, was above all plagued by the challenge of “institutionalizing the *Rechtsstaat* in all areas of public life,” and the most complicated aspect of this process, or at least the one where the backing of the crown was most unsure, consisted of implementing confessional equality by confronting the existing privileges of the Catholic Church.\(^{289}\) From the outset of his appointment, Hohenwart engaged in heated exchanges with Rudigier over the myriad issues affecting church-state relations. The political climate of those months is well captured in an exchange the two had in the Upper Austrian diet over school laws. After becoming frustrated with Rudigier’s constant interjections, Hohenwart sternly proclaimed:

\begin{quote}
*Das Reichsgesetz vom 25. Mai 1868 ist der Boden, auf dem die Regierung steht, von dem sie nicht weichen darf und von dem sie sich nicht verdrängen lassen wird; jeder Versuch in dieser Richtung müßte zum entscheidenden Nachtheile der Partei*
\end{quote}

\(^{288}\) Harry Slapnicka was the first to notice this, though he barely develops this thesis. See, Slapnicka, *Christlichsoziale*, pp. 67-68.

ausfallen, die ihn wagen sollte; denn er könnte nur zu den Resultate führen, daß die Regierung selbst den gesetzgebenden Körpren jene Maßregeln vorschlagen würde, die sie bisher bekämpft hat.  

When the pastoral letter first arrived on Hohenwart’s desk for routine approval in September 1868, the Bürger Ministry was barely nine months old; the May Laws were only three months old and facing massive resistance within the population; and Hohenwart’s posting as Statthalter was barely a month old. To Hohenwart, Rudigier’s pastoral letter undoubtedly seemed like a fitting opportunity to display the earnestness of the Bürger Ministry’s intentions. After reading the document, he immediately ordered that all copies of the letter were to be confiscated (1,000 of a planned run of 5,000 had already been printed – a large number considering that the province only had 500 parishes); the printing block be sealed; and the bishop charged with disturbing the public peace (“Störung der öffentlichen Ruhe”). “Ins Publikum ist kein Exemplar des Hirtenbriefes gekommen,” Rudigier remarked to Cardinal Rauscher in Vienna, which only fueled the wildest rumors regarding its contents.

It is likely that Hohenwart wanted to make an example of Rudigier but did not necessarily expect the investigation to run its full course, i.e., to lead to the arrest and conviction of the bishop. And, indeed, in the weeks immediately following the

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confiscation, there was much speculation as to how the various branches of the
Austrian court system would react to the proceedings. The Landesgericht in Linz
issued the initial indictment, which argued:

Wer es wagt ... der Regierung und Staatsverwaltung so
unehrenhafte Beweggründe und Absichten zu unterstellen, wie die
Absicht der Entchristlichung der Jugend und der Förderung ganz
unsittlicher Verhältnisse, wie der Gedanke, die Kirche habe
überhaupt kein Recht, auch kein Recht nur zu existieren, wie der
Vorwurf, die Regierung verletze den göttlichen Willen, wer den
für alle österreichischen Staatsbürger ohne Unterschied
verbindliche Staatsgesetzen die verbindende Kraft abspricht und
lehrt, diese seine Lehren und Rathschläge in Tausenden von
Briefen, sowie durch die angeordnete Vorlesung in den Kirchen
verbreiten will, von dem muss gesagt werden, dass er ... zum
Hasse gegen die Regierung ... und zum ... Widerstande gegen die
Gesetze aufzufordern ... sucht.²⁹²

Hohenwart could not have foreseen the tenacity with which the various branches of
the provincial administration would pounce on one of their oldest and most disliked
adversaries. The case offered state prosecutors, judges and other officials — most of
them with liberal sympathies — a release for years of pent-up anti-clerical frustration.
Indeed, after Hohenwart spoke publicly on the matter for the first time, Rudigier
observed that, “seine Anschauung viel milder als die des Gerichtes [sind].”²⁹³

²⁹² Beschluss des k.k. Landesgerichtes, 18. September 1868. Cited in Meindl, Leben und Wirken,
Rudigier immediately appealed the indictment of the lower court, arguing that he did not recognize the authority of state officials to proceed with the case: as an Austrian bishop making a pronouncement on expressly religious matters, he remained wholly outside their jurisdiction; and unless the authorities invoked § 14 of the Concordat, which permitted the arrest of ecclesiastical authorities when they broke state laws, he would refuse to recognize the legitimacy of their trial. The catch, of course, was that by invoking § 14, the court needed to recognize the fundamental authority of the Concordat. Furthermore, he continued, the pronouncements he had made on the morality of the new laws — that civil marriage was, for example, an “immoral state of affairs” — were expressly those of the Catholic Church and thus could not in themselves be subject to prosecution. “In dem Augenblick, als ich erkläre, die Civilehe sei ein sittliches Verhältnis, hörte ich auf, ein katholischer Bischof, oder auch nur ein katholischer Christ zu sein.” Using similar arguments, Rudigier justified his refusal to participate in the investigation nor to appear at any of his court dates.

The case was delegated to the Oberlandesgericht, which, surprisingly to many observers, upheld the decision of the lower court. It argued that although the

294 Re-reading the Concordat in light of the Rudigier case shows just how muddled it was: definitive in declaring that matters pertaining to the Church could only be handled in an ecclesiastical court, yet vague in defining where the exact border between the secular and ecclesiastical authorities lay. See §§9-15. The Concordat is reprinted in, Weinzierl-Fischer, Konkordate, pp. 250-258.


296 Surprising at least to the conservative and Catholic press, which saw the local courts as the domain of renegade liberals but were fairly certain that higher courts would issue a decision. Celerin, “österreichische Katholikentage,” pp. 20-21.
emperor had accorded the bishops certain rights, privileges and jurisdictions within
Austrian law, it did not place these outside its legal framework; thus disturbing the
public peace remained an offense of which even a bishop in the Catholic Church could
be accused of. Furthermore, because § 14 of the Concordat privileged one religious
congregation, it conflicted with the new Basic Law of 1867, which made all
individuals equal before the law and prohibited granting special status to any one
religious congregation. After the decision, the press went into high gear, speculating
on the contents of the pastoral letter, and the pros, cons and repercussions of a trial.

In the midst of this flurry of speculation, the prosecutor’s office stalled, unsure
how to proceed. While Rudigier had repeatedly stated that he did not recognize the
court’s jurisdiction and thus would not cooperate with any investigation, the use of
brute force in getting the bishop to cooperate would only incite a scandal. By the
spring of 1869 there was even speculation that the case would probably be dropped.²⁹⁷
Nine months had passed since the confiscation of the original pastoral letter and more
than a year since the passage of the May Laws. Moreover, similar proceedings against
Cardinal Schwarzenberg in Prague had also gone all the way to the Oberlandesgericht
before being dropped by the prosecution in Prague and in the spring of 1869 rumors
circulated that proceedings against Rudigier’s case would suffer the same fate.²⁹⁸

²⁹⁸ Slapnicka, Christlichsoziale, p. 68. The question of whether to prosecute bishops for
inflammatory pastoral letters was discussed by the government at least since the viciously anti-Protestant
1861 pastoral letter from the bishop of Trent. See, Stefan Malfèr, ed., Die Protokolle des
Österreichischen Ministerrates. V. Abteilung. Die Ministerien Erzherzog Rainer und Mensdorff, vol. 6:
4. Mai 1863 - 12. Oktober 1863, (Vienna, 1989), pp. 143-144, 213-217. Also see, more generally, Josef
The constellation of international, national and local events surrounding the trial provided a curious backdrop as the prosecutor’s office debated the fate of the case in the spring of 1869. To begin with the international: In April 1868, the Vatican announced a new general council — the first since the Council of Trent in the sixteenth century — and invited all Catholic bishops to Rome for the Vatican Council, to begin December 1869. Though it was generally well known that infallibility would be the main issue, whether it would pass and how a final declaration might be worded remained a subject of debate in the liberal press throughout 1868 and 1869. Austrian bishops, though hardly as well organized as their German counterparts, tended to side against any official declaration of infallibility. Indeed, three of the leading Church figures in the Monarchy, Cardinals Schwarzenberg of Prague and Rauscher of Vienna, as well as Bishop Strossmayer from Djakovo in Croatia, all became leading figures within the so-called anti-infallibility “minority” in Rome during the actual council. Rudigier, whose unwavering support for Ultramontanism was well known, kept an unusually low profile in the debates, speaking little on the issue and almost never in a public forum.299

On a national and local level, public attention in Upper Austria during the spring of 1869 remained focused on the May Laws. The provincial Diet, back in session, began drafting legislation to implement the laws locally and the debates were widely covered in the press. In the first half of 1869, while the prosecutor’s office remained

unsure of how and whether to proceed, a public debate began on school laws, during which Rudigier repeatedly brought liberals’ worst fears to life: he refused to recognize the new May Laws as binding and, in effect, called for a campaign of civil disobedience to protest their passage.\textsuperscript{300} Especially controversial was Rudigier’s stance of not permitting his clergy to participate in the post-May Law school councils.\textsuperscript{301} The new laws, he argued, gave the state final jurisdiction over all school matters, including the appointment of teachers and the curriculum generally, and religious instruction specifically. Such a law, as he saw it, compromised the Church’s independence, and he thus ordered his priests not to participate in their implementation in any way.\textsuperscript{302}

**The Trial**

In May, the prosecutor’s office decided to again try and question Rudigier, issuing him a summons to appear in their offices. Rudigier again declined, this time citing a recent papal allocution supporting his position.\textsuperscript{303} On 14 May and 1 June, city officials visited the bishop with several gendarmes in tow, each time threatening to use


\textsuperscript{301} Rudigier’s writings and speeches on the school question can be found in, Doppelbauer, ed., *Politische Reden*, pp. 285-476. For the period from 1869 to 1872, see, pp. 330-385.

\textsuperscript{302} Meindl, *Leben und Wirken*, vol. II, pp. 41-43.

force in bringing the bishop to the courthouse but backing down at the last moment.

On 5 June, the mayor, Viktor Drouot, personally led a small army of gendarmes to the bishop’s residence and took Rudigier in for questioning.\textsuperscript{304} While in custody, the bishop refused to answer any questions other than to state that the secular courts had no jurisdiction in the matter. An hour later he was back at his residence.\textsuperscript{305}

Two and a half weeks later, on 24 June, came Rudigier’s official indictment; the court date was set for 12 July. As before, Rudigier first informed the court that he did not recognize its authority and would not appear unless a reasonable display of force was involved. This time, however, he was unsure what effect his actions could have. Could a trial take place without the accused? Should he thus meet with his court-appointed lawyer and plan a defense? Should he hire his own lawyer? He wrote to Cardinal Rauscher in Vienna asking for guidance, who responded that since Austrian law permitted a trial to take place without the accused, he did not think another attempt would be made to force Rudigier to appear.\textsuperscript{306} He advised Rudigier, however, to accept the court-appointed lawyer and also to meet with him in order to explain the Church’s position. The lawyer, Rauscher advised, needed to clearly articulate

\textsuperscript{304} Rudigier made sure there was a “use of force” – Drouot pulled at the bishop’s sleeve – before he surrendered to the authorities. The actual day of Drouot’s visit was kept secret, in fear that large and unruly crowds might gather outside the residence. The police was there both to present, in Rudigier’s words, “\textit{Gewalt, welche mich physisch bewältigen konnte},” and to keep calm on the streets. On the actual date there were a fair number of spectators, but the police easily held them in check. See the coverage in the \textit{Linzer Tages-Post} and the \textit{Linzer Volksblatt} in the weeks after 5 June 1869; some of the press coverage is also included in, Meindl, \textit{Leben und Wirken}, vol. I, pp. 750-754.


Rudigier’s position in court and explain his failure to appear.\(^{307}\) The lawyer appointed by the court, Carl von Kissling, was a prominent local trial lawyer and notary active in liberal circles.\(^{308}\) Kissling met twice with the bishop before trial and undoubtedly tried to represent his client’s views, though, as he continued to emphasize throughout the trial, “die Ansichten des Herrn Bischofs meine Ansichten nicht sind.”\(^{309}\) Kissling was not the right man for the job.

The trial itself lasted the better part of the day, beginning at nine in the morning and ending around seven in the evening. Rudigier, true to his word, did not appear and thus the trial began with a short lecture by the judge on the importance of §55 of the civil code, which permitted a jury trial even when the accused failed to appear. The trial, the first presided over by a jury in Upper Austria since 1848, led the judge to then continue the proceedings with a second rather celebratory lecture on the importance of liberal jurisprudence. After some time, the initial indictment, along with the accompanying decisions of the Landes- and Oberlandesgericht were read and the prosecution, led by the district attorney, Joseph Elsner, took the stand. Elsner outlined the case against Rudigier, emphasizing that the matter at hand had nothing to do with any religious pronouncements the bishop had made in the matter, nor with the explicit


\(^{308}\) Kissling was active in various associations and liberal societies, including the Liberaler Verein from which he abruptly resigned in August 1870. Over the course of the next two decades, Kissling became increasingly active in religious politics. In 1889/90 founded the Verein zur Bekämpfung des Antisemitismus with an accompanying periodical, the aim of which was especially to combat anti-Semitism within the Catholic Church. See, Carl Emil von Kissling, Offenes Schreiben an den Hochwürdigen Herrn Johann Hauser, Redacteur des "Linzer Volksblattes," (Linz, 1893); Jacob Toury, "Anti-Anti 1889/1892," Leo Baeck Institute Yearbook XXXVI (1991).

\(^{309}\) From Kissling’s opening statement in the trial, 12 July 1869. A full transcript can be found in Meindl, Leben und Wirken, vol. I, pp. 769-800, here 787.
comparison Rudigier had made between the May Laws and Catholic doctrine that many saw as the pastoral letter’s core affront. Rather, Rudigier’s offense began when he transcended the boundaries between church and state because this called into question the state’s authority, which was an illegal act.\textsuperscript{310} This transgression, Elsner added, though not explicit, could easily be garnered, “\textit{in dem Sinne verschiedener Stellen in ihrem Zusammenhang}.” Furthermore, by planning to have the pastoral letter read to all Catholics – theoretically over ninety percent of the province – the bishop was inciting the populace “\textit{zum Hasse, zur Verachtung gegen die Staatsverwaltung}.”\textsuperscript{311} This, Elsner then argued, transgressed the law.

\begin{quote}
Hier ist den Gläubigen zur Richtung ihres Denkens und Handelns betreffs der Mai-Gesetze gesagt worden: Dass ein Gesetz der verbindenden Kraft entbehre, wenn es im Widerspruche mit dem göttlichen Willen steht. Mann muss Gott mehr gehorchen als dem Mensch. Es wird daher offenbar zum Widerstande gegen die Mai-Gesetze zu verleiten gesucht.\textsuperscript{312}
\end{quote}

When Kissling took the stand for the defense, he made several specific arguments about the pastoral letter: First, that the views espoused by the bishop were those of the Church in general – his words merely repeated statements made elsewhere. Second, as leader of Upper Austria’s Catholics, Rudigier had a responsibility to share these views with Catholics in his diocese. Next, Kissling took

\textsuperscript{310} From Elsner’s opening statement in the trial, 12 July 1869. A full transcript can be found in Meindl, \textit{Leben und Wirken}, vol. 1, pp. 769-800, here p. 778.

\textsuperscript{311} Elsner’s opening statement Meindl, \textit{Leben und Wirken}, vol. 1, p. 781.

\textsuperscript{312} Elsner’s opening statement Meindl, \textit{Leben und Wirken}, vol. 1, p. 783.
the letter’s four most-often cited passages and argued that each, in itself, did not constitute an illegal act:

“Seit Monaten sind es die österreichischen Staatsgesetz vom 25. Mai 1868, an welchen die Lüge ihre ganze Kraft erprobt.”

„Das Concordat bleibt vor Gott und dem Gewissen in allen seinen Theilen in voller Kraft“

„Die göttlichen Wahrheiten und Gesetze bleiben ohne Ausnahme in Kraft … Man muss Gott mehr gehorchen, als den Menschen.“

„Was der Liberalismus mit der Trennung der Schule von der Kirche beabsichtigt, haben die Bischöfe in ihrer Adresse an den Kaiser gesagt: er beabsichtigt die Entchristlichung der Jugend“.

In each case, Kissling argued that the intended target of Rudigier’s polemics was, in fact, liberalism and the liberal quality of the state rather than the state itself. The timing of the pastoral letter — in September, months after the passage of the laws — only served to reinforce this point. He also pointed out that on several occasions, government ministers had critiqued existing state laws and policies – thus such critiques were, even for public figures in a public setting, nothing out of the ordinary.\(^{313}\)

After an hour and a half of deliberation, the jury returned and found Rudigier guilty on six of nine counts.\(^{314}\) In the courtroom pandemonium broke out: even if the


\(^{314}\) In the three counts where he was found not guilty, the wording always assumed the spreading of subversive ideas, which, since the pastoral letter had been confiscated before it was distributed, had
verdict had been widely expected, it was nevertheless a sensation. An Austrian bishop arrested, indicted and now convicted in front of an Austrian jury! After the uproar subsided, the judge let the prosecutor propose a sentence. The prosecutor asked for a jail term of six months, reduced from the sentencing guidelines of one to six years on the basis of the bishop’s good standing in the community and the fact that he did not deny having written the pastoral letter. Kissling appealed for an even milder sentence, arguing that the heated political climate of the times should act as an extenuating circumstance, as should the fact that Rudigier was merely following orders from above, since the pope and Cardinal Rauscher had made similar statements. Three hours later — by now it was around nine in the evening — the judge reappeared and read his verdict: fourteen days incarceration. The verdict, however, was never formally delivered to Rudigier; within twenty-four hours, Emperor Francis Joseph had issued a pardon.

**The Trial as Liberal Spectacle**

As the trial commenced, it took on the form of a self-contained liberal spectacle, reinforced all the more so by the absence of the accused during the proceedings. The implicit aim was certainly to cement liberal principles as the basis for government. The judge began the proceedings by reminding the courtroom, “dass wir heute ein
“Fest feiern, das Fest der Wiedergeburt der Geschworenengerichte.” And the selection of the jury only added to this sense of celebration: of the twelve jurors, one was a founding member of the liberal club in Linz, and the professional background of the others certainly suggests liberal sympathies. In fact, the sole overt Rudigier-sympathizer was fined 50 Fl. and dismissed after stating that he would refuse to pass judgment on his bishop. As the original indictment made clear:

Liberale Anschauungen und Parteiansichten, in wie weit solche bereits in Staatsgesetzen Ausdruck gefunden haben, können bei Besprechung dieser Gesetze einer abfälligen, verdächtigen Kritik nicht unterzogen werden, ohne dass dadurch zugleich die betreffenden Gesetze und die gesetzgebende Gewalt herabwürdigt erscheinen.

The statements of Kissling, the defense lawyer, also more often sounded like a defense of liberalism rather than of his client. As he finished his closing statement, Kissling openly appealed to the liberal and national sympathies of the jury:

Zeigen Sie denen, welche ihre Gegner mit Chaffepot und dem

\[315\] Meindl, Leben und Wirken, vol. I, p. 769. Trial by jury — “Geschworenengerichte” — as a concept also had distinct nationalist and anti-Roman overtones, as it supposedly derived from Germanic rather than Roman law. As the liberal Augsburger Allgemeine Zeitung proudly proclaimed, the Rudigier trial was “die erste That dieses wiede ins Leben gerufenen alt-germanischen Rechtsinstitutes.” Cited in, Meindl, Leben und Wirken, vol. I, p. 805.

\[316\] The liberal club in Linz was, in fact, founded concurrently with the trial. The first organizational meeting took place in June 1869, just weeks before the trial began. A public announcement asking interested burghers to join the club came just over a week later. Karl Häfele, professor at the local Gymnasium and jury member, was one of the founding members. Wimmer, Liberalismus, pp. 26-29. Of the other jurors, most were petty officials, artisans, and professionals. A list of names and professions can be found in, Meindl, Leben und Wirken, vol. I, p. 768.


Fallbeil behandeln ... dass wir ihnen mit dem deutschen Geiste entgegentreten, der den Sieg erringen wird. Im Namen der Pressfreiheit, im Namen des freien Wortes, im Namen dieser constitutionellen Rechte bitte ich Sie, meine Herren Geschworenen, sprechen Sie den Angeklagten nicht schuldig."

Conservative-Catholic opinions seemed wholly excluded from the proceedings as the trial increasingly descended into a self-contained spectacle, an ostentatious liberal display of power with lawyers, judge, and jurors all displaying “infallible” faith in a system whose validation more often than not seemed to be the real purpose of the trial.

All the liberal hubris on display, however, ultimately proved detrimental. Instead of more clearly delineating the boundaries between church and state, the trial made the legal system seem unduly biased in the eyes of most conservative Catholics and not a few liberal Catholics as well. Within days of the verdict, letters of support began to arrive at both the bishop’s residence and the editorial offices of the Catholic-conservative Volksblatt; they came from other towns in Upper Austria, from the rest of the Monarchy, and from farther away still. As the Volksblatt took pains to point out, the letters came “von dem katholischen Adel...von Offizieren, von Doctoren, von Beamten, darunter auch von einem preußischen Staatsanwalt, von Priestern, Bürgern und Handwerkern,” thus from the highest to the lowest ranks of society. Konrad Martin, Bishop of Paderborn, wrote, “mit den innigsten Sympathien den glorreichen

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320 Linzer Volksblatt 16 July 1869, 1-3. For further letters, see the Linzer Volksblatt in the months July through October 1869. A listing of most letters can also be found in, Meindl, Leben und Wirken, vol. I, pp. 813-819.
und schönen Kampf begleitet, den Sie für die Sache Gottes und seiner hl. Kirche so ruhmvoll bestanden haben,” in what was a fairly typical letter to Rudigier.”321 Around seventy letters arrived in the first few days and the Volksblatt kept a running daily tab over the following months: municipalities, councils, associations, and even whole episcopacies sent letters supporting the bishop.322 Perhaps Bishop Feßler of St. Pölten put it best when he wrote to Rudigier, “die ganze Welt entschädigt Dich dafür, was Dir Österreich angethan hat,”323 and, indeed Rudigier’s unwavering conviction in the face of the liberal state now became a potent lightning rod for anti-liberal sentiments throughout Austria and Europe.

While liberal papers, embarrassed by the trial’s hubris, stopped reporting on it soon after its completion, conservative and Catholic papers redoubled their efforts. Taking the trial and the letters of support as their cue, the Linzer Volksblatt, for example, began to meticulously dissect every aspect of the trial. Kissling was harshly criticized for putting more energy into distancing himself from conservative Catholicism than in trying to defend his client. The prosecutor Elsner, on the other hand, was widely praised for repeatedly emphasizing that he was only fulfilling his duty to the state — in his statements, he often added that the whole affair struck him as “awkward.” The two lawyers, the clerical press argued, should have reversed their

322 The bishops of Belgium signed a collective letter of support. Linzer Volksblatt 7 August 1869, p. 3.
roles.\textsuperscript{324} When a full transcript of the trial was finally published later that fall, it was by a Catholic publisher,\textsuperscript{325} and when the authorities confiscated a similarly problematic speech by Rudigier in 1870, the case quickly fizzled.\textsuperscript{326} In trying to “institutionalize the Rechtsstaat,” the Rudigier trial rather served for the reverse, deepening the rift between the state and its conservative Catholic population.\textsuperscript{327}

The Gady Trial (1872)

Two and a half years later, a different trial dominated the press in Upper Austria. On 28 December 1871, in an atmosphere of heightened political tension only fourteen days after the last of the three elections held in quick succession to the Upper Austrian Diet and a few days after Christmas, the Linzer Tages-Post published the letter of a “mother in distress” under the rubric “Stimmen aus dem Publikum;” it was entitled “Verbrechen im Beichtstuhl.” “Meine 23-jährige Tochter Anna D. war bis zum heutigen Herbste ein sittsames, heiteres Mädchen,” the letter began, who earned a respectable income as a dressmaker for both herself and her mother. Over the past few months, she continued, some of the nuns from the church where her daughter often


\textsuperscript{325} \textit{Der Pressprozess des Bischoffs Franz Josef Rudigier in Linz von seinem Ursprunge bis zum Schlusse durch das Schwurgericht}, (Linz, 1869).

\textsuperscript{326} The speech itself, coming on the heels of Rudigier return from Rome after the Vatican Council was arguably much more radical in tone and content. See below, p. 205.

\textsuperscript{327} After the trial, the Minister for Commerce, Iganz von Plener, wrote to his son that the Rudigier pardon showed how little sympathy the emperor had with the new liberal regime. Ulrike Harmat, "Divorce and Remarriage in Austria-Hungary: The Second Marriage of Franz Conrad Hötzendolf," \textit{Austrian History Yearbook} 32 (2001): p. 74.
attended services had suggested that she take the Carmelite monk Pater Gabriel Gady as her confessor. This she did, and that, the mother now wrote, is where the trouble began. Gady coerced her daughter into “schnell nacheinander folgende Beichten,” followed by the suggestion that she perform “eine angebliche Generalbeichte” (a general confession) with him as her confessor, and without her mother’s consent or knowledge. The frequent visits to the confessional, coupled with the Generalbeichte, soon had their effect on the girl: she became withdrawn and moody, barely spoke, and often cried for hours; she ceased to find her way around town and could no longer work properly. Finally, Anna D.’s mental condition deteriorated to the point that she had to be committed to a sanatorium. The doctors, Anna’s mother concluded, saw little hope in a recovery.

*Was daselbst der Pater an meiner Tochter verüb und die unflätigen Reden, die sich der hochwürdige erlaubt, kann ich aus Schicklichkeitsgründen nicht mitteilen.*

The letter she now wrote to the liberal daily *Tages-Post* was meant as a warning, especially to other families whose daughters went to confession.328

The story set off alarm bells among the liberal public. The ‘crime in the confessional’ as a narrative genre in the liberal press had become a semi-regular feature by the late 1860s, and menacing reports on such incidents appeared

\[328\] “Verbrechen im Beichtstuhle,” *Linzer Tages-Post* 28 December 1871, p. 4.
sporadically in the *Linzer Tages-Post* and most other liberal papers.\textsuperscript{329} As Michael Gross has argued,

\begin{quote}
*it was the confessional, seemingly dark and mysterious, that was the site for particularly concentrated and creative work... Here in the dark and quiet church, alone, close, and in whispers, confessors, liberals imagined, used their power to undo and then entrance women.*\textsuperscript{330}
\end{quote}

Within the solid liberal boundaries of public and private spheres, the confessional represented an unnatural intrusion of the Church into the private sphere, which threatened to destroy the liberal, middle-class family “from the inside out.”\textsuperscript{331} No case had thus far been ‘uncovered’ in Linz or Upper Austria, however.

Indeed, the liberal press set to work crafting the basic contours of the narrative: Anna Dunziger — the girl’s full name soon became known — was a poor seamstress now confined to an insane asylum, her mother an honest, working-class widow dependent on Anna’s wages. Pater Gady, on the other hand, was a “junger Carmeliter-Mönch,” a “mönchischer Don Juan,”\textsuperscript{332} who had taken his priestly vows only three years earlier — “ein besonders von der Damenwelt sehr gesuchter Beichtvater.” The incident with Anna Dunziger, the paper insinuated, was thus connected to others. It

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\textsuperscript{329} See, for example, the coverage of the scandal surrounding the murder of the mayor of Stainz in the *Tages-Post* and the *Linzer Volksblatt* in December 1871. On the gendered social place of the confessional in the nineteenth century, see the excellent, Edith Saurer, "Frauen und Priester. Beichtgespräche im frühen neunzehnten Jahrhundert," in *Arbeit, Frömmigkeit und Eigensinn*, ed. Richard van Dülmen, (Frankfurt, 1990).

\textsuperscript{330} Gross, *War Against Catholicism*, p. 207.

\textsuperscript{331} Gross, *War Against Catholicism*, p. 204.

\textsuperscript{332} “Nochmals P. Gabriel,” *Linzer Tages-Post*, 22 August 1872.
\end{flushright}
was rumored that Gady had performed immoral acts with nuns while serving as a confessor in the small town of Raab in southwestern Upper Austria, which had been his previous posting before coming to Linz. There were reports in which girls — “mitunter aus den besten Familien” — were known to take their confession with Gady “in auffällig späte Stunde.” Furthermore, the Carmelite monastery in Linz where Gady lived harbored a large number of Italian monks who all had to leave their home dioceses for reasons unknown. Finally, after two weeks of media flurry, the Tages-Post reported that the diocese administration had suddenly and secretly transferred Gady to Siebenbürgen in Hungary.

Within a short space of time, the liberal press had thus constructed an archetypal “confessional” narrative: the poor, working-class girl and the financially dependent mother; the young, recently ordained monk, popular with female confessors and possessing a history of similar accusations; the monastery where Gady lived full of foreign, hot-blooded Italian monks, ready to “infect” their Austrian peers with all-too worldly ideas; and, finally, the quick and secret transfer to the farthest reaches of the Monarchy, to Transylvania-Siebenbürgen, a blatant attempt by the Catholic Church to hush up a scandal – and a tacit admission of guilt.

333 “Verbrechen im Beichtstuhl,” Linzer Tages-Post 31 December 1871, p. 2. As well as articles from the same paper on, 11, 22, 23, and 24 February 1872.
334 “Pater Gabriel” and “Abfahren,” Linzer Tages-Post, 6 January 1872, p. 3.
335 The monastery was a powerful sign in liberal semiotics: a closed-off, secretive space, separated from the public sphere and outside of the legal grasp of the state — a “hotbed of superstition, sloth, and fornication,” as one liberal petition to the German parliament speculated. Gross, War Against Catholicism, p. 180.
The Catholic press responded with a defense and its own innuendos. It charged that the mother was semi-literate and overbearing, an affliction on her daughter, and had “eine Vergangenheit,” which suggested prostitution. Moreover, the girl had not gone insane, but was only suffering from “weak nerves” — a condition that stemmed more from her mother’s verbal torture than from contact with Catholic priests. This was followed by a letter from the head of the Carmelite monastery in Raab, who countered the charges of illicit behavior: Gady had neither been the nuns’ confessor nor had he attracted attention for any sort of immoral behavior; on the contrary, he had been a model monk. Other letters came from Gady’s former professors in Graz, where he had attended seminary, and Vienna, where he spent three years at the local Carmelite monastery; all highlighted his good behavior and fine moral standing. Moreover, he remained at his monastery in Linz and had no intention of fleeing to Siebenbürgen.

The accusations were nevertheless serious enough to spark the interest of the civil authorities, who began an investigation in the first weeks of January 1872. The prosecution interviewed everyone connected with the case: Anna Dunziger and her mother Maria, Gabriel Gady, and the various doctors who had attended to Anna

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336 “Eingesendet!” Linzer Volksblatt, 6 January 1872, p. 2.
339 On the classic liberal narrative of the “bad priest,” see, Michael B. Gross, “The Strange Case of the Nun in the Dungeon, or German Liberalism as a Convent Atrocity Story,” German Studies Review 23 (2000); Gross, War Against Catholicism, chpt. 3.
Dunziger in the fall and winter of 1871. After several weeks, the state dropped all charges and let the matter go. For Gady, though, the “clean bill of health” given to him by the prosecutor’s office was not enough and marked the beginning of a new struggle: his reputation ruined, Gady now sought to clear his name in public—especially in the liberal press. In late February 1872, he brought charges of slander and journalistic negligence against the editor of the *Tages-Post*.\(^{340}\)

The trial began in late July, finally permitting Gady the opportunity to tell “his side” of the story in a public forum.\(^{341}\) The letter and, indeed, the story as a whole consisted of fabrications, he argued. Maria Dunziger did not in fact write the letter; rather, it was the editor of the *Tages-Post* who took a semi-literate mother’s complaint about the strange behavior of her daughter and fashioned it into a scandalous anti-clerical narrative to frighten the public. (Upon cross-examination, the editor of the *Tages-Post* admitted to using ‘journalistic license’ in order to make the story more appealing to his readers, but denied any ‘real’ fabrication.) Even worse, Anna Dunziger’s mother was notoriously unreliable in her own behavior and tyrannical in how she treated her daughter. Moreover, Anna never earned enough money for them both; rather, they counted on various charities and poor relief — some of which also came from the Church — to make ends meet. Then, coming to his own character, Gaby pointed out that he was, in fact, not the sprightly young priest portrayed in the press but rather much older – 46 at the time of the incident – and that he had been

\(^{340}\) The official charges were for “*Vergehens gegen die Sicherheit der Ehre,*” and “*Übertretung oder Vernachlässigung der pflichtmäßigen Obsorge und Aufmerksamkeit,*” a special press law.

\(^{341}\) The trial can be followed in the *Linzer Volksblatt* and *Linzer Tages-Post* issues from late-July to mid-August 1872.
ordained over twenty years ago, in 1851. Except for the editor of the *Tages-Post*, all
the other witnesses — the attending doctors and Anna and Maria Dunziger — more or
less corroborated Gady’s story.

Even with such seemingly damning evidence, Gady failed to win the trial. As
during the Rudigier trial, the jurors — merchants, book dealers, and rentiers, eight of
whom were members of the liberal club in Linz — were undeniably predisposed
toward Gady.\footnote{Linzer Volksblatt 20 August 1872.} The jury ruled that since most of the slanderous articles had at first
appeared elsewhere (either in the newly founded *Deutsche Zeitung* or the *Neue Freie
Presse*, both based in Vienna), these had merely been cited by the *Tages-Post*;
therefore the slander had not originated in that newspaper’s editorial offices and the
paper could not be held accountable. Gady did win on the count of journalistic
negligence: the jurors stated that any local paper reporting on a local story, even when
taking stories from otherwise ‘reliable’ sources, should have felt duty-bound to do a
better fact-checking job. In the end, the *Tages-Post* received a fine of 20 Fl — a mere
slap on the wrist — and declared itself vindicated. Technically, none of its articles had
been called into question and to celebrate, the paper published a two-page feature
emphasizing the jury’s unanimous decision and reprinted every article on Gady from
the past few months. After their initial publication in December and January and their
continually use during the trial — which was widely covered in both the liberal and
clerical press — this now marked the third time the various accusations against Gady found their way into print.\textsuperscript{343}

Indeed, the liberal \textit{Tages-Post} soon went further in its claims. It began to imply that because it had been cleared of slander, its own coverage in the matter was truthful.\textsuperscript{344} In a new series of articles attacking Gady, the paper now argued that he should be forcibly expelled from the diocese:

\textit{Pater Gabriel ist nicht Gemeinde-Mitglied von Linz. Nach §18 des Gemeinde-Statuts für Linz kann Auswärtigen der Aufenthalt im Gemeindegebiete nur so lange nicht verweigert, als sie einen unbescholten Lebenswandel führen.}\textsuperscript{345}

In marked contrast to the Rudigier trial, where coverage in the liberal press tapered off fairly quickly after the verdict, the exchanges between liberals and clericals went on for weeks and months afterwards, growing ever more heated. If the Rudigier trial had served to distance conservative Catholics from the judicial system of a liberal state, then the Gady trial served to sever any remaining ties. As Rudigier wrote in an article several weeks later, such trials made a mockery of justice, to which the \textit{Tages-Post} responded mockingly:

\textit{Ist es denkbar, daß Jemand, und sei es ein Bischof, in seiner Selbstüberschätzung so weit geht, sich über ein vom Staate

\textsuperscript{343} “Der prozess Gabriel,” \textit{Tages-Post}, 4 August 1872, 1-2.

\textsuperscript{344} More technically correct would be that the jury was convinced that the \textit{Tages-Post} did not think it was spreading untruths when it published the original letter from Maria Dunziger.

\textsuperscript{345} This was, technically, untrue, as priests automatically held the Heimatrecht of the community where they served. \textit{Tages-Post}, 22 August 1872, 1-2.
While the Volksblatt brought full coverage of the proceedings in the initial days of the trial, it lost interest soon after the verdict arrived, skipping the remaining cross-examinations and closing statements it had not yet published. Gady, though technically at least in part victorious — the editor of the Tages-Post was, after all, convicted of journalistic negligence — became a sort of negative standard-bearer. Like Rudigier, he became an example of where the liberal state’s bias was greatest: as a Rechtsstaat — in its legal system and supposedly rational rule of law.

* * *

Comparing the Gady with Rudigier trials aptly demonstrates how much had changed in the short space of three years. In 1869, the liberal press at first feared a riot and then emphasized the low turnout of Rudigier’s supporters. By 1872 the Catholic-conservative bloc had solidified into an bona fide mass movement and the liberal press now sought to emphasize the femininity, irrationality, and the potential for violence among the Catholic masses.

346 Tages-Post, 22 August 1872, p. 1.
Such bipolar coding, as Michael Gross has argued, is central to understanding the liberal-Catholic dichotomy of the late-nineteenth century, with its accompanying idea of separate and unequal spheres — one male and public, the other female and private. In this construction, the Church was personified by an old, meddling woman while the state appeared as a young man, “assertive and in the prime of life.” During the Gady trial, the liberal press began increasingly to differentiate between what it saw as a ‘proper’ public sphere of the liberal press — rational and masculine, well-behaved and orderly — and the distorted public sphere of the clerical milieu: irrational and female, mob-like and prone to violence.

In his New Year’s sermon on 1 January 1873, Rudigier singled out the Gabriel affair as an example of the bias of the liberal court system and press.

Die bösen Blätter ... welche diese Geschichte in alle Welt verbreiteten ... sogar die Bewohner von Australien hiervon Kenntniß erhielten und ein unendlicher Schaden durch die Beirrung vieler tausend Gemüther herbeigeführt worden sei.

But, continuing, Rudigier then pointed out the changes that had occurred since the time of his own trial: the growth of Catholic associations, the political casino, the Preßverein, and so on, made Catholic-conservatives a competing social vision with increasing self-confidence.

But it was also for this reason that the Gady trial was crucial for influencing the way that priests came to perceive the liberal state and legal system: here was the first time that a prominent and seemingly legitimate attempt had been made to counter liberalism in the courts and it had failed miserably.

The Lower Clergy on Trial: The Press, Priests and Politics

After the active involvement of many priests in 1848, both for and against the revolution, and the relative political “silence” of the 1850s, priests began devoting more energy to overt politics in the 1860s, albeit slowly. In the early 1860s, a careful debate on clerical political participation began to make its way into the more scholarly journals, though as yet there was little overt action. Young seminarians, for example, were still largely insulated from the outside world, with access to certain newspapers restricted and a general policy that, “der Kleriker brauche von der Politik

349 Linzer Tages-Post, 4 January 1873, p. 1.

350 There were, of course, isolated examples of strong political involvement even in the supposedly apolitical 1850s. Theobald Sichhorn, a Pfarrvikar in the small town of Gramastetten, for example, was elected mayor there in 1854. Sichhorn to Rudigier, 3 July 1854. BA Sch. 5.

nichts zu wissen,“ a policy Rudigier himself had implemented a decade earlier. By the mid-1860s, this construction began to crumble, mostly because Rudigier himself became increasingly incensed with liberal politics. In January 1866, for example, after having been sharply criticized (for the third or fourth time over three years) over the discriminatory treatment of Protestant mothers in the local Catholic-run Geburt- und Findelanstalt in the Upper Austrian Diet and losing a subsequent vote on the matter, Rudigier entered the seminary and, “forderte alle auf, sich vom geistlichen Stande abzuwenden, denn es stehe die soziale Revolution vor der Tür und das Martyrium sei nicht allzu ferne,” as one seminarian recorded in his diary.

At first, such outbreaks astounded the mostly apolitical young seminarians; their contact with the outside world was, after all, strictly controlled. Within a short span of time, however, they began to internalize Rudigier’s mindset, each keeping his own list of incidents — snide comments from fellow diners in a pub or travelers in a train, polemical newspaper articles — pointing to an ever-increasing level of political sensitization among the lower clergy. After 1867 there followed in quick succession the Bürger Ministries, the May Laws, the Rudigier trial, the first Vatican Council, the

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352 1 December 1865, Hanrieder Diary, p. 47. On the Hanrieder Diary, see, footnote 119, above.


354 Hanrieder’s diary contains few political entries between 1863 and 1866 and certainly no incidence of an angry Bishop Rudigier entering the seminary to lecture about politics. Entry from 24 January 1866, Hanrieder Diary, p. 55.

355 See, for example, the entries from 8 February 1866, 24 March 1866, 15 January 1867, 26 May 1867, Hanrieder Diary, pp. 58, 69, 101-2, 114. From the diary it is evident that Hanrieder is not the only one undergoing systematic politicization.
unilateral annulment of the Concordat by the government, three fiercely contested local elections, and then the Gady trial. The result was not just a more activist liberal state, but also an increasingly activist Ultramontane clergy.

To learn the new language of political activism, the *Pastoral-Konferenzen*, abandoned by Rudigier in the early 1850s, were reinstated following the confiscation of the pastoral letter in early 1869. The purpose of these meetings was not so much to hear what the ‘official’ position of the bishop might be on an issue than to learn how to effectively verbalize that position in public. At each conference, it should be remembered, the clergy in each *Dekanat* came together to present short papers on political questions — rehearsal sermons and position statements, so to speak — that would then be discussed by all. Participation was mandatory and the meeting notes and reports were subsequently turned over to the *Bischöfliches Konsistorium*. The process provided the administration an efficient means of gauging the reception of its ideas while improving the repartee of its lower clergy. Indeed, the diocese administration on occasion wrote back, sending recommendations — books, articles or other items — back to the relevant *Dekanat* and parish in order to help priests better ‘come to terms’ with an issue.

The government and liberal press also did its part: after 1870, the liberal government began a concerted effort to crack down on clerical politicizing. A week after taking office in June 1870, the newly appointed Minister for Religion and

356 On the *Pastoral-Konferenzen*, see Chapter Two.

357 Though the government led by Potocki was formed 4 April 1870, Stremayr was not appointed until 30 June.
Education, Karl von Stremayr, composed a memo to the various Cisleithanian governors in which he complained that the existing state laws had recently come under rather heavy attack, especially — and there is no doubt he had the bishop of Linz in mind — by those whose “real mission” it was to be “apostles of peace.” The brunt of the 1868 May Law, he continued, should thus be aimed “gegen Diejenigen … welche die Himmelsgabe der Religion zu irdischen Zwecken missbrauchen wollen.” And, indeed, priests soon began to feel the concerted pressure of government action. While certainly the content of their sermons had become more political since 1868/69, the increasing willingness of the government to prosecute meant that liberal burghers now found a receptive audience in the local state prosecutor’s office for their complaints. Even as late as 1874, provincial administrations were asked to compile a “sittliches und politisches Zeugnis” on every priest active within the borders.

Such policy began to trickle down as well. Liberal newspaper coverage of religious events, Rudigier’s sermons in particular, increased dramatically, but it hardly seemed like reporting; it was surveillance. Anti-government statements, especially concerning the May Laws, were discussed at length and polemicized and especially the schools’ question dominated the news. Individual liberals also began attending church services on Sunday with a renewed sense of vigor: they took their place in the pews on Sunday, took notes on the sermons, and then – when it seemed appropriate – went to the authorities on Monday to have the priest arrested.

358 Stremayr to Hohenwart, 5 July 1870. OöLA StPr Sch. 418.

359 This action, though concerted, failed to produce the kind of list of “problem-priests” in a quantity that the administration desired and was soon dropped. OöLA StPr Sch. 418.
The heightened politicization of the clergy, coupled with increased activism of the state had a predictable outcome: priests on trial. While during the 1850s and 60s, only a single priest was tried before a court, the period from 1872 to 1875 produced eleven trials involving priests, almost always to counter charges of “Ehrenbeleidigung” or “Vergehen gegen die öffentliche Ruhe.” The former signified that plaintiff had been insulted, assaulted or somehow harmed in public by the defendant, the latter that the defendant had committed an act committed against public order. In only two cases, the Gady trial being one of them, did a priest act as the plaintiff – in both cases, the priest lost – in all remaining cases, they were defendants. Of these, eight priests were convicted and three acquitted, a relatively high rate, especially compared to the ease with which liberal defendants seemed to regularly be acquitted in similar trials. After 1875, the trials quickly tapered off. Indeed, by 1900 court proceedings against priests had become rare enough that the civil authorities

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360 Franz Pröll, Kooperator in Sarleinsbach, a small town close to Putzleinsdorf near the Bavarian border, was convicted together with Candide Panz, a 60 year-old schoolteacher, of assaulting the tailor apprentice Franz Stuiber after Stuiber refused to take off his hat when Pröll passed him on the street. The event took place 15 May 1863 and, from the trial records, seems to have been part of a larger political and/or personal altercation. Pröll was fined 40 Fl., about a quarter of his monthly salary, and Panz 20 Fl. See: Urtheil und Ablassungsbeschluß des k.k. Bezirksgerichts Grein, 10 Oktober 1863. DAL CA/3, Fasz. 1/7, Sch. 23.

361 The numbers given are of court cases that have remained part of the public record, either via newspaper accounts or as correspondence in the Diözesanarchiv Linz. Because the Bischöfliches Ordinariat often discarded ‘pesky’ case files after the case was closed, there remain no reliable statistics on how many court cases actually took place. The following section and statistics are thus based on a close reading of the Catholic and liberal press in the 1860s and 1870s, as well as the relatively small amount of correspondence relating to such trials that remains in the archives. DAL CA/3, Fasz. 1/7, Sch 23; DAL CA/4, Fasz. 1/7, Sch. 4; DAL CA/5, Fasz. 1/7, Sch. 3; DAL CA/6, Fasz. 1/7, Sch. 7.

362 In one trial, two priests were co-defendants.

363 Between 1875 and 1880 there were three more cases, between 1881 and 1890 only one, and between 1891 and 1900 another four.
were repeatedly reprimanded by the *Bischöfliches Ordinariat* for failing to report cases to the relevant ecclesiastical authorities, as was required by law.\(^\text{364}\)

The trial of the *Kooperator* Adam Spießl in St. Veith is, in many respects, exemplary in this regard and can serve as a model for how most of the trials proceeded. On 1 June 1873, Spießl had given a sermon on Pentecost that included:

*Die jetzige Bildung beruht nicht auf christlichen Grundlagen.*

*Man baut Schulplätze, um die Bildung zu befördern aber blicken wir herum; diese Bildung hat nichts hervorgebracht als Raub, Mord, Ehebruch u.s.w. 30-40 Prozent Schulumlage werden bald bezahlt werden. Wenn diese Gesetze noch länger fortbestehen, werden sie den ganzen Nationalreichthum verschlingen.*\(^\text{365}\)

The sermon raised eyebrows and sent pens fluttering in the pews, resulting in charges being brought against Spießl. After a lengthy trial — the verdict only came in January 1874 — Spießl was sentenced to two months in jail. He appealed the verdict all the way to the *Oberlandesgericht* in Vienna, losing at each instance.\(^\text{366}\) The Catholic-conservative press ignored the trial completely while the liberal *Tages-Post* waited until after the verdict to pronounce judgment with a series of small pieces under the tongue-in-cheek motto, “*Eine misslungene Predigt.*”\(^\text{367}\) Fairly typical in the Spießl trial was the way the case proceeded: first a sermon, then a complaint followed by an

\(^{364}\) See the cases (especially against Haberl and Göllner) and correspondence in, DAL CA/8, Fasz. 1/7, Sch. 173.

\(^{365}\) *Beschluss des Landesgerichtes Linz.* 22 August 1873. DAL CA/4, Fasz. 1/7, Sch. 4.

\(^{366}\) Handel to Speißl, 13 February 1873. DAL CA/4, Fasz. 1/7, Sch. 4.

\(^{367}\) See the articles in the *Tages-Post*, 4 and 6 January 1874, p. 2 and p. 3, respectively.
indictment, a trial and conviction, and finally a few small newspaper articles in the liberal press.

Atypical, however, was that Spießl took his case all the way to the Oberlandesgericht, for such proceedings were accompanied by legal fees well beyond the means of a regular priest. Already a relatively small sentence of 5 Fl. made a substantial dent in a priest’s salary, which averaged around 200 Fl. a year – in one case, the fine levied was even 100 Fl.\(^{368}\) Furthermore, legal help was often difficult to find and expensive to pay for. Mathäus Kreuzer, a Kooperator in Haigermoos acquitted after a relatively short trial for saying, “Wir haben eine Schule ohne Gott,” sent an expense report to the Bischöfliches Konsistorium asking for reimbursement, which totaled 64 Fl.\(^ {369}\) Thus while appeals remained a tactic early on in 1872 and 1873, successive failures at the Oberlandesgericht, coupled with the financial burden of trials in general, meant that the Bischöfliches Ordinariat stopped condoning such practices after 1873. In what was an increasingly typical reply by late 1873, the Bischöfliches Ordinariat wrote to one priest then engaged in legal proceedings,

\[\text{künftig hin in Ihrem mündlichen oder schriftlichen Verkehr mit Behörden nicht allein Ausfälle, welche zu Beschwerden Anlass geben ... selbst solche Worte, welche als Ausfälle genommen werden können, sorgfältigst zu vermeiden.}\] \(^{370}\)

\[^{368}\text{Such a fine was levied against Anton Gallbrunner, priest in Gunskirchen, a town of about 2,900 close to Wels, who was convicted for Ehrenbeleidigung after he accused the mayor of having bribed his immediate predecessor in a school-related matter. DAL CA/5, Fasz. 1/7, Sch. 3.}\]

\[^{369}\text{Kreutzer to Rudigier, 24 September 1872. DAL CA/4, Fasz. 1/7, Sch. 4.}\]

\[^{370}\text{BO to Mitterschiffthaler, 27 September 1873. DAL CA/4, Fasz. 1/7, Sch. 4.}\]
Such words represent a radical departure from the confrontational tone of only a few years earlier.

Returning now to the two ‘big’ trials – those of Rudigier and of Gady – it is clear that while the Rudigier trial was more prominent, it failed to move priests to take political action – or at least to not yet engage in the type of activity that would lead to prosecution. It was only in 1872 that priests began being arrested in some numbers. Why? Though Bishop Rudigier was certainly better known and set an important precedent in how priests would interact with the state, it did little to spur the sort of clerical activism that the Kulturkampf is well known for elsewhere. Instead, to find the roots of this activism, we have to turn to the Gady trial: here was a member of the lower clergy — in a sense, anonymous: no publications or writings, no explicit political history, a monk, not even a regular parish priest — who seemed to have been arbitrarily singled out by the liberal behemoth. Moreover, unlike Rudigier who shunned any court appearances for ideological reasons, the Gady trial marked the beginning of a priestly engagement with the court system, albeit one that more often than not ended in disappointment. Finally, the Gady trial also represented a watershed for the ‘other side’ — liberal lay Catholics, who now began keeping much closer tabs on the words and actions of ‘their’ parish priest.

Thus while the trials of Bishop Rudigier, Pater Gady, and of many other priests in the years after 1872 were judicial failures for the Catholic Church, they nevertheless spurred an extraordinary level of activism on the part of a hitherto relatively apolitical clergy. The trials were produced by interlocking strategies – both liberal and Catholic-
conservative – that wanted to make the *Kulturkampf* a local reality, giving concrete, graspable form to a hitherto abstract event:

New liberal laws = arrest of our bishop/priest.

Liberal domination of the courts = *Beichtstuhlaffären* without recourse.

Furthermore, the form of this localization was more often than not as media spectacle. The newly founded *Linzer Volksblatt*, only a few months old at the time of the trial, brought harrowing accounts of the arrest of Bishop Rudigier. As one account stated,

*der Anblick der Wegführung war erschütternd. Es sind Männer in Thränen ausgebrochen, als sie sahen, wie der Oberhirt von 700.000 Katholiken im kirchlichen Ornate... zu Gericht geführt wurde.*

When confronted with reports in the liberal press that the number of actual onlookers was rather on the small side, the *Volksblatt* shot back, “*Linz ist noch nicht Oberösterreich. Das Volk dieses Landes ist nicht rasch, aber nachhältig,*” a seemingly defensive statement that, on the whole, would soon be proven right: Rudigier’s trial was a first step in creating conservative political activism in Upper Austria. And the reason it could become a spectacle was through the press. The newspapers thus used Rudigier’s ordeal to promote the idea of the pious priest (and, by extension of the pious parishioner) existing apart from the liberal state and liberal society, acting as a

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reminder of the error of their ways, even if those pronouncements could result in incarceration.

Thus while the courtroom remained a setting where priests and conservative Catholics remained at a substantial disadvantage throughout the 1860s and 70s, nowhere else did the seemingly biased nature of the state translate as transparently. Rudigier’s conviction and Gady’s inability to win his slander trial created a deep-seated sense of mistrust that was then reinforced by the additional trials of the lower clergy. To conservative Catholics, the state seemed neither to treat the Catholic Church with the respect it deserved, nor — and this may even have been more important in the long run — did it truly seem to treat all its citizens as equal before the law; the Rechtsstaat was a myth. While the Rudigier trial was an important first step in consolidating the feeling of solitary among the clerical milieu, it was by no means sufficient. Rather, it was the Gady trial in 1872, coming on the heels of the First Vatican Council, the March on Rome, and just as importantly, the heated triptych of Upper Austrian elections between July 1870 and December of 1871, that marked the beginning of wide-spread political activism among the clergy. In the months after 1872, priests began to speak more actively and aggressively on marriage and school laws, on cemeteries, and the freedom of the Church — or at least to get arrested for doing so, so much that the Bischöfliches Ordinariat began asking priests to avoid political confrontations where possible.
Chapter Five. A Liberal Church? The ‘Old’ Catholic Imagination

In the crucial years around 1870, it was not just the Catholic Church under pressure from without to conform to the liberal state, liberal governance and liberal jurisprudence. Liberal Catholics felt just as strong an act of exclusion from the Church — their Church: over ninety-five percent of Upper Austrians and eighty percent of Austrians\textsuperscript{373} were, after all, Catholic — as they tried to come to terms with the changes occurring within Catholicism. This next chapter explores the development of a powerful if ultimately unsuccessful lay movement within the Catholic Church, the so-called “Old Catholic” movement, which represented a splinter group of liberal Catholics who refused to accept the dogma of papal infallibility ratified at the first Vatican Council in Rome in 1870.

On 23 June 1871, Friedrich Michelis, a priest and well-known professor of philosophy at the Catholic theological faculty in Prussian Braunsberg (Braniewo),\textsuperscript{374} arrived in the Upper Austrian capital of Linz to give a speech condemning papal infallibility. Along with the Catholic Church historian Ignaz von Döllinger in Munich, Michelis was one of the most outspoken opponents of papal infallibility in German-


\textsuperscript{374} Braunsberg (Braniewo) is the seat of the bishopric of Ermland (Warmia), located in present-day Poland. In 1870 its population was approximately 54,000. Michelis taught at the \textit{Fakultät für Theologie und Philosophie}, a former seminary with about 40 seminarians and 10 professors.
speaking central Europe and his very public excommunication by Bishop Krementz of Ermland had helped kindle the flame that would become the *Kulturkampf* in the German Reich.\(^{375}\) Linz was the third city on his speaking tour after Vienna and Graz, and the *Redoutensaal* where he gave his lecture that evening was filled with eager listeners. He was a large man and entered the hall in his priestly habit to great effect, his clerical collar stiff against his neck. He had come to lecture about the logical inconsistencies of papal infallibility, the dogma that had been passed at the Vatican Council a year earlier and by which the pope’s word became infallible for Catholics when speaking on matters of dogma.\(^{376}\)

Michelis began his lecture by speaking about political conditions in Austria. He argued that the strictly hierarchical and absolutist Catholic Church created by the new dogma would eventually force the return of a strict absolutism in governance as well. In the aftermath of the liberal assumption of government in the Austrian half of the Monarchy in 1867, an enduring modernization of Austrian government and society could happen only in tandem with a *real* reform of the Catholic Church; otherwise, the newly passed reforms of a liberal state would eventually come to naught. Liberal Catholics in Upper Austria, having witnessed the scandal surrounding Rudigier’s pastoral letter and the subsequent rise of a Catholic political movement designed to

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\(^{376}\) The exact definition stated that the Pope’s words were infallible “when, exercising the office of pastor and teacher of all Christians, he defines… a doctrine concerning faith and morals to be held by the whole Church.”
roll back the liberal reforms, could only too readily agree. Upper Austria, Michelis
now argued, had a special role to play in this change. It marked the border between
Austria and the new German Reich and thus seemed predestined “den
Vereinigungspunkt mit Deutschland im Sinne des geistigen Fortschritts zu bilden.”

For his liberal Catholic audience that evening in Upper Austria, the year 1870
had been doubly frustrating. During the first Vatican Council, held from December
1869 until July 1870, the Catholic Church codified papal infallibility, which in the
eyes of most liberals created an ‘altered’ or ‘new’ Catholic Church, thoroughly
incompatible with the ideals of a modern liberal society. The final vote of the bishops
in Rome to codify the new “papal constitution,” Pastor Aeternus came on 18 July
1870. The following day, France declared war on Prussia, an event that paved the way
for an eventual unification of Germany without the Habsburg lands. Thus, over the
course of a year, liberal Catholics in Upper Austria first experienced abandonment by
‘their’ Church and then exclusion from ‘their’ nation. Upper Austrian liberals saw
themselves surrounded by a “black international,” of ultramontane Catholics;
Rudigier’s policies in Upper Austria, they argued, were “a link in the chain, which
goes from Rome through Vienna to Germany, from east to west, holding the German
Reich and the German Nation captive.” Within the Habsburg Monarchy, since there

\[\text{377 An article covering the speech can be found in, Tages-Post, 24 June 1871. See also, Archiv für Katholisches Kirchenrecht 26 (1871), cxxx-cxxxi.}\]
\[\text{378 Hans Josef Demmel, Geschichte des Alt-Katholizismus in Österreich, (Kempten, Allgäu, 1914), p. 22.}\]
was little hope of ‘national’ salvation in a German or Italian fashion, liberals turned to the Catholic Church, seeking to make it less Roman.

Michelis was thus mostly preaching to the converted that evening, but his emphasis on the interplay of church and state in Austria in the aftermath of infallibility raises three important issues: First, by the late 1860s, liberals in Austria saw the age of the ‘modern’ state — wonderfully constitutional and ardently secular — as close at hand. The Vatican Council’s ‘dogmatic constitution’ seemed like not only an affront to their liberal sensibilities, but a real threat to the existence of any ostensibly independent state containing a Catholic population. How, liberals asked, could a *Rechtsstaat* exist when a pope could — seemingly arbitrarily — designate the laws of a sovereign state as just or unjust for that state’s Catholic citizens? And could he then demand that Catholics ignore those laws? The protest movement against papal infallibility was thus seen as a ‘last’ chance for liberal Catholics to reform the Church from within, to restructure the foundations of the Catholic Church and bring them in accordance with a liberal conception of social order.

Second, the protest movement developed at a time when church-state relations in Austria were in flux. The conservative Austrian Concordat of 1855 and the liberal May Laws of 1868 had pulled and pushed relations from one extreme to the other in a

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380 As a marker of his success in the region: Michelis was already planning a follow up tour of Upper Austria in the fall, with stops in Gmunden, Ried, Steyr and Wels. *Tages-Post*, 24 June 1871.

381 This was, in fact, not wholly correct. The definition passed in Rome made the pope’s word infallible when speaking on the teachings of the Church, i.e. in matters of dogma. In more worldly matters — as Bishop of Rome or speaking on the politics of the days — this did not apply. Nevertheless, to liberals in Europe in 1871 this was all conjecture. On the European dimensions see, Clark, "New Catholicism," p. 71.
decade. Within weeks of the final vote on 18 July 1870, the government unilaterally
annulled the concordat, arguing that infallibility had changed the legal position of the
papacy as a contract partner.\cite{382} The dramatic changes that had occurred in the
Monarchy — a liberal government in Vienna, a constitution, and now even a seeming
willingness of the government to take on the Catholic Church — thus motivated the
liberals to go further: if the state could be reformed, so could the Church! The
development of a protest movement of liberal Catholics, initially working within the
structures of their Church, needs to be understood in this light and also helps to bring
out how Austria *Kulturkampf* differed from its neighbors farther north and west.

Finally, although the movement failed in its initial goal of instituting liberal
reform within the Roman Catholic Church, it did succeed in redefining the boundaries
between church and state. From 1871 until 1877, when the Old Catholic Church — as
the movement then came to call itself — became legally recognized as a confession in
the Monarchy, dissident Catholics existed in a sort of legal limbo: the Roman Catholic
Church called the protesters a heretical sect and excommunicated them as a whole; the

\cite{382} Vcelka, *Verfassung oder Konkordat*, pp. 168-170. Indeed, the damage caused by a rash
annulment of the Concordat had largely been foreseen by the Belcredi government in 1866. The
*Ministerrat* had been contemplating an annulment of the Concordat for several years but those attempts
had all stumbled over legal hurdles. Horst Brettnier-Messler, ed., *Die Protokolle des Österreichischen
Ministerrates. VI. Abteilung. Das Ministerium Belcredi*, vol. 2: 8. April 1866 - 6. Februar 1867,
(Vienna, 1973), pp. 283-284. Even the government seemed split on the decision. Though Francis Joseph
was more than willing to go the route — he wrote to his mother that it was the “best, and also the
mildest, answer to Rome’s unlucky decision” — Potocki, the Minister President and a pious member of
the Polish upper nobility, refused to sign the document. Thus the decision came as a note from the
Emperor directly to the Minister for Education and Religion, rather than to the government as a whole.
Macartney, *Habsburg Empire*, pp. 574-575. On Church-state relations in the 1850s and 60s in general,
see: Karl Vcelka, “Staat und Kirche in der Periode der deutschliberalen Herrschaft,” in *Studien zum
Deutschliberalismus in Zisleithanien, 1873-1879: Herrschaftsfundierung und Organisationsformen des
politischen Liberalismus*, ed. Leopold Kammerhofer and Friedrich Edelmayer, (Vienna, 1992);
Weinzierl-Fischer, *Konkordate*. 
state, meanwhile, still considered them Catholic, since they had not formally left “their” church; the Old Catholics, meanwhile, did little to dispel this notion – they were, they argued, the ‘true’ Catholics. In these six years there occurred a bureaucratic war in many communities between Old Catholics and the local Roman Catholic administration. As covered in Chapter Three, Josephinist practice left parish priests in control of entering the births, deaths and marriages of Catholics in the registries on behalf of the state. Moreover, these registries remained in the parish church. Thus when an entry was contested, it was local priests and not government officials who determined how an entry would be made. The parish priest could thus decide which wedding, baptism or burial was “properly” Catholic and would be entered into the registries. As the divergence between the laws of a liberal state and the practices of an exclusionary Roman Catholic Church grew in wake of the Old Catholic movement, state officials began to intervene in how priests kept their parish registries, slowly breaking up an administrative arrangement in place since the late eighteenth century.

The chapter will begin by examining the origins of the Old Catholic movement in Upper Austria. How did liberal lay Catholics perceive the first Vatican Council and on what theoretical foundations did they base their conception of a “true” Catholic Church? The second section will turn to the Old Catholic communities that began to emerge in Upper Austria. Where did they emerge and why in these places? How did

383 For some time in the early 1870s, both sides referred to themselves as the Catholic Church. In order to keep the terms separated: by dissident Catholics I mean lay Catholics at odds with infallibility; Old Catholics are those lay Catholics and clergy that officially joined the movement; and the terms Catholics and Roman Catholics refer to lay Catholics and clergy who stayed with the Roman Catholic Church and thus accepted the dogma of infallibility in some form.
the Catholic clergy react? What sort of priests ‘turned’ to become Old Catholics?

Finally, in the last section, I will turn to what the Old Catholic movement meant for
the church-state conflict in the 1870s – how it contributed to the praxis of liberal
statehood.

A ‘Liberal’ Church for a Liberal Era?

The Old Catholic movement initially called for the safeguarding of a ‘true’
Catholicism as it existed before 18 July 1870. Rather quickly, however, it evolved
into something more: a liberal vision of how the Catholic Church should fit into a
‘modern’ liberal society. As we already saw in previous chapters, liberals in Upper
Austria often had very specific conceptions of the Catholic Church’s role in modern
society. In Upper Austria, this conflict reached its initial climax in 1868/9 with the
passage of the May Laws in 1868, Bishop Rudigier’s confiscated pastoral letter in
response to the new laws, and his arrest, trial and conviction soon thereafter. When the
debate on infallibility began in earnest at the Vatican Council in 1870, liberal Upper
Austrians seemed more convinced than ever that the relationship between the Catholic
Church and the state needed to be thoroughly restructured. For them, the actions of

384 On the Old Catholic Church in general, see: Angela Berlis, Frauen im Prozeß der
Kirchwerdung. Eine historisch-theologische Studie zur Anfangsphase des deutschen Altkatholizismus,
(Berlin, 1998); Olaf Blaschke, "Der Altkatholizismus 1870 bis 1945. Nationalismus, Antisemitismus
und Nationalsozialismus," Historische Zeitschrift 261 (1995); Ewald Keßler, "Vom Katholikentag zum
Alt-Katholikenkongreß," Kirchliches Jahrbuch für die Alt-Katholiken in Deutschland 69 (1970); Urs
Küry, Die Altkatholische Kirche. Ihre Geschichte, ihre Lehre, ihr Anliegen, (Stuttgart, 1966); Johann
Friedrich Ritter von Schulte, Der Altkatholicismus. Geschichte seiner Entwicklung, inneren
Gestaltungen und rechtlichen Stellung in Deutschland, (Giessen, 1887). For the Habsburg Monarchy,
see: Demmel, Geschichte des Alt-Katholizismus; Hans Hoyer, "Die Altkatholische Kirche," in Die
Habsburgermonarchie 1848-1918, ed. Adam Wandruszka and Peter Urbanitsch, (Vienna, 1985);
Wilhelmine Zankl, "Geschichte der Altkatholischen Kirche Österreichs," Österreichisches Archiv fur
Kirchenrecht 31 (1980).
Bishop Rudigier had demonstrated that a reform of the state could only do so much if the authority of the state could nevertheless be called into question.

The Beginnings of Protest in Upper Austria

In Upper Austria, the protest against infallibility began even before the final vote had taken place. On 15 July 1870 — two days after a preliminary vote had been held in Rome, but 3 days before the final vote — a large headline appeared on the front page of the liberal Tages-Post addressed “To the Catholics of Upper Austria!” The article continued,

*Nehmen wir diese Kriegserklärung an den Geist des Christenthums auf und bekämpfen wir die Feinde der Freiheit und Civilisation, indem wir uns enge zusammenscharen unter dem Ruf: Wir wollen keine neue von den Jesuiten erfundene Religion, und verlangen von unseren Priestern, dass sie nur der Fahne der erleuchteten deutschen Bischöfe, die unterlegen sind, folgen.*

The article asked those interested to contact the paper so that associations could be formed and meetings held to work against infallibility. The clerical Linzer Volksblatt, however, had gotten wind of the article even before its publication and brought a rebuttal the same day, admonishing the Tages-Post for believing infallibility a done

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385 In the first vote, 13 July 1870, 451 voted for the definition, 88 against, and 62 “yes with reservations.” When the final vote was held three days later, 55 bishops had already departed. The final vote was 533 yes and 2 against. Owen Chadwick, *A History of the Popes, 1830-1914*, (Oxford and New York, 1998), pp. 213-214.

deal. In a smaller article a few pages later it then also added the results of the earlier vote from 13 July.

After the final vote on 18 July, the liberal papers swung into full gear. In a typical formulation, the liberal Rieder Wochenblatt commented that the “ungeheuerlichste Attentat gegen den gesunden Menschenverstand wurde in Rom durch die feierliche Abstimmung über die Unfehlbarkeit des Papstes ausgeübt.” But it was the Tages-Post that took the lead in the anti-infallibility movement. In a series of articles following the final vote on 18 July, it lamented the creation of a “new religion, the Roman-Jesuitical” and argued:

*Alle Beschlüsse dieses Konzils sind für uns Katholiken null und nichtig, die Überstimmung sämtlicher Väter fehlt, die Freiheit und die unbefangene Wahrhaftigkeit hat unter den Bischöfen nicht geherrscht. Es ist kein ökumenisches Konzil. Wir haben volle Religionsfreiheit; mag wer will sich dieser neuen Religion anschließen, die denkenden, zurechnungsfähigen Katholiken … werden es nicht thun. Niemand hat das Recht einem Pfarrer, der in Übereinstimmung mit der Majorität seiner Gemeinde, dem alten Glauben treu bleiben will, entgegen zu treten. [die Redaktion] fordert die Regierung auf, eine Landes-Synode altkatholischer Priester und Laien baldmöglichst einzuberufen.*

Though such sentiments were echoed by many if not most liberal clubs and even a good number of municipal councils throughout Upper Austria, there were as yet few

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387 Rieder Wochenblatt, 26 July 1870.
388 Tages-Post, 22 July 1870.
signs of an organized protest movement. And with the Franco-Prussian war in full swing, thoughts quickly turned elsewhere. While two pamphlets by the well-known Prague theologian Johann Friedrich von Schulte managed to stir up a little wind in early 1871, they failed to ignite any widespread resistance.³⁸⁹

_Döllinger’s Open Letter_

Not until March of 1871 did the protest movement finally receive its wake-up call. After being asked by his bishop whether he would accept the dogma, the well-known Munich Church historian Ignaz von Döllinger³⁹⁰ responded with a powerful open letter explaining why he could not accept infallibility: “Als Christ, als Theologe, als Geschichtskundiger, als Bürger kann ich diese Lehre nicht annehmen.”³⁹¹ The letter, reprinted in most liberal papers in Germany and Austria, became a sensation and the above sentence was repeated time and again as the guiding light of the new movement.

Each angle — Christian, theologian, historian and citizen — is central to understanding the spectrum of liberal Catholic discontent and the form of its proposed solution. In the following section, I will focus less on what Döllinger meant by these


³⁹⁰ Döllinger, already a prominent figure among scholars and nationally-minded German Catholics in the 1850s and 60s, became a sensation in the run-up to the Council through the series of anonymous letters penned under the name of Janus that attacked the theological foundations of infallibility. (His identity was exposed.) Then, a year later, his very public refusal to accept infallibility in the above open letter to the bishop of Munich made him a hero of liberal Catholics everywhere.

³⁹¹ From Döllinger’s letter to the bishop of Munich, Gregor von Scherr, 28 March 1871. In the _Tages-Post_, the letter appeared on the front page in three parts, from 2 to 5 April 1871.
words and more on how they resonated among liberal Catholics in Upper Austria. It pointed to the desire that Germany — especially in the wake of unification — needed to bridge the religious divide between Catholics and Protestants.

As Döllinger had already said in a speech given in 1863:

Die deutsche Einheit ist die Vereinigung der Konfessionen in Deutschland ... So hat dann auch die deutsche Theologie den Beruf, die getrennten Konfessionen einmal wieder in höherer Einheit zu versöhnen.

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392 Though Döllinger gives his own reasons, my concern here is how each of these points resonated among lay liberal Catholics in Upper Austria, especially since the quote usually stood alone, without the rest of Döllinger’s letter. The rest of the paragraph reads,


In the wake of the Franco-Prussian war, this point was certainly not lost on them. Would one suddenly preclude the other, they wondered? “Deutschland hat seine politische Einigung erreicht,” wrote the Tages-Post in June of 1871,

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es soll daher dahin gearbeitet werden, daß auch eine Einigung in religiöser Beziehung wenigstens angebahnt, daß nicht statt der bisherigen Zweiteilung eine Dreiteilung, sonder nach und nach eine Einheit erzieht wird.\]

395 Though neither Döllinger nor any of the other liberal Catholics saw a conversion to Protestantism as the answer to their religious qualms with Rome, they also realized that a strictly Ultramontane Catholic Church would only drive a further wedge between the two confessions.396 They thus sought to emphasize the national and episcopal — rather than Rome-centered and hierarchical — elements in Church organization.397

Among German-speaking Catholics, such sentiments had a long history. From the reformation onward, theological currents existed within Catholicism that sought to strengthen the national element of the Church within the German lands. Before the nineteenth century, these efforts mostly came from within the Catholic hierarchy — by

395 Tages-Post, 4 June 1871.

396 Some bishops returning from the council also shared this view, most prominently the Bishop of Rottenburg, Karl Josef von Hefele, who had written Lord Acton before the council warning that Germany would be Protestant within two years if the dogma was passed. Chadwick, History of the Popes, p. 188; Weinzierl, Päpstliche Autorität, pp. 209-210. On this point in general, also see, Margaret Lavinia Anderson, Windthorst: A Political Biography, (Oxford, 1981), pp. 121-123; Gross, War Against Catholicism, p. 118.

397 For German theologians, the episcopal conception of the Catholic Church — i.e., centered around the role of the bishop and thus in contrast to the Ultramontane conception centered around the pope — always went hand in hand with demands for a national synod and a more Rome-independent Church.
prominent ecclesiastics such as *Febronius* (Johann Chrysostomus Nikolaus von Hontheim) in Trier or inspired by documents such as the Koblenzer *Gravamina* in the eighteenth century\(^{398}\) — and were fiercely resisted by both the pope in Rome and the emperor in Vienna. Each ruler feared that a strong episcopal Church would develop into a national institution to rival the papal curia or the imperial court. In the aftermath of the Napoleonic wars, the episcopal sentiments remained and many bishops in the first generation to take office after 1815 had episcopal sympathies. Only after the 1830 July Revolution in France and the 1837 struggle over marriage laws in Prussian Cologne did the number of episcopal sympathizers in the higher clergy begin to diminish.\(^{399}\)

In the 1840s, the *Deutschkatholiken* movement briefly emerged as one of the first wide-spread lay efforts to counter the growing authoritarianism, ostentation and “anti-German” feeling emanating from the Catholic Church. In its original guise in Baden, Hessen and the Rhineland, the movement was largely the attempt by middle-class Catholics, Protestants and even occasionally Jews at finding a national and non-Ultramontane answer to the confessional problems plaguing Germany.\(^{400}\) At its height in 1848, the movement had between 100,000 and 150,000 supporters in


\(^{399}\) On these points, see the discussion in, Weinzierl, *Päpstliche Autorität*, pp. 187-193.

\(^{400}\) Within the Habsburg Monarchy, by contrast, the social cleavages tended to be national rather than confessional and the *Deutschkatholiken* movement there took a decidedly different direction. Thus while the *Deutschkatholiken* movement did find followers in the Monarchy, these consisted of disaffected members of the lower clergy — and their supporters — appealing for a greater democratization within the Catholic Church. The renegade priests demanded a democratically elected hierarchy, the liturgy in the vernacular — a strong national argument within the Habsburg monarchy — and the end of priestly celibacy. The movement was also not an exclusively German phenomenon: Young Czech priests, for example, made similar demands in Prague in 1848. Stanley Z. Pech, *The Czech Revolution of 1848*, (Chapel Hill, 1969), chpt. 15.
Germany and Austria, but was quickly squashed in the more authoritarian 1850s. Educated liberal Catholics in the 1850s, for whom both the basic outlines of the theological debate and certainly the Deutschkatholiken movement was common knowledge, Döllinger’s use of the word Christ rather than Katholik seemed a very deliberate choice.

The second and third angles, those of theological and historical protest, need to be considered together, for they combine two arguments that stem from the same source. For liberal Catholics, the model Church was that of the thirteenth to fifteenth centuries, especially as represented by the Council of Constance (1414-18). Constance not only took place on “German” soil but also represented a key moment in Church history when the ecclesiastical hierarchy, representatives of the “nations,” and knowledgeable members of the laity caucused together to remove the three existing

401 It did not, however, completely die out: a report from the Bischöfliches Ordinariat in 1853 mentions a Kooperator in St. Radegund, Georg Niedereder, who secretly fled from his Upper Austrian post in 1851 to Fürth in Bavaria to join the Deutschkatholiken. His traveling papers were not in order, however, but rather than return home he emigrated to America. A year later, he returned to Upper Austria and rejoined the regular clergy. He spent the rest of his life as various types of assistant priest, never joining the ranks fo the regular clergy. Franz Rieder to Eduard Bach, 7 January 1852. DAL CA/3 Fasz. 1/7 Sch. 23. Also see, Dannerbauer, General-Schematismus, p. 648; Russinger, Ergänzungsband, p. 213.

rival Popes and elect a fourth to end the Great Schism. Now in the nineteenth century, liberal Catholics looked to Constance as a conciliar model for the Catholic Church in modern times: By emphasizing lay participation — about half of the participants of the Council of Constance were not members of the clergy — Constance seemed democratic and inclusive. By recognizing national interests — representatives of England, France, Germany, Spain, and Italy were present and a number of reforms relating to their respective national interests were passed — it seemed like the right model for how the papacy should behave in an era that was becoming both increasingly democratic and national. As the retired Viennese priest and government official Wenzel Josef Reichel argued in a pamphlet that appeared a few weeks after the publication of Döllinger’s letter, the Catholic “Volk” had a “Mitsprechrecht“ in the Church. While past councils invited worldly rulers, he continued, this one did not, and whereas in the past questions of dogma had been


403 A good discussion on the meaning of ‘nations’ in the medieval period can be found in, Ernst H. Kanterowicz, "Pro Patria Mori in Medieval Political Thought," American Historical Review 56 (April, 1951). The Council of Constance, which laid the groundwork for the conciliar conception of the Catholic Church was, however, also the council that condemned and burned the Bohemian priest Jan Hus — an important precursor of Martin Luther — which may help explain the inability, four centuries later, of the Old Catholic movement to thrive among Czech Catholics, for whom Hus was an important national symbol. Indeed, a variation of the Old Catholic movement emerged in Bohemia at the turn of the century, but never found enduring success among Czech-speakers. J. F. N. Bradley, "The Old Catholics and Pan-Slavism in Bohemia in 1904," Slavonic and East European Review 39 (1961).
decided by the majority of Catholics, here they were not. In an era that increasingly saw rigorous scholarship — *Wissenschaft* — toted as the ultimate arbiter of truth, the idea that such an alternate vision of the Church could be scientifically “excavated” from the past had a great deal of resonance.

These historical examples also tied into theological streams of thought that emerged in the first half of the nineteenth century, most notably in the ideas of the influential theologian Johann Adam Möhler. Möhler was a Catholic priest who had studied in Protestant Berlin and taught in confessionally mixed Tübingen before joining the theological faculty in Munich in the 1830s, where he arrived at the express invitation of his friend Döllinger. He was very much a product of the romantic age and of a conservative reaction against the French revolution. His most famous book, *Symbolik*, quickly became a standard text in Catholic theological faculties throughout the German states and in Austria. In it, Möhler argued that in an era when society was increasingly secular and the state increasingly powerful, only a strong and universal institution that stood above both, i.e., the Catholic Church, could


405 A good portrait of Old Catholic historians ‘digging’ for a usable past can be found in, Michael O’Neill Printy, "Perfect Societies: German States and the Roman Catholic Revolution, 1648-1806" (Ph.D. Dissertation, University of California, Berkeley, 2002), pp. 18-33.


save mankind, a sentiment he shared with many other leading theologians of the time.\textsuperscript{408} The most enduring theological legacy of the book, however, was Möhler’s idea of the Church as an organic whole. The Catholic Church, he argued, was not just the sum of its physical structures or its ecclesiastical hierarchy, but was based on the communal life of its believers. Each parish, each diocese, each metropolis and, ultimately, the Church as a whole under the pope, came together to form what Möhler called the “mystical body of Christ.”\textsuperscript{409} As R. William Franklin has argued, this made him “the first Roman Catholic theologian for a thousand years to argue that the ground of the Church was not the clergy or the state, but the communal life of all believers.”\textsuperscript{410} Like the well-known French priest Félicité Robert de Lammenais\textsuperscript{411} who, in the late 1820s and 1830s, advocated a strict separation of church and state so that the Catholic Church could become a stronger and more independent body, Möhler cannot easily be classified as liberal or conservative. Though many of his students were avowedly Ultramontane, Möhler’s ideas about the Church as an organic

\textsuperscript{408} Most of the book attempted to demonstrate how Protestantism, even more than the French revolution, had paved the way for such a secular society and state.


community of its worshipers resonated strongly among liberals. Döllinger, who made sure Möhler found a place to teach in Munich after the latter began feeling uncomfortable in Tübingen, was greatly influenced by his ideas, and Döllinger’s open letter from April 1871 now argued that infallibility destroyed “den schönen organischen Verfassungsbau der älteren Kirche.”

Finally, there is Döllinger’s protest as Bürger, as citizen. In many of the public displays of support for Döllinger by liberal clubs throughout Germany and the western Habsburg Monarchy, it was this issue — that infallibility made real citizenship in a modern (nation-) state impossible — which most often received attention. As Heinrich Heyßler, a lawyer from Linz, and his wife Helene Heyßler wrote in an open letter to the Linz Gemeindevorstehung in August 1870:


weil sie die Grundlagen des Staates erschüttert.414

Liberals could not and did not want to conceive of a higher authority than the state and were shocked when bishops throughout Europe began turning to Acts 5.29: “We must obey God rather than any human authority,” in their sermons and writings on the liberal state.415 As the Tages-Post summed up, “durch die jesuitisch-ultramontane Partei [ist die Katholische Kirche] zu einer staatsgefährlichen Konfession umgeändert worden”.416 In a democratic, modern and multi-confessional polity, the liberal state was the institution that could best steer society away from the trappings of an outdated feudal order. A Catholic Church that purported to stand above these efforts at social, political and economic reform — indeed, above the notion of equality itself — was ardently in need of change. As the German liberal Paul Hinschius remarked in his pamphlet on the new dogma, infallibility amounted to a “death sentence passed against the modern state.”417

In retrospect, it is extremely difficult to accurately gauge the potential for reform within the Catholic Church that existed in 1869 and the first half of 1870. It is important to remember that over half of the Habsburg Monarchy’s fifty-eight bishops voted in Rome with the so-called minority against infallibility during the first vote on 13 July 1870. Thus even the upper reaches of the Austro-Hungarian Catholic hierarchy

414 Letter from Dr. Heinrich Heyßler and Helene Heyßler, Tages-Post, 3 August 1870.

415 Rudigier often used this phrase. He cited it in his pastoral letter against the May Laws in 1868, again in a speech on infallibility in Steyr in 1870, and also while debating the implementation of the May Laws in the Upper Austrian Diet. See p. 205, below; and, Meindl, Leben und Wirken, vol. II, p. 41.

416 Linzer Tages-Post, 30 April 1871.

417 Paul Hinschius, Die päpstliche Unfehlbarkeit und das vatikanische Koncil, (Berlin, 1871). Quoted in, Gross, War Against Catholicism, p. 242.
seemed set against a formal definition for infallibility.\textsuperscript{418} Cardinal Rauscher of Vienna, the \textit{de facto} head of the Austrian bishops, was one of the leaders of the anti-infallibility minority, and that Bishop Strossmayer of Djakovo in Habsburg Croatia was the last bishop anywhere in the world to publicly submit to the new dogma, waiting until December of 1872 to officially publish it in his diocese.\textsuperscript{419} Even conservative and traditionally Ultramontane bishops, such as Feßler from St. Pölten, a close friend of Rudigier’s, argued publicly for a moderate interpretation of the doctrine of infallibility.\textsuperscript{420} Within Austria, it was thus not just the anti-clerical and liberal Catholic laity, but also prominent sections of the hierarchy — from the Archbishop of Vienna on down to the parish assistant priests — that seemed displeased with the results of the Council.\textsuperscript{421}

\textsuperscript{418} 32 Austro-Hungarian bishops voted either \textit{Non Placet} (a straight-forward rejection) or a \textit{Placet iuxta modum} (yes, but only with significant revision). The initial number of bishops who caucused with the minority was even higher. Only nine bishops from the Habsburg Monarchy came to the council expressly supporting the majority. In Hungary, opposition was even more pronounced. All Hungarian bishops except for one left the council before the final vote and, on 23 July 1870, the Hungarian government — through the monarch — made use of its \textit{placetum regium} to forbid promulgation of the dogma in the Hungarian half of the monarchy. Schatz, \textit{Vaticanum I. 1869-1870}, vol. II, pp. 41-43, 377-379.

\textsuperscript{419} Acceptance of the dogma in a diocese depended on its being officially made known — either published in the local diocese paper or sent as a directive to be read from the pulpit to each priest. Leisching, "Römisch-Katholische Kirche," p. 53. Strossmayer’s hesitation also led to the publication of anti-infallibility pamphlets written using his name as a pseudonym. \textit{Archiv für Katholisches Kirchenrecht} 27 (1872), p. xxxv. On Strossmeyer, see, Ante Kadic, "Bishop Strossmayer and the First Vatican Council," \textit{Slavonic and East European Review} 49 (1971).

\textsuperscript{420} Chadwick, \textit{History of the Popes}, p. 221.

\textsuperscript{421} After meeting with Cardinal Rauscher upon his return from Rome, Francis Joseph remarked, "Wenn man die Erbitterung und Trostlosigkeit sieht, mit welcher unsere Bischöfe von Rom zurückgekommen sind, ohne jede Hoffnung, ohne jede Illusion, wie der Nimbus, der bis jetzt Rom umgab, für sie geschwunden ist, so möchte man an der Zukunft der Kirche verzweifeln." Francis Joseph to Archduchess Sophie, 25 August 1870. Cited in, Weinzierl-Fischer, \textit{Konkordate}, p. 117.
Rudigier and the Vatican Council

Returning to Upper Austria in late July 1870, however, Rudigier seemed to have no such qualms of conscience. The tenacity with which he accepted and then articulated an extreme version of the message of the Vatican Council may well have surprised even some of his most ardent supporters. Even before the advent of the Council, the form in which Rudigier announced the coming event set him apart. Addressing his clergy in December 1869 as the Council began, he wrote:

O was ist es um das Papstthum, und was ist es um einen Papst, der seine Stellung so im lebendigen Glauben erfasst, wie Pius IX! Wird uns nicht beinahe schwindlig, wenn wir zur Höhe seiner Stellung in der menschlichen Gesellschaft empor bilden?  

As the Vatican Council began, however, Rudigier toned down his public remarks. His recent conviction in the courts, as well as the fact that his voice was in the minority even among his fellow bishops in the Habsburg Monarchy certainly contributed to this subdued mood. Furthermore, Rudigier missed the Council’s first months because he

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423 Instructions he issued to his clergy shortly before the Council commenced in 1869 hint at this more subdued mood: “Was namentlich die Unfehlbarkeit des Papstes...angeht, so sei es unserer Vorsatz, einen solchen Ausspruch stets anzunehmen und zu befolgen, wenn aber jemand einen solchen Ausspruch nicht für unfehlbar hält, so werden wir ihn, wie die Sachlage gegenwärtig ist, nicht der Häresie beschuldigen, und die Entscheidung, ob das Concil sich über diese Frage überhaupt aussprechen soll, ob nicht, wollen wir vertrauensvoll dem Concil selbst überlassen.” From, “Weisung betreffs des Hirtenbriefes über das allgemeine Concil,” Linzer Diözesanblatt 23 (1869), 177-8. Reprinted in Doppelbauer, ed., Kirchenpolitische Actenstücke, pp. 43-47.
remained in Vienna, embroiled in a dispute over state funding of the Church and did not leave for Rome until late April.424

Upon his return to Upper Austria in late July 1870, Rudigier seemed to possess a new energy and conviction. He included Pastor Aeternus, the “dogmatic constitution” agreed upon at the Council, in the 31 July 1870 Diözesanblatt — months before Rauscher included it in the Vienna Diözesanblatt and years before Strossmayer did the same in Djakovo.425 Furthermore, Rudigier spoke of the Council and its decrees in almost every sermon and speech he gave for the rest of the year.426 He also saw to it that one of his earliest speeches, held in early August at a meeting of the Upper Austrian Catholic associations in Steyr, was reprinted in the Linzer Volksblatt and later appeared in whole as a pamphlet.427

The Steyr speech is an important, perhaps the central document to understanding both the power of Rudigier’s words and the authority in which he conveyed his

424 On Rudigier’s travel plans and the proposed changes in funding the diocese, see, Meindl, Leben und Wirken, vol. II, pp. 71, 209-234.

425 The speed in which bishops publish papal pronouncements is often seen as analogous to the degree with which they sympathize with a given papal decision. As the Archbishop of Ems, Ludwig Hanyld, an opponent of infallibility, complained privately to a friend soon after returning to his diocese: “der niedere Klerus drängt und übrigens ist die Lehre in einem Theil der Diöcese gelehrten.” Nevertheless, he vowed “1. nie [den Dogma] feierlich Publizieren und 2. Niemand wegen gegenheiliger Ansicht verfolgen noch im Beichtstuhl zu Rede stellen.” These small variations in how papal decrees were published locally mattered a great deal. Chadwick, History of the Popes, pp. 221-222; Schatz, Vaticanum I. 1869-1870, p. 265.


427 The actual is probably 3 August 1870. Meindl gives it as 4 August 1870 but has probably reproduced the date of the newspaper rather than that of the event; Doppelbauer has it as both 19 August (table of contents) and 9 August (p. 497). Doppelbauer, ed., Kirchenpolitische Actenstücke; Meindl, Leben und Wirken, vol. II, p. 76.. Rudigier notes it as 3 August in two places, Doppelbauer, ed., Kirchenpolitische Actenstücke, p. 47; Franz Josef Rudigier, Über die Unfehlbarkeit des Papstes und die Liberalen, (Linz, 1870).
message. Rudigier began his speech in a reassuring tone, explaining that *Pastor Aeternus* did not change the Church, nor did it seek for Catholics to be disobedient to the state.

_Wer ist jener, der am meisten kämpft gegen die Revolution und der eben deswegen den Gläubigen die Pflicht, die Staatsgesetze zu beobachten, am meisten an’s Herz legt, wenn nicht der hl. Vater?_

As he continued, however, his tone began to change.

*Ich sage, die rechtmäßigen Gesetze. Wenn etwa in einem Staate Normen vorgeschrieben werden unter dem Namen von Gesetzen, welche wider die höheren Normen, wider das Gesetz Gottes sind, so ist der hl. Vater berechtigt, solche Normen als für das Gewissen nicht verbindend zu erklären und den Gläubigen zu sagen: „Ihr seid nicht nur nicht schuldig, diese vermeintlichen Gesetze zu beobachten, sondern es wäre wider das höchste Gesetz, wenn ihr diese Normen beobachtet würdet. “_

In essence, Rudigier argued that obedience to the state hinged on whether the laws of that state were obedient to those of the Church. Here, in words much more explicit than in his pastoral letter from 1868, Rudigier called for a Christian civil disobedience in the face of liberal anti-clerical legislation:

_Also die ersten Christen geheißen wurden, den Götzen zu opfern, haben sie auch gesagt: Da gehorchen wir nicht. Sie waren die treuesten Befolger der Staatsgesetze, aber sie konnten Gesetze nicht beobachten, welche gegen die Gesetze Gottes waren, weshalb die Apostel schon gesprochen haben: „Man muss Gott
mehr gehorchen, als den Menschen“ … Also, wenn der Papst dergleichen Gesetze, die einer höheren Ordnung widerstreben, dem höchsten Gesetze der menschlichen Handelns widerstreben, als ungültig erklärt, so hebt er sie nicht auf, sondern er bezeichnet nur diese Gesetze, die ohnehin ungültig waren, als das, was sie sind.\textsuperscript{428}

Rudigier here gave real life to the liberal fear of an Ultramontane Catholicism after infallibility: if the pope, the bishops, the clergy, or even the honorable Catholic citizen considered a state law as unconscionable, he or she should ignore it; the state needed to be reminded of the error of its ways. The pamphlet was confiscated by the government before its second printing but, in contrast to the court case in 1869, the proceedings were hampered from the start and Rudigier easily won on appeal at the Oberlandesgericht in Vienna. The pamphlet was reissued; the proceedings only serving to increase its popularity.\textsuperscript{429}

The Old Catholic Community in Ried

Even with such a menacing figure as Bishop Rudigier to prompt dissatisfied Catholics into joining the movement, dissident Catholics at first had a great deal of difficulty in forming an organized movement. Hopes had been high in 1870 that the government would privilege Old Catholic claims after annulling the Concordat so

\textsuperscript{428} Rudigier, \textit{Unfehlbarkeit}. Also reprinted in Meindl, \textit{Leben und Wirken}, vol. II, pp. 77-89.

soon after the final vote in Rome. Instead, after that initial call to arms – the annulment, which even some liberal commentators at the time found to be on shaky legal ground – the government suddenly lost its sure footing and began to retreat. By May 1871, Josef Jurecek, Stremayr’s successor as Minister for Religion and Education in the more conservative Hohenwart government, declared the whole matter “eine innere Angelegenheit der Kirche,” certainly a piece of wishful thinking. The everyday practical legal conundrum presented by entering births, baptisms, weddings and funerals of Catholics who had, in the eyes of the state, not officially left the Catholic Church but were treated as excommunicated by its clergy, would ultimately force the government into action, but not for another few years. For now, however, it chose to sidestep the problem.

Without government support, the dissident Catholics lacked the tangible assets needed to form a religious organization: priests and churches. One of the first objectives of the liberal press campaign was to claim co-use of Catholic Churches, requesting financial support from the regional religious funds, and to demand a regional synod in which Catholic citizens could confront their parish priest, encouraging him to join the movement. In most towns, however, such proclamations met with little success. The churches were in the hands of the Roman Catholic Church and the local authorities were unwilling to help dissident Catholics in

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430 The Reichsrat first met on the day of the final vote, 18 July 1870, to discuss the problem. A decision to annul the Concordat was made 30 July and the Vatican was informed the same day. Leisching, "Römisch-Katholische Kirche," p. 55; Weinzierl-Fischer, Konkordate, pp. 115-116.

431 Jurecek made the comment in a meeting from 1 May 1871. Tages-Post, 4 May 1871.

432 See, for example, the article in the Tages-Post, 30 April 1871, p. 1.
securing co-ownership or even the right to hold services. And although dissatisfied members of the lower clergy were easy enough to find, convincing a priest to forsake his badly paid but tenured position within the confines of the Catholic hierarchy was no easy task.

Where the Old Catholic Church did find a home was in Ried, a town of about 4,500 people due west of Linz and close to the Bavarian border. Ried was an important administrative town: it served as the capital of the Innviertel, one of the four districts that made up Upper Austria. It was not a particularly industrial town — there were no factories of note — and, other than government officials, it was mostly populated by a mix of merchants and artisans. Though adherents to the Old Catholic movement existed in some numbers in other Upper Austrian cities (Linz and Steyr, for example), these became no more than satellite congregations of Ried, where one of only three Austrian Old Catholic communities found a permanent home.

In October of 1870, the liberal club in Ried met, like many others, to discuss the infallibility question and quickly passed a resolution stating it was a “Fälschung der christkatholischen Glaubenslehre.” The resolution continued that it was, 

\[\text{eine wichtige Aufgabe des Staates und als eine dringende Forderung der Civisilation, die Jesuiten auszuweisen und der Verwirklichung der so gefährlichen Consequenzen jenes Dogma’s und den damit im Zusammenstehenden Umtreiben der Geistlichkeit durch Einführung geeigneter Gesetze und deren}\]

\[\text{433 On Ried, see, Franz Berger, \textit{Ried im Innkreis. Geschichte des Marktes und der Stadt}, (Ried, 1948).}\]

\[\text{434 The other two were in Vienna and in northern Bohemian Warnsdorf.}\]
In itself this was nothing extraordinary — the tone and the wording was similar to a plethora of petitions elsewhere in the region. And yet, already in the fall of 1870 around 385 people — eight percent of the population — had signed a petition declaring their allegiance to the Old Catholic Church. More remarkably, they held together: by 1876, there were 420 Old Catholics, almost ten percent of the population.

Why Ried? A number of factors combined to give the Old Catholic movement more propitious conditions for survival there. The most important factor was municipal support: one of the signers of the initial petition was Josef Gyri, apothecary and mayor of Ried. From the beginning, his support meant that the Old Catholic question would not remain “eine innere Angelegenheit der Kirche.” On 22 April 1871, just days after the liberal club in Ried met to decide on a long letter of support to Döllinger, the Gemeindeausschuss in Ried met as well and decided on two proclamations: the first was a municipal declaration of support for Döllinger, in itself nothing unusual. Many if not most towns with a liberal mayor or Gemeindevorstand made some sort of public declaration of support. The second item was an official petition to the Ministry for Education and Religion. In it, the Gemeindeausschuss

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437 SPA Ried (Sebastian Freund) to BC Linz, 30 June 1876. DAL CA/5, Fasz. 1/11, Sch. 4.

438 Gyri was a popular mayor. He served from 1870 to 1883. He son became mayor, too, serving from 1883 until 1898. Berger, Ried im Innkreis, p. 148.
complained that the “Verhältnis zwischen Kirche und Staat so schwach geregelt und das Volk seit langem der römischen Agitation völlig preisgegeben ist.“ The Catholic Church, the letter continued, always got the upper hand in the conflict between church and state, and the government was being blind if it thought that *Pastor Aeternus* would have no visible effect on church-state relations. The Roman Catholic Church will continue in its assault “bis auf den Trümmern der liberalen Schöpfung unserer Zeit ihr System seine mittelalterliche Vollendung erreicht haben wird.“ The committee went on to request that five items be brought in front of the *Reichsrat*:

> wodurch die noch bestehenden Bestimmungen des Konkordates vom 18 August 1855 aufgehoben werden;

1. wodurch das Verhältnis zwischen Staat und Kirche den modernen Anschauungen der Zeit und den Grundrechten gemäß geregelt wird;

2. wodurch das Verbot statuiert wird, die staatsgefährliche Lehre von der Unfehlbarkeit der Päpste, die Bulle *Pastor Aeternus* vom 18. Juli 1870, im Staate irgndwo, sei es in den Kirchen, Schulen und in den sonstigen Unterrichts- und Erziehungsanstalten zu lehren;

3. wodurch der Jesuiten-Orden, dessen Richtung anerkannt staatsgefährlich ist, und alle jene Orden, welche die gleiche Richtung verfolgen, abgeschafft werden;\(^\text{439}\)

4. wodurch unter Androhung geeigneter Strafen dem Klerus verboten ist, ihren Beruf oder die Religion zur politischen

\(^{439}\) As in many parts of Europe, the Jesuit order remained a synonym for an Ultramontane conspiracy. In 1848 they had been expelled from Linz unable to return until 1853.
While many communities issued letters of support, no others, at least in Upper Austria, actually made specific demands of the government.

Just as critical was the mayor’s support in providing the Old Catholics a place of worship. Initially, the Old Catholic community tried to claim co-use of the Stadtpfarrkirche on Sundays from ten to twelve in the morning and three to five in the afternoon. But, unsurprisingly, the local priest, Sebastian Freund, and Bishop Rudigier, declined. They argued that any priest who joined the Old Catholic community was no longer a Roman Catholic priest and thus had no right to say mass in a consecrated Roman Catholic Church. To counter Rudigier and Freund, the Old Catholic community then sent a delegation to Vienna to petition the Minister of the Interior, Josef von Lasser, and even managed an audience with Francis Joseph, all to no avail. Although such tactics had succeeded in procuring co-use of the local Catholic Church in neighboring Germany, even in towns just across the border in Catholic Bavaria, they fell on deaf ears in Austria.

As an alternative, the Old Catholics then petitioned the city in January 1872 — most likely at Gyri’s suggestion — for use of the town theater. The choice was rather

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441 Freund to Rudigier, 10 December 1870. DAL CA/4, Sch. 64, Fasz. 32/5. Also see, Slapnicka, Oberösterreich unter Kaiser Franz Joseph, p. 285.

442 In Bavarian Simbach, just across the border from the Upper Austrian town of Braunau, Old Catholics had successfully managed to secure co-use of the Stadtpfarrkirche there. Tages-Post, 3 March 1872. In the Prussian Rhineland, this tactic, though successful in several towns, also backfired. Instead of sharing the churches, the Catholic Church pronounced them desecrated and stopped holding services. Moreover, in several towns riots broke out in which Roman Catholic supporters looted the “desecrated” churches. Sperber, Popular Catholicism, p. 235.
fitting: the theater had originally been the *Heilig-Geist-Kirche* or *Spitalkirche*, built in 1482 — “im rein gothischen Style,” as the *Tages-Post* proudly noted — as part of a hospital. Under Joseph II, both church and hospital were secularized and disbanded, and, during the French occupation in 1810, the church had become a theater. On 1 February 1872 the *Gemeindeausschuss* decided to grant the Old Catholics use of the church and to even subsidize their remodeling efforts with 400 Fl. from the municipal coffers. This last expenditure, however, was contested by conservative Catholics, who argued that the subsidy constituted a misuse of local funds – the 1867 Basic Law’s clause against the privileging of certain confessions prohibited such efforts by the state a good legal footing for their argument – and the *Statthalterei* agreed; the 400 Fl. had to be returned.

A final factor that undoubtedly contributed the consolidation of the Old Catholic community in Ried can be found in the antagonistic stance of the local priests: the regular *Pfarrer*, Sebastian Freund and his *Kooperator*, Johann Stritzinger. For

443 *Tages-Post*, 22 February 1872.


446 Freund (1807-1879) had a slightly unusual career. Ordained in 1830, he served in two postings as *Kooperator* before becoming director of the Mitterberg correctional facility for priests in 1844. He stayed on as director until 1854, when he became a regular priest in Ried. There he stayed until his death in 1879. Dannerbauer, *General-Schematismus*, p. 195; , "Verzeichnis der Direktoren, Spirituale, Provisoren, Korrigende- u. Kommeranten-Priester im Priesterhause zu Mitterberg seit dem Jahre 1839," (Linz, 1839-1939), p. 3.

447 Stritzinger (1841-1912) was ordained 1865 and thus spent his formative years as a seminarian and *Kooperator* in the heightened political climate of the late 1860s. Otherwise, his career seems fairly regular: he served as *Kooperator* in several cities before become a *Pfarrvikar* in 1877 and, finally, a regular *Pfarrer* in 1890.
better or for worse, both mirrored Rudiger’s tenacity and rigidity as they implemented infallibility in their parish. Especially important was an incident early on between Freund and a well-known liberal merchant, Engelbert Wetzesberger, which strongly polarized local opinion. In the summer of 1871, Wetzesberger lay dying and asked Freund to come administer the last sacraments. Freund refused, citing Wetzesberger’s signature on the Old Catholic petition.\textsuperscript{448} As Freund then wrote to Wetzesberger’s mother:

\begin{quote}
\textit{von dieser Stunde gehört er nicht mehr zu den Unsern … und wenn der Widerruf dieser Unterschrift von seiner Seite nicht erfolgt, die heiligen Sterbesakramente ihm verweigert werden und er im Falle des Todes ohne Glockengeläute und ohne Begleitung eines Priester bestattet würde.}\textsuperscript{449}
\end{quote}

Liberals were outraged. Wetzesberger had not, after all, officially left the Catholic Church, and the Old Catholic Church, as the liberals would argue, did not yet exist. Wetzesberger had merely signed a petition; his legally recognized confession had no grounds on which to withhold last rites from him.

The \textit{Gemeindeausschuss}, most of whom had also signed the same petition, met on 29 September 1871 to discuss the matter, concluding that Freund’s behavior was “\textit{unduldsam und der christlichen Lehre keineswegs entsprechend}.” They then petitioned the \textit{Bischöfliches Consistorium} in Linz to settle the matter, which it did by

\textsuperscript{448} By petition, Freund meant the declaration from 1870. See above, p. 208.

\textsuperscript{449} From a letter from Freund to Wetzesberger’s mother-in-law, which is cited in an open letter to Freund printed in the liberal \textit{Rieder Wochenblatt}, 3 October 1871. Cited in Zierler, "Ried im Innkreis,” pp. 32-33.
releasing detailed instructions on how Catholics should behave after the Vatican Council and under what conditions they could consider themselves Catholics.\footnote{Zierler, "Ried im Innkreis," pp. 31-32.}

Liberals were incensed, again. Within a month, a new \textit{Actionscomité} was formed, sponsored, again, by the mayor’s office, and on 8 November the committee issued its first proclamation, which began:

\begin{quote}
\end{quote}

Wetzelsberger recovered from his illness but did not attempt to mend his ties with the Roman Catholic Church. While the fact that Wetzelsberger had asked for Freund to come attend to him on his deathbed showed that there was still a distant hope of reconciliation, after the incident this evaporated. What little credibility the Roman Catholic Church still had among dissident Catholics was now gone for good. Wetzelsberger also joined the \textit{Actionscomité} and then became the first Chairman of the lay \textit{Kirchenvorstand} after the Old Catholic Church was legally recognized in 1877, a post he held until 1884.
Priests and the Old Catholic Church

The Wetzelsberger incident brings to light the question of how priests confronted the issue of infallibility with their parishioners on a daily basis. Was Freund an anomaly among the Upper Austrian clergy? Freund gave the following answer when asked why he had treated Wetzelsberger the way he did: it was discussed at a Pastoralkonferenz. Indeed, the Pastoralkonferenz in the fall of 1870 had covered two issues: infallibility and the Italian march on Rome. The first question was framed:

*Ist das Dogma der päpstlichen Infallibilität von dem Seelsorger in den öffentlichen Vorträgen zu besprechen, und wie? Bietet die Definierung dieses Dogmas der österreichischen Staatsgewalt einen gerechten Anlass dar, zur einseitigen Aufhebung des Concordates, und was ist über die diesfälligen Gründe zu halten, mit denen solche gerechtfertigt wird?*

One especially good response made it into the Theologisch-Praktische Quartalschrift. In contrast to liberals and Old Catholics, the author argued that the Vatican Council was thoroughly ecumenical and democratic:

*von der rechtmäßigen Gewalt einberufen, die Bischöfe kamen aus der ganzen Welt zu demselben zusammen, die Legaten des Papstes führten in demselben den Vorsitz, fast einstimmig (zwei Stimmen ausgenommen) haben mehr als 530 in der Versammlung*

452 On the structure, format and staging of a Pastoralkonferenz, see Chapter Two.

453 An overview of topics for the first twenty years can be found in Franz Maria Doppelbauer, "Pastoralkonferenzen," Linzer Diöcesanblatt 34 (1890).
Furthermore, he continued, in an increasingly global era, with ecumenical councils few and far between, the Catholic Church had no moral and logistical center without an infallible pope. Centralization – both of structures and of ideology – is an important aspect of modern society and infallibility was the Roman Catholic Church’s means to this end.

These thoroughly ‘modern’ aspects of the Vatican Council were not lost on observers. As Owen Chadwick once remarked, “with modern steamships and railways, the assemblies were possible without undue loss to the dioceses, for the first time in papal history.” But modern logistics was not the only thing on display. As Bishop Rudigier stated in the already mentioned speech in Steyr held upon his return from Rome,

Durch diesen Satz, der Papst sei unfehlbar in Glaubens- und Sittensachen, ist eigentlich der christkatholischen Theologie die Krone aufgesetzt worden. Wir haben jetzt erst ein vollendetes, wissenschaftliches System.

Yet here was the conception of a “vollendetes, wissenschaftliches System” at the very moment that the nation as a sovereign concept of territory was laying its finishing touches on the European order. Within a year of the final vote on infallibility, not only

455 Chadwick, History of the Popes, p. 181.
had the German Reich unified, but the Italian ‘March on Rome’ had removed the last vestiges of real papal temporal authority as well. The French troops guarding the papal state had already been sent home to help in the war against Prussia and the remaining papal troops offered little resistance to the advancing Italians. The pope, unwilling to communicate with the Italian state, went into a self-imposed exile in the Vatican. Here, for conservative Catholics throughout Europe, was ‘proof’ that liberals were bent on destroying whatever remained of the Catholic Church.\(^{457}\) Priests in Upper Austria were no different: by 1871, the loss of Rome — the second item discussed at the *Pastoralkonferenz* — was a topic that inspired even greater political fervor than infallibility, though this was also because a priest could speak about Italian politics without the threat of incarceration.

In the spring of 1871, as the Old Catholic movement began gaining momentum within the diocese, the Old Catholic question was again tackled at a *Pastoralkonferenz*, but this time in a more pragmatic fashion:

\textit{’Sempronius’ ist Mitglied eines liberalen Vereins und hat eine Zustimmungsadresse an Döllinger unterzeichnet. Wie ist derselbe von dem Seelsorger im Beichtstuhle, und wie auf dem Todbette zu behandeln?}

Both Bishop Rudigier and the priest in Ried, Freund, took the more extreme position on this by considering \textit{Sempronius a de facto} non-Catholic. This was, however, not the

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\(^{457}\) A good recent account of the March on Rome can be found in, Gustav Seibt, \textit{Rom oder Tod: der Kampf um die italienische Hauptstadt}, (Berlin, 2001). See also, Clark, "New Catholicism," pp. 20-23.
only view, even within the diocese. In the *Pastoralkonferenz* held in Linz that year, the only one for which records survive, the participants took a much more moderate line. On 25 July 1871, Josef Reiter,\(^{458}\) one of the professors at the seminary, presented a different approach, encouraging a much more pragmatic response to either membership in a liberal association or the signing of a support letter for Döllinger.

Addressing the question of how priests should confront liberal parishioners in the confessional, Reiter argued that unless it was an extreme case, the priest should institute a “don’t ask, don’t tell” policy. “*Er ist ohne Veranlassung, oder auf bloße Vermuthung oder Gerede hin nicht direkt zu fragen.*”\(^{459}\) If, however, the parishioner did confess to doubting infallibility, he was to be treated as a heretic and convinced of his wrong ways. Some of the priests attending the conference argued that even this interpretation was “*etwas zu streng.*”\(^{460}\) This view was fundamentally different from Rudigier’s in two ways: first, because it was non-confrontational, and, second, because it did not treat adherents and sympathizers of the Old Catholic movement as immediately having left the Church. Rather, they were to be seen as Catholics who doubted one aspect of the official ideology and needed correction, not heretics lost to the Church. In Linz, however, the *Pastoralkonferenzen* had a strong tie to the seminary and thus tended to be dominated by professors. Thus to what extent such

\(^{458}\) On Josef Reiter, see, Pangerl, "Reiter," pp. 144-190.

\(^{459}\) Reiter, "Eine zeitgemäße Pastoral-Conferenz-Arbeit," p. 481.

\(^{460}\) Protokoll über die 1\(^{e}\) Pastoral-Konferenz pro 1871 des Nicht-Kurat-Klerus der Stadt Linz am 25. Juli im bischöfl. Alumnat. DAL SEM A/1, Sch. 15, Fasz. VII.
views were widespread in the diocese is impossible to tell, though the Dekanat in Ried certainly did not subscribe to them.

Another place priests turned to for advice was the Theologisch-Praktische Quartalschrift, which began openly attacking the anti-infallibility campaign soon after July 1870. Being a journal written by and for the clergy, the articles especially sought to single out what many in the hierarchy saw as the most dangerous aspect of the Old Catholic movement: lay participation in Church affairs. In 1871, for example, it published an attack on Döllinger’s call for lay-wissenschaftlich participation in the Council:

Die Kirche verkündigt durch den Mund ihrer Vorsteher die von den Aposteln überlieferte Lehre … Sie verkündigt aber den apostolischen Glauben, dessen ursprüngliche Fassung sie als ihren Glaubensschild vor sich herträgt, nicht durch bloße Wiederholungen dessen, was die Apostel gesprochen oder geschrieben … sondern … geht sie auf die Bedürfnisse der jeweiligen Gegenwart … ein und stellt die Wahrheit in Angemessenheit zu derselben dar.461

The development of the liberal and secular state thus required the reorientation of the Catholic Church, the strengthening of its helm. Lay participation might have been a past ingredient in Church affairs, but in the antagonistic climate of the current era, the Church could not afford such luxuries. Furthermore, the same author argued a few

issues later, since the vast majority of Catholic believed in the infallibility of the pope, “hat also das Vaticanum nur aus einem … dogma implicitum … ein … dogma explicitum geschaffen.”

In another article, Josef Sprinzl, a professor of theology at the seminary in Linz and frequent author in the journal, attacked each element of the Old Catholic movement that seemed in error: it was an attempt “dem modernen Staate zur Herrschaft über die Kirche Gottes zu verhelfen… eine totale Auslieferung … an die Volkssouveränität.“ Furthermore, in an implicit reference to the ideas of Möhler, Sprinzl argued that the attempt to foster lay participation was,

\[ \text{auf das sogenannte Gemeindeprinzip basiert…, so dass also die kirchliche Autorität in der Gemeinde liege und sich die Kirche von unten nach oben ausbaue, während nach katholischen Grundsätzen gerade umgekehrt die kirchliche Autorität eine von Gott bestellte und gegeben ist und dieselbe in ihrer Amtstätigkeit die kirchliche Gemeinde gründet und bildet.} \]

The Old Catholics were thus liberals, democrats and crypto-Protestants, bent on creating the “große liberale Staatskirche, deren Gott der liberale Staat, deren Bekenntnis das liberale Staatsgesetz, deren Tempel die confessionslose Schule sein sollte.“

In Upper Austria, it was Bishop Rudigier’s brand of Ultramontanism that priests invariably had to defend in their sermons on Sunday morning, since it so often

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dominated the press during the week. Such recurring rituals increasingly politicized communities between liberals and Catholic-conservatives. Priests, especially if they were of a different political persuasion than their bishop, quickly began to feel alienated from both communities: reprimanded by the Bischöfliches Ordinariat for sympathizing with town burghers yet, as a priest, still the object of liberal scorn. Knowing that many priests were at odds with their diocese, the Old Catholic movement made a reform of the lower clergy a focal point of their platform. Already in August 1870, only weeks after the final vote in Rome, the liberal club in Linz issued a statement directed specifically at this group:

Der despotische Druck des Bischofs Rudigier auf seinen Diözesanklerus ist die Hauptursache der aufreizenden Agitationen des Klerus in unserem Lande und die Irreführung der Bevölkerung, insbesondere des oberösterreichischen Landvolkes. Die Entfernung des Bischofs Rudigier von seinem Bischofssitze und eine freie materiell gesicherte Existenz des niederen Clerus ist als Hauptbedingung einer ersprießlichen Wirksamkeit des Clerus mit allen gesetzlichen Schritten anzustreben. 464

When the first congress of dissident ‘Old’ Catholics met in Munich in the fall of 1871, the participants also passed resolutions emphasizing that the lower clergy need to be protected “gegen jegliche hierarchische Willkür,” and that priests’ education in the seminary should expose them to the outside world rather than shelter them from it. The

464 Linzer Tages-Post, 5 August 1870, p. 1.
end result, so organizers hoped, would be a “sittlich frommen, wissenschaftlich erleuchteten und patriotisch gesinnten Klerus.”

Though actual turncoats were few and far between, the diocese treated the slightest sign of rebellion very seriously and there is some evidence to suggest that a fair number were at least initially sympathetic to the idea. Any rumor that a priest had applied for a post in an Old Catholic community was immediately investigated, the priest confronted and cajoled back into line with a mixture of sympathy and terror. The emerging community in Ried only found a priest with great difficulty, especially after their first priest, Josef Brader, died in 1875: two of the four applicants applied anonymously, writing that they would only accept the position if their income was shown to be secure. Indeed, even with the above elements in place, many communities never got off the ground for failure to find a priest.

Only three Upper Austrian priests left their posts in the 1870s to head Old Catholic communities. Though three may not sound like a large number, it is more

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466 See Rudigier’s response to what was probably a staged letter on the part of Franz Leithgeb, a Catholic priest from neighboring St. Pölten, who requested a posting in Ried. In the letter, Leithgeb argued that he was above all qualified by never having said or written anything that could be interpreted as friendly toward Old Catholics. Rudigier’s reply is very cordial and encouraging, requesting that he ask his bishop right away for permission to work in the Upper Austria. Leithgeb, however, went on to succeed Brader as the Old Catholic priest in Ried a few months later. His request was thus probably an attempt to get the diocese to pay for his travel expenses. Franz Leithgeb to Rudigier, 11 July 1875. DAL CA/4, Sch. 64, Fasz. 32/5.

467 Freund to Rudigier. 22 March 1875. See also, Freund to Rudigier, 11 February 1875. DAL CA/4, Sch. 64, Fasz. 32/5.

than in any other diocese in the Monarchy. The first was Alois Anton, who began his protest against infallibility even before advent of the Council and left his posting as Kooperator in Sarmingstein to help found the Old Catholic community in Vienna; then there is the already mentioned Brader, who became the first Old Catholic priest in Ried; and finally Franz Leithgeb, who took Brader’s place in 1875. All three had similar careers and similar gripes about their profession: a critical disposition that began to manifest itself early in their careers, a string of unfriendly superiors while still assistant priests (Kooperator), arbitrary assignments scattered throughout the diocese, and a diocese administration indifferent to their complaints.

In examining the careers of Brader, Leithgeb and Anton, the first thing one notices is an inordinate amount of travel: Brader, ordained in 1867, was transferred to six different positions as a Kooperator in four years before he joined the Old Catholics in Ried. In all of them, he was unhappy and almost immediately began petitioning the Bischöfliches Ordinariat for a transfer. Brader’s successor in Ried, Leithgeb, spent the first eighteen years of his career at sixteen different stations as both a Kooperator and Pfarrassistent — he was ordained in 1843 — before finally become a regular

[469] In 1880, the whole of the Old Catholic Church in the Monarchy possessed only two priests. Demmel, Geschichte des Alt-Katholizismus, p. 97.

[470] On Anton, see especially the correspondence between one of his superiors, J. Weilguny, and Rudigier, from 7 and 16 March 1870, BA (Rudigier Archiv), Sch. 5.

[471] A Kooperator is the lowest rank among the lower clergy. It denotes a priest who has graduated from the seminary but not yet taken the Pfarrkonkursprüfung necessary before becoming a regular priest — though even then he could expect a series of Pfarrvikar and Pfarrprovisor appointments before a regular position as a Pfarrer priest became available. Bowman, Priest and Parish, p. 126; Pumberger, "Dr. Joseph Brader," pp. 5-24.
priest (though only *provisorisch* — the status never changed) in 1861. Finally, Alois Anton also went through several stations and became increasingly frustrated with each one; he was often reported as psychologically withdrawn and became ill for months at a time. As we saw in Chapter Two, this is in marked contrast to the career of those destined for a more regular position in the clergy.

Without a doubt all three were bright and promising at the beginning of their careers. Anton published several popular books on aspects of Church history before the Vatican council and Brader had been accepted into the *Höheres Priesterbildungsinstitut* in Vienna, though — and this certainly did not endear Rudigier to him — Rudigier sent another priest in Brader’s place at the last moment. Nevertheless, Brader still went on to study in Salzburg — *privatim*, as the records emphasize — and received a doctorate in theology in June 1871.

In the cases of Anton, Brader and Leithgeb, the grounds for the transfers are easy enough to surmise: friction between the assistants (*Kooperatoren*) and regular

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472 His career as a member of the regular clergy is just as colorful, with two court cases, a few transfers and unexcused absences over longer periods of time. BO St. Pölten to BO Linz, 1 April 1875. DAL, CA/5, Sch. 66, Fasz. 32/5

473 Signs of Anton’s condition are scattered through his correspondence and that of his superiors with the *Bischöfliches Consistorium*. See, for example, Alois Anton to BC, 21 January 1856, DAL CA/3 Fasz. 1/12, Sch. 39; Alois Anton to BC, 1 January 1861, CA/3 Fasz. 1/12, Sch. 41; Alois Anton to BC, 1 January 1866, CA/3 Fasz. 1/12, Sch. 41; and, especially, the correspondence on Anton — a thick packet — located in, BA Rudigier Archiv, Sch. 5.

474 See, for example: Alois Anton, *Bilder aus der Geschichte der Inquisition*, (Vienna, 1870); Alois Anton, *Bilder aus der katholischen Kirchengeschichte, von einem katholischen Gesitlichen*, (Vienna, 1869).

475 The so-called *Frintanium*, where Rudigier had also studied.

476 Each diocese had a quota at the *Priesterbildungsinstitut*, 2 priests per year in the case of Linz. At the last moment, Rudigier was able to get another of his favorites admitted and thus bumped Brader from the list. Pumberger, "Dr. Joseph Brader,” pp. 8-10.
priests. By itself, this was hardly uncommon; such accounts are a fixture of almost every chronicle, diary, or novel about priestly life in the nineteenth century.\textsuperscript{477} Kooperatoren were treated poorly, ignored, given unwelcome assignments, malnourished, felt intellectually stifled, and suffered almost every other form of abuse one could name. Both Brader and Anton, however, felt strong enough about the abuse to write pamphlets on the subject.\textsuperscript{478} Leithgeb, though not inclined to write pamphlets, was repeatedly reprimanded by the Bischöfliches Ordinariat because he “störte den häuslichen Frieden durch unbefugtes einmischen in die Angelegenheiten des Hauses, quälte die Domestiken, versuchte die Gemeinde gegen ihren Pfarrer aufzuregen.”\textsuperscript{479} All three thus not only suffered abuse from their superiors, but also felt strongly enough about that abuse to protest openly.

The feeling of ‘slavery,’ as Anton’s pamphlet put it, experienced by the lower clergy consisted of more than just mental indignation, it also consisted of a very real poverty. The late 1860s and early 1870s were a time of real prosperity in Austria, as

\textsuperscript{477} The most vivid example for Upper Austria in this regard comes in the form of two scathing Priesterromane – large, kitschy tomes about the “good” priest in a “bad” system – written by Hans Kirchsteiger, another unhappy priest who left the priesthood and the region, settled in Salzburg, and eventually became an Old Catholic priest in the late 1890s. Hans Kirchsteiger, \textit{Das Beichtsiegel}, (Vienna, 1905); Hans Kirchsteiger, \textit{Wie heißt das sechste Gebot}, (Salzburg, 1915). Especially in the Beichtsiegel, Doppelbauer’s regime is described with often brutal accuracy. The novel was also quite a success, selling about 13,000 copies. Murray G. Hall, \textit{Österreichische Verlagsgeschichte 1918-1938}, (Vienna, 1987). On Kirchsteiger, see, Klieber, \textit{Katholizismus in der Provinz}, pp. 34-38.

\textsuperscript{478} Alois Anton, \textit{Das Sklaventhum des niederen Klerus}, (Linz, 1871); Josef Brader, \textit{Die Stellung der katholischen Pfarrer und Capläne in Oberösterreich vom materiellen und socialen Standpunkte. Populär besprochen von einem Weltpriester}, (Linz, 1871).

\textsuperscript{479} BO St. Pölten to BO Linz, 1 April 1875. DAL, CA/5, Sch. 66, Fasz. 32/5. In contrast to Brader and Anton, Leithgeb’s disciplinary problems were so extreme, he at one time landed in the priestly correctional facility. In 1856 he spent over six months at the Priesterhaus Mitterberg. \textit{Verzeichnis der Direktoren, Spirituale, Provisoren, Korrigende- u. Kommeranten-Priester im Priesterhause zu Mitterberg seit dem Jahre 1839 (-1939)}; see entry 70. DAL CA/9 Sch. 5.
the building of railroads and other industrial investments caused the stock market to soar.\footnote{Sandgruber, \textit{Ökonomie und Politik}, pp. 244-251.} The price of most goods rose at an exorbitant rate — between 1860 and 1873, for example, the price of beef in Linz rose 50 percent and bread 78 percent\footnote{Prices are for Linz. Österrreichisches Statistisches Zentralamt, \textit{Geschichte und Ergebnisse}, p. 135, 147; Sandgruber, \textit{Ökonomie und Politik}, pp. 245-247.} — and it was those on fixed incomes that suffered most. The pay scale for the regular clergy (the \textit{Congrua}) had remained fixed at between 315 and 420 Fl. a year since they were originally set under Joseph II in the 1780s.\footnote{A good discussion of the congrua can be found in, Boyer, "Priests in Lower Austria," p. 339.} Assistant priests (\textit{Kooperatoren}) earned even less, usually between 200 and 220 Fl. a year.\footnote{See the Documents in, \textit{DAL}, CA/3 Fasz. 1/12, Sch. 39.} While a \textit{Kooperator} or \textit{Vikar} could earn additional income through baptisms, weddings and other ceremonies requiring \textit{Stollgebühren}, an 1871 government report on the matter concluded, that these were “so gering, das die Summe derselben dem Pfarrer keine nennenswerte Mehreinnahme verschaffi.”\footnote{The same government report, however, fell short of recommending an increase in the \textit{Congrua}: the government was, as always, short on funds, and any pay increase would only provide further ammunition to liberals who wanted to eliminate the state’s obligation to pay priests altogether. Nevertheless the fact that there was a report at all demonstrates the seriousness of the situation around 1870. SHL to the Ministry for Religion and Education, 23 March 1871. OöLA StPr Sch. 418.}

Besides intellectually stimulating parishioners, the Old Catholic community in Ried also offered a different pay scale. Instead of a base salary, which priests then compensated with supplementary services, the Old Catholic community in Ried paid an annual salary of 1,200 Fl., four times what a regular priest made in the Catholic Church. The trade-off was that the priest had to rent his own apartment and provide
for his own housekeeper — Roman Catholic priests received both for free — and that all services, from burials to baptisms, were to be offered without charge to the parish. Little wonder, then, that the post raised eyebrows among intellectually stifled and financially starved members of the lower clergy.485

Priests and their Parishioners

Examining the very public war over Catholic beliefs between 1870 and 1873 in the press, it is easy to come to the conclusion that Old Catholics were the urban liberal elite. Ignaz von Döllinger, the spiritual leader of the movement, was a renowned professor of Church history. Josef Gyri, the head of the Old Catholic community in Ried was the town’s mayor. In letter after letter to the regional press, Liberal Clubs — those bastions of an educated and male urban middle class — took a pronounced public stance for Döllinger and against infallibility. As the Rheinischer Merkur, later the Deutscher Merkur and the main Old Catholic newspaper in Germany, wrote: the movement represented “eine Reihe bedeutender katholischer Gelehrter und bewährter Publizisten, Männer von Freimuth und gründlicher wissenschaftlicher Bildung.”486 Neither the Old Catholic communities nor, subsequently, historians, have done much to dispel this image.487

485 One of the Reforms of May 1874 stipulated that a Catholic priest had to administer all rites without compensation. Many if not most priests continued to ignore the law. Anton Pinzger, "Die kathol. Pfarrgeistlichkeit hat die armen, auch wenn sie nicht in der betreffenden Pfarre Heimatberechtigt sind, unengeteltlich zu administriren," Theologisch-Praktische Quartalschrift 42 (1889).

486 From the Süddeutsche Presse’s description of the new magazine, 15 February 1870. Quoted in Berlis, Frauen im Prozeß, p. 68.

487 Even the more recent historians who have worked with statistical data seem to have glossed over the large portion of Old Catholics who were not part of the middle-classes. Berlis, Frauen im
Yet were these really the Old Catholics? One could begin by asking whether all or even some of the liberal members of the liberal clubs that first signed petitions supporting Döllinger in the spring of 1871 pursued the founding of a dissident Church with a similar verve. As a lead article in the Tages-Post complained a year after Döllinger’s letter:

_Würden all Mitglieder der liberalen Vereine, von denen doch kaum ein Einziges an die Unfehlbarkeit des Papstes glaubt, offen und entschieden zum Altkatholizismus stehen, so wäre dies eine That ... die für die Unabhängigkeit des Staates von der Oberherrlichkeit der Kirche und für den Bestand der Verfassung mehr Werth hätte als Tausende von Resolutionen._

Yet among the signatories of the 1870 petition against infallibility in Ried, the majority came not from those reaping the benefits of industrialization and a liberal state, but rather from the group increasingly challenged by both: artisans and the working class (see Figure 9), who make up forty-nine percent and eleven percent, respectively – thus together sixty percent of the movement. Surprisingly, there were very few educated professionals: doctors and lawyers made up only four percent, a number that increases to sixteen percent if we add state employees. Adding merchants, landlords and rentiers, the total comes to thirty-six percent, still far short of a majority.

_Prozeß; Blaschke, "Altkatholizismus," p. 65; Mergel, Zwischen Klasse und Konfession, pp. 282-307; Sperber, Popular Catholicism, pp. 233-240._

_488 Tages-Post, 16 March 1872._
Comparing Ried to one of the few other cities where statistics are available, we find similar results. Thomas Mergel’s study of the Old Catholic movement in Cologne also has figures of about fifty percent for the “Kleinhürgertum” and another three percent “Unterschichten.”\footnote{490} Though in Ried there was greater participation among the working class, the amount of artisan or lower-middle class involvement is almost identical.

\footnote{489}{Source: Zierler, “Ried im Innkreis,” appendix 2.. Included in my count are all signatories for whom a profession is listed, 243 of the total 360. Many others are listed only as ‘cousin of above,’ or ‘and wife.’}

\footnote{490}{Figures are for 1874. Mergel, \textit{Zwischen Klasse und Konfession}, p. 293.}
Table 8: The Old Catholic Community in Ried and Cologne in Comparison

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<thead>
<tr>
<th></th>
<th>Ried</th>
<th>Cologne</th>
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</thead>
<tbody>
<tr>
<td>Merchant Middle-Class</td>
<td>36 (15.2%)</td>
<td>176 (28.0%)</td>
</tr>
<tr>
<td>Educated Elites</td>
<td>38 (16.0%)</td>
<td>54 (8.6%)</td>
</tr>
<tr>
<td>Professionals</td>
<td>18 (7.6%)</td>
<td>64 (10.2%)</td>
</tr>
<tr>
<td>Artisans (Kleinbürger)</td>
<td>118 (49.8%)</td>
<td>311 (49.5%)</td>
</tr>
<tr>
<td>Laborers (Unterschichten)</td>
<td>27 (11.4%)</td>
<td>23 (3.7%)</td>
</tr>
<tr>
<td>Total</td>
<td>237 (100%)</td>
<td>628 (100%)</td>
</tr>
</tbody>
</table>

The evidence also fits with anecdotal data from elsewhere: the *Tages-Post* reported in 1870 that 700 workers ("arme Arbeiter ohne Kopf und Führer") wanted to leave the Church in protest in Styria;\(^{492}\) around the same time, the *Deutsche Merkur* reported that in the northern Bohemian town of Warnsdorf — where another of Cisleithania’s three Old Catholic communities was founded — it was weavers rather than "die Gebildeten" who were joining the Old Catholic movement;\(^{493}\) and, finally, when the Viennese Old Catholic community constituted itself in 1872, about half of the *Kultusvorstand* consisted of artisans and members of the lower bureaucracy.\(^{494}\) Thus while one component of the Old Catholic movement was the liberal *Bildungsbürger*, a second and more prominent element consisted of the lower middle and working classes.

One city where the movement did find a decidedly working-class home was in Steyr. South-east of Linz, the Upper Austrian town of Steyr looked to Josef Werndl’s

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\(^{492}\) *Tages-Post* 23 July 1870.

\(^{493}\) Quoted in, Demmel, *Geschichte des Alt-Katholizismus*, p. 30.

\(^{494}\) *Tages-Post*, 14 February 1872.
weapons’ factory as its main source of employment in the second half of the nineteenth century. In April 1871, a few days after Döllinger’s letter appeared in the liberal press, 115 workers from the factory signed a proclamation opposing infallibility.\textsuperscript{495} Though the journey from Ried to Steyr would have taken the better part of a day in 1871, Brader took it upon himself to also count these “lost souls” as part of his community. He traveled there often in the next years, holding services, performing baptisms and burials, and trying to keep the community there alive.

One of the few records to have survived is of a burial performed in the Catholic cemetery in Steyr. The account is remarkable in how different it is from the same ritual in Ried: In contrast to the bourgeois-pomp, with Bürgergarde and Feuerwehr, that so irritated Freund and Rudigier in Ried, Brader’s ceremonies in Steyr were simple and, above all, traditional:

\begin{quote}
Lauter Fabrikarbeiter, die begleitenden Weibpersonen beteten den schmerzhaften Rosenkranz, dem Kreuze folgt die Musikkapelle, dann der Leichenwagen und unmittelbar hinter Demselben zwischen zwei Männern \textit{detecto capite} Dr. Brader mit einer Kerze in der Hand. Am Grabe betete er den De Profundis, sprengte ein mitgebrachtes Weihwasser aus und am Schluss, wurden 3 Vater Unser gebetet.\textsuperscript{496}
\end{quote}

\textsuperscript{495} The figures are in, SPA Steyr to BO Linz, 10 April 1871. On Brader’s travels to Steyr, see, e.g., SPA Steyr to BO Linz, 13 February 1872, 9 March 1872 and again 4 October 1872. All four letters can be found in DAL CA/4, Sch. 64, Fasz. 32/5.

\textsuperscript{496} SPA Steyr to BO, 9 March 1872. DAL CA/4, Sch. 64, Fasz. 32/5. In a similar report a month earlier, the SPA Steyr complains that he baptized two working class children “ganz nach dem Ritual...der römisch-katholischen Kirche!” Even worse, the fathers were legally registered as ‘Confessionslos.’ SPA Steyr to BO, 13 February 1872. DAL CA/4, Sch. 64, Fasz. 32/5.
It is a pity that so few documents exist on the working-class Old Catholic community in Steyr. The available evidence hints at the malleability of the Old Catholic Church: a powerful antidote to an “irrational” and “outdated” Roman religious construction for the middle class; a cost-effective provider of religious services for the working poor that at the same time undermined the existing social hierarchies – Werndl, the head of the weapons’ factory, was a conservative Catholic.

This lower middle- and working-class component of the Old Catholic movement, however, remained very much hidden behind a barrage of middle-class rhetoric and images of the rational Bildungsbürger. The Actionscomité in Ried, for example, was composed of two lawyers, a master clock-maker, a landlord and a merchant, all of whom were men. The factory workers in Upper Austrian Steyr who began to request Brader’s services, for example, never received a mention in the liberal press; the report on the weavers in Warnsdorf was more of a complaint than a report, admonishing the educated elite to also join the movement; and, the report on the workers in Styria consisted of a similar plea, in which the liberal Tages-Post lamented that these workers would surely return to the folds of the Roman Catholic Church unless proper Bürger were soon found to lead the community.

Old Catholic Men and Roman Catholic Women?

The gendering of religion with regard to the Old Catholic movement is also important: how did the Old Catholic Church fit into the picture of an increasingly

497 Zierler, “Ried im Innkreis,” p. 36.
498 Demmel, Geschichte des Alt-Katholizismus, passim.
‘feminine’ Roman Catholic Church in the nineteenth century — feminine both in who went to Church (mostly women) and how the Church was represented (above all by the Virgin Mary)? Could the phenomenon be interpreted as a ‘male’ rebellion against an increasingly ‘female’ Church? “Erkläret offen, frei und männlich, dass Ihr nur jene Priester behalten werdet, die diesem [vor-infillibalistischen] Glauben getreu bleiben wollen,” is what the Tages-Post wrote to rally “all Catholics of Upper Austria” just a few days after the passage of Pastor Aeternus. For liberals, there was an inherent masculinity in confronting the Church and those that did not were “feige und gewissenlos,” as one letter to the Tages-Post said.

The Old Catholic movement in this sense represented an effort of the ‘masculine’ (liberal, male, public and progressive) forces of modernity to overtake and control an increasingly ‘female’ institution that, liberals felt, had no place in the public sphere. Moving stories of how devotion to the Virgin Mary — through visions and prayer — helped heal the seemingly incurable, for example, were a mainstay of the Catholic press. To Old Catholics these were old-wives-tales and proof of the

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500 Tages-Post, 22 July 1870.

501 The letter was written in support of another letter of support that had been published the previous day by the Männer des Kemptner Katholiken-Verein zur Abwehr römischer Neuerung. Tages-Post, 14 May 1871.

502 Stories of sickness and miraculous healing were omnipresent among the pious — as pamphlets, newspaper stories, in religious calendars and in Catholic journals. See, Busch, "Feminisierung." For an example from Upper Austria, see, Ignaz Hollensteiner, *Erzählung eines neunjährigen qualvollen Leidens und einer am 15. März 1857 geschehenen wundervollen Genesung*, (Linz, 1857).
irrational and dangerously influential appeal that the Church exerted. In a telling ‘mirror’ of these stories, one Old Catholic, an architect who left Linz and moved to Prussian Bonn in the 1860s, wrote to his former bishop, Rudigier:

> Der wirkliche, geistige Austritt aus Ihrer Kirche erfolgte schon im Jahre 1870 … Es gereicht mir zur großen Befriedigung, der ich seit 5 Jahren auch bei einer schweren Krankheit, der Auflösung nahe, kein Bedürfnis nach Trost und Gnadenmitteln aus der Papstkirche suchte … Möge auch meinem lieben Vaterlande ein Apostel des wahren Glaubens die Leuchte der Gewissensfreiheit und den Oelzweig des geistigen Friedens bringen.”

In this case, the narrative was reversed: The strong belief in freedom of thought and conscience replaced a narrative of miraculous healing. Similarly, in reports of how Old Catholics celebrated holidays and arranged for “anti”-events to overshadow Roman Catholic processions during holidays, one is struck by the way in which these parades have more to do with masculine Bürger-pomp than religious fervor. As Freund wrote to Rudigier, Brader’s Old Catholic burials occurred, “mit Begleitung der Bürgergarde und öfters auch der Turner und Feuerwehr.”

This conflict also manifested itself in the image of the “Old Catholic husband” and the “Roman Catholic wife.” Jonathan Sperber has argued in his study of Catholics in the Rhineland that husbands converted behind their wives’ backs, after which priests then ‘used’ the same wives — persuaded in the confessional, no less! — to

503 Radlegger to Rudigier, 3 March 1875. DAL CA/4, Sch. 64, Fasz. 32/5.
504 Freund to BO, 20 June 1873. DAL CA/4, Sch. 64, Fasz. 32/5.
pressure their husbands to return to the fold. Martin Kirchhammer, the head of the Ried Actionscomité complained in a similar manner that the Roman Catholics were not playing by the rules of the public sphere. These were, “alles Hebel, welche im Dunkel des Beichtstuhles, auf der Kanzel, in der Schule und allerwärts in Bewegung gesetzt werden, um die Familien zu entzweien.” This malicious influence had, of course, recently been on public display during the Gady trial, then barely a year old. Through the confessional, liberals argued, the Roman Catholic Church had a direct link to the private sphere: to the most intimate thoughts of its female parishioners and thus, by extension, to the heart of the middle-class household. And any attempt to remove this influence would fail as long as priests had a direct line into the heart of the familial private sphere of the Bürger household.

In fact, this strategy did have some basis in fact: It was through familial contacts rather than newspaper attacks that the Roman Catholic Church made its most concerted efforts at reconverting Old Catholics. Freund, for example, tells of several examples where his pressure prompted the re-conversion of an Old Catholic back to the ‘true’ faith: in one example, two grooms-to-be reconverted after Freund put pressure on their still-Catholic fiancés; in another example, pressure was exerted on an Old Catholic son by way of both his parents and his brother, who was a Roman Catholic priest; the son also relented. Brader, in an exception that merely proves the

505 Sperber, Popular Catholicism, pp. 234-236.
506 Tages-Post, 4 April 1873.
507 For the first example, see Freund to BO, 25 October 1873, and Freund to BO, 11 January 1874. Both letters are in DAL CA/4, Sch. 64, Fasz. 32/5.
rule, was repeatedly reprimanded in the clerical press that it was his parents who suffered the most from his actions, and that it was his parents who have asked the Church to look after his welfare.\textsuperscript{508}

Table 9: Signers of the 1870 Old Catholic Petition in Ried by Gender and Marital Status\textsuperscript{509}

\begin{tabular}{lcccc}
 & Totals & Single & Single with Children & Married Couples & Families with Children \\
Men & 214 (100\%) & 88 (42\%) & 5 (2\%) & 41 (19\%) & 80 (37\%) \\
Women & 171 (100\%) & 41 (24\%) & 9 (5\%) & (24\%) & 80 (47\%) \\
\hline
Total Men & 214 (56\%) & & & & \\
Total Women & 171 (44\%) & & & & \\
\hline
Total Single & 242 (63\%) & & & & \\
Total Married & 143 (37\%) & & & & \\
\end{tabular}

The masculine imagery did not, however, necessarily translate into a male movement: while men were in the majority, women made up forty-four percent of Ried’s initial Old Catholic membership. This in itself does not contradict a feminized version of the Catholic Church: after all, if male priests could preach salvation through the Virgin Mary, their female parishioners could conversely seek more masculine role models for their own behavior outside of the Roman Catholic Church. Thomas Mergel argued in his study of the Catholic bourgeoisie in the Rhineland that, “\textit{unselbstständige Frauen, also Ehefrauen, blieben römisch-katholisch. Selbstständigen Frauen fiel es leichter, sich der neuen [altkatholischen]}

\textsuperscript{508} Press clippings can be found in BA, Rudiger Archiv, Sch. 5.

\textsuperscript{509} Source: Zierler, ”Ried im Innkreis,” Appendix 2. These figures, however, are unsystematic and based on the response given; while it is probably safe to assume that the married responses are true, those who indicated nothing at all may well have been signing without the knowledge (or consent) of their spouse.
In Cologne, where Mergel’s figures are from, forty percent of the women who joined were single and a further twenty percent widowed. Furthermore, of these, eighty-seven percent said their profession was “Rentnerin.” In Linz, however, this does not hold true: over sixty percent of all signatories and seventy percent of female signatories were married. Austrian families went Old Catholic or stayed Roman Catholic together much more often than their counterparts in Prussia.

The Austrian State and the Old Catholic Movement

The rise of the anti-infallibility and Old Catholic movements was in many ways analogous to the development of a Catholic-conservative movement after the Rudigier and Gady trials: excluded from the institution each felt a part of (for Rudigier and co., the state; for anti-infallibility liberals, the Roman Catholic Church), each created alternate structures to compensate for the loss. At this point it might be easy to say that there is no comparison: the Catholic-conservative movement became a wide-scale social movement, dominating politics during the 1880s and beyond, whereas the Old Catholics remained an awkward splinter movement, with only a brief return to the limelight in the 1890s in the context of the Los-von-Rom movement. But the importance of the Old Catholic movement also lies in how it tempered the state’s

\[^{510}\text{Mergel, Zwischen Klasse und Konfession, p. 295.}\]
policy toward religious equality, shifting state policy away from liberal ideals of
tolerance and toward the more interventionist approach seen in the 1874 May Laws.  

**The Stremayr Memo of February 1872**

Vienna did not legally recognize the Old Catholics as a confession until 1877,
and since only legally recognized religions had the right to practice publicly, its
members existed in a sort of legal limbo: Catholic in the eyes of the state, non-
Catholic in the eyes of the Church. Hopes ran high in the fall of 1871 that one of the
many petitions to the government might lead to some sort of a dramatic
announcement, especially after a liberal government under Prince Adolph von
Auersperg took power from the more conservative Hohenwart government in
November. Carl von Stremayr, well known for the pronounced anti-Roman stance he
had exhibited in 1870, once again took up the post as Minister for Religion and
Education. In February 1872, Stremayr set to work, carefully formulating an official
policy on the Old Catholic question. Picking up where his predecessor Josef Jurecek

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511 On the 1874 May Laws, see above, pp. 132-135.

512 Article 14 of the 1867 Constitution guaranteed “full freedom of religion and of conscience.” Article 15, however, added that only legally recognized religions had the right to public worship and self-organization. Though individuals of other religions could worship privately (Article 16). Ernst Carl Hellbling, *Österreichische Verfassungs- und Verwaltungsgeschichte*, (Vienna, 1956), pp. 391-392. Legally recognized religions in 1870 were: Catholicism (Roman and Uniate), Protestantism (Helvetian and Augsburg), Judaism, Greek Orthodoxy, and Islam (in Bosnia, after 1912 in all of Cisleithania). Religions added later were: the Old Catholics (1877), the Protestant Brotherhood (1880), the Lippowaner (1897). See, Ludwig Gumplowicz, *Das österreichische Staatsrecht (Verfassungs- und Verwaltungsrecht)*, 2nd ed., (Vienna, 1902), pp. 228-243.

513 The *Wiener Zeitung* on 2 August 1870 had published a Stremayr talk in which he argued that the "katholische Kirche mit diesem neuen Lehrrsätze sich auf ihre bisher fremde Gebiete begeben habe," and that "an Stelle der alten, historischen, limitierten Kirchengewalt eine neue, unbeschränkte und unbeschränkbare getreten ist." Cited in an article by Johann Friedrich von Schulte, *Tages-Post*, 14 February 1875.
had left off, Stremayr began by emphasizing that the state saw the Old Catholic movement as “innerkirchlich,” pertaining to “lediglich den Rechtsbestand
dogmatischer Sätze.” In the past months, he continued, the movement had
transcended the boundaries “für welche nicht die Kirchen- sondern die Staatsgesetze
maßgebend sind.” He was referring especially to births and deaths, baptisms and
marriages – in short, the parish registries. Stremayr explained the legal conundrum:
Legally, as long as the Old Catholics did not officially declare themselves as having
left the — as he diplomatically put it — “Boden des geschichtlich herausgestalteten
kirchlichen Gesamtorganismus,” the state considered them Roman Catholic, subject to
the same regulations and the same hierarchy as all other Roman Catholics.

Würde ein solcher Schritt seitens der „Altkatholiken“
rechtsförmlich vorgenommen, dann stünden denselben allerdings
jene Rechte offen, welche Artikel 16 des Staats-Grundgesetzes
vom 21. Dezember 1867 R.G.Bl. no. 142 einräumen, während
bezüglich ihrer Eheschließungen, Eheaufgebote, überhaupt
bezüglich aller ihrer Civilstands-Akte das Gesetz vom 9. April
1870 R.G.Bl. No. 51 maßgebend sein würde.

He then spelled out the consequences of such a view:

In solange aber ein solcher Schritt nicht geschehen ist, kann die
Regierung zur Ausübung jener staatlichen Funktionen … nur
diejenigen Priester als legitimiert ansehen, welche nach den
destehenden Gesetzen und kirchlich-staatlichen Einrichtungen als

514 See p. 206, above.
515 Stremeyer to SHL, 20 February 1872, OöLA StPr Sch. 418.
This meant that all entries — especially marriages — made in separate Old Catholic registries, or that had been entered in the parish registries by an Old Catholic priest, were invalid. Then he finally drew the only logical conclusion:

Bei dem offenen Mangel eines gesetzlich anerkannten Organismus der Altkatholiken kann weder die Versammlung jener Gläubigen als ordentliche Pfarrgemeinden, noch ihr Seelsorger als ordentlicher Seelsorger im Sinn des Gesetzes angesehen werden.

Neither the Old Catholics nor their liberal sympathizers had expected such an outspoken liberal and anti-Roman statesman to take such a position. It was as if “ein Stein in das Glashaus unserer zarten konstitutionellen Flora gefallen wäre,” commented the Tages-Post, adding, “wir glaubten ein Religionsedikt Rudolfs II zu lesen.” One unbelieving local official in Braunau wrote back to the Statthalterei in Linz to inquire whether the directive had been a prank. For Old Catholics, it was indeed quite a blow. “Der Staat stellte in der Tat den ganzen staatsgrundgesetzlichen Apparat in den Dienst der infallibilistischen Hierarchie,” is how the Old Catholic historian Hans Josef Demmel put it. Things then went from bad to worse: on 5 March 1872 when the conversion of the old theater in Ried into an Old Catholic Church was finally completed, the government issued a directive banning Old

517 Bezirkshauptmann Braunau to SHL, 8 March 1872, OöLA StPr Sch. 418.
Catholic services. The Old Catholic community ignored the directive — easy to do in the face of sympathetic local officials — and the ensuing storm of protest quickly led the government to withdraw the order.

The Cat and Mouse Game in the Parish Registries

In wake of the various decrees, a subtle game of cat and mouse began between the Roman Catholic and Old Catholic communities in Ried and Steyr over the praxis of the parish registries. Brader would perform ceremonies — marriages, baptisms, last rites, funerals — and then call on Freund, asking him to enter the ceremonies into the parish registries. Freund would then write to the Bischöfliches Ordinariat, ostensibly to ask for advice; in fact, he was stalling. Next, the Bischöfliches Consistorium would write to the Statthalterei something to the effect of: “dass das Pfarramt keinen Pfarrer Brader, sondern nur einen abgefallenen Priester Brader kenne,” as one letter from December 1872 put it — and that the ceremonies could therefore not in be entered into the parish registries in good faith. The local authorities would then disagree: “Es handelt sich hier nicht um den Glauben,” was the general tenor of the responses; it was a simple bureaucratic matter of the state-designated record holder — the priest — entering an official act into the official state registries.

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519 *Tages-Post*, 7 March 1872, 2-3; Demmel, *Geschichte des Alt-Katholizismus*, p. 25.


521 Emphasis in the original. BO to SHL, 13 December 1872. DAL, CA/4, Sch. 64, Fasz. 32/1.

522 Verbal communication of the Amtsleiter, Ried, related in, Freund to BO, 4 February 1872. DAL, CA/4, Sch. 64, Fasz. 32/5.
Old Catholic weddings especially proved to be a headache for local officials. The civil-marriage law of 1868 permitted a civil service for members of an officially recognized religion — which, if they had not formally left the Catholic Church, Old Catholics still were — only after the local priest had denied the couple the right to marry “aus einem durch die Gesetzgebung des Staates nicht anerkannten Hinderungsgründe.” A priest refusing to marry a couple on the grounds that they were Old Catholic, for example, was not a legally accepted Hinderungsgrund – confessional difference in this way did not yet exist – thus enabling a civil ceremony. Stremayr’s memo of 20 February 1872, because it now officially introduced this option, resulted in a flurry of new civil marriages between Old Catholics, as this was now the simplest way to avoid the bureaucratic stalling of Pfarrer Freund.

As the number of ceremonies multiplied — there were eleven civil marriages in 1872 alone — local officials began to complain, arguing that the Old Catholics were misusing the civil ceremony. As the Amtsleiter in Ried wrote to the Statthalterei in January 1873,

*Im Allgemeinen [scheint] die hiesige Bevölkerung den Sinn und die Wichtigkeit des Aktes der Eheschließung von der weltlichen Behörde … nicht zu begreifen … Während die Brautleute den civilen Akt der Eheschließung so gewisser Massen nur als … unbequeme Formalität zu betrachten scheinen, wird aller nur mögliche landesübliche Pomp entwickelt [für die Zeremonie danach]… Die Wichtigkeit und Tragweite der vorausgegangenen *

Civil-Aktes [wird] gänzlich missverstanden.

Local officials grew increasingly irritated at the whole religious “act” that both sides seemed to be engaging in. In what was an uncharacteristically bitter letter, the Amtsleiter continued that Old Catholics were,

einer extrem liberalen politischen Fraktion angehörig, hierbei nur eminent politische Zwecke verfolgen, nämlich: die Emancipation des Staates von der Kirche, und die Frage des Verhältnisses zwischen den letzteren und dem Staate ihrer Lösung näher zu bringen... Ihnen fehlt der sittliche reformatorische Christ, die religiöse Überzeugung, und da, ausgesprochener Materialisten und Indifferentisten an der Spitze derselben stehen, die Ehrlichkeit.

Yet the Amtsleiter had no kind words for the “other side” either. Freund, he wrote, had fostered "den bekanten Conflict und die religiöse Spaltung in Ried [mit] geradezu mutwilliger Weise." And much responsibility, he added, also belonged to Rudigier:

Ohne Zwifel im höheren Auftrage, fand es Canonicus Freund bedauerlicher Weise, nicht für angezeigt, sich diese Auskunftsmittels, wodurch die hier herrschende Bewegung jedenfalls in ruhigere Bahnen getrostet worden wäre, zu bedienen sondern verweigerte den Brautpaaren, die sich als ‘altkatholisch’ bekannten, ohne weiteres die kirchliche Verkündigung und Entgegennahme der Erklärung der Einwilligung zur Ehe, vorgiebend. 524

524 Amtsleiter Ried to SHL, 12 January 1873. OöLA StPr XI A, Sch. 418.
First, Rudigier complained to the Statthalterei that Old Catholic marriages in Ried had too much of a civil und bürglich character. Next, the priests in Steyr complained that Old Catholic funerals seemed to provide traditional sacraments to people who had formally left the Church, and now the civil authorities complained that the whole conflict only served to diminish the political legitimacy of the liberal state.

In July 1874, the government began efforts to pave the way for the creation of a new “Religionsgemeinde.” A first law addressed the problem of choosing between “Old” Catholic and “Roman” Catholic by decreeing that one did not first have to formally leave one confession before founding or joining another, an important victory for the Old Catholics. On 18 October 1877, the Old Catholic confession was finally legally recognized.525

These conflicts soon came to the heart of the conflict between church and state: was the Roman Catholic parish priest a state official who had a legal obligation to maintain state records, or could he let his conscience dictate which records to keep and how? Who, in essence, decided whether Old Catholics were, in fact, Catholics? In the course of 1872 opinions both among clergy and higher state officials varied dramatically on these questions and the amount of correspondence between the officials ‘on the ground’ — the parish and the local government officials in Ried and Steyr — and in higher offices in Linz and Vienna increased exponentially. The

authorities even arrested Freund’s *Kooperator* Stritzinger at one point after he publicly declared that Old Catholic “Civil-Ehen” were not legally binding.\(^{526}\)

Ried, however, was a somewhat extreme case. In Braunau, a town on the Bavarian border with a significant Old Catholic community, the local officials reached a *modus vivendi* on the parish registries. Braunau is little mentioned in the Austrian Old Catholic accounts, since its Old Catholics generally crossed the Bavarian border into neighboring Simbach to participate in services there. In the case of a married Old Catholic couple with a baby daughter who moved to Braunau from Ried in 1874, the local Catholic priest and the municipal authorities quickly found a compromise: the priest, Josef Heigl, filled out all the necessary information — name, occupation, date, and type of event — but left the official ‘status’ of the participants blank (married, baptized). The local government official would then enter the key words “legally married” or “legally baptized” in the parish registry, thus saving the priest from having to pass judgment. Thereafter, the priest would ‘copy’ the existing public record in order to produce a valid Catholic marriage or baptism license for the state records.\(^{527}\)

By mid-1873, the government had realized the quagmire that its 20 February directive was causing and began seeking Braunau-style compromises for Cisleithania as a whole. A first directive followed in June, this time issued by the Ministry of the Interior rather than for Religion and Education, ordering priests to enter births, baptisms and deaths of Old Catholics into the registries, but permitting them the right

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\(^{526}\) Freund to Rudigier, 3 January 1873. DAL CA/4, Sch. 64, Fasz. 32/5.

\(^{527}\) See the report by Heigl, 22 January 1873. DAL CA/4, Sch. 64, Fasz. 32/5; Bezirkshauptmann, Ried, to SHL, 17 January 1874; Karl Heindl to SHL, 30 September 1874, and 15 October 1874. OöLA StPr XI A, Sch. 418.
to enter the “circumstances of the entry” in the “comments” field. A form was then included to cover eventual conflicts, which were then to be handled by the local authorities. After a string of conflicts as to exactly what a priest could enter into the “comments” field, the ministry issued a second directive in December: births, deaths and baptisms should be entered as “Catholic” in such cases and the comments field be used solely as a reference field, citing the relevant correspondence with local state officials on matter. In this way the local priest could register the fact that he had been “forced” to enter the information by the worldly authorities, something Rudigier demanded, but the registry would still be valid for the state.  

Religion and Schooling

The confrontation between Old and Roman Catholics also became important in the question of religious education. In January 1872, four of the twenty-five students at the recently opened Gymnasium in Ried signed a petition declaring their allegiance to the Old Catholic Church. The headmaster, a liberal whose own viewpoint against anti-infallibility was well known, supported the boys. Two of the boys were below the age of consent (fourteen) and would thus nonetheless have to continue attending Catholic instruction. But for the remaining two, the situation was more

528 Ministry of the Interior, Vienna, to SHL, 21 July 1873 and 30 December 1873. OöLA StPr XI A, Sch. 418. Even then, however, problems persisted as priests in some cities, most notably Ried and Steyr, continued to ignore these directives and refused to act on any matter without word from the Bischöfliches Ordinariat. See the correspondence between Freund and the BO as well as between the SPA Steyr and the BO in the second half of 1873 in, DAL, CA/4, Sch. 64, Fasz. 32/5.

529 The k.k. Staatsrealgymnasium opened in 1871.

530 At fourteen, a child could declare a confession affiliation of his or her own free will; below the age of seven, it was the parents who determined the confession, and between those ages no change was possible. Gumplowicz, Das österreichische Staatsrecht, p. 230; Walter Hauptmann, “Die Entwicklung
complicated. Although after fourteen every child could choose his or her own religion, Old Catholicism was not a recognized confession by the state. The boys ceased taking part in the Catholic religious instruction in school but their status remained unclear. Were they now officially atheist? Catholic? Did they need to be reclassified as Protestants for the time being? No one was sure, though by the time word came from the Bischöfliches Consistorium a few weeks later, the boys seem to have dropped their case and thus the matter was dropped.\textsuperscript{531}

The incident nevertheless had ramifications for how religion would be taught in schools: over the course of the following year, the liberal local school board, which Rudigier had barred priests from joining as a protest against the May Laws, began placing lay Catholic instructors in the religious classes.\textsuperscript{532} These instructors were to give a more ‘balanced’ view of the Catholic religion than that provided by Stritzinger, the local assistant priest.\textsuperscript{533} Freund and Stritzinger appealed the measure to the Ministry for Education and Religion, without success.\textsuperscript{534} Concurrent with the court proceedings and well aware that the Catholic Church would probably lose, the parish in Ried began a program of extra-curricular religious instruction, teaching religion

\textsuperscript{531} Joseph Kobler to Rudigier, 9 January 1872. DAL, CA/4, Sch. 64, Fasz. 32/5.

\textsuperscript{532} Meindl, \textit{Leben und Wirken}, vol. II, pp. 25-63; Rudigier, \textit{Schulaufsichtsgesetz}.

\textsuperscript{533} Even among Ultramontane priests, Stritzinger seems to have been an extreme case. Around this time, Freund complained that he would like a second \textit{Kooperator} to balance the hot-headedness of Stritzinger. Freund to Rudigier, 31 December 1872. CA/4, Sch. 64, Fasz. 32/5.

\textsuperscript{534} The verdicts are attached to a letter from Stritzinger to Rudigier, 31 December 1872. CA/4, Sch. 64, Fasz. 32/5.
outside the school system altogether. As Stritzinger proudly reported around the time that the final verdict,

\[ \text{An und für sich wird an der Sache dadurch nichts geändert, u. da die Kinder immer mehr und fleißiger in den Religionsunterricht kommen, können wir in unseren Verhältnissen getrost die Entscheidung ad acta legen. Bei der neulichen Kinderbeicht sind nur die Kinder exclusiv neuprotestantischer}^{535} \text{ Häuser ausgeblieben; die der zahmeren Gegner haben sich eingefunden. Von der Bürgerschule kommt etwa das Drittheil Schüler in meinen Unterricht.}^{536} \]

Instead of forcing greater oversight of how religion was taught within the public school system, the confrontation provoked the creation of a separate realm altogether, where neither the government nor the school board had any jurisdiction.

* * *

The Old Catholic episode is central to the arguments of this dissertation in several respects: First, it demonstrates that the Catholic Church was not just a liberal political ‘opponent,’ but that religion – especially its public display – remained an important aspect of most liberals’ lives. At the same time, the ultimate failure of the Old Catholic movement to find a solid basis among the liberal Bürgertum

\[ ^{535} \text{I.e., Old Catholics — this is how Rudigier referred to Old Catholics and thus became the standard term in the correspondence.}^{536} \text{Stritzinger to Rudigier, 31 December 1872. CA/4, Sch. 64, Fasz. 32/5.} \]
demonstrates the escalating inwardness of religion, its retreat into the private sphere. Liberals increasingly differentiated between Catholicism and its role in their private lives, and the Catholic Church as a political actor in the public sphere. Second, on the side of the Church, the confrontation with its liberal constituency represented an additional incentive to close its ranks, to restructure its priorities, and redefine the relationship between parish and priest, priest and bishop, and bishop and Rome. As the example of the Gymnasium in Ried fittingly demonstrates: when faced with liberal schools, the Catholic Church began to form its own semi-public spaces, removed from the grasp of the state and the liberal public sphere.

Finally, for the Austrian state, the development of a splinter movement and subsequent formation and recognition of a ‘new’ religion forced it to move from liberal theories of religious freedom to the actual practice of religious equality. After the idealistic proclamations of the 1868 May Laws and the careless way in which Francis Joseph and the Potocki government terminated the Concordat in 1870, subsequent governments were forced to pay much more attention to the long-term repercussions of religious policy. The wide sweep from the idealism of the 1870 Concordat termination to the harsh political realism of Stremayr’s February 1872 memo, and finally to the compromise legislation of 1873/4 shows a government painstakingly finding its way between its liberal ideals and pragmatic realities of religious toleration.
Section Three: Catholicism and the Social Question, 1854-1914

The Catholic Church’s response to liberalism covered in the previous three chapters represents one aspect of its role in the process of modernization, namely the Church’s reaction to democratization and secularization in the form of Ultramontanism, i.e., ideological centralization and consolidation. Yet how did this transformation play out in the long run and on the ground? What affects did it have on other aspects of Church life? While historians have explored obvious ramifications of Ultramontanism, such as the Modernism crisis in the 1890s, little attempt has been made to see how it affected other aspects of Church life. This section will explore these questions by examining the Church’s role in industrialization and urbanization: how did the Church approach the ‘social question’ and how did Ultramontanism affect this approach?

When Bishop Franz Josef Rudigier took office in 1854, the Catholic Church viewed the increasing number of urban poor as a problem of traditional poverty and morality. Those ‘inflicted’ with the burden of poverty should accept their place, and if they did so with a solid moral character, they would be able to count on charity from the Church whenever possible. By the eve of the First World War, those views had

changed dramatically: The poor and the working classes were viewed as victims of a godless system — capitalism — and thus hardly in control of their own destiny; the Church should not just help the needy but should work toward altering the social and economic framework that determined their suffering. Indeed, by the late 1890s the Catholic Church presided over a vast network of working-class associations, charitable institutions and political parties that helped pass significant social legislation.

Two arguments will be made as I follow the course of Catholic efforts to help the working class and to address the social question in Upper Austria: First, I will argue that a much broader range of theoretical and practical approaches existed than is usually assumed by historians. Second, in turning to the period from 1890 to 1914, I argue that these efforts ultimately failed and that this failure was in large part due to the conflicting messages and structures that resulted from the development of Ultramontanism after 1870. Even in the aftermath of *Rerum Novarum*, when the Catholic working-class associations reached their apex, conflicts over the ideology of Catholicism between the hierarchy, the lower clergy and the working-class laity, made large-scale political action on the behalf of workers increasingly impossible within the confines of Catholic ideology.

Accordingly, this section consists of two chapters: The first begins by examining the similarities in how the Catholic Church and the Austrian legal system approached the social problem in the 1850s: each saw migration and urbanization through the legal prism of *Heimatrecht* and poor relief; and each placed the burden of responsibility squarely on the moral behavior of the individual worker. In the 1860s and 70s, Catholic thinking on the social question shifted and Lasallian ideas, especially about
the role of the state in combating social problems, began to influence Catholic thinking. The second chapter examines the world created by *Rerum Novarum*. The chapter begins by analyzing the theological context of the encyclical and its initial reception in Upper Austria by both the higher and lower clergy. Thereafter, I examine the local reception of *Rerum Novarum* in three settings: first, a short tiff between the diocese administration and the state after two priests made comments that were viewed by state officials as bordering on socialism; second, an examination of the failure of the Viennese Christian Social movement to find a foothold in Upper Austria; and, finally, a look at a strike between Catholic workers and the diocese at the *Dombau* in 1909.
Chapter Six. From Poor Relief to the Social Question

Before *Rerum Novarum* in 1891, the Catholic Church was rarely perceived as actively engaging the ‘social question’ — that hodge-podge of problems and themes associated with the plight of the poor and the working classes in the context of urbanization and industrialization.\(^{538}\) Long before the social question was formulated as such, the Catholic Church, after all a self-described ‘charitable’ institution, played a central role in caring for a given community’s less fortunate. In nineteenth-century Austria, this role had a firm basis in law. Catholic priests were the ones who dispensed poor relief in a community. Priests thus saw the growing working class in the cities not just as urban poor, but also as illegal migrants whose mere presence created a bureaucratic problem as much as it did one of insufficient means.

This chapter will begin by examining the legal and institutional structures that existed in the state and the Catholic Church in the 1840s and 1850s. What laws determined who could move where? How did the Church view these laws and what role did it play in their implementation? Where there efforts ‘outside’ these structures in dealing with urban migrants? A second section will then turn to the development of Catholic thinking on the social question in the 1860s and 70s, focusing on how the

\(^{538}\) There is no standard definition for the ‘social question;’ rather, it is a set of themes and problems usually related to the plight working classes in the context of industrialization. The emphasis and general themes can vary a good deal depending on where, when and by whom the ‘social question’ is being addressed. A good overview is provided by, Wolfram Fischer, “Social Tensions at Early Stages of Industrialization,” *Comparative Studies in Society and History* 9 (Oct., 1966).
issue played out in Austria and Upper Austria. How did discussion of the ‘social
definition’ begin among Catholic thinkers there? What were the major theoretical
streams and where did these originate? And, finally, did individual priests in Upper
Austria act on any of these ideas and recommendations? The final section will then
introduce *Rerum Novarum*, focusing on how encyclical and its initial reception in
Upper Austria.

**The ‘Bureaucratic Problem’ of Industrialization: *Heimatrecht* and *Ehekonsens***

Two legal constraints greatly influenced how industrialization in the Habsburg
Monarchy could take place. *Heimatrecht* (the right of domicile or residency in a
commune) and *Ehekonsens* (a communal consent required to marry) were the two
most important legal techniques available to Austrian communes for controlling the
ebb and flow of migration during the initial decades of industrialization. In its most
traditional sense, *Heimatrecht* was accorded to every citizen of Austria in only one
community, where it permitted that citizen the right “*des ungestörten Aufenthalts und
den Anspruch auf Armenversorgung.*”\(^{539}\) A person’s *Heimatberechtigung* was
determined by the following criteria:

(a) Place of birth,

(b) Marital status (women were automatically assigned the *Heimatrecht* of their
husbands),

\(^{539}\) § 3, RGbL. 18, 5 March 1862, p. 37. See, Österreichische Nationalbibliothek, *ANNO*, [cited.
Also see, Julius Siegl, *Oesterreichisches Heimatrecht. Die Vorschriften über das Heimat- und das
(c) Admission as *Heimatberechtigter* in a new community, or

(d) Holding public office in a given community: priests and civil servants received an automatic *Heimatrecht* in the *Gemeinde* where they worked.

For women and children there were additional rules: divorce — without a papal dispensation only possible for Jews and Protestants — and widowhood meant the automatic reversion of a wife’s *Heimat* status to the community where she had been before the marriage;\(^{540}\) for minors, the rule was that legitimate children acquired the *Heimatrecht* of the father, illegitimate children that of the mother. *Heimatrecht* was thus ensconced in deeply patriarchal ideas of family, the commune, and the state as the three pillars of social order.\(^{541}\) Not having *Heimatrecht* in a given community, however, did not exclude someone from residing there.\(^{542}\) Though migration inside the borders of Austria and the rest of the German Confederation was possible before 1849, it remained mostly a small-scale affair. In the 1820s, increased migration due to poverty and the occasional proto-industrial development led many communities to

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\(^{540}\) After 1863, widowed women retained the *Heimatrecht* of their husbands. Before that date, it usually remained a matter of dispute between the widow, the community where she lived with her husband, and the one where she had held her *Heimatrecht* before the marriage. Siegl, *Heimatrecht*, pp. 7-9.

\(^{541}\) Paraphrasing A. Vahlkamps, Mack Walker writes, “First, that a man has a right to love and better himself, and must do it somewhere; but second, that the social community, lying between family and state collectivity, rightly has its own distinct group life, where human relations mature and cohere, and it has a right to defend itself against dissolution.” A. Vahlkampf. *Ueber Heimathgesetze: Der Streit der Interessen und Ansichten in Beziehung auf das Heimathwesen*, (1848). Cited in, Mack Walker, *German Home Towns: Community, State, and General Estate, 1648-1871*, (Ithaca, 1971), p. 348.

\(^{542}\) The difference is between *Aufenthaltsrecht*, which I shall call “informal residency,” and *Heimatrecht*, which I shall call “formal residency.” The former should be thought of negatively: the right not to be immediately barred from a community without good cause. This is in contrast with *Heimatrecht*, which included material benefits — the right to poor relief — as well as a permanent right of residency. In the course of the nineteenth century, the grounds for expulsion became more and more narrowly defined as an increasing number of those cast out sought legal recourse. See, Friedrich Lehne, "Rechtsschutz im öffentlichen Recht: Staatsgerichtshof, Reichsgericht, Verwaltungsgerichtshof," in *Die Habsburgermonarchie 1848-1918*, ed. Adam Wandruszka, et al., (Vienna, 1975), pp. 684-686.
pass new, stricter laws barring outsiders, and *Heimatrecht* became increasingly used as a pretext for expelling the unemployed. In this respect, the 1849 Stadion Constitution was a watershed: it guaranteed freedom of movement (and thus informal residency) as well as the right to own property to all citizens within Austria.\(^{543}\) The constitution was quickly followed by the 1849 *Provisorisches Gemeindegesetz*, which provided another important legal precedent for immigrants:

\[
die \ Aufnahme \ in \ dem \ Gemeindeverband \ erfolgt \ ... \ auch \\
Stillschweigend \ durch \ Duldung \ eines \ ohne \ Heimatschein, \ oder \\
mit \ einem \ bereits \ erloschenen \ Heimatscheine \ sich \ durch \ vier \\
Jahre \ ununterbrochener \ in \ der \ Gemeinde \ aufhaltenden, \ die \\
osterreichische \ Staatsbürgerschaft \ besitzenden \ Fremden.\(^{544}\)
\]

The new legislation greatly eased the rules of residency. By contrast, the residency law of 1804 had required a 10-year residency and said nothing of it occurring *Stillschweigend* — the migrant still had to apply for *Heimatrecht* after ten years.

Government policy in *Heimatrecht* is thus a good example of the often contradictory nature of 1850s neoabsolutism: modernizing in its approach to the state apparatus and yet, in the view of most contemporary liberals, fiercely reactionary because of its attack on local privileges. As one contemporary aptly commented: “one sees the bellwethers of liberalism fraternally trooping together with the reactionaries, seeking

\[^{543}\text{Marckhgott, }"\text{Fremde Mitbürger,}" \text{ p. 285.}\]

\[^{544}\text{§ 12, I. Abschnitt, RGBl. 170, 17 March 1849, p. 205. See, Österreichische Nationalbibliothek, }\text{ANNO, [cited. On the Gemeindegesetz, also see, Siegl, Heimatrecht, p. 50.}\]
the same ends; absolutist governments strive for the progress of the times and liberal chambers put spokes in their wheels.  

For those whom communal officials deemed unwanted, such as labor activists or the unemployed, *Heimatrecht* presented an efficient legal means of expulsion. In one Upper Austrian factory in 1846, for example, the police were summoned to drive a number of “troublemakers” out of the community after these had protested the cruel methods of the new factory manager. In a similar case elsewhere, a raid organized by the police led to 210 arrests – mostly socialists, beggars, and a few unemployed workers – under the pretext of *Heimatrecht*; eighty-two of them were expelled immediately. New *Heimatrecht* legislation in 1863 reflected the growing influence of local liberals in the political process. After 1863, the commune had the sole right to decide who could receive *Heimatrecht* and there was no right of appeal, which closed the door on an already very limited system (see Table 10, below, for statistics on Linz). In the 1870s and 80s, however, it became increasingly clear that industrialization and urbanization created a steadily increasing class of often unemployed urban poor who created strains that the systems of *Heimatrecht* and *Gemeindeordnung* were unequipped to deal with. Liberals refused to budge, however, and only in 1896 was a new set of *Heimatrecht* regulations issued. The *Novellierung*


of the *Heimatrecht* in 1896\(^{548}\) reinstated the legal claim to *Heimatrecht* after ten years of residency in a commune, as well as the right to appeal a commune’s decision to a higher court, but for a highly mobile population increasingly on the move since at least the mid-1860s this provided little relief.\(^{549}\)

### Table 10: Applications for *Ehekonsens* and *Heimatrecht* in Linz, 1852-1857\(^{550}\)

<table>
<thead>
<tr>
<th>Year</th>
<th><em>Ehekonsens</em> Granted</th>
<th><em>Ehekonsens</em> Denied</th>
<th><em>Heimatrecht</em> Granted</th>
<th><em>Heimatrecht</em> Denied</th>
</tr>
</thead>
<tbody>
<tr>
<td>1852</td>
<td>102</td>
<td>19</td>
<td>8</td>
<td>16</td>
</tr>
<tr>
<td>1853</td>
<td>106</td>
<td>21</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>1854</td>
<td>25</td>
<td>13</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
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<td>56</td>
<td>28</td>
<td>14</td>
<td>10</td>
</tr>
<tr>
<td>1856</td>
<td>94</td>
<td>39</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>1857</td>
<td>71</td>
<td>42</td>
<td>4</td>
<td>9</td>
</tr>
</tbody>
</table>

*Ehekonsens* was in many ways a similar process.\(^{551}\) In most communes in Upper Austria, the groom needed obtain permission in order to marry. In this way, each commune sought to restrict the number of new families so that only those with a “good moral standing” and a certain degree of financial independence could marry. In practice, the criteria used by each commune varied a great deal from year to year, though generally the tendency was toward rather strict enforcement.\(^{552}\) Couples

\(^{548}\) RGBl. 222, 19 December 1896, pp. 743-744. See, Österreichische Nationalbibliothek, *ANNO*, [cited.]


\(^{550}\) Source: John, *Bevölkerung in der Stadt*, p. 88.


\(^{552}\) On occasion, *Gemeinden* were reprimanded by the central government for placing the barriers to entry too high. See, for example, the correspondence in, OöLA STAR, V F-L, Sch. 2.
nevertheless always found ways to skirt the law, either by going abroad\textsuperscript{553} or by finding a priest who would marry them even without the proper papers.\textsuperscript{554}

\textbf{The Church and the Shift in Armensfürsorge}

Why did \textit{Heimatrecht} come to play such an important role in communal politics? Of the various types of legal recourse available to local officials, it was the only one that fell outside the jurisdiction of the Catholic Church. Within every commune in Upper Austria the Catholic parish priest, not the local authorities, administered poor relief and kept watch over the local \textit{Armenkasse}.\textsuperscript{555} The same priest also maintained the parish registries — the official state registries for all Catholics — entering each birth, baptism, marriage and death.\textsuperscript{556} In practice, this meant that if a priest married two people without communal \textit{Ehekonse}, it was still a legal marriage.

\textsuperscript{553} In the 1850s, local authorities were warned of people who “Mangel der nöthigen Subsistenzmittel von ihren Heimatsbehörden den politischen Ehekonsens nicht erhalten können, ziehen bettelnd nach Rom, um sich dort trauen zu lassen, wobei sie auch auf keine Schwierigkeiten stehen.” To avoid these so-called \textit{Römerehen}, authorities were asked to deny travel visas to poor single men and women. K.K. Oberste Polizeibehörde to SHL, 1 February 1854. OöLA StPr, 5 E, Sch. 57.

\textsuperscript{554} Many priests either seemed oblivious to the regulations or consciously ignored them. See, for example, Bezirkshauptman Braunau to SHL, 15 May 1851. OöLA StAR, I B - VH 1, Sch. 44.

\textsuperscript{555} Until the late 1860s, poor relief within a given commune was distributed through \textit{Pfarrarmeninstitute}. A remnant of Josephinist legislation, these were established in various decrees between 1782 and 1787. On the origin of the \textit{Pfarrarmeninstitute}, see, Bernard, "Poverty and Poor Relief in the Eighteenth Century." The 1849 \textit{Gemeindeordnung} was at least partly directed at disrupting the structure of \textit{Pfarrarmeninstitute} by shifting the geographic boundaries of the communes and thus creating incongruity between parish and commune borders (\textit{Pfarr- und Ortsgemeinde}) and causing small but significant questions of jurisdiction. The first piece of new legislation that required the communes to care for their poor came in 1854, but it did not specify how poor relief should be administered and thus tended to cause more problems than it solved. E. Friedmann et al., \textit{Das österreichische Recht. Ein Hilfsbuch für praktische Juristen, Beamte, Gewerbetreibende, Kaufleute, Haus- und Grundbesitzer usw.}, 4 vols., (Vienna, Berlin, Stuttgart and Leipzig, 1905), pp. 261-263; Gumplowicz, \textit{Das österreichische Staatsrecht}, pp. 613-630.

\textsuperscript{556} In Upper Austria, the Catholic Church administered poor relief to all confessions. The registries, however, were kept separately by each confession.
in the eyes of the state. Similarly, if a priest placed greater emphasis on helping the Catholic rather than the Protestant or Jewish poor in a given commune, there was little the local authorities could do about it. As part of the liberal reordering of the state after 1861, the new 1862 *Gemeindeordnung* and the 1863 *Heimatgesetz* aimed to take poor relief away from the local priests and give it to the commune, or, more specifically, to the *Gemeindevorsteher*.\(^{557}\)

Among the lower clergy, especially in the more populous urban parishes, this change was greeted with a fair amount of enthusiasm. The Josephinist legislation, while giving the Church an important role within the commune, also placed a large administrative burden on the parish priests. The priest and not the commune became ultimately responsible for deciding whom to recommend for poor relief (that is, money and goods) and whom to board in one of the local poor houses. He then filled out the appropriate paperwork and sent copies of each request made, granted, and denied to the communal government. Priests had long complained of the bureaucratic burden this placed on them. Thus while the bishops protested this measure in the *Reichsrat* and in the *Landtag*, they did so none too loudly or adamantly.\(^{558}\) The provincial Diets also dragged their feet, however, well aware of the bureaucratic burden it would then pass on to local officials. Only after several communes issued lawsuits against their parish priest in 1866, claiming he was misappropriating poor relief funds “zu Gunsten konfessioneller Zwecke,” did the *Landtag* begin drafting comprehensive legislation in

\(^{557}\) Friedmann et al., *Das österreichische Recht*, p. 261.

\(^{558}\) Lehner, *Caritas*, p. 247.
the matter.\textsuperscript{559} Although the Upper Austrian \textit{Landtag} first debated a new law to implement locally the changes in poor relief decreed in Vienna in 1863, the resulting legislation was not passed until 1869.\textsuperscript{560}

Shifting poor relief from the parish to the municipality had far-reaching consequences. First, although relieved of a bureaucratic burden, priests lost an important and direct bond with their poorest parishioners. While in most communities the priest did become part of the \textit{Armenrat} (poor relief council), he no longer distributed the funds himself. Second, it is important to remember that priests continued to collect money for a variety of causes, including for the poor in their parish. As a result, it was the unemployed “informal residents” — those without a \textit{Heimatberechtigung} and thus ineligible for poor relief from the commune — who increasingly turned to the Church. As a well meaning article in the \textit{Theologisch-Praktische Quartalschrift} chastised in 1879:

\begin{quote}
\textit{solche Leute sind aber doch Angehörige der katholischen Pfarrgemeinde, wo sie wohnen und seit langem ihren Erwerb gehabt haben … da der hungrige Magen auf Nahrung und das kranke Kind auf Arznei nicht so lange warten kann, bis die Aufenthaltsgemeinde mit der Zuständigkeitsgemeinde sich wegen}
\end{quote}

\textsuperscript{559} On the debate in the \textit{Landtag} and the petitions from the \textit{Gemeinden} of Gampern and Goisern in 1866, see: Doppelbauer, ed., \textit{Politische Reden}, pp. 56-61, 126-173.

\textsuperscript{560} The \textit{Reichsrat} law of 1862 required a local counterpart to take effect. Upper Austria was by no means the only province that took its time. Lower Austria and Carinthia waited until 1870, and Styria and Vorarlberg until 1873. Lehner, \textit{Caritas}, p. 244.
Such arrangements were necessary because the commune where a person resided under normal circumstance only provided poor relief after having been reimbursed by the commune in which they held their *Heimathberechtigung*, a process prone to bureaucratic wrangling and one that took far too long.

**Individual Priests and Associations**

The above shift in jurisdiction for poor relief is a good example of the slow shift that began to take place within the Catholic Church. In the 1850s and 60s priests mostly tended to fall back on their administrative duties, placing the problems faced by a growing working class into the general rubric of *Armenfürsorge*. Those without *Heimathberechtigung* could hardly be looked after in a material way and the main emphasis was to look after the moral welfare of the poor. Indeed, the belief that piety and moral righteousness would lead an emerging working class to accept its ‘proper’ place in society was the prime motivator for most Catholic thinkers before the mid 1860s. Then, in the late 1860s and 70s, at the very moment that migration within the province began to take off, parish priests were relieved of their duties as administrators of poor relief. On the one hand, this of course led many priests to lose touch with the ‘actual’ workers, making the issue suddenly more abstract than real. On the other hand, their continued role in ‘informal’ poor relief — i.e., distributing funds

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561 Karl Dworzak, “Die kirchliche Armenpflege,” *Theologisch-Praktische Quartalschrift* 32 (1879): pp. 582-583. As late as 1889 the *Theologisch-Praktische Quartalschrift* was still reminding its readers that the May Laws of 1874 required a Catholic priest to administer all rites without compensation, even to those without *Heimathberechtigung* in the local community. Pinzger, ”Pfarrgeistlichkeit.”
collected in Church to workers without a *Heimatberechtigung* — coupled with the ever increasing numbers of ‘foreign’ poor, meant that priests in urban areas especially began to feel overwhelmed by the ‘social problem’ in its everyday form.\textsuperscript{562}

The first Catholic *Arbeiterhilfsverein* was founded in Linz around 1850.\textsuperscript{563} It had between 800 and 900 members and was devoted to "Unterstützung der Arbeiter bei unverschuldeten Krankheitsfällen." This number is all the more impressive when we consider that in 1853 Linz had a total population of 31,000, of which at the time only 1,500 could be called laborers.\textsuperscript{564} According to the statutes, the head of the association had to be a priest and the initial importance that the diocese assigned to the associations is evident by the priests it chose for the role: the association was first headed by Jakob Reitshammer – the same priest who held up Fridolin von Jenny’s funeral in Chapter Three – and then by Georg Arminger, both of whom in the early 1850s were promising young priests destined for higher office.\textsuperscript{565} The question of membership was kept fairly open — "Handwerker, Gesellen, Taglöhner" could all join. Health — moral and hygienic — stood at the center of concern. The members,

\begin{flushright}
\begin{small}
\textsuperscript{562} The earliest accounts of the Christian labor movement in Upper Austria tend to do little more than provide a chronology of events, see: Baron, *Der Beginn. Die Anfänge der Arbeiterbildungsvereine in Oberösterreich*; Salzer, *Christlichsoziale Beitrag*; Wilhelm Salzer, *Geschichte der Christlichen Arbeiterbewegung Oberösterreichs*, (Linz, 1963). Newer literature, mostly that of Helmut Konrad, has tended to focus on the social history of the working class in which religious behavior is treated mostly as an aberration. See, e.g., Konrad, *Arbeiterklasse.*


\textsuperscript{564} Salzer, *Untertan*, p. 148.

\textsuperscript{565} On Reitshammer and Arminger, see, Dannerbauer, *General-Schematismus.*
\end{small}
\end{flushright}
dürfen keinen Siechthume oder unheilbare Leibesgebrechen leiden ... Ferners müssen sie einen sittlichen Lebenswandel führen, und keine Leidenschaften haben, welche der Gesundheit schädlich sein könnten." 566

How clearly these rules were enforced we do not know, i.e., whether certain workers were excluded outright or expelled after a “bad habit” came to light or a permanent medical condition appeared. The association spent about 600 Fl. a year between 1850 and 1853, the years for which records exist, of which approximately two-thirds went to support sick members and the other third to pay for funerals of dead members and to make one-time payments to widows (these were usually minimal: about 10-20 Fl., or less than a month’s wage). Additionally, there was also a surplus of about 1,100 Fl. in the coffers to cover a bad year. 567 Soon after the appointment of Bishop Rudigier, however, the Arbeiterhilfsverein disappeared. It is last mentioned in 1855, 568 the year of the cholera epidemic in Linz, suggesting that the association went under paying out benefits to afflicted members and widowed spouses.

Whereas the concept of a more general Arbeiterhilfsverein was not tried again, a Gesellenverein — an artisan or journeymen’s association —, based on the model popularized by Adolf Kolping, was founded in 1852. The Gesellenvereine, representing the idea of separated guilds and trades, masters and artisans, fit easily into

566 OöLA StPr 6 D 1, Sch. 156. Excerpts can also be found in, Konrad, "Religiöser und sozialer Protest," pp. 211-212.

567 See the short articles in, Katholische Blätter, 19 February 1853, p. 59; 21 May 1853, p. 163; 22 October 1853, pp. 342-343; 25 January 1854, p. 16; and 16 September 1854, p. 311.

the Catholic conceptions of an ‘organic’ society and quickly found acceptance within
the Catholic hierarchy. The initial proposal, first suggested at the all-German
Katholikentag held 1850 in Linz, stemmed from Michael Haßreidter, a nailsmith from
Ried. Haßreidter had heard Kolping speak at a previous Katholikentag and then visited
a few such associations in other parts of Germany. In May 1852, Kolping came to
Ried in Upper Austria to assist Haßreidter in founding the Linz Gesellenverein; he
also made an additional trip to Steyr, founding a second such association there as well.
In 1853, the Baroness Schweiger-Lerchenfeld bestowed the Linz Gesellenverein a

The importance that the Church placed on the good moral conduct of workers
had important repercussions in terms of who received help and who did not. The
Church’s role in policing the moral conduct of workers (\textit{sittlichpolizeilichen
Aufgaben}) was, like Armenfürsorge, a largely a remnant of Josephinism, though one
that continued to exert a strong influence well into the nineteenth century.\footnote{Weinzierl, "Klerus und die Arbeiterschaft," p. 101.} In 1857, for example, the Catholic Church opened the Marien-Anstalt, a hospice for female
servants who were either between jobs, recovering from illness, or too old for further
service. As the Katholische Blätter emphasized, it was not meant for everyone: only
servants “\textit{die ohne Schuld den Dienst verloren … haben}” or those “\textit{welche treu und
redlich gedient haben, und nun dienstunfähig geworden sind},” were to be admitted. As
the article emphasized, “\textit{diese Anstalt soll keine Besserungs-Anstalt im eigentlichen}
In a second example from the 1850s, Rudigier, only recently appointed bishop of Linz, intervened twice in the daily affairs of a spinning-mill in Lambach, a growing industrial town southwest of Linz between Schwanenstadt and Wels. In 1853 he demanded that unwed mothers be fired, lest their immoral example infect other workers, and that laborers who work on Sundays and holidays be punished for sacrilege. Four years later he complained that unwed workers were living together and, in 1858, again remarked that workers in Lambach were “unsittlich” in both their living arrangements and their failure to attend Sunday services.

The Catholic Church and the Czechs

While the growth of the working classes thus seemed mostly an exercise in moral hygiene, the case of Czech immigrant laborers provides an interesting exception, albeit one that demonstrates the rule. Czech laborers began arriving in larger numbers in the mid-1820s with the building of the Linz-Budweis (České Budějovice) railroad and the Maximilian fortifications; a second wave arrived in 1849 with the formation of an Austrian Gendarmerie, which relied on ‘foreign’

572 The files on bishop Rudigier and the working-class in the 1850s have been destroyed or lost, though traces remain. See, e.g., the index of OöLA SiPr 6 J H, Sch. 286, and, Winter, Revolution, pp. 84-85. There is also isolated evidence of priests who took individual initiatives to improve the lot of their working-class parishioners. During an informal conference of priests in 1851, for example, one of the items discussed concerned the importance of the spoken over the written word. As the debate then turned to the importance of adapting the spoken word to “Lokalverhältnisse,” Mathias Hintringer, a Kooperator in the Gallneukirchen, a small town just outside of Linz, stood up to explain he was doing exactly that: he had opened an evening school for child laborers in his parish. DAL, CA/3, Fasz. 1/11, Sch. 36.
573 On the fortification towers, see above, p. 32.
officials in each province.\textsuperscript{574} As part of these efforts, Archduke Maximilian, a pious man who also bequeathed the original test fortification tower on the \textit{Freinberg} to the Jesuits in 1837, hired a Czech-speaking priest in 1833 to hold services at “tower nr. 3.”\textsuperscript{575} Attendance grew and the services were soon moved to the Ursulinenkirche, a prominent baroque Church that stood in the center of Linz. The initial priest was the Bohemian born and Czech-speaking priest, Johann Maresch. As long as he remained at his ‘real’ post — he was spiritual director at the seminary in Linz — the sermons could continue.\textsuperscript{576} In 1852, however, Maresch moved to Hochburg, a small town close to the Bavarian border. A short-term replacement was found, but he, too, left for Innsbruck six months later and the Czech-speaking community in Linz was left without a priest.

As the search for a successor began, it became apparent that the diocese administration had done little in terms of planning for its Czech-speaking parishioners. Whereas in the 1820s and 30s about twenty percent of any given seminary class had been born in Bohemia, only one new Bohemian priest was initiated in Upper Austria.

\textsuperscript{574} Slapnicka, \textit{Oberösterreich unter Kaiser Franz Joseph}, p. 12.

\textsuperscript{575} On the issue of Czech religious services in Austria, see, Harry Slapnicka, "Linz, Oberösterreich und die "Tschechische Frage,"” \textit{Historisches Jahrbuch der Stadt Linz} (1977). Most documents relating to the Czech services have been destroyed and the sources for Slapnicka’s article consist mostly of a speech in the Upper Austrian Landtag that Doppelbauer gave in response to a pan-German initiative to make German the sole language for use in parish registries and sermons in 1903. See the heated debate between Doppelbauer and the nationalist delegate Carl Beurle in, \textit{Stenographische Protokolle des oberösterreichischen Landtages}, (Linz, 1861-1914), 11 November 1903, 1780-1990.

\textsuperscript{576} On Maresch, see, Dannerbauer, \textit{General-Schematismus}, p. 636; Russinger, \textit{Ergänzungsband}, p. 211.
after 1842. After Maresch and his successor, a Jesuit priest named Thomas Matzura, left, the diocese was unable to come up with another candidate. The Statthalterei took up the case: It commissioned a report on Czech-speakers in Linz the surrounding area and, with results in hand, began to prod the Bischöfliches Consistorium, which could not find a suitable candidate and then began to get cold feet over financing an additional priest. Might not the monasteries, either in Upper or Lower Austria, hold a suitable candidate, inquired the Statthalterei. Might it not be possible to have the priest’s salary come from the Bohemian Religionsfond rather than from that of Upper Austria, since that is where the migrants are beheimatet, inquired the Bischöfliches Consistorium in return, a suggestion that shows how deeply Heimatrecht was ingrained in the heads of local officials. In the end, a salary of 200 Fl. was agreed upon, all of it to come from the Upper Austrian Religionsfond. A suitable priest was also found, a Capuchin friar from that order’s monastery in Linz. Yet a regular post, a diocese priest for Czech affairs, so to speak, was never instituted. In 1853, the seminary did try and began recruiting students from Bohemia, though with little success. Not until the 1870s would Czech-speaking seminarians arrive with any regularity.

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577 For statistics relating to the initiation of new priests in Upper Austria, see: Rettenbacher, Priesterseminar.

578 This correspondence, which Slapnicka does not seem to have consulted, can be found in, OöLA StPr, 11 C, Sch. 423; and, DAL CA/3 Fasz. 33/8 Schachtel 356, "Miscellanea, 1843-53, Hinweise auf Vereine."

579 See Chapter Twoc, above, and, Rettenbacher, Priesterseminar.
Catholic Thinking about the Social Question: the Early Years

The examples of failed associations, awkward individual endeavors, a fixation with the moral unrighteousness of workers, and the bureaucratic and linguistic problems associated with finding a bohemian priest point to the multifarious and, more often than not, unorganized nature of Catholic social praxis in the 1840s and 50s. A slow discursive shift, from Armenfürsorge to “solving the social problem,” began to make itself felt in the 1860s. In the 1850s, working-class issues were mostly ignored in the Catholic press. 580 The 1856 Diözesanblatt 581 did carry a short piece on child labor practices in the factories. It called on priests, who had also become acting school superintendents in each district by virtue of the 1855 Concordat, to take children out of the factory, especially on Sundays and holidays, and bring them to school for instruction. 582 In 1857, a first article aimed at a broader audience appeared in the Catholic associational journal Katholische Blätter. The article, “the Church and Factories,” however, did not stem from an Upper Austrian priest, but was the reprint of a pastoral letter issued by the Bohemian bishop Augustin Hille of Leitmeritz (Litoměřice). Directed at the owners and managers of factories, Hille’s letter emphasized the responsibility employers had in caring for the moral standing of their employees: respect Sundays, permit and encourage prayer, and your workers will too,

580 The reports on the Arbeiterhilfsverein — short and reported under the rubric “associations” — were the only exception. Lehner, Caritas, p. 162.
581 On the clerical press in Upper Austria, see pp. 79-86.
582 “Weisungen, die in Fabriken arbeitenden, schulpflichtigen Kinder, betreffend,” Diözesanblatt 25 Oktober 1856, p. 316.
becoming better and more responsible laborers in the process.\textsuperscript{583} While Hille’s pastoral letter is still grounded in the language of morality, it nevertheless marks the first appearance of a more general Catholic Kapitalismuskritik in Upper Austria. By focusing on the factory owners rather than the laborers, Hille’s pastoral letter represented a departure from seeing the worker as solely responsible for his or her own plight.

In a speech given a year later, Friedrich Baumgarten, a priest from Wels, also attacked the moral failings of “Industrie,” by which he meant factory owners. Speaking at the Upper Austrian meeting of the Katholikenvereine in 1858, Baumgarten focused on the dehumanizing process of factory work: “Sie verheißt die Durchbildung aller menschlichen Anlagen und macht den Arbeiter zum Knechte der Maschine und zur Maschine selber.” The way out of this dilemma, he argued, was to bring employer and employee back into the Christian community together. Employers could accomplish this by joining the Catholic associations \textit{en masse}. Workers would then follow their example and the factory workplace would thus ‘reenter’ a proper ‘organic’ social order — workers would respect their superiors and understand their place in the social hierarchy; employers would rediscover their sense of social conscience and act on ideals of Christian charity.\textsuperscript{584}

\textsuperscript{583} “Die Kirche und die Fabriken.” \textit{Katholische Blätter} 6, 5 February 1858, pp. 41-43.

**Lasalle and the 1863 Frankfurter Katholikentag**

In the early 1860s, a third position began to emerge within the Catholic discourse, one that emphasized neither the moral failings of the working class, nor the need for Christian initiatives on the part of the factory owners and managers. Instead, it blamed *laissez-faire* economics in general and focused on the state as the central actor in redressing social evils through social legislation and disciplined factory inspections. Within the Habsburg Monarchy, two developments laid the groundwork for the shift: first, the *Kaiserin Elisabeth West-Bahn* connecting Vienna with Munich finally opened in 1861, thereby joining Linz, Upper Austria and the Monarchy to the rest of the European economy in a much more direct fashion. Trade increased, but so did mobility, making the capitalist ‘world system’ seem both more efficient and imminent. Second, a new *Gewerbeordnung* in 1859 freed the trades, ending the centuries-old system of guilds and opening up the professions. The Catholic Church, with its emphasis on an organic conception of society — a self-controlled social space and hierarchy —, was very much set against this measure. Clerical publicists argued that the system of trades and the guilds were the cornerstone of any social order and their removal would inevitably lead to an amoral und un-Christian society.

Another turning point came at the 1863 *Katholikentag* in Frankfurt. Here, for the first time, the social question – under the label “*christliche Humanität*” – was placed at the top of the agenda and served for many Catholics as an introduction to the topic. The setting was also important: in 1863 Ferdinand Lasalle gave a series of well-attended lectures in the city. Several Catholic thinkers attended Lasalle’s lectures and then traveled with him on to Mainz and Leipzig, the most prominent of whom was
Wilhelm Emanuel von Ketteler, Bishop of Mainz and the leading Catholic thinker on the social question in central Europe. The Catholic travelers were even present at the founding of the allgemeiner deutscher Arbeiterverein in May of that year.\textsuperscript{585}

As the Katholikentag commenced a few months later, it was Ketteler who gave the ‘social question’ its privileged status. Ketteler had long concerned himself with the ‘social question’ but his initial call to action, at the first Katholikentag in Mainz in 1848, was left mostly unheeded. In 1848, Ketteler still was very much in the mainstream of Catholic thinking: he focused on morality and personal responsibility, arguing that the Arbeiterfrage — the ‘social question’ as such had not yet been formulated — was above all a religious and moral question that had little to do with the state, “\textit{denn der Staat, mag er Bestimmungen treffen, welche er will, hat dazu nicht die Kraft.}”\textsuperscript{586} Slowly, Ketteler began to change his views, especially after encountering Lasalle, and by 1863 he had become the leading proponent of a new path: any meaningful solution had to include the state — its authority and its resources. It was in the aftermath of the 1863 Katholikentag that Ketteler wrote his famous Die Arbeiterfrage und das Christentum,\textsuperscript{587} which, for Catholics, would remain the central text on the subject for decades to come.

In response to the Katholikentag, an article appeared in Katholische Blätter, showing that Kettler’s arguments were beginning to resonate in Upper Austria. There

\textsuperscript{585} Filthaut, \textit{Katholikentage}, p. 47.
\textsuperscript{587} Wilhelm Emmanuel von Ketteler, \textit{Die Arbeiterfrage und das Christenthum}, (Mainz, 1864).
had been three “eras” of labor, an author argued: the pagan era, in which slave labor was the accepted norm — “Arbeit als Last”; the Christian era, where obligatory labor became accepted — “Arbeit als Pflicht“; and, finally, the present secular age — “Der Abfall vom Christenthum,” which had as its guiding principle free labor, “Freiheit als Arbeit” — a product of the Gewerbefreiheit. The consequences of this shift, the author goes on to argue, are the concentration of wealth in a few hands and pauperism for the masses. 588

**Karl Reichhart and the Voice of Social Catholicism in Upper Austria**

As the political conflict between liberals and clericals began to heat up in the late 1860s, the social question also began to be addressed more frequently in the press. Between 1868 and 1871, the Theologisch-Praktische Quartalschrift featured a series of longer articles on the Arbeiterfrage, as did the Katholische Blätter. In contrast to the few scattered polemical pieces in the early 1860s, these articles formulated a much more coherent response to the social question, mainly came from the pen of one author, Karl Reichhart. Reichhart was a Chorherr in St. Florian who had managed to read his way through much of the available literature on the subject in the preceding years. As his articles graced the pages of the Quartalschrift, the Katholische Blätter, and the soon-to-be-launched clerical Linzer Volksblatt, he developed a tone that was comparatively radical in its analysis of the condition of labor and the threat presented

by liberal economics and the bourgeoisie.\textsuperscript{589} He squarely blamed the bourgeoisie for its moral failings, called on the state for action, praised Lasalle, and even recommended to his readers the “\textit{geradezu ausgezeichnetes Werk: ‘Das Capital’ von Carl Marx}.”\textsuperscript{590} And in his admiration for Marx, Reichhart was by no means alone among Catholic priests. Bishop Ketteler supposedly took \textit{Das Kapital} with him on the train to read on the way to the first Vatican Council in 1870.\textsuperscript{591}

Reichhart warned that the Church could not sit idly by as a new class of workers became increasingly estranged from religion, morality, and all social ties:

\begin{quote}
Werden die Arbeiter auch noch in seelsorgerischer Beziehung stiefmütterlich behandelt, dann darf man sich nicht wundern, wenn die Sitten der Arbeiter nicht "besser" sondern, daß sie noch nicht schlechter sind. Der Mensch ist eben im Großen und Allgemeinen ein Produkt seiner Lage, und wer ganze Massen von Menschen wirklich ändern will, muß zuvor die Bedingungen ihrer Lage ändern, die sie eben zu dem machen, was sie sind.\textsuperscript{592}
\end{quote}

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\textsuperscript{589} See, especially, the articles from 1869 in the \textit{ThPQ}, 213-40, 281-319, 349-381.

\textsuperscript{590} Most of the articles are anonymous or signed with R. The articles seem to have also found a larger audience, as they were later reprinted in a short brochure. Karl Reichhart, \textit{Zur Arbeiterfrage. Vier zeitgemäsße Aufsätze seperat abgedruckt aus der Linzer Theologisch-Praktischen Quartalschrift}, (Linz, 1869). On the reference to Marx, see, Zinnhobler, "150 Jahre Theologisch-Praktische Quartalschrift," p. 217. The original is, Karl Reichhart, \textit{Zur Arbeiterfrage}, \textit{Theologisch-Praktische Quartalschrift} 22 (1869): p. 215; Reichhart, \textit{Zur Arbeiterfrage. Vier zeitgemäsße Aufsätze seperat abgedruckt aus der Linzer Theologisch-Praktischen Quartalschrift}.

\textsuperscript{591} Weinzierl, \textit{Päpstliche Autorität}, p. 205.

\textsuperscript{592} “Zur Arbeiterfrage. Der Liberale Kalender und die soziale Frage.” \textit{Linzer Volksblatt} 14 January 1871.
The Church had an obligation to de-secularize the masses, to help them ‘re-enter’ religious space. To do this, it needed better organized parishes and a clergy that understood what it was up against. The state also had a role,

\[\text{nicht bloß ... die oberen “Zehntausend” durch seine Gesetze, Einrichtungen und Subventionen zu bedenken, sondern ganz besonders zum Schutze des Schwachen gegen den Starken da [zu] sei[n]...so daß durch die allmähliche Verwischung des Gegensatzes zwischen Bourgeoisie und vierten Standes wieder ein neuer Mittelstand entstünde.}\]

Reichhart called on the state to focus on regulating working hours, banning child labor, and implementing strict factory inspections. His ideal of a new Mittelstand tried to salvage the organic idea of social organization within the capitalist economy. Reichhart’s articles show that the position of the Catholic Church in Upper Austria had fundamentally shifted since the 1850s.

The shift in Catholic rhetoric was also reflected in the Linzer Volksblatt, which began appearing in January 1869. In contrast to the Linzer Diözesanblatt or the Theologisch-Praktische Quartalschrift, the Volksblatt was aimed at conservative Catholics throughout Upper Austria. Through the Volksblatt, the conservative Catholic press developed a polemical and political voice based on short editorials that mirrored much of what liberals had been doing in ‘their’ paper, the Linzer Tages-Post, since 1865. From mid-January 1869 onwards, the Linzer Volksblatt brought a steady stream of critique on the failings of the “liberalen Oeconomismus” in the best Lasallian vein.

\[\text{\textsuperscript{593} Reichhart, ”Zur Arbeiterfrage,” pp. 218-219.}\]
Von nun an wird die soziale Frage nicht mehr so bald von der Tagesordnung verschwinden und die künftigen parlamentarischen Parteien werden sich weit mehr nach ihren sozialen als politischen Grundsätzen herausbilden.\textsuperscript{594}

Though penned anonymously, it is more than likely that Reichhart wrote these pieces. One article begins, for example, with an evaluation of the new Konsum-Verein to be opened in the industrial Linz suburb of Kleinmünchen, which, it concluded “helfen auf Dauer gar nichts … weil in demselben Augenblicke, wo durch die Konsum-Vereine die Lebensmittel anfangen billiger zu werden, auch in Folge...der Arbeitslohn um eben so viel herabgedrückt wird.”\textsuperscript{595} Next, it explained the concept of “bourgeois” — “die Besitzenden!”— arguing, “nur jenem Besitzenden welcher mit seinem großen Vermögen, … — sein Kapital — auch noch als Bedingung hinstellen will, an der Herrschaft über den Staat teilzunehmen.”\textsuperscript{596} The Arbeiter-Bildungsvereine, often founded, as in Linz, with help from the local liberal club, were dismissed as “Blitzableiter für die Bourgeoisie.”\textsuperscript{597} The Catholic press finally had a talented publicist and an opportunity to use his skills soon presented itself.

\begin{itemize}
\end{itemize}
Dr. Roser’s Social Legislation and the Catholic Press

In December 1868, Moritz Roser, a physician who had treated factory workers in his native Bohemia and was now a liberal delegate in the Reichsrat, proposed three new laws to better control working conditions in factories: first, to limit the workday to ten hours, second, to prohibit child labor under the age of fourteen, and, third, to force each factory to keep a record book of employees and hours worked as an initial step, preparing the way for more thorough inspections. His fellow liberals greeted Roser’s proposal with disdain and relegated it to a sub-committee dominated by factory owners and large landowners. When it finally reappeared on the main floor a few months later, it had been watered down and was never brought up for a vote.598

Reichhart and the Volksblatt used the Roser proposals make the social question front-page news and each aspect of the laws was covered in a series of prominent editorials.599 The Arbeiterfrage is not just a “Magenfrage, sondern ganz besonders eine Culturfage“ the Volksblatt argued,

\[
\text{eine Frage, von der es abhängt, ob der größte und noch bessere Theil der christlichen Gesellschaft in die Zustände der alten Sclaverei zurücksinken oder ein menschenwürdiges, selbstständiges und maßgebenes Glied der menschlichen}
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598 The liberal sub-committee argued that state regulation of labor conditions would mean “eine schwere Verletzung der individuellen Freiheit des mündigen Staatsbürgers.” For a full account of Roser’s proposals and the reactions they prompted, see, Wilhelm Wadl, Liberalismus und soziale Frage in Österreich: Deutschliberale Reaktionen und Einflüsse auf die frühe österreichische Arbeiterbewegung (1867-1879), (Vienna, 1987), pp. 214-223, here 221.

599 See the series “Zur Arbeiterfrage. Dr. Rosers Antrag im Reichsrathe.” Linzer Volksblatt 6, p. 13; 27 February 1869, pp. 6, 13; 27 March 1869; and, 10 April 1869.
The pieces always began by explaining the proposals, followed by the liberal opposition’s critique, and then the ‘true’ Catholic position on the matter; the fact that Roser was also a liberal was never mentioned. The series included articles on the ten-hour workday, child labor, women and the workplace, Arbeiter-Bildungsvereine, and Koalitionsrecht. Like the other articles already mentioned, the “moralische Entartung” of the working class was placed in the social and economic context of liberalism: long workdays, child labor, women in the workforce, work on Sundays and holidays – these were the natural consequences of laissez-faire economics, leading to the moral degeneration of society. The state, the community, and the family were all at risk. Factories and their owners, obviously unable to regulate themselves, were making state inspections of factories a necessity.

In addition to such polemical pieces, the Volksblatt also introduced another series aimed at migrant laborers and factory workers. Beginning in 1869, the paper ran a regular feature to explain the complexities of Heimatrecht, Ehekonsens and other legal questions especially relevant for workers. The first column, “Wann kann man aus einer Gemeinde ausgewiesen werden,” for example, explained the legal distinction between those living in a community without Heimatrecht and those merely traveling through. The former, though not permanent residents with Heimatrecht, nevertheless

\[\text{\textsuperscript{600}}\text{“Zur Arbeiterfrage. Dr. Rosers Antrag im Reichsrathe.” Linzer Volksblatt 6 February 1869, pp. 1-2.}\]

\[\text{\textsuperscript{601}}\text{“Zur Arbeiterfrage. Die Kinderarbeit in den Fabriken.” Linzer Volksblatt 27 February 1869, p. 1.}\]
enjoyed a series of legal rights that could prevent a community from arbitrarily deporting them, an important distinction at a time when communities often used *Heimatrecht* as a pretense for expelling the unemployed.\footnote{Wann kann man aus einer Gemeinde ausgewiesen werden?* Linzer Volksblatt* 23 July 1869, p. 1. On *Schubwesen*, the aspect of *Heimatrecht* devoted to expelling unwanted informal residents, see, Harald Wendelin, "Schub und Heimatrecht," in *Grenze und Staat. Paßwesen, Staatsbürgerschaft, Heimatrecht und Fremdengesetzgebung in der österreichischen Monarchie 1750-1867*, ed. Waltraud Heindl and Edith Saurer, (Vienna, 2000), pp. 231-283.}

**Priests and the Working-class in the 1860s and 70s**

How did the parish priest begin to respond to these changes? Did he try to raise awareness of social inequalities in his diocese? Meet with factory owners? Found an association? Was he at all aware of the changing discourse on the social question? Views such as those of Reichhart and their dissemination were still rather wanting. A glance at the curriculum of the diocese seminary for young priests-in-training in the mid-1860s, for example, shows that for most priests, the ‘social question’ remained one of poor relief and workers’ morality – a continuation of the Catholic theory on *Armenpflege.*\footnote{Lehner, *Caritas*, p. 162.} Markus Lehner, in his examination of the Church’s social work in Upper Austria, finds a first mention of the ‘social question’ in Franz Pohl’s pastoral theology textbook from 1862. However, the way in which Pohl treats the topic suggests that he remained utterly unaware of the difference between the ‘social question,’ the *Arbeiterfrage* and problems of ‘traditional poverty.’\footnote{Lehner, *Caritas*, p. 162.} New textbooks that appeared on pastoral theology in the 1860s and 70s were no different, treating the
social question as an outpost of öffentliche Armenpflege. The only exception was the 1871 Handbuch der Pastoral-Theologie by Ignaz Schüch, published in Linz, in which Schüch focused not only on the factory worker, but also on “die Leiter solcher Anstalten.“ Schüch, like Hille or Baumgarten in the late 1850s, emphasized the importance of the relationship between the priest and the local factory owners. These were to be coaxed so that,

\[
\text{die Geschlechter gesondert seien, daß die Kinder dem Schulbesuche und der Christenlehre nicht entzogen werden, daß an Sonn- und Feiertagen nicht gearbeitet und den Arbeitern Zeit gelassen werde, dem Gottesdienst beizuwohnen und die heiligen Sakramente zu empfangen.}\]

The ideas of Lasalle or even Ketteler were still remote, however. The textbook viewed the Catholic Church, not the state, as the prime instigator in dealing with the social question — the state is not mentioned at all — and the emphasis lay on the moral behavior of the worker. Only the 1896 edition of the Schüch – thus published at the beginning of Christian Social activism – contained an overhauled section on the social question.

Priests assigned to urban parishes or parishes with larger factories in their midst, of course, ‘discovered’ the social question on their own. Especially priests in the suburbs of Linz, the industrial town of Steyr, or in the salt mining districts of the Salzkammergut in the mountainous southern part of the province could hardly avoid

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606 Lehner, Caritas, p. 162.
the issue. Indeed, many priests were completely and utterly overwhelmed by the growing mass of unemployed and underpaid workers residing within their parish. One parish chronicle from Schönau, a small town just east of Linz, recounts the subtle changes occurring in the parish.


While some priests quickly asked for a reassignment, others sought to help. In the annual meeting of the Upper Austrian Catholic associations in August of 1867, for example, Johann Schürz, a priest from Neuhaus, a small town close to the Bavarian border, proposed,

*die katholische Generalversammlung wolle die Errichtung von Häusern für Arbeiter besonders an größeren Fabriksorten, unter*

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608 The above *Pfarrchronik*, for example, begins with the account of an older priest who was not up to the task and asked for a reassignment.
Leitung von weiblichen Orden und die Mittel zur Errichtung derselben in Erwägung bringen,

which was passed unanimously, though nothing came of it.\(^{609}\) In 1870, Franz Schlickenrieder, a priest in Sierning, a small town just outside Steyr, published a pamphlet entitled Der moderne Liberalismus, die Arbeiter und die Kirche, which critiqued laissez-faire capitalism with a healthy dose of anti-Semitism. Though no other records on Schlickenrieder remain, the pamphlet mentions that he founded an Arbeiter- und Gesellenverein in the town.\(^{610}\) In the mostly Protestant community of Goisern in the Salzkammergut, three priests were involved in founding a Catholic Arbeiter-Konsumverein.\(^{611}\) Indeed, by 1873 a total of fifty-one working-class associations were listed in the official registry for Upper Austria, over half of which were Catholic. But — and this is an important distinction — these were almost all officially classed as Gesellenvereine, usually based in small, rural communities and dependent on the personal initiative of a dedicated priest.\(^{612}\) As soon as the priest lost interest or moved to another parish, antagonisms developed between the workers and the new priest and the association tended to wither.

The first Catholic workers’ association founded by priests and aimed specifically at factory employees arose 1875 in Steyr. The city was the logical choice: it was a one-industry town dominated by Josef Werndl’s weapons factory, and Werndl


\(^{610}\) Franz Schlickenrieder, Der moderne Liberalismus, die Arbeiter und die Kirche, (Linz, 1870).

\(^{611}\) Salzer, Christliche Arbeiterbewegung, pp. 36-38.

\(^{612}\) Konrad, Arbeiterklasse. p. 168.
was a devout Catholic who early on began to make an effort at turning his factory into
a ‘proper’ Catholic workplace – at least when there were no large orders pending.613
Though employment at the factory often fluctuated wildly Werndl’s factory did
employ a core set of workers.614 These core employees, usually older, married and
living in special factory-built housing, were for the most part unwaveringly loyal to
Werndl, creating an inherent tension between them and the permanent influx of
newcomers hired for and then let go after the completion of a large contract to make
arms. Such tensions, coupled with the official Catholic ideology laid out by the
employer, made a potent backdrop for socialist working-class activism. Indeed, Steyr
saw working-class activism much earlier than other towns in the province and, as
already discussed in Chapter Five, such activism also had distinct anti-Catholic
undertones when workers joined the Old Catholic movement in the early 1870s.615

The new Catholic working-class association was supposed to help nip these
problems in the bud, returning workers “to the fold.” Indeed, initially it seems to have
had some success – at least judging from the opposition the association faced from the
liberal town administration. Within three weeks of its founding, the mayor of Steyr
attempted to use the pretext of a missing permit to disband the association and there
followed several more attempts to disband the association and limit its growth by the

613 Article 16 of the Fabrikordnung ordered all workers to appear at work on Sundays or holidays
if need be. Taken from the 1871 Fabriksordnung. Cited in, Pfaffenwimmer, “Österreichische

614 See p. 38, above.

615 On labor unrest in Steyr and Upper Austria, see, Konrad, Arbeiterklasse, pp. 110-118. He was
strict in separating business and religion. Article 13 of the Fabriksordnung forbade agitation of any sort
in the factory, political or religious, which was undoubtedly aimed at the growth of the Old Catholic
But the association also developed its own internal problems. By 1878, none of the association’s original board members remained, though whether this stems from the high rate of turnaround within the factory itself or from political infighting is difficult to say, though considering that it was probably the long-term workers at the factory who helped found the association, one would tend to assume the latter.

Furthermore, latent antagonism between the Catholic Church and the workers at the factory also came to bear on association’s appeal. In November 1878, for example, a women was attacked and killed on the road between Steyr and the nearby village of Sierning. As the _Linzer Volksblatt_ reported the story, a factory worker had confessed to the crime, adding that such behavior was merely par for the course in a factory where the management ignores Sunday as a day of rest and workers choose to spend their free time drinking rather than going to church. A group of workers, outraged by the accusations, shot back: no one had confessed to the crime and all the suspects in custody were unemployed vagabonds, not factory workers. And as for Sundays: that workers chose not to go to church had little to do with the factory management; it was the fault of the Catholic Church. Priests, they argued, had become too political; the topics they covered in the average sermon were better discussed in a pub.

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616 Relations between the municipality and the workers had never been all that good. Pfaffenwimmer, “Österreichische Waffenfabriks-Aktiengesellschaft,” p. 192; Slapnicka, _Christlichsoziale_, p. 102.

617 Konrad, _Arbeiterklasse_, pp. 382-383.

618 No mention is made, however, of whether the “vagabonds” might have been ex-factory workers.

619 The various incidents date from 1876-78. Correspondence and newspaper articles can be found in, Pfaffenwimmer, “Österreichische Waffenfabriks-Aktiengesellschaft,” pp. 192-193.
Aeterni Patris and the years before Rerum Novarum

In his 1879 encyclical Aeterni Patris, Pope Leo XIII called on Catholics to “restore the golden wisdom of St. Thomas, and to spread it far and wide for the defense and beauty of the Catholic faith, for the good of society, and for the advantage of all the sciences.” As in most other dioceses, Aeterni Patris quickly made inroads in Upper Austria and in the 1880s, Catholic thinkers began turning to Aquinas’ writings, especially his ideas on property, when addressing the social question. Aquinas argued that while God has possession over all things, man possesses a right to use things – a “natural control over external things.” But Aquinas was careful in how he defined these terms. “Man,” he continued “should not hold external things for his own use but for the common benefit, so that each one should readily share material things with others in their need.” To many younger and more radical priests, such words sounded like a call to arms. Indeed, some of Aquinas’ writings went even further, arguing, “if...there is such urgent and obvious need that there is clearly an immediate emergency for sustenance...then he may legitimately take from another


621 See, for example, Martin Fuchs’ book on the encyclical, which appeared in two editions in quick succession in 1880 and 1881. Fuchs, Reflexionen zur Encyklica Aeterni Patris. Über die Wiedereinführung der christlichen Philosophy in die kathol. Schulen nach dem Sinne des englischen Lehrers der hl. Thomas v. Aquin. Also see the uproar which the critique of the book provoked, Salzburger Kirchenblatt 20, nr. 4 (1880), pp. 30-31; and, Salzburger Kirchenblatt 20, nr. 5 (1880), pp. 38-39.
person's goods what he needs, either openly or secretly. Nor is this, strictly speaking, fraud or robbery."

In the 1880s, Catholic social thinkers began trying to integrate Aquinas with the theories of Lasalle and Ketteler. In 1886, a series of articles on “Die sociale Bedeutung der katholischen Kirche” in the Linzer Volksblatt, argued that although “Eigentum ist berechtigt, es ist Sünde, dasselbe bei seinem Mitmenschen zu beschädigen,” adding that, “Gebrauch und Benutzung desselben...nicht dem freien Willen des Menschen überlassen [ist].” Only through the Catholic Church could capital become socially responsible and only through the Church could the factory worker’s place in society find a proper dignity. “Die Kirche allein hat die Arbeit zu Ehren gebracht... die Kirche allein vermag den Arbeiter in dieser Stimmung zu erhalten.” The Theologisch-Praktische Quartalschrift also began featuring similar pieces, especially a series of articles by Frank Kuefstein, a close associate of Karl von Vogelsang in Vienna and one of the leading thinkers in the Christian Social movement.


625 See, Franz von Kuefstein, "Der Capitalismus?," Theologisch-Praktische Quartalschrift 34 (1881); Franz von Kuefstein, "Der Zins - wirtschaftlich und moralisch beurteilt," Theologisch-Praktische Quartalschrift 35 (1882); Franz von Kuefstein, "Was ist Capitalismus?," Theologisch-Praktische Quartalschrift 34 (1881); Franz von Kuefstein, "Welches System kann und wird schließlich den absterbenden Capitalismus ersetzen?" Theologisch-Praktische Quartalschrift 35 (1882); Franz von Kuefstein, "Wirkungen des Capitalismus?," Theologisch-Praktische Quartalschrift 34 (1881). On Vogelsang and his circle, see, Diamant, Austrian Catholics. With the rise in Christian Social authors also came an increase in anti-Semitism in the journal, especially with the addition of Josef Scheicher
By the late 1880s, the first more concrete proposals for priests dealing with the working class began to appear in the press. An 1889 article by Anton Pinzger, for example, highlighted not only the importance of founding associations for the working-class, but also issued instructions about how this should be done.


Here, for the first time in Upper Austria, are relatively detailed instructions for priests on how to go about setting up associations for the working class. Important to note, however, is the express instruction that the association should not become a political

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626 Anton Pinzger, "Grundzüge für die Organisation katholischer Arbeiter-Vereine," *Theologisch-Praktische Quartalschrift* 42 (1889).
platform, which was to remain the mainstay of Catholic working-class associations until *Rerum Novarum*.

Pinzger’s recommendations came in reaction to the crucial but often overlooked encyclical by Pope Leo XIII, *Humanum Genus* from April 1884. Ostensibly about freemasonry, it also included a section on “the associations of guilds of workmen, for the protection, under the guidance of religion, both of their temporal interests and of their morality.”*627* Though a far cry from the more explicit language of the later *Rerum Novarum*, some Catholics began to use its language as a basis for action in the social question. The German *Katholikentage* held in Amberg in 1884 and in Münster a year later built on *Humanum Genus*, transforming its ideas into concrete proposals for action. *628* The encyclical was a significant step forward, and was taken as such by many Catholic social activists in the nineteenth century, but it was not nearly enough.

**The Encyclical *Rerum Novarum***

It took a dramatic gesture ‘from the top’ to jump-start working-class activism: Pope Leo XIII’s 1891 encyclical *Rerum Novarum*. In the encyclical, Leo XIII and his advisors performed a careful balancing act, integrating the teachings of Aquinas into contemporary strands of thinking on the social question. *629* In this regard, Thomistic

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*629* Though the Vogelsang school and Austrian Catholic thinkers undoubtedly played a role in preparing the intellectual context of the encyclical, they had little to do with its actual preparation in the Vatican. See, Diamant, *Austrian Catholics*; Franz von Kuefstein, *Vorgeschichte der Enzyklika Rerum*.
philosophy provided two important models: the first — and this was similar to much Catholic thinking in the nineteenth century on the social question — had to do with envisioning an organic social order. “It must be… recognized” the encyclical argued,

that the condition of things inherent in human affairs must be borne with, for it is impossible to reduce civil society to one dead level. Socialists may in that intent do their utmost, but all striving against nature is in vain. There naturally exist among mankind manifold differences of the most important kind; people differ in capacity, skill, health, strength; and unequal fortune is a necessary result of unequal condition.⁶³⁰

The idea of an organic order paved the way for the second, more controversial aspect of the encyclical: the emphasis on the mutual obligations of capital and labor, which was a very carefully worded reiteration of Aquinas’ ‘conditional’ recommendations on private property. To forestall any fear of an incorrect interpretation, the encyclical first came down decidedly on the side of private property.

Private ownership, as we have seen, is the natural right of man, … ‘It is lawful,’ says St. Thomas Aquinas, ‘for a man to hold private property; and it is also necessary for the carrying on of human existence.’

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Importantly, however, the encyclical decidedly came out against the idea of ownership for ownership’s sake as an inherent right of man.

_It is one thing to have a right to the possession of money and another to have a right to use money as one wills … if the question be asked: How must one's possessions be used? — the Church replies without hesitation in the words of the same holy Doctor: ‘Man should not consider his material possessions as his own, but as common to all.’_

In this manner, the encyclical sought to emphasize the social obligations of wealth without unduly hindering concepts of private property.

The rest of the encyclical officially sanctioned a number of measures that had already found favor among Catholic social reformers, but had largely remained without support from the hierarchy: An emphasis on state intervention, especially in the form of factory inspections ("Justice ... demands that the interests of the working-classes should be carefully watched over by the administration"); a ban on Sunday labor; a call for higher wages; and, most importantly, outright support for ‘workingman’s unions.’ Importantly, Leo XIII also added a powerful section reprimanding bishops’ failings, demanding that they "bestow their ready goodwill and support" on these efforts. And although the encyclical stopped short of recommending that priests and associations engage in political action on the part of the working class, unlike _Humanum Genus_ it also did not expressly forbid it.
Reception of the Encyclical in Upper Austria

Seen internationally, the initial response to the encyclical was mixed at best. Socialists and left-wing intellectuals were highly skeptical of its intentions, while many liberals and entrepreneurs showed a deep disdain for the passages that sought to mediate economic activity and seemed to call into question the liberal ideals of freedom and private property. Even among the Catholic clergy, reactions were mixed. While the social reformers were, of course, overjoyed, many in the upper ranks of the hierarchy were exasperated that the Pope had seemingly gone ‘over their heads’ in a direct appeal to the lower clergy and activist laity.

Bishop Doppelbauer in Linz certainly fell into the latter camp. The text of the encyclical was published in the Diözesanblatt in a timely manner within the diocese, a month after it saw publication in Rome; but, unlike other encyclicals, it was reproduced without additional commentary by the bishop. These comments only came six months later in an article in which Doppelbauer sought to clarify and emphasize the main points of the encyclical for his clergy: “Irrthümer widerlegen, mit welchen ‘die socialistische Partei’ das Volk zu vergiften sucht.” Although he did briefly mention some of the ‘other’ points in the encyclical, the bishop, taking his cue


from Rudigier in the 1870s, above all emphasized the need for a stronger Catholic press to combat the errors of socialism. Second came a plea for the clergy to support existing Catholic associations and to found charitable institutions such as poor houses and hospices. Capitalists were not mentioned at all, nor did the bishop foresee a role for priestly activism or for working-class associations. Indeed, social reform as a goal was not mentioned at all. Far from encouraging the political involvement of the clergy on behalf of the working classes, Doppelbauer called on priests to foster “Sparsamkeit und Nüchternheit” among the working classes. The emphasis on morality and frugality marked Doppelbauer as a man of a decidedly earlier era. Among Austrian bishops, however, he was by no means alone in his opinion.

The 1892 Pastorkonferenzen

Yet, a bishop does not his diocese make. While Doppelbauer was plainly irritated by the encyclical’s social message and tried to change the subject, this tells us little about how priests in general received its message. How did the lower clergy react? Did priests read the text? Did they subscribe to the same notions as their bishop? Two events that took place in Upper Austria in 1892 allow us a closer view of how theory and practice slowly shifted in the encyclical’s wake among the lower clergy. The first consisted of several Pastorkonferenzen held in April and November of

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634 On this point, see, Gerhard Silberbauer, Österreichs Katholiken und die Arbeiterfrage, (Graz, 1966), pp. 123-124.
1892; the second was the 1892 Austrian *Katholikentag*, held in Linz in early August of the same year.

Both *Pastoralkonferenzen* focused on the same question:

> *Was versteht man unter der socialen Frage? Welches sind die Ursachen derselben? Würden die Grundsätze der Socialdemokratie die Frage zu einer glücklichen Lösung bringen? Welche Faktoren müssen zusammenwirken und welche materielle und moralische Mittel müssen angewendet werden zu einer glücklichen Lösung der sozialen Frage?*  

Of the written responses each priest in the diocese had to submit, only five have survived — four from the April conference and one from November. Though these vary greatly in their length and depth, they offer several commonalities: first, all mention the increasing secularization of society, both among workers and factory owners, as the cause of the social problem. All five priests, however, do not mention it as the first or primary reason — indeed, one of the writers only hastily added it in a later section rather than directly under “causes.” All responses except one, surprisingly enough, do not mention Pope Leo XIII or *Rerum Novarum*. While some of the priests have obviously read it or at least been exposed to its ideas, for others even this seems questionable; certainly none of the five seems to have studied it at length. Yet while the lower clergy seem to be ignorant of their pope’s writings on the matter, they certainly had read those of their bishop. All of the responses emphasize combating the

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636 The surviving essays can be found in, DAL CA/7 Fasz. 1/11a, Sch. 12.
godless socialists and building a more effective Catholic press — i.e., reiterating Doppelbauer’s article from January of that year — as the most pressing aspects of the ‘social question.’

Just as apparent is that the priests have been reading Christian Social works from Vienna. The corporatist ideals of Vogelsang and his circle weave their way through all the essays. Each imagines an ideal, organically structured society — a golden age — that was presided over by the medieval Catholic Church: “Daß die Kirche die Kraft zur Lösung dieser Frage besitzt … zeigte sie im ganzen Mittelalter,” wrote one priest. “Das Mittelalter war das goldenen Zeitalter der Handwerker -- es war die Zeit der Gilden und Zünfte, die unsere Zeit in anderen Formen wieder zu Ehren zu bringen sucht,” wrote another, adding, “seitdem die kirchliche Revolution des 16. Jh. den grossen Abfall der Voelker von der katholischen Wahrheit zu Wage gebracht … folgte rasch der Absturz im Naturdienst und völlige Religionslosigkeit.” A third added that the working class is merely the “jüngste der besonderen Gesellschaftsstände…losgelöst aus dem organischen Verbande.” And, finally, the fourth wrote:

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Wäre die Erfindung der Maschine in die Zeit der mittelalterlichen Zünfte und Corporationen gefallen, so wäre auch das Recht, Fabriken zu bauen immer einzig der Corporatie zugefallen, deren Produkte die Fabrik erzeugt hätte. Die Arbeit wäre nicht bloß ein gewöhnliches sondern auch ein sociales Gut gewesen.637
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637 The first quote is from Josef Huemer, Kooperator in the Vorstadtpfarre of industrial Steyr; the second quote comes Franz Xavier Wolf, Amtsbenefizpriester from Obertraun, a small town close to
Rather surprisingly, there is no reference to practical experience in dealing with working-class parishioners in any of the texts, even though all the priests whose responses have survived came from parishes that would have confronted these issues on a daily basis. One response comes from Gmunden, not a classically working-class town, but one with a strong tradition of artisan social activism (the first Kolping-style association in Upper Austria was founded here); another from Steyr, a town dominated by the already mentioned weapons factory and home to Upper Austria’s first Catholic working-class association; and yet another from Obertraun, a small town close to Hallstatt and deep in the salt mining region of the Salzkammergut, and a traditional hotbed of labor unrest, often with strong religious undertones.

While the responses show similarities in their worldview and a lack of practical experience, there are also important differences in their final analysis. The responses range from carbon copies of Doppelbauer’s communiqué — socialism is atheism and a better Catholic press is the key to the social question — with hardly a mention of the working-class, to more detailed and thoughtful responses that try to place the growth of the working-class in a larger perspective, calling for a better system of associations and increased state intervention. The contrasting responses suggest that there was no organized response to the social question in Upper Austria. When the question was repeated in the fall of the year, the one response we have from this second event suggests that a great deal had happened in the meantime. In contrast with the above —

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Hallstadt — thus in the salt mining alpine region of Upper Austria; the third from Johann Schmid, Pfarrer in Gosen (Gmunden); the final quote is from Johann Andlinger, Kooperator in Gmunden and was written for the Pastoralkonferenz in November 1892. The others stem from the April conference of the same year.
responses, this last respondent, a Kooperator from Gmunden, is much more articulate and detailed in describing both the causes of and the possible remedies for the social question. He makes use of detailed citations from *Rerum Novarum* as well as other texts, including the German Social Democratic Gotha Program of 1875. What had happened in the interim?

**1892 Katholikentag**

It is the second event of 1892, the Austrian *Katholikentag*, held in Linz in August of that year and spaced evenly between the two *Pastoralkonferenzen*, which allows us to see how Upper Austria’s clergy took on a different sense of the ‘social question.’\(^63^8\) Coverage in the press began weeks prior to the event itself and attendance, especially among the clergy, was high. Figures from the liberal *Tages-Post* — in this case probably more accurate than its Catholic counterpart — indicate that over 2,000 people attended the opening festivities alone.\(^63^9\) The 1892 *Katholikentag* was only the third to be held in Cisleithania since the event split from its German counterpart in 1867. The previous two, in 1877 and 1889, had both taken place in Vienna and, in the aftermath of *Rerum Novarum* and the emphasis on the social question, the decision to move away from Vienna represented not just a desire for geographical variation, but also a conscious effort on the part of the Austrian hierarchy to lessen the influence of the Viennese Christian Social movement. In 1889, Christian

\(^{63^8}\) The only secondary work on the Austrian *Katholikentage* is the rather partisan but thorough dissertation of Celerin, "österreichische Katholikentage".

\(^{63^9}\) *Linzer Tages-Post* 10 August 1892, p. 2; “Der Kampf um die Macht,” *Linzer Tages-Post* 13 August 1892, p. 1.
Social speakers such as Prince Alois von Liechtenstein, another member of the Vogelsang circle, and the later Christian Social mayor of Vienna, Karl Lueger, overshadowed the debate. The Austrian Catholic hierarchy remained very much at odds with the movement.

The 1892 *Katholikentag* was thus supposed to be a thoroughly different animal: tightly planned by the hierarchy in its message, the goal was to hold Christian Social thought in check. It was supposed to rekindle the solidarity all Catholics felt during those ‘golden days’ — the late 1860s and early 1870s — when all seemed united in their stance against liberalism. As the opening speaker, Count Anton von Pergen, said when explaining why Linz was chosen to host the *Katholikentag*: “*das, meine Herren, sagt das eine Wort: Rudigier,*“ to which the delegates responded with prolonged applause. Rudigier’s struggle — his unrelenting stance against liberalism and his arrest by the state — symbolized Catholic unity. To those Catholics in 1892 old enough to remember those days gone by, Rudigier represented a lost sense of solidarity no longer felt among Catholics. The conflict with liberalism and over the May Laws had long since petered out, and the ‘social question’ only seemed to create divisions within the movement: between the Christian Socials and conservatives; between the upper and lower clergy; between Vienna and the provinces. The organizers sought to defuse the ‘social question’ by (re-)placing it within the confines of the conflict between the Catholic Church and the state. As the president of the *Katholikentag*, the conservative Reichsrat delegate Count Ernst Sylva-Taronca, 640

640 *III. Katholikentag*, p. 38. Also see, *Tages-Post*, 8 Oktober 1892, p. 2.
emphasized in his opening address, “dass für die Katholiken die Religion nicht Privatsache ist, am allerwenigsten Privatsache für die in Österreich, wo die Religion eine Existenzfrage, eine Frage der Macht, … eine Frage des ernsten und wichtigsten öffentlichen Interesses ist.”

In this manner, they hoped to reintegrate the Christian Social movement into the Catholic hierarchy.

In effect, the goal was (internal) de-policization through (external) re-policization. In July 1892, Alfred Ebenhoch, head of the planning committee and a prominent Upper Austrian Catholic-conservative politician, emphasized that although the ‘social question’ would be front and center, the event “wird keine politische Parteiversammlung sein. Er ist nicht die Sache eines Clubs oder einer Fraction des Abgeordnetenhauses.” The strategy was to give the keynote speeches on the ‘social question’ to Catholic-conservatives, while relegating other Christian Social speakers to smaller sub-panels and excluding the most popular speakers outright. Liechtenstein, who had written articles for the Theologisch-Praktische Quartalschrift in the 1880s, was the only leading figure in the movement to give a keynote speech, and he was asked to explain the similarities between his own movement and that of the Catholic-conservatives, an awkward exercise in party discipline. Lueger, one of the most prominent speakers in 1889, was not even in attendance. Albert Gessmann, a further Christian Social Reichsrat member, attended but was not allowed to speak. Adam Latschker, founder of the Christlichsozialer Verein in Vienna, was relegated to a

641 III. Katholikentag, p. 42.

subcommittee on practical strategies in founding workers’ and artisans’ associations. Similarly, Franz Martin Schindler, a priest and professor of moral theology in Vienna and leading Christian Social, gave a talk on the importance of Sonntagsruhe.\(^{643}\)

The strategy failed. Liechtenstein’s speech, a resounding success, was an exercise in subtle, tongue-in-cheek formulations, in which he criticized the unwillingness of conservatives to find common ground. Meanwhile, the sub-committee panels hosted by Christian Socials proved to be among the most popular for the lower clergy. Giving the keynote speech on the social question to a Catholic conservative also proved problematic. The main speech was held by the president of the Katholikentag, Sylva-Taronca, who was not all that well known, nor a great orator, nor much of an expert on the social question.\(^{644}\) His speech was a rather dismal affair, unfocused and mostly uninspiring. He began by stating, “mein Thema ist sehr ernst und trocken, es ist auch viel zu ernst, um schlechte Witze dabei zu reißen,” and then sleep-walked through some of the topic’s central themes. The closest his speech flirted with controversy came in a section near the end, in which he pleaded for more openness:

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dass man nicht gleich einen jeden socialistischer Tendenzen verdächtigt, der offen und herrlich seine Ansicht über die sociale Frage ausspricht. Es ist ein gefährliches, schweres Leiden, aus
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\(^{643}\) Sundays and Catholic holidays as days of rest continued to be an important issue for the Catholic Church. By 1892, however, the reforms of the Taaffe government in the early 1880s had taken much of the wind out of the sails. A list of attendees can be found under III. Katholikentag, pp. 513-552.

\(^{644}\) The Tages-Post describes him as a “grässlicher Redner,” Linzer Tages-Post 13 August 1892, p. 3.
dem die moderne Gesellschaft krankt, und große Zwecke verlangen große Mittel.\textsuperscript{645}

Nevertheless, the Catholic conservative failure was evident at every turn. The Christian Social movement attracted new converts among the lower clergy of Upper Austria, while the Catholic-conservative hierarchy demonstrated its continuing ineptitude in dealing with the ‘social question.’

\textsuperscript{645} \textit{III. Katholikentag}, pp. 154-162, here 161.
Chapter Seven. The Problems of Political Action

The combination of *Rerum Novarum* and the emerging Christian Social movement set into motion a complicated and difficult process of social activism in Upper Austria. This process was highly political and more often than not caught between four conflicting ideological and political strands that existed within and without the Church. The first strand consisted of the inevitable pull of Christian Social ideology, with its explicit political message, inherent populism, and corporatist world view. Moreover, as will be seen below, besides appealing to the lower clergy, the movement also found favor in Rome. A second strand, embodied by the Catholic hierarchy in Upper Austria — Bishop Doppelbauer and his circle —, detested the Christian Social movement because its ‘from below’ policies threatened the hierarchical nature of the Church. A third strand, and one that needs to be separated from the second, consisted of loyalty to the state. It should not be forgotten that Catholic priests remained civil servants and thus all members of the clergy faced inherent conflicts of interest when supporting anti-authoritarian measures such as strikes. The fourth and final strand was embodied in *Rerum Novarum*: its labor-friendly rhetoric expanded the scope of permissible discourse within Catholic social activism. Caught between these forces was both the Catholic priest and the Catholic worker.
This chapter will present several case studies exploring the problems priests and workers faced in ‘being political’ within the confines of Catholic ideology on the social question. It will begin with a look at how associations and a working-class press formed in the wake of Rerum Novarum. Did the encyclical have the desired effect in the province? How did priests become active and what sort of Catholic working-class press developed? Next, comes a micro-level investigation of the problems two priests encountered after making public statements that were seen as socialist. How did the state and the diocese administration view their statements? How did they defend themselves and what sort of claim did they stake for Catholic working-class activism in the process? Next comes an examination of the Christian Social movement’s failure to find proper footing in the province. Why and how did Doppelbauer succeed in ‘vaccinating’ his priests against the Viennese ideology? Finally, the chapter will move to the Catholic worker, with a study of a Catholic workers’ strike at the construction site of the Maria-Empfängnis-Dom. What sort of repercussions did the strike have for the Catholic working-class movement and what can it tell us about the limits of action? All four sections deal with the conflicting set of loyalties and ideologies within which Catholic social activism operated.

**Associational Life and the Press after Rerum Novarum**

In the years after Rerum Novarum, Catholic working-class associations slowly began to sprout in Upper Austria. It was in Lambach, the railroad town between Wels and Vöcklabruck where Rudigier had chastised the female work force for its amoral behavior four decades earlier, that the Benedictine monk Meinrad Huber founded the
first post-*Rerum Novarum* association for working-class Catholics, the *Katholischer Arbeiterverein “Frohsinn” für Lambach und Umgebung*. Similar associations soon followed in other towns, including in Linz and its suburbs Kleinmünchen and Traun, in Wels, in Grünberg, a suburb of Steyr, and in Losenstein, a small town just down the river from Steyr. Outside of Linz and its industrial suburbs these associations were mostly small-scale affairs. Most were based in towns averaging around 2,000 inhabitants and represented a loose collection of workers and artisans, averaging between 80 and 200 members.\(^{646}\)

The founding of each association followed a predictable pattern: a local priest took the initiative and, in cooperation with a local Catholic notable, usually a factory owner or manager, founded the association. The idea that employers and employees should establish an association together under the watchful eye of the local priest was the very ideal of *Rerum Novarum* in that it symbolically recreated the organic community in the factory workplace, hierarchy intact. One factory in a town would provide the association’s first members — usually about thirty — and statutes were subsequently drawn up and passed at a constituting assembly at the local inn. Most of these associations were carefully organized affairs, not bent on trying to overturn the status quo. As the statutes of the *Katholischer Lehrlingverein* in Linz stated: “*alle politischen Bestrebungen sind selbstverständlich ausgeschlossen... Vorstand muss ein katholischer Geistlicher sein und bedarf der Bestätigung des hochw. Bischofs.*”\(^{647}\)

\(^{646}\) The following section is based on the overview found in, “*Ins Zehnte Jahr!*” *Katholische Arbeiter-Zeitung*, 1 April 1904, pp. 3-10; and Salzer, *Christliche Arbeiterbewegung*, pp. 67-104.

\(^{647}\) DAL CA/7, Sch. 105, Fasz. VIII/8.
This tactic worked well. In most cases, the associations quickly blossomed, doubling or tripling their membership in the first few years, though total membership remained limited — the associations were, after all, mostly in small towns — and often fluctuated wildly from one year to the next. First tasks included the creation of a reading room for books and music scores, as well as the founding of a choral group and, in some cases, a theater ensemble as well.\textsuperscript{648} The associations in Wels, Linz and Kleinmünchen were considerably larger than the rest. The constituting assembly of the working-class association in Linz had over 500 members and quickly grew to over double that figure; Kleinmünchen had similar numbers and even in Wels, the association managed 600 members. At a 1901 meeting of the \textit{Landesverband} of Catholic associations, the total membership of the seventeen participating institutions was around 2,500 members. As a point of reference: around the same time, social democratic unions claimed around 2,900 members throughout Upper Austria.\textsuperscript{649}

With two exceptions, all the newly formed Catholic working-class associations were expressly non-political in their ambitions, and both exceptions are very much special cases. The first was the \textit{Berufsgenossenschaftlicher Handwerker- und Arbeiterverein} in Losenstein. This association, co-founded by the local priest Daniel Steinhauser and the owner of the local scythe factory, Josef Forster, was undeniably based on ideas Steinhauser had heard at the 1892 \textit{Katholikentag}.\textsuperscript{650} Its statutes

\begin{itemize}
\item\textsuperscript{648} Especially in Kleinmünchen, both choral group and theater ensemble quickly found general acclaim.
\item\textsuperscript{649} Salzer, \textit{Christliche Arbeiterbewegung}, p. 108.
\item\textsuperscript{650} Steinhauser was a participant. See, \textit{III. Katholikentag}, p. 546.
\end{itemize}
proclaimed it a corporate lobbying organization for workers’ rights and a mutual aid society, activities that required at least a modicum of political action, though it was certainly never meant (nor allowed) to be a hotbed for working-class activism.\textsuperscript{651} The second exception is the \textit{Katholisch-Politischer Arbeiterverein für Linz und Umgebung}, founded in 1895 as the first truly political organ for the Catholic working class. The initiative came from Leopold Kern,\textsuperscript{652} a gifted priest with a prestigious pedigree who had a good deal of experience in both founding associations and analyzing the social question.\textsuperscript{653}

The \textit{Katholisch-Politischer Arbeiterverein} in Linz is doubly significant because it was set up in tandem with the \textit{Katholische Arbeiterzeitung für Oberösterreich}. Founded by a small group of dedicated clergymen under leadership of Kern, the paper proclaimed itself from the start to be an expressly political organ. It was quickly a success: though figures vary, its circulation averaged between 3,000 and 5,000 subscribers, reaching a high point of 10,000 before the First World War. These figures are especially impressive when one considers that most workers tended to read


\textsuperscript{652} Kern (1857-1903) attended the theological seminary in Linz and then studied at the \textit{Collegium Germanicum} in Rome, where he received doctoral degrees in philosophy and theology. Upon his return to Upper Austria, he was first assigned to Steyr, which had been Doppelbauer’s first posting as well, before becoming Domkapitular and Stadt­pfarrer in Linz in 1887. In 1897 he became a Reichsrat deputy. Kern was publisher, editor or an important contributor to a good number of newspapers: \textit{Steyrer Zeitung} (1885-1887), \textit{Katholische Blätter} (1887-1889), \textit{Mühlviertler Nachrichten} (1894), \textit{Katholische Arbeiterzeitung} (1895-1897), and the \textit{Volksbote} (1897-1903). Salzer, \textit{Christliche Arbeiterbewegung}, p. 339; Salzer, \textit{Untertan}, pp. 326, 329; Slapnicka, \textit{Politische Führungsschicht}, pp. 133-133.

\textsuperscript{653} In 1894, Kern had helped found the \textit{katholischer Lehrlingsverein unter dem Schutze von St. Josef in Linz}. He helped draft the statutes and performed much of the necessary official correspondence between the association and the SHL. DAL CA/7, Sch. 105, Fasz. VIII/8.
newspapers in a reading club or shared a subscription with colleagues.\textsuperscript{654} Initially, the paper did not seem all that different from the \textit{Volksblatt}, though it did try to focus on events that would be of greater interest to the working class: new legislation, legal advice pieces and political polemics, often in an anti-Semitic vein. The paper went to great lengths to cover all relevant Austrian and international — especially German — congresses and political programs, as well as the every move and word of Karl Lueger, by then well on the road to becoming the first Christian Social mayor of Vienna, and Leopold Kunschak, founder of the Austrian Catholic workers’ movement. It covered the gamut of Catholic social thought in Austria, as Kunschak and Lueger represented its two intellectual poles, but stayed clear of overt calls for labor activism. There were sporadic critical articles on individual factory owners, but never a call for, or report of, a strike. Instead, long articles often argued expressly against the usefulness of strikes.\textsuperscript{655} Yet the \textit{Katholisch-Politischer Arbeiterverein} and the \textit{Katholische Arbeiterzeitung} were merely the exceptions that proved the rule; both remained carefully watched by the state and the Catholic hierarchy.

\textbf{Priests and Politics}

Such surveillance by both the Catholic hierarchy and the state points to the minimal degree of ideological maneuverability available to Upper Austrian priests in the wake of the papal encyclical. Indeed, an incident involving two priests and their


\textsuperscript{655} This is based on a cursory reading of the years 1901-1908. No copies of the first six years of the paper were available in any of the archives or libraries I contacted.
public views at the height of post-*Rerum Novarum* associational activism presents a
good example of the problems and solutions that those few priests had to master when
becoming politically active on behalf of the working class. In April 1895, a rather
angry letter from the *Statthalter*, Viktor von Puthon, to Bishop Doppelbauer
complained about two separate reports he had received. The reports concerned
speeches given by priests at meetings held to rally working-class support in favor of
new Catholic associations: the first was a rally of the *Katholisch-Politischer
Arbeiterverein* held in Ebelsberg, an industrial suburb of Linz located just adjacent to
Kleinmünchen.\(^{656}\) During the meeting, Leopold Kern had declared, “*dass die Fabriken
in das Eigenthum der Genossenschaften übergehen sollen,*” which, Puthon
complained, was “*Verfechtung eines … kommunistischen Grundsatzes,*” and could not
be tolerated by the state.

The second incident had taken place two weeks earlier in Weyer, a small market
town in the mountainous southeast corner of Upper Austria. At a local
*Volksversammlung*, workers congregated to listen to various speeches and among the
speakers was a local *Kooperator* Johann Bernhard, who declared,

\[
\textit{dass die Christlich-Sozialen viele gleiche Ziele mit den Sozial-Demokraten haben, dass sie jedoch ihre Zwecke unter Mitwirkung der katholischen Kirche so erreichen wollen, dass die einzelnen Stände zwar beibehalten, jedoch das Loos der besitzlosen, der arbeitenden Klasse durch Verwirklichung der von der katholischen Kirch gelehrten Nächstenliebe gebessert werde.}
\]

\(^{656}\) Ebelsberg was strategically located so that workers from Traun, Enns and Kleinmünchen could
easily attend the meeting.
Auch ihre Partei wolle allgemeines gleiches Stimmrecht, 8 Stundentag etc.

This, too, Puthon declared, was not what the state expected of the clergy:

Ich habe bisher dem genannten Verein sowie allen unter der Leitung von Geistlichen stehenden Vereinen katholischer Arbeiter in Oberösterreich das Vertrauen entgegengebracht, dass durch sie die immer mehr wachsende sozialdemokratische Bewegung ein mächtiger Damm entgegengesetzt werden wird, finde mich aber durch die vorliegende Erfahrung sowie durch anderer, in der letzten Zeit gemachte Wahrnehmungen in diesem Vertrauen sehr erschüttert.  

Doppelbauer was no doubt horrified. Helping the needy was one thing, pandering to the communist urges of the working class quite another. Furthermore, Christian Social ideas, which until then had been successfully restrained in Doppelbauer’s diocese, seemed to be making significant inroads among the clergy.

As the investigations began, the Bischöfliches Ordinariat used a policy of carrot and stick. While it repeatedly declared that the investigation was a formality — the local officials had clearly misunderstood the priests in question or taken their comments out of context — it also asked both priests to officially account for their behavior in a longer statement that could then be passed on to the authorities. Such a tactic was meant to put the two priests on the defensive, for their replies needed to address two very different audiences with greatly varying expectations. The

657 Puthon to Doppelbauer, 11 April 1895, DAL CA/7, Sch. 105, Fasz. VIII/8.
Statthalterei expected something to the effect that the words had not been said, been misunderstood, or simply taken out of context. The Bischöfliches Ordinariat, however, was a more complicated audience. In each case, the Bischöfliches Ordinariat framed the outline of the expected answer in its letter to the priests under review and then asked both priests to verify that this was indeed what they had meant. In Kern’s case:

Das Bischöfliche Ordinariat ist im Vorhinein überzeugt, daß Sie... die Ausbildung der Genossenschaften zur Association bei Erwerbung von Betrieben verstanden haben, denn sonst hätten Sie, abgesehen von Ihren längst bekannten katholische Gesinnung, nicht in dem gleichen Vortrag die Sozialdemokratie als die größte Feindin des Gewerbestandes, für dessen Interesse Sie in zahlreichen Reden mit größter Wärme eingetreten sind, dargestellt und beleuchtet.

Similarly, in Bernhard’s case, the letter sent to his superior emphasized that:

in den nachfolgenden Erörterungen ausdrücklich hervorgehoben ist, dass diese Zwecke, nähmlich die Verbesserung des Loses der besitzlosen arbeitenden Klasse, unter Mitwirkung der Katholischen Kirche durch die Verwirklichung der von ihr gelehrten Nächstenlieben erreicht werden sollte.658

The replies would be uninteresting if they had merely allayed the Bischöfliches Ordinariat’s fears and responded in mock agreement for the political authorities.

658 BO to Kern (Draft); BO to Dekanatsamt Weyer (Draft), both letters 30 April 1895, DAL CA/7, Sch. 105, Fasz. VIII/8.
Instead we get two responses that were far more concerned with the *Bischöfliches Ordinariat* than the political authorities. Kern, in particular, replied with a strongly worded and densely written ten-page defense:

*Es findet niemand einen Anstoß daran, daß die Actiengesellschaften, also Geldgenossenschaften, mehr und mehr — alle Fabriken in ihr Eigenthum bekommen, so daß alle größeren Fabriken fast ausschließlich in den Händen der Geldgenossenschaften sich befinden. Niemand nennt diesen Besitz der Actiengesellschaft communistisch. Warum sollte es communistisch sein, wenn die Berufsgenossenschaften auf legalen Wegen mit Hilfe und Subvention des Staates allmächtig die Fabriken erwerben würden. Oder sollte das bei der Berufsgenossenschaft communistisch sein, was bei der Geldgenossenschaft staatserhaltend genannt wird?*

These first lines suggest that Kern agreed with the *Bischöfliches Ordinariat* in his interpretation, but he then carefully stretched the meaning by focusing on the role of the state:

*Wären diese Fabriken im Besitze der Berufsgenossenschaften, so würde eben der Gewinn jenen zufallen, die das Handwerk gelernt, und nicht denen, die nur Kapital besitzen und nichts gelernt haben.*

This is no doubt a much more radical formulation than the *Bischöfliches Ordinariat* had sought for the political authorities.

Next, Kern sought to demonstrate, through examples from ‘within the doctrine’ — from Catholic speeches, assemblies and periodicals — that his views should be
seen as, if not mainstream, then certainly within the accepted bounds of Catholic thought. He remarked that his words were “kein kommunistischer Gedanke, … sondern eine Idee, welche von vielen katholischen Socialreformern ausgesprochen wurde.“ He of course mentions *Rerum Novarum*, with its explicit call for the state to intervene on the behalf of workers, but, more importantly, he also focuses on local examples to show that his views should be seen as quasi-mainstream not just within Catholic social doctrine, but in within his diocese as well:

*Auf dem III. allgemeinen österreichischen Katholikentage in Linz wurde dieser Gedanke von dem Referenten … in einer viel schärferen Form ausgesprochen und fand allgemeinen Beifall in der Section für sociale Frage, in welcher die Hervorragenden katholischen Socialpolitiker Graf Kuefstein und Freiherr von Berger den Vorsitz führten … Im Linzer Volksblatt … wurde von hochgeschätzter Seite … ein noch viel weiter gehender Vorschlag gemacht, ohne das diese Ausführung irgendwie Anstoß erregt hätte … Wenn wir die Arbeiter dem Christenthum erhalten wollen, so müssen wir auch für ihre berechtigten Interessen, auch in materieller Beziehung, eintreten.“

Through these forms, Kern thus sought less to allay the fears of either the *Bischöfliches Ordinariat* or the political authorities, than to use the opportunity to expand the envelope of what was permissible in the diocese — an especially pertinent task since these were the very days in which both the *katholisch-politischer Arbeiterverein* was founded and the *Katholische Arbeiterzeitung* first appeared.

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659 Kern to BO, 11 May 1895, DAL CA/7, Sch. 105, Fasz. VIII/8.
The case of the *Kooperator* in Weyer is at first a bit more complicated, as Doppelbauer’s investigative letter was addressed not to him but to his superior, the Dekan in Weyer, Franz Falkner, who was asked to investigate the accusations and report back. As with Kern, the *Bischöfliches Ordinariat’s* tone sought to dictate Falkner’s response, while simultaneously giving Bernhard a certain amount of leeway for his youth and inexperience:

> Er wolle jedoch zu gleich dem Herrn Bernhard gerathen werden, sich bei Aufstellung von allgemeinen Grundsätzen, die leicht mißverständlich sind, besondere Vorsicht zu befließen; denn der nackte Satz, daß die Christlich Sozialen viele gleiche Ziele mit den Sozialdemokraten haben, wäre wirklich unwahr, wie es auch unrichtig ist, daß die katholische Arbeiterpartei daß allgemeine Stimmrecht und den Achtstundentag anstreben.

Just like Kern, however, Falkner accepted neither the criticism of the political authorities, nor the tone of the Bischöfliches Ordinariat.

> Herr Bernhard führte aus, dass der Hl. Vater in seiner Encyclica und die katholische Socialreformen — gleich den Socialdemocratischen — das vielfach bestehende sociale Elend der Arbeiterklasse anerkennen und das gleiche Ziel im Auge haben, nämlich abzuhalten, aber in dem ’Wie’ sei ein himmelweiter Unterschied.\(^\text{660}\)

Like Kern, Falkner sought to legitimize the statements by showing that they were well within any accepted limits of discourse within the diocese. “Bei diesen Ausführungen

\(^\text{660}\) Falkner to BO, 5 May 1895, DAL CA/7, Sch. 105, Fasz. VIII/8.
diente ihm … der Vortrag des gelehrten Juristen und Universitätsprofessors J. Biederlack\textsuperscript{661} … wie derselbe in der Welser Zeitung N. 33 und 34 des Jahrganges 1894 abgedruckt ist.” In the course of the letter, Falkner puts more effort into mitigating the obvious Christian Social influences in the speech than explaining away the socialist rhetoric.

Um den Einwurf zu entkräften, die katholische Arbeiterchaft habe kein Programm, las Herr Bernhard das "Programm der Christlich Socialen Arbeiterchaft" (1895) vor, ohne übrigens dasselbe in allen Punkten zu akzeptieren. Er betonte (wie das auch in der "Linzer Zeitung" hervorgehoben ist) den Unterschied zwischen den Bestrebungen der christlichen Arbeiterchaft und der politisch christlich-socialen Partei in Wien und stellte sich (die christlichen Arbeiter) damit noch mehr in Gegensatz zur Socialdemokraten.

Thus, like Kern, Falkner chose to tread a fine line in portraying his Kooperator to both the political and Catholic authorities, while at the same time expanding the limits of discourse when Catholic priests spoke on working-class issues. Whether the Kooperator Bernhard also went to such pains to distance himself from the Christian Social movement is less likely; here Falkner was probably trying to soften his words, since many in the lower clergy were sympathetic to the Christian Social movement.

After receiving the letters, Doppelbauer faced a dilemma. Their authors pointed to an existing discourse on the social question, one to which he and his inner circle

\textsuperscript{661} Biederlack was a prominent Christian Social law professor at the University of Innsbruck. He occasionally published in the Theologisch-Praktische Quartalschrift.
was neither privy to nor favorably inclined. Yet, as Doppelbauer no doubt realized, it was a development he could not ignore and now had to steer in the ‘right’ direction by emphasizing the local roots of Catholic social activism and separating these from the Christian Social movement in Vienna. In forwarding both letters back to Puthon, Doppelbauer presented an existing discourse of Catholic social thought within his diocese.

_Schon in den 1860 Jahren, besonders aber zu beginn der 1870 Jahre brachten die Linzer Theologisch-Praktische Quartalschrift, die "Katholischen Blätter" und das "Linzer Volksblatt" fortlauende Abhandlungen über die Arbeiterfrage aus der Feder einiger tüchtiger Seelsorger, die in der Lage waren, die Verhältnisse in den Fabriken aus unmittelbarer Nähe kennen zu lernen und über die damalige Bewegung in Deutschland sich unterrichten konnten. Von der gegnerischen Presse verlacht, als ob es keine Arbeiterfrage gäbe, ließ sich seither der Klerus nicht abhalten, die christlichen Socialreform zu seinem besonderen Studium zu machen._

Such apparent continuity of working-class activism and thought on the social question served to bring together several conflicting strands. The state, seeing an autonomous development that seemed neither rooted in socialism nor in Christian Social thought (in 1895, after all, Emperor Francis Joseph had not yet let Karl Lueger take up his elected position as mayor of Vienna) was assuaged, while Doppelbauer felt himself to be taking the reigns on the social question into his own hands.

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662 Doppelbauer to Puthon, 20 May 1895, DAL CA/7, Sch. 105, Fasz. VIII/8.
The Christian Social Movement Co-opted

The inner conflict that Doppelbauer felt in forwarding the letters to the political authorities points to a deeper conflict between the Catholic hierarchy in Linz and the Christian Social movement. Upper Austria was quite literally surrounded by Christian Socials, as it was located between the hotbeds of activism in Lower Austria and Tyrol. Doppelbauer and the Catholic hierarchy actively discouraged the spread of Christian Social ideas – especially anti-Semitism – and political movements in Upper Austria, but it was a long, uphill battle. During the 1892 Katholikentag, although the Catholic hierarchy had tried to minimize Christian Social domination, much of the younger lower clergy cheered the new tone. As the liberal Tages-Post reported,

Am letzten Katholikentage in Linz stießen die sogenannten "Christlich-Socialen," wie sich die Antisemiten benennen, mit den Altclerikalen ziemlich scharf zusammen … Insbesondere die Preßesession war der Schauplatz des Kampfes, dort verlangten die Schärferen direct die Ersetzung der jetzigen clericalen Presse durch die antisemitische... Man hat den Clerus systematisch in eine politische Kämpftruppe umgewandelt, sicher nicht zum besten der Kirche und der Religion, jetzt ist sein Kampfesmuth so weit angesagt, daß er sich auch gegen seine Oberhirten kehrt, wenn sie ihm "zu bedächtig" und "nicht energisch genug" erscheinen.664

663 On Tyrol, see, Cole, Gott, Kaiser und Vaterland; Heiss and Königsrainer, "Brixen;” Mayer, katholische Grossmacht. On the Christian Social movement in Vienna and Lower Austria, see, Boyer, Political Crisis; Boyer, Political Radicalism; Lewis, Kirche und Partei.

664 “Bischof Doppelbauer gegen die Antisemitische Presse,” Linzer Tages-Post, 1 January 1893, p. 2.
The article had appeared as a reaction to recent developments within the diocese. A few weeks earlier, Doppelbauer had written a strong piece in the *Diözesanblatt*, no doubt sensing the mood that was beginning to ‘infect’ his priests, which — for emphasis — was reprinted two weeks later on the front page of the *Linzer Volksblatt*.

In it, the bishop warned his clergy,

*dass wir es nicht bloß mit den alten uns längst bekannten Feinden der Kirche und der katholischen Gesinnung, sondern auch mit solchen literarischen Gegnern zu thun haben, die unter dem Scheine strenger Rechtgläubigkeit und großen Eifers für die Rechte der heiligen Kirche, verderbliche Tendenzen und geradezu unkirchliche Ideen und Ziele verfolgen.*

Though he does not mention the Christian Social movement by name, it is clear whom he has in mind. Doppelbauer continued,

*Der Bischof fühlt sich daher verpflichtet, warnend die Aufmerksamkeit des hochwürdigen Clerus auf diese Emanation angeblich christlicher Zeitschriften zu richten, eingedenk seiner heiligen Pflicht, die in seine Diöcese eindringende Lehren zu Prüfen, zu empfehlen oder davor zu warnen. Ich meine besonders jene Blätter und Artikel, welche die Zersplitterung der katholisch-politischen Partei anstreben, das Ansehen des heiligen Stuhls und der Bischöfe herabdrücken, den maßgebenden Einfluß des Episkopats in der Leitung kirchlich-politischen Fragen leugnen und das Recht, diese eigenen Wege zu gehen, beanspruchen.*\(^{665}\)

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Doppelbauer also began to exercise a more concerted influence on the press. In 1893, Albert Maria Weiss, a conservative Dominican friar from Upper Austria, replaced the notoriously anti-Semitic and radical Josef Scheicher as lead writer in the *Theologisch-Praktische Quartalschrift* at Doppelbauer’s insistence.\(^{666}\) Furthermore, radical Christian Social writers from its anti-Semitic wing, such as August Rohling, ceased writing for the publication altogether. Pamphlets began appearing that attacked Christian Social authors or ideas. Friedrich Pesendorfer, a *Kooperator* in Wels, published „*Christlichsozial oder katholisch*“ in 1894, attacking the Christian Socials for their „*Schädigung der gemeinsamen Interessen*.“\(^{667}\) It was also around this time that another pamphlet appeared in Linz, attacking the *Volksblatt* and especially its editor, Johann Hauser, for its increasing anti-Semitism following a string of anti-Semitic articles in the paper over the course of 1891.\(^{668}\) Written by Karl von Kissling, Rudigier’s liberal defense lawyer from 1869 now turned devout Catholic, the pamphlet marked the beginning of a larger campaign that, together with the Salzburg church historian Josef Schöpf, resulted in the formation of an association to combat anti-Semitism with an accompanying periodical.\(^{669}\) The effect of both actions was


\(^{668}\) Kissling, *Offenes Schreiben*.

\(^{669}\) Little is known about Kissling, Schöpf, the association, and the periodical, *Zeitschrift zur Bekämpfung des Antisemitismus*, other than that they existed. No copies exist in any of the main
limited, however. Two months after Kissling’s initial letter, Hauser responded with an eleven-part series on “Christenschutz oder Judenschutz?,” a direct response. While Doppelbauer was able to forestall the formation of a Christian Social association or political party in these early years, the control he had over his own clergy was far from perfect.

In 1895 the Christian Social movement renewed its efforts to ‘proselytize’ Upper Austria. In January of that year, three of the top leaders of the movement — Liechtenstein, Gessmann and Pattai — descended on Linz. Even before their arrival, they managed to raise eyebrows with a conspicuous press campaign highlighted by an official papal blessing for their journey. As one historian has commented, the trip was orchestrated like a, “Missionsfahrt in ein Heidenland.” When Doppelbauer received word of the plan, he immediately wrote to Rome, “bestützt und besorgt” over the pope’s support of this demeaning “Agitationsreise,” the sole purpose of which was to found a movement directly aimed at diminishing the authority of the Catholic bishops in Austria.

The rest of the Austrian Episcopate chimed in as well: this ‘Mission’ was the last straw; papal support of the Christian Social movement had gone on long enough against the express wishes of the Austrian episcopacy. In February, the Austrian bishops issued a long memorandum criticizing the Christian Social movement and, in


671 Slapnicka, Christlichsoziale, p. 137.
uncharacteristically strong words, the support that the papal curia had bestowed on the movement. The memorandum argued that Austria had a well-functioning Catholic-conservative movement, one that emphasized the importance of religion in public life and supported divine authority and the monarchy, though it admitted that in questions of economic policy it did seem a bit dated. Nevertheless, it underscored the important work – here they were referring to the social legislation passed by the Taaffe government in the 1880s – the movement had done in conjunction with the Austrian government, “allerdings bleibt noch vieles zu tun.” When the Christian Social movement formed, the memorandum continued, its proponents critiqued the existing social order using quasi-socialist arguments, including questioning the principle of private property, and always cited Rerum Novarum as their defense against critiques from within the Church. “Solche Lehren mussten geeignet sein, die Sympathien der niederen Volksklassen zu gewinnen und auf diesem Wege gelangt in die gefährlichsten Bahnen des dem nördlichen Nachbar abgelauschten Antisemitismus in seiner abstoßenden Form.” Finally, the bishops criticized the string of official papal blessings that Christian Social endeavors had received over the years.

The Vatican reacted coldly. It admitted that it had only looked at the theoretical program and for the most part ignored the “politische Tätigkeit” of the group in forming its opinion. Nevertheless, when Cardinal Schönborn of Prague arrived in Rome to follow up on the memorandum and again warn of the dangers of supporting the Christian Social movement, the curia delegated his request to a slow-moving subcommittee of the College of Cardinals. Several weeks later, Antonio Agliardi, the pope’s nuncio in Vienna, passed on an official message to the Austrian bishops:
although he regretted that the leadership of the Christian Social movement had not always been ‘obedient,’ the pope chastised the bishops for failing to take a more active interest in the problems of their population.672

Even with such powerful allies, however, the 1895 ‘Mission’ proved to be unsuccessful. Doppelbauer was at the height of his powers in the 1890s, his views on the Christian Social movement well known, and few in the lower clergy dared to cross him openly.673 Nevertheless, with the rather clear signals from Rome, Doppelbauer decided that he did need to show some support for the movement. The following year, he began corresponding with a group of local lay Catholics who sought to found a Christian Social association. Unlike in previous years, he did not brush off their request, but entered into a dialogue with them, naming the conditions with which he would let the association form in his diocese. In June then came the official request, seeking the bishop’s blessing in founding a “politischen Vereins christlich-socialer Richtung unter Laienleitung.” In his draft, Doppelbauer underlined Laienleitung in thick pencil, for it went deeply against the grain of all other Catholic associations in Upper Austria. The long petition went on to argue that such an association was necessary to counter the growing success of the pan-German movement in Upper Austria. Judging by Doppelbauer’s underlining in the draft, however, it was less the anti-pan-German rhetoric that caught his eye than a vision: “Zwar kann die christlich-sociale Richtung dem conservativen Politiker nicht als letztes Ziel erscheinen, sonder


673 A note from the mayor’s office to the SHL on the “Mission” reported that it had mostly been a failure, speculating that a Christian Social association would probably not be founded in the near future. Bürgermeisteramt, Linz, to Stattahltrei, Linz, 3 February 1896. OöLA StAR XII / 10, Sch. 1898.
nur als Etappe zur endlichen Erlangung des Übergewichtes katholischer Grundsätze im öffentlichen Leben.”

Such a vision swayed even a hardened bishop.

A few months later, Doppelbauer gave his blessing. In return, he received a set of carefully worded guidelines that limited the activities and aspirations of the association: They would adhere to the guidelines set down at the fourth Austrian Katholikentag, held in Salzburg 1896, which emphasized the need for members and speakers to be “auf dem Boden christlicher Grundsätze.” They also pledged to remain “unbeeinflusst von den Führern der Wiener christlich-socialen Partei” and to conform the ideals of the association to the “besonderen Verhältnisse seiner Wirkungsfeldes.” Furthermore, they promised not to overlap with the political activities of the Katholischer Volksverein, the main organizational body for Catholic associations and Catholic-conservative politics, nor to invite external speakers who might criticize the role of the Church or its hierarchy in any way. With these terms Doppelbauer had what he wanted: an association ostensibly labeled “Christian Social,” but too weak to be a real threat to his authority. To reinforce the point, the founders of the association were, politically, complete unknowns in Upper Austrian: one was a bank teller, another a retired tutor, two were artisans and one a lower state official.

674 “Proselytizing” public space and keeping civic society — die Öffentlichkeit — Catholic was an important element in convincing many priests to support the Christian Social movement. As the Viennese priest Adam Latschka said toward the end of his life, “Wien ist Christlich. Somit habe ich mein Ziel erreicht, das ich durch meine Teilnahme an der Politik erreichen wollte.” Silberbauer, Österreichs Katholiken, p. 111.

Certainly none of them could command any stature nor garner much support. The Upper Austrian Christian Social movement had little momentum.\textsuperscript{676}

In October of 1896, the political authorities approved the statutes and in November, the association held its constituting meeting. Of the 106 members there were 5 priests, including the sub-regent of the \textit{Priesterseminar}, who was no doubt keeping an eye on the proceedings. An overwhelming number of members were artisans, including an utterly disproportionate number of master tailors, as well as lower state officials. For good measure, there was also one self-described ‘\textit{Arbeiter}’ among its members.\textsuperscript{677} Nevertheless this was not the dynamic start its supporters had hoped for. Linz, a regional capital with a strong artisan base, and other cities, especially Ried and Wels with their mix of merchants, artisans and government officials, should all have been fertile ground. In the coming decade, the association slowly grew, but never truly got off the ground. By 1905 — after changing its statutes and organizational structure to encompass all of Upper Austria — it would claim 1500 members, a paltry sum when compared to the Catholic-Conservative association in Upper Austria and the Christian Social movement in lower Austria and Vienna.\textsuperscript{678}

In the fall of 1907, the Christian Social and Catholic-conservative movements merged under the name \textit{Christlichsoziale Partei}; the head of the \textit{Christlichsoziale Verein} to SHL, 10 August 1905. OöLA StAR XII / 10, Sch. 1898. Slapnicka, \textit{Christlichsoziale}, p. 142.
Partei automatically doubled as the head of the katholischer Volksverein;\textsuperscript{679} and, the Katholische Arbeiterzeitung changed its subtitle from “Organ des Oberösterreichischen Arbeiterverbandes” to "Organ der christl.-sozialen Arbeisterschaft Oberösterreichs."\textsuperscript{680} Why the sudden change? Rather than a victory of Christian Social thought, the union was an effort by elements within the Christian Social party and within the Catholic hierarchy to build a more conservative national party — the Reichspartei — modeled after the Center Party in Germany.\textsuperscript{681} In the elections of 1907, the first to be held with universal male suffrage, the Christian Social / Catholic-Conservative Reichspartei emerged the strongest party, garnering a total of 98 out of 516 seats in the new Reichsrat.\textsuperscript{682} But it was easy to see where the balance of power lay, at least in Upper Austria: seventeen of the twenty-two delegates to the Reichsrat from the province were Catholic-conservative.\textsuperscript{683} Doppelbauer dubbed the merger a purely “politischer Akt”\textsuperscript{684} and, indeed, the Volksblatt went on differentiating between the two camps as if the merger had not taken place.

\textsuperscript{679} Slapnicka, Oberösterreich unter Kaiser Franz Joseph, p. 199.

\textsuperscript{680} Vinzenz Langhammer to SHL, 2 January 1908. OöLA StPR Sch. 147.

\textsuperscript{681} Boyer, Political Crisis, p. 4, 60-110.


\textsuperscript{683} Slapnicka, Oberösterreich unter Kaiser Franz Joseph, pp. 198-199.

\textsuperscript{684} Slapnicka, Christlichsoziale, p. 164.
The Dombaustreik

It is important to inspect this merger a little more closely. While on a regional political level the conservatives seemed to have the upper hand, below the surface different elements could now try and use the Christian Social message to again push the envelope of what was permissible. A good example for this was the Katholische Arbeiterzeitung, which developed a more radical tone within weeks of turning officially Christian Social. The most significant of these changes had to do with strikes — Lohnbewegungen, the paper dubbed them —, which were now not only covered in the news, but also supported. The significance and problematic of this shift will become apparent in the following section: when the Arbeiterzeitung became more vocal in its support for strikes, labor unrest suddenly flared up in the heart of the diocese. The masons building the Maria-Empfängnis-Dom, along with a cast of supporting workers, went on strike to protest sub-par working conditions, low wages, the failure of management to recognize their right to organize, and to demand a fourteen-day Kündigungsschutz. The Maria-Empfängnis-Dom was Rudigier’s most treasured ‘gift’ to the diocese. Announced shortly after Pius IX declared the Immaculate Conception to be Roman Catholic dogma in 1854 and to celebrate the role of the Virgin Mary within the Church, Rudigier wanted to use the Dom to proselytize the ‘liberal’ city’s public spaces. A classic gothic cathedral grand enough to overshadow all other buildings, it was begun in 1862 and completed in 1924.

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685 For many theologians, the 1854 encyclical Ineffabilis Deus – with its unilateral designation of the Immaculate Conception as dogma – marked the first strong signal of papal infallibility. Jaroslav Pelikan, Mary through the Centuries: Her Place in the History of Culture, (New Haven, 1996), pp. 189-200.
The origins of the conflict can be traced much farther back than 1908. Memos between the *Dombauleitung* and the *Bischöfliches Ordinariat* from the 1880s already suggest that the wages paid were not generous. In 1905, the social democratic paper in Linz, *Wahrheit!*, presented a short exposé on the wages at the *Dombau*, comparing working conditions at the *Dombau* in Linz and at the St. Vitus Cathedral in Prague. The paper found that wages in Prague were around thirty-three percent higher and the workday one hour shorter. “*Das ist jedenfalls das praktische Christenthum, von dem den Arbeitern immer vorgeschwefelt wird.*“ Attacks on Catholic working-class associations in the social-democratic *Wahrheit!* were quite common, and this was just a further jab. Nevertheless, it also pointed to an existing level of discontent among the *Dombau* workers. A second point of contention was health insurance. The risks of injury while working at the *Dombau* were quite high and for masons, exposed to high levels of dust after the introduction of the pneumatic hammer in the late 1890s, the risks were even higher. Because of these hazards, health insurance companies refused to take on *Dombau* workers. At the same time, the internal *Dombau* workers’ health insurance scheme was on the brink of collapse through a mixture of bad management and insufficient planning.

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686 See, for example, Otto Schirmer to BO, 17 October 1885, DAL DOB A-1, Sch. 8, Fasz. 1, as well as other correspondence in the same file.

687 Wages in Prague ranged from 26 to 30 kr. per week, in Linz it was between 20 and 22 kr; the workday in Prague was 9 hours, in Linz 10. *Wahrheit!* 12 May 1905, p. 3.

688 Founded in 1897 as a bi-weekly publication, by 1909 it had begun appearing three times a week. Salzer, *Untertan*, pp. 245-255.

689 Responsibility for the collapse of the health insurance fund and thus for the continuing health care of the *Dombau* workers remained one of the hidden subtexts of this conflict. As an anonymous letter to the social-democratic *Wahrheit!* reported, the health insurance fund,
As already mentioned above, the *Katholische Arbeiterzeitung* initially refrained from reporting on labor conflicts, especially ones that pitted Catholic workers and Catholic unions against a Catholic boss. At the beginning of 1908, as the paper changed its subtitle to the *Organ der christl.-sozialen Arbeiterchaft Oberösterreichs*, this dramatically changed. A new rubric, “*Aus Arbeitsstätten,*“ appeared, which reported on the day-to-day, on-site activities of Christian workers and unions. The reports, while sober when compared with their social democratic counterparts, were a watershed. They reported on the details of negotiations between labor and management and, if these broke down, announced that a strike was taking place.

“*Arbeiter!*” the paper would then command, “*Zuzug...ist Fernzuhalten!*” The first strike covered by the paper was an unmitigated success. The workers received a fourteen percent pay raise as well as a number of other benefits, the factory owner was praised for his willingness to compromise — after it was over, the whole action was deemed the very model of worker-employer cooperation and harmonious, Catholic activism. Moreover, it also demonstrated the grass-roots support that Catholic workers could count on: a broad range of priests, parishes and working-class associations

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across Upper Austria sent money to the paper to support their brethren. As reporting commenced on Catholic workers’ strikes, they quickly increased in number; just in the first half of 1908, the *Katholische Arbeiterzeitung* could write of three successful Catholic *Lohnbewegungen* in Upper Austria.

In the summer of 1908, the price of food, rent and clothing increased dramatically, and the *Dombau* workers became increasingly agitated. In June, three representatives of the *Gewerkschaft christlicher Bauarbeiter Oberösterreichs* wrote a letter to Bishop Doppelbauer and the *Dombauleiter* Mathias Schlager, complaining about the rising cost of living in Linz: “Das Wort ‘von der Hand in den Mund’ trifft *hier in seiner traurigsten Bedeutung zu.*“ The union representatives requested a number of things: a thirty Heller across-the-board raise coupled with a comprehensive wage agreement; *Kündigungsschutz* (protection against dismissal) with fourteen days notice on either side; recognition of their right to organize as a Christian labor union; and an ombudsman to handle the dispute. Bishop Doppelbauer expressed his

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690 “Der Streik der Messingarbeiter in Reichraming ist beendet. Ein Erfolg der Christlichen Organisation.” *Katholische Arbeiter-Zeitung* 11 January 1908, p. 4. „Stimmen aus dem Publikum.” *Katholische Arbeiter-Zeitung* 8 February 1908, p. 4. Nevertheless there seems to also have been some criticism of the affair, as the paper began substituting the word strike with “Lohnbewegung” soon thereafter, which it considered much less confrontational.

691 Though the *Katholische Arbeiterzeitung* did not report on strikes organized by Catholic working-class associations before 1908, they were usually mentioned in the social-democratic press. Since the years 1895-1901 have disappeared, it is impossible to say whether the paper had more antagonistic reporting before 1901.


693 *Gewerkschaft christ. Bauarbeiter oö* (Signed by J. Postl, Joh. Reiter, Obmann, Josef Blechtaler, A. Stocker) to Doppelbauer, 16 August 1908. DAL DOB A-1, Fasz. 20, Sch. 47.
empathy for the workers, but delegated the matter to the Dombauleiter, Schlager, and the Dombau-Committee.\textsuperscript{694}

Schlager and the head of the Dombau-Committee, Anton Pinzger,\textsuperscript{695} were not quite as compassionate in their tone and confronted the efforts at unionization head-on. Pinzger answered the workers with a long letter explaining why their requests could not be granted. First, he argued, the Dombau was legally "Privatunternehmen zum eigenen Bedarf" and thus not subject to the regulations of the Gewerbegesetze, which mandated a fourteen day-Kündigungsschutz. It thus had little in common with other businesses where Christian unions already existed. Second, he insisted that writing a letter to the bishop was not following protocol; any request had to be made directly to the Dombauleiter and to no one else. Third, he mentioned that wages had risen somewhat and were high when compared to other wages in unionized factories. Fourth, he added that the masons and bricklayers should be thankful that they have found an employer that employs them year-round, not just in fair weather. And, fifth, he argued that the position of an ombudsman was unnecessary since there was already a supervisor on site. He admitted, though, that a set of formal workplace regulations might be in order and thus requested that an Arbeitsordnung be drafted.\textsuperscript{696} Then followed a letter by Schlager. First he threatened to fire everyone and close the site;

\textsuperscript{694} The Bauleiter Schlager, who was a trained architect, handled the day-to-day construction. The Dombau-Committee then handled the larger policy questions and was made up of Schlager plus a number of other priests, who then reported to the bishop.

\textsuperscript{695} Pinzger’s antagonistic stance is all the more inexplicable, since he was one of the few priests in the 1880s to write extensively on the social question and workers’ rights. See above, p. 285, as well as, Pinzger, "Pfarrgeistlichkeit;" Pinzger, "Grundzüge."

\textsuperscript{696} Anton Pinzger to Gewerkschaftsleitung, 6 October 1908. DAL DOB A-1 Fasz. 20, Sch. 47.
then he fired all the newer *Hilfsarbeiter* that had come onto the site since the winter. The tactics scared a number of individual workers into dropping their support for a union and convinced others to cut a deal by reporting on developments inside the union to Schlager. The carpenters and smiths left the unionization efforts altogether, leaving only the masons as a group.\(^697\) Letters and warnings from the unionizing workers, and threats from the *Dombauleitung* continued throughout the winter until Schlager, in February 1909, agreed to a series of raises for all workers of between ten and twenty Heller per day.

After this initial mix of carrot and stick, the union organizers requested a meeting with Schlager, thus following the ‘official’ guidelines laid down by Pinzger. They praised Schlager for the wage raises as well as other small improvements that had been made in the working conditions over the past months. They then handed him a new draft of a *Lohnvertrag*. Schlager reacted coldly, but promised to raise the matter in the next *Dombau*-Committee meeting. By late May, however, nothing had come of the matter and so the union organizers, Anton Stocker, Johann Reiter, and Vinzenz Langhammer,\(^698\) wrote a letter to the new bishop, Rudolf Hittmair, who had been appointed in early 1909 after Doppelbauer’s death in December of the preceding year, pleading with him to intervene: “*daß gerade bei christlichen, katholischen* 


\(^{698}\) Stocker worked as a printer in Linz and was instrumental in founding the *Öberösterreichischer allgemeiner christlicher Gewerkschaftsverein* in 1907. Langhammer, though not a priest, had worked together with Kern since 1895 in helping put out the *Katholische Arbeiterzeitung*; not much is known about Reiter other than that, along with Stocker and Langhammer, he worked to organize Catholic workers in Linz. On Langhammer, see the correspondence between Leopold Kern and the SHL from 1895 in, OöLA StPr Sch. 147; on Stocker, see, Slapnicka, *Christlichsoziale*, p. 106.
A month later, Schlager gave in to the wage increase originally requested in June 1908 of 30 Hellars per day. It soon became clear, however, that both wage concessions, those in February and in June 1909, had only been made at behest of the new bishop. On the question of recognizing the workers’ right to organize, as well as on the question of Kündigungsschutz, Schlager and the Dombau-Committee refused to budge.\(^{700}\)

It was with mixed feelings that the Dombau workers approached a continuation of their efforts. On the one hand, their solidarity had already achieved a good deal. Their initial wage request had finally been granted and they seemed to have the moral — if nevertheless rather indirect — support of the new bishop. On the other hand, Schlager had managed to hold out for almost a year on even this demand and the labor organizers were well aware that a long and drawn-out conflict between the diocese administration and its Catholic workers would undoubtedly have significant consequences for the development of Catholic working-class activism in general.

Nevertheless, in late June the union organizers decided to test the waters. First, the *Katholische Arbeiterzeitung* ran a short piece — its first in the conflict — hinting at a problem while pleading for further solidarity.

\[\textit{Vor nahezu einem Jahr leitete die Organisation der christlichen}\]

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\(^{699}\) Anton Stocker, Johann Reiter, and Vinzenz Langhammer to Rudolf Hittmair, 21 May 1909. DAL DOB A-1 Fasz. 20, Sch. 47.

\(^{700}\) Much of the correspondence has been lost. This summary of events is pieced together from the above-mentioned diary, plus from various articles in the *Katholische Arbeiter-Zeitung* from June through August.
Bauarbeiter bei den Arbeiten des M[aria]-E[mpfängis] Doms in Linz eine Lohnbewegung ein, die erst mit 15 Juni d.J. ihren Teil-Abschluß fand dank des großen Entgegenkommens des hochw. Bischofs Dr. Rudolf Hittmayr...Dombauarbeiter, haltet wie bisher die Einigkeit hoch und unsere christliche Organisation! Nur so können wir erreichen, daß alles was also gerecht heute von jedem Einsichtigen anerkannt wird, auch erreicht wird. Unsere Organisation kann niemanden zerstören außer wir selbst. Und wer von den 'Kollegen' nicht mit uns ist, der ist gegen uns, wenn er sich auch als sogenannter 'Braver' aufspielen will.701

Next, in late July one of the masons briefed several Catholic-conservative Landtag deputies on the matter, asking them to intervene as well.702 Then, in August, a hesitant strike was announced. Beginning on 14 August 1909 and continuing, with several interruptions, until December, the Katholische Arbeiterzeitung began printing a large and visible notice in each issue:

_Achtung Steinarbeiter!

_Die Dombauhütte in Linz

ist von Seite der Organisation wegen nicht Anerkennung der christlichen Organisation und wegen Verweigerung der Kündigungsfrist von 14 Tagen für Neueintretende

_Gesperrt.

Zuzug daher bis auf weiteres unter allen Umständen fernzuhalten.

702 Zentralkommission der Christlichen Gewerkschaften Österreichs to Hittmair, 30 July 1909. DAL DOB A-1, Fasz. 20, Sch. 47.
Though blocking the site for new workers may not sound quite as dramatic as a full-fledged strike, the number of laborers on a given day or in a given week could fluctuate wildly at the construction site. It was not without reason that the labor activists were demanding a 14-day *Kündigungsfrist*.

A week later, the *Katholische Arbeiterzeitung* published another long article on its first page. Over the past week, the paper was no doubt inundated with questions on the situation:

_Ein ausgesprochen katholisches Unternehmen verweigert einer ausgesprochen christlichen Arbeiterorganisation die Anerkennung, verweigert seinen Arbeitern eine 14tägige Kündigungsfrist, die selbst - zum Schutz der Arbeiter und Unternehmer - das Gewerbegesetz fixiert! Ist das möglich? Ja, daß Gott erbarm, es ist so! Leider!_

The article then explained the workers’ grievances in some detail, concluding,

_ daß dies gerade für unsere Organisation notwendig ist, denn was wir bei gegnerischen Betrieben durchgesetzt haben und durchsetzen wollen, sei eigentlich beim Dombau selbstverständlich, sollte sich die christliche Gewerkschaftsbewegung nicht der Lächerlichkeit vor der Öffentlichkeit ziehen lassen und sollten unsere Gegner nicht mit Recht sagen können, unsere Organisation seie nicht ernst zu nehmen._

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A meeting was called for the next day, at which Dombau workers and other Catholic workers expressed their solidarity and passed a resolution protesting the labor-unfriendly proceedings at the Dombau. The event was well attended and the resolution agreed upon by those present minced no words in pointing blame: “Die Versammlung spricht ihr tiefstes Bedauern und ihr schärfste Mißbilligung dem Herrn Dombaumeister Mathäus Schlager aus, der sie nach Lage des Sache für die derzeitigen bedauerlichen Vorkommnisse der Öffentlichkeit gegenüber verantwortlich macht.” It then called for the original demands of the workers to be met, for all Catholic workers to show solidarity, and that the labor organizers “den Kampf bis zu den letzten Konsequenzen durchführen, falls sich auf gütlichem Wege das gestreckte Ziel nicht erreichen lässt.”

Though the resolution was not published in the Katholische Arbeiterzeitung — the wording was undoubtedly too strong — the paper began to sharpen its tone over. It turned openly critical of Schlager, whom it called cold, uncompromising, uncaring, and a liar. A week later, one of the labor organizers wrote a further letter to the Dombau-Committee. The organizers, he wrote, could not see recommending a cessation to the strike. A few days later, the Katholische Arbeiterzeitung reinforced this view, commenting,

Die Arbeiterchaft ist so erbittert über eine solche Behandlung wie nie. Man sagt offen, daß ein Sklavenhändler auch nicht anders handeln kann wir der jetzige Dombaumeister. Wir fragen

704 “Resolution.” 22 August 1909. DAL DOB A-1, Fasz. 20, Sch. 47.
706 Anton Stocker to Pinzger, 1 September 1909. DAL DOB A-1, Fasz. 20, Sch. 47.
öffentlich an: Gibt’s jemand, der über den Dombaumeister ist?
Wenn ja, so schaffe man hier schnell Ordnung, man müßte sonst zu sehr “sonderbaren” Gedanken kommen.”

By the beginning of September, the situation was worse than it had ever been.

The timing of the strike also coincided with a much broader conflict between the Catholic-conservative and Christian Social wings that was also taking place in the spring of 1909. While the Christian Social movement could claim few big political successes in Upper Austria, it had managed to successfully co-opt most of the Catholic working-class organizations and now the Catholic-conservative hierarchy made a concerted effort to win them back. In the run-up to the provincial Diet elections in May of 1909, the Catholic-conservative Welser Zeitung expressly called for the disbanding of political Catholic working-class associations. Though the Volksblatt had kept quiet in the matter, other smaller Catholic papers in Steyr and the Salzkammergut joined the campaign, wooing Catholic workers away from politically active workers’ organizations. Now, four months later in the midst of the Dombaustrike, the Welser Zeitung renewed its assault on the Katholische Arbeiterzeitung: In a string of articles, it argued that the Arbeiterzeitung was bad for Catholic workers and was the personal fiefdom of Stocker, Langhammer and other prominent Catholic labor activists. In a typical article, the Welser Zeitung wrote,

Man hat die christlichen Gewerkschaften manchmal hier

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überflüssig, ja für schädlich bezeichnet. Gewiss wo auf einfachere, kürzere und billigere Weise die Besserstellung des Arbeiters erreicht werden kann, wo eine ruhige Aussprache zum gewünschten Ziele führt, dort ist ein kompliziertes Mittel, wie es die Organisation einmal ist, wirklich überflüssig und schädlich.709

Such smaller papers were much more important than their locations suggest. They served as regional hubs for a network of rural areas and smaller towns. And it was the clergy in these towns — especially those destined for a higher office — that controlled them; they thus tended to support the hierarchy to an even greater degree than the Linzer Volksblatt.710 By contrast, the Katholische Arbeiterzeitung had by then become a de facto lay institution, controlled by members of the Christian Social movement. Indeed, along with the changed name in January 1908 there also came a new chain of editorial responsibility, with the head of the Christian Social association acting as editor of the paper.711 The conflict between the smaller Catholic papers and the Katholische Arbeiterzeitung, like the conflict at the Dombau, can thus be tied into a larger clash within Catholicism, one between the upper and lower clergy, and between the clergy and the laity over the right to control the interpretation and practical application of Catholic doctrine.

710 Doppelbauer, for example, had helped found the Steyrer Zeitung as a young priest just out of the seminary in the early 1870s.
711 “…wird es nicht mehr wie bisher heißen ‘Herausgeber und Verleger kath.-polit. Arbeiterverein für Oberösterreich’ sondern … wird der jeweilige Obmann dieses Vereins … als Herausgeber zeichnen.” See the correspondence between the katholisch-politischer Arbeiterverein and the SHL, OöLA StPR Sch. 147. Quote is from Langhammer to SHL, 2 January 1908.
On 10 September 1909, the Dombau committee held its next meeting. Already the invitation sent out by Pinzger hinted that he was in no mood to cave in to the workers’ demands. At the meeting itself, the members read aloud the resolution from the 22 August workers’ meeting as well as the newspaper articles from the past few days. Then Pinzger informed the others that he had been corresponding privately with one of the heads of the unionization efforts, Stocker, whom he had informed, “bei einem so brutalen Vorgehen der Arbeiter-Zeitung sei jede Brücke für weitere Verhandlungen abgebrochen.” All agreed that Pinzger had acted correctly and that they desired no further contact with the workers as represented by the Katholische Arbeiterzeitung. The members then consulted on how to best utilize the press to weaken the movement and restore order at the Dombau. It was decided that Pinzger should prepare a further reply to Stocker in the liberal Tages-Post, while Schlager would prepare a longer article for the Linzer Volksblatt, which had thus far remained silent in the matter, where he would speak for the entire committee in expressing his sorrow over the brutal and libelous tactics of the workers.

By now, the social democratic Wahrheit! also began picking up on the story. Since its exposé the previous May on Dombau wages, the paper had mostly stayed silent, though it did report on the 22 August workers’ meeting. Now it joined the fray,

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712 “1. Besprechung über das Verhalten der christlichen Gewerkschaft; 2. Beratung über die Arbeitsordnung für die Dombauhütte” where the only items on the agenda that day. The idea that a proper “Arbeitsordnung” could somehow resolve all the points of contention had been floating around in the Dombau-committee since January at least. After an hour of debating point one, the committee adjourned and postponed the second point until the next meeting. Pinzger to Dombau-Committee Members, 7 September 1909. DOB A-1, Fasz. 20, Sch. 47.

713 Anton Pinzger, Protokoll der Dombau-Komitee-Sitzung am 10. September 11 Uhr vormittags. DOB A-1, Fasz. 20, Sch. 47.
providing some of the most perceptive articles, including one which linked the strike to the conflict between the Christian Socials and Catholic-conservatives. The timing of the recent articles in the local dailies — *Welser Zeitung* etc. —, it argued, was certainly no accident and the silence of the *Linzer Volksblatt* spoke volumes about the conflict:

*Man hat doch die lieben guten Arbeiter zur christlichen Organisation gezwungen … jetzt konnte man frohe Hoffnung hegen, daß die so notwendige ‚Ruhe’ beim Dombau erhalten bleibt. Jedoch, Ausbeutung bleibt Ausbeutung, und der Dombau in Linz ist genauso eine Knochenmühle wie irgend ein großkapitalistischer Betrieb irgend eines Ausbeutungsjuden.*

Then, in response to an appeal the *Katholische Arbeiterzeitung* had made asking who ‘stood above’ the *Dombaumeister* — the paper was hoping the bishop would intervene —, the *Wahrheit!* remarked cheekily, “Wir wüßten wer über dem Dombaumeister ist: Die Arbeiter. Da Bedarf es gar keiner ‚sonderbaren’ Gedanken, sondern nur einer Tat!”

This last remark brilliantly demonstrates the dangers an active Christian working-class movement presented for the Catholic hierarchy: while collective solidarity was a powerful tool when used against Jewish industrialists, it presented a deep threat when introduced into the inner workings of a Catholic organic and social

714 “Zu Was Taugt die Christliche Arbeiterorganisation?” *Wahrheit!*, 3 September 1909, p. 5.

hierarchy. The *Wahrheit!*, well aware of this point, began to push for more radical action on behalf of the workers and to attack the *Dombauteilung* as well:

*Sie übersehen, daß auch der ‘christliche’ Arbeiter infolge der Ausbeutung durch schlechten Lohn und teure Lebensmittel zum Klassenkampf getrieben wird. Wie lange wird es vielleicht nun mehr dauern, daß auch diese Arbeiter einsehen, daß sie nur an der Seite ihrer kämpfenden Klassengenossen auf die Gehaltung ihrer Lebenslage bestimmend einwirken können.*

The social democratic press thus simultaneously emphasized the congruence of Catholic and social democratic worker interests — better wages, living conditions and working hours — while stressing the impotence of the Christian workers’ associations in achieving these aims. Socialist agitators began to frequent the worksite, handing out newspapers and instructing workers where their interests would be better served.

In the face of mounting critique from both the Catholic and social-democratic working-class press, the *Dombau* Committee decided to threaten a lockout. In late September, the committee issued a statement declaring that it would not give in to the threats from labor organizers. “*Ist das nicht der höhere Terrorismus, um die Anerkennung zu erzwingen? Bei diesem Wüten wird es wohl jeder begreiflich finden, daß mit solchen Vertretern eine weitere Verhandlung oder Annäherung ausgeschloßen*


Around the same time, reports of sabotage also began circulating — doors left open over night; a sudden fire, extinguished only at the last second; and similar incidents. The workers blamed Schlager and vice versa. The conflict had reached its crescendo and was quickly escalating out of control.

In October, the Catholic working-class movement began to collapse in face of the threats from above and below: the social democrats were demanding more radical action — a real strike — which the Christian working-class leaders did not dare, while the Dombauleitung and the Catholic-conservative press repeatedly emphasized the damage Christian Social activists were doing for the reputation of the Christian Social working-class throughout the province. Though the announcement calling on workers not to join the labor force at the Dombau remained in the Katholische Arbeiterzeitung, it was smaller and hidden away inside the paper. The few articles that concerned themselves with the conflict focused on countering the Wahrheit! The Katholische Arbeiterzeitung now emphasized that strikes destroyed the relations between employees and employers and, just as often, did not lead to the desired effects. A Christian-Social Lohnbewegung, on the other hand, tried to find a proper balance. If nothing was achieved, then also nothing was destroyed. In December, the small notice banning new workers from the Dombau suddenly disappeared altogether, along with the whole section “Aus Arbeitsstätten” that used to report on Lohnbewegungen in

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the region. When it reappeared a few months later, the Dombau strike was not mentioned again.\textsuperscript{721} What final settlement the two sides reached is unknown, though an exchange a year later between the Georg Pischitz,\textsuperscript{722} a Catholic labor activist and member of the Upper Austrian Diet, and the head of the Dombau committee, Pinzger, on the renewed dangers of social democratic agitation at the Dombau hints that the Dombau-committee had, in fact, recognized the union.\textsuperscript{723} That this fact was never made public points to the precarious position that the Catholic workers’ associations continued to have within the Church. An Ultramontane and organic conception of society did not leave much room for labor activism.

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To write about the Catholic Church and the working class in Upper Austria is to reveal the limits and failures of an ‘organic’ conception of society for Catholic working-class activism. In the 1850s and 60s the dominant view saw the social question as merely a new chapter in Armenfürsorge. Such an approach did not have a master plan, though it did leave room for isolated efforts on the behalf of the working class. The increasing radicalization of the Catholic press in the mid-1860s and 70s — also the heyday of Lasalle in Catholic Upper Austria, so to speak — helped to shift the

\textsuperscript{721} There is some correspondence from November between one of the labor organizers, Johann Reiter, and Pinzger. The tone is much the same as from August and September, with little compromise on either side and seemingly no hope of resolution.

\textsuperscript{722} On Pischitz, see, Slapnicka, \textit{Politische Führungsschicht}, p. 170.

\textsuperscript{723} One of the social democratic agitators was a signer of the original petition of 43 stonemasons from June 1908. Pischitz to Pinzger, 27 August 1910, DAL DOB A-1 Fasz. 20, Sch. 47.
contours of the debate away from *Armenfürsorge*. Most importantly, however, it paved the way for the social legislation of the 1880s, when Catholic-conservatives supported the so-called ‘iron ring’ government of Eduard Taaffe and his social reforms in Vienna. Yet while the state now began to address the social question, priests on a local level remained without the theoretical or practical tools to deal with the everyday reality of working-class conditions. The Catholic hierarchy, especially the bishops, did little to foster social activism or the active study of the social question on the part of the lower clergy; and there was no charismatic Bishop Ketteler in the Habsburg Monarchy to lead by example. By the late 1880s and in the 1890s, priests had become disenchanted and turned to the Christian Social movement for guidance. For the Catholic hierarchy, meanwhile, the success of the Christian Social movement pointed to the dangers inherent in having the Church participate too actively in working-class activism: here was a group of Catholic laymen diminishing the moral authority of the bishops by organizing Catholic working-class associations outside the ‘body’ of the Church, effectively creating a parallel moral conception of Catholic dogma, one that existed outside of the control of the hierarchy.

*Rerum Novarum* changed the playing field. For the hierarchy, *Rerum Novarum* was interpreted in accordance with the various encyclicals since *Aeterni Patris*, calling on Catholics to embrace the teachings of Thomas Aquinas and create an alternative vision of society based on order, respect for authority, and an organic worldview. In this vein, the Catholic hierarchy wanted to shift the meaning of *Rerum Novarum* away

from working-class activism by placing it inside the corpus of texts on Aquinas and an organic conception of society. In the short run, the Christian Socials gained converts by emphasizing the radical elements inherent in the encyclical and using them as a basis for social action, and even claimed that the Roman curia and the pope agreed with their interpretation. Nevertheless, in Upper Austria the Catholic hierarchy managed to continually weaken the theoretical and practical space available to working-class activists, something made abundantly clear in the dynamics of the Dombau strike. This is not to say that there was no room for the working-class within the Church — the sheer number of Catholic working-class associations and their membership certainly attest to that. Rather, there was no place for the politically active, engaged type of working-class association hinted at in Rerum Novarum and envisioned by activist priests in the 1890s. As Doppelbauer remarked in 1894,

überhaupt muss es sich der Clerus zur Hauptaufgabe im kirchlich-politischen Wirken machen, daß die Einheit des Strebens erhalten, ja noch mehr befestigt werde. Diejenigen, die an der Einheit rütteln, sind im Vorhinein schon Gegner des Guten.725

By 1914, the vast majority of Catholic working-class associations had changed to focus on the leisure time of their members — hiking, picnics and other excursions. Political activity was, if anything, a distant memory.

Conclusion

From 1848 until the First World War, the Catholic Church in Austria and in Europe underwent a series of deep-seated changes in how it defined itself and how it approached the ‘secular’ and ‘liberal’ world that surrounded it. This dissertation has used a regional study of the Catholic Church and its priesthood in Upper Austria to study aspects of this transformation at a local level – within one diocese – thus providing a better understanding of how otherwise large and complex processes, especially Ultramontanism, can be understood on the ground. Furthermore, this dissertation has sought to better integrate these narratives of Catholic transformation into Austrian history, thereby providing a better understanding of the Catholic-conservative contribution to the Kulturkampf in the 1850s to 1870s, and of the Catholic Church’s approach to the social question from the 1850s to the First World War.

The fresh appraisal of the role of the Catholic Church and liberals on a local level in the 1850s reveals important aspects of neoabsolutism overlooked in other accounts. Far from exiting the political arena after the failures of 1848, liberals ‘discovered’ the possibilities of local government, using the provisional communal law of March 1849 to barricade their municipalities against intrusion by the state. Linz and many other municipalities in Upper Austria had a continual succession of mayors with revolutionary pasts and liberal agendas. Similarly, the Catholic Church also
found new ground to stand on, using lobbying efforts such as the Bischofskonferenz after 1849 to press for the destruction of the Josephinist bond between church and state. The Concordat of 1855 represented the pinnacle of these efforts. Here the Church not only managed to redefine the relationship between itself and the state in the Habsburg Monarchy, but also removed local privileges held by prelates throughout the Monarchy, thus clearing the way for a restructuring of the hierarchy in an Ultramontane fashion.

On the ground, such efforts led to a multifaceted struggle between opposing liberal and Catholic-conservative camps, as each sought to redefine the Gemeinde – here in the double meaning of commune and parish – through its efforts. Hospitals and health care, in Upper Austria the ‘traditional’ domain of various Catholic orders, became a highly contested area of Catholic-liberal interaction, as the professionalization of the medical community ran up against the hubris of a post-Concordat Catholic Church. The fight in Linz over the building of a new general hospital – one of the first items on the liberal mayor’s agenda after taking office in 1850 – saw each side petitioning the provincial administration and the government in Vienna for funds and assurances. Moreover, the clash pitted concepts of modern medicine – of hygienic policing, of having a chief physician and not the bishop take ultimate responsibility, of treating all diseases and patients equally, of allowing the city’s medical committee to coordinate all hospitals in times of emergency – against the Church’s vehement assertions of independence from the state.

A similar dynamic can also be observed in the question of Protestant burials, where strains of Josephinist legislation – muddled over the years by the dramatic legal
restructuring of 1848 and then by the Stadion administration – left the door open for local liberals and the Catholic Church to both claim forms of jurisdiction over ‘their’ local cemeteries. The issue of cemeteries brings to light what the Concordat’s special brand of separation of church and state meant for local governments: because these did not maintain the communal registries on births, death, weddings and baptisms, they were at a distinct disadvantage when differences of opinion did arise.

A closer examination of the Kulturkampf itself then reveals the ways in which the Catholic Church used these dynamics not just to confront liberalism but also to further a process of self-redefinition. The trial of Bishop Rudigier in the summer of 1869, one of the first big tests of the state’s willingness to take on the Catholic Church after passage of the 1867 Constitution and the 1868 May Laws, is analyzed from the perspective of Upper Austria’s clergy. When the Rudigier trial is mentioned in the existing historiography, these brief treatments tend to focus on the conflict with the state, the role of the trial within the liberal movement, or the trial as a catalyst for the Catholic associational movement. Turning the perspective around to that of the clergy allows for an analysis of how Rudigier sought to craft the image of ‘his’ Kulturkampf clergy: pious and, most importantly, existing apart – indeed, outside – of the liberal order of things; a steady rock in the ambiguous currents of the present and a constant reminder of liberal errors. The trial thus documents the creation of a liberal anti-clerical meta-narrative. Rudigier’s 1868 trial, which began with a quasi-sermon from the judge on the importance of liberal values and trials by jury, possessed a liberal teleology from the outset. Another sensationalist trial, that of the Carmelite monk Gabriel Gady in 1871, then took this narrative one step further, presenting the
‘Catholic danger’ to the liberal public body, as Gady’s image – and, indeed, implicitly that of all other monks and priests – was remade into that of a predator, sexual and otherwise, who ‘enters’ the private home of pious middle-class families through the confessional.

But liberalism was neither per se secular nor anti-religious, a point often forgotten by historians; rather, liberals opposed the Ultramontane direction that the Church was heading in. To liberals, a stridently Ultramontane Roman Catholic Church seemed impossible to meld with progressive ideas of government. When the pope purported to stand above the state and demanded of ‘his flock’ that they do the same – his 1868 decree Non Expedit, for example, forbade Catholics from participating in republican elections –, this seemed a danger to liberal ideals of statehood everywhere. In those critical years, liberal Catholics still clamored for a voice within the Church in order to bring it in line with their ideals of modern statehood, while the Church systematically closed ranks before them. An examination of the development of the Old Catholic movement in Upper Austria brings out the deep-seated conflicts that liberals experienced as they found themselves unable to reconcile the opposing sides – church and state / religion and liberalism. Furthermore, support for their endeavor did not come from that liberal bastion, the bourgeoisie, but rather from below. There was, as this study points out, a large disconnect between the rhetoric of Old Catholic anti-Ulramontanism and its practice. While the rhetoric consisted of educated, middle-class displays of masculinity within a perceived public sphere, the reality was that of a lower-middle and working-class constituency that seemed drawn to the movement and
for often pragmatic reasons: Old Catholic priests, for example, provided services – baptisms, weddings, funerals – without charge.

The *Kulturkampf*, as this study has argued, also had other, more long-term ramifications, especially within the Catholic Church. It is worth returning here to the Steyr speech on papal infallibility given by Bishop Rudigier shortly after he returned home from the first Vatican Council:

*Durch diesen Satz, der Papst sei unfehlbar in Glaubens- und Sittensachen, ist eigentlich der christkatholischen Theologie die Krone aufgesetzt worden. Wir haben jetzt erst ein vollendetes, wissenschaftliches System.*

Papal infallibility seen as the foundation of a rigorous scholarly apparatus called ‘Catholicism’ was the antipode of liberal *Wissenschaft*. And, using this system as its base, Ultramontane Catholics in Austria built a ‘new’ Church on top of the ruins of Josephinism.

Yet what historians have all too often ignored is the practice of Ultramontanism after its ascendancy, i.e., after 1870. A closer examination of the Catholic response to the social question in Upper Austria sheds new light on how Ultramontanism created its own internal set of contradictions when converted into policy at a local level. When Rudigier took office in 1854, the Catholic Church viewed the social question as one of traditional poverty and morality. By the eve of the First World War, the urban poor had become the “working classes,” victims of a “godless” capitalist system hardly of

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their own making; the Church committed itself to helping these poor. Indeed, by the
late 1890s, it had established a vast network of working-class associations, charitable
institutions and political parties to this end. But this was a process fraught with
internal contradictions. While a broad scope of possible approaches to the social
question existed in the 1850s through 70s, these were, for the most part, independent
ventures not actively supported by the hierarchy.

With the publication of *Rerum Novarum* in 1891, the Church finally seemed to
find an ‘official’ voice – much like Pius IX on liberalism – that presented a road map
to Catholic working-class activism. However, instead of bringing the different
elements – the higher clergy and bishop, the parish priest, the papal curia in Rome,
and, of course, Catholic employers and employees – together within the Church, the
encyclical had the opposite effect. Each group began to interpret the document in
different ways and to act accordingly. The bishop and higher clergy emphasized the
evils of socialism and the importance of an active Catholic press; their version of the
document barely mentioned the working class and left out working-class associations
altogether. Priests, on the other hand, especially socially active ones, often turned
radical, giving fiery speeches and becoming capable campaigners on behalf of the
working class. While Rome sought to encourage such efforts on behalf of priests – the
pope and his advisors repeatedly expressed their disappointment in the unwillingness
of Austrian bishops to take concerted steps in combating the ‘social question’ – these
efforts had the effect of undermining the rigid Ultramontane hierarchical system
established in the wake of papal infallibility. Indeed, as the awkward strike by
Catholic workers on the grounds of the *Maria-Empfängnis-Dom* made clear, the praxis
of Catholic working-class activism ran much too deeply against the grain of post-Vatican I authoritarianism to be of much use.
Appendices

Appendix 1: Bishops of Linz, 1850-1914

1827-1852 Gregorius Thomas Ziegler (1770-1852)
1853-1884 Franz Josef Rudigier (1811-1884)
1885-1888 Ernst Maria Müller (1822-1888)
1889-1908 Franz Maria Doppelbauer (1845-1908)
1909-1915 Rudolf Hittmair (1859-1915)

Appendix 2: Mayors of Linz, 1850-1914

1850-1854 Reinhold Körner (1803-1873)
1854-1856 Josef Ritter von Traunthal (1800-1857)
1856-1861 Vinzenz Fink (1807-1877)
1861-1867 Reinhold Körner (1803-1873)
1867-1873 Viktor Drouot (1811-1897)
1873-1885 Carl Wiser (1800-1889)
1885-1894 Johann Evang. Wimhölzel (1833-1900)
1894-1900 Franz Poche (1844-1916)
1900-1907 Gustav Eder (1861-1909)
1907-1918 Franz Dinghofer (1873-1956)
Appendix 3: Statthalter of Upper Austria, 1850–1914

1849-1851  Alois Fischer
1851-1862  Eduard Freiherr von Bach
1863-1867  Franz Freiherr von Spiegelfeld
1867 (Jan.-Mar.)  Eduard Graf Taaffe
1867-1868  Ignaz Freiherr von Schurda
1868-1871  Karl Sigmund Graf von Hohenwart zu Gerlachstein
1871-1872  Sigmund Freiherr Conrad von Eybesfeld
1872-1877  Otto Freiherr von Wiedenfeld
1877-1879  Bohuslav Ritter von Widmann
1879-1881  Felix Freiherr Pino von Friedenthal
1881-1889  Philip Freiherr Weber von Ebenhof
1889-1890  Franz Carl Graf Merveldt
1890-1902  Viktor Freiherr von Puthon
1902-1905  Arthur Graf Bylandt-Rheidt
1905-1916  Erasmus Freiherr von Handel
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