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Elizabeth Howell April 13, 2015

Responses to Protestant and Jewish Toleration in the Habsburg Empire During the Reign of Joseph II

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Abstract

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When Joseph II became the Habsburg Emperor in 1780, he passed many radical reforms, including the toleration of Protestants in 1781.While maintaining Catholicism as the state religion, he granted religious toleration to non-Catholic Christians, including Calvinists, Lutherans, and Orthodox Christians. In 1782, he also extended toleration to Jews. Additionally, Joseph lifted censorship from 1781 to 1789. During this time, a number of authors inside and outside of these religious minorities took advantage of this freedom from censorship to publish works in response to toleration. This thesis examines some of these responses concerning the toleration of both Protestants and Jews.

Religious toleration was controversial within these religious communities. While some religious authors welcomed toleration as an enlightened reform, arguing for the compatibility of faith and reason, other authors viewed toleration as a threat, as it resulted in the loss of identity and autonomy. Although Joseph made it clear he saw toleration as means by which to make religious minorities "more useful to the State," voices within religious communities justified or condemned religious toleration using not only utility arguments but also arguments rooted in scripture and religious thought.

The thesis provides a close analysis of arguments for and against Protestant and Jewish toleration, arguing that, in both cases, authors of varying positions on toleration engaged with similar themes in their arguments. Even when taking vastly different approaches, authors on all sides of the debate were able to agree on what was at stake: the similarities among all Christians within the Protestant debate, and the usefulness of Jews to the state among authors writing on Jewish toleration. In putting competing voices in conversation with one another, this project explores the rhetoric and discourse surrounding religious toleration and ultimately provides insight into the changes taking place within Habsburg religious communities and beyond during this time.

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Introduction

Prior to the Reformation in the sixteenth century, much of Europe shared a single vision: a "catholic," or universal, Christianity. While Catholic Christians encountered Jews, Muslims, and Orthodox Christians during this time, their primary concern was with "heretics" from within their own religion, whom they consistently attempted to repress. However, the Protestant Reformation brought about unprecedented religious and political strife, splitting Europe between confessions. Whereas some territories became Protestant, others remained Catholic. Additionally, many polities were split internally between Protestant and Catholic areas, most notably for the present discussion in the Habsburg Empire. Moreover, Protestantism proceeded to fracture further. These numerous divisions had implications for Europeans' personal relationships, as they divided neighbors, friends and families from one another, who had to navigate the new confessional landscape.[1]

In the wake of the Reformation, Protestantism began to take hold within the Habsburg Empire, a development that the rulers tried to stop and even reverse, championing re-Catholicization in the late sixteenth and seventeenth centuries. Later, the Enlightenment first began to permanently take root in the Habsburg lands during the reign of Maria Theresia, who, although personally devoted to Catholicism, passed a number of enlightened reforms under the influence of her advisors.[2] However, these reforms remained limited, especially in regard to religious minorities. When her son Joseph II became sole ruler in 1780, he passed many relatively radical reforms, including the toleration of Protestants in 1781. While maintaining

[1] Benjamin J. Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge: Harvard University Press, 2007), 2-3.
[2] Karl Vocelka, "Enlightenment in the Habsburg Monarchy: History of a Belated and Short-Lived Phenomenon," in *Toleration and Enlightenment Europe,* ed. Ole Peter Grell and Roy Porter. (Cambridge: Cambridge University Press, 2006), 196-199.

Catholicism as the state religion, he granted religious toleration to non-Catholic Christians, including Calvinists, Lutherans, and Orthodox Christians. He then extended toleration to Jews in 1782. Additionally, Joseph lifted censorship from 1781 until 1789, which allowed a number of authors — ranging from secular to religiously enlightened to orthodox — to publish works both in favor of and against toleration.[3]

In the context of the eighteenth century, religious toleration meant — while maintaining the privileged position of the dominant religion — legally recognizing religions or confessions that were not dominant or state-sponsored, allowing adherents of a tolerated religion to worship according to their tradition, albeit with restrictions. It could also give such adherents the ability to obtain government or university positions or join the guilds necessary to practice certain professions. In contrast to his predecessors, who, since 1619, had simply made exceptions to the criminalization of non-Catholic religions or looked the other way while these religions were practiced, Joseph altered the law to tolerate non-Catholic Christians and Jews throughout the Monarchy. However, despite some early statements in which Joseph seems to contemplate full religious freedom, there was no chance that he would actually institute full religious equality, religious liberty, or religious indifference on the part of the state.[4]

From the beginning, when Joseph introduced his *Patent* regarding the toleration of Protestants as originating from a "true Christian tolerance,"[5] it was clear that Protestant toleration had both religious and legal implications, which were inextricably intertwined. However, although Joseph consistently maintained the dominant position of the Catholic Church, some

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[3] Charles H. O'Brien, *Ideas of Religious Toleration at the Time of Joseph II: A Study of the Enlightenment among Catholics in Austria* (Philadelphia: American Philosophical Society, 1969), 29.
[4] Derek Beales, *Joseph II, Vol. II: Against the World, 1780-1790* (Cambridge: Cambridge University Press, 2009), 170.
[5] Joseph II, "Das Kaiserliche Toleranzpatent: Abschrift," 1781, in Ferdinand Maß*, Der Josephinismus, Vol. II: Entfaltung und Krise des Josephinismus, 1770-1790* (Wien: Verlag Herold, 1953), 278.

Catholics fearfully construed Joseph's intentions as religious indifference. On the other end of the spectrum, religious skeptics grew frustrated with the limits of Joseph's idea of toleration, which they contended should allow for full religious liberty. Conversely, in the case of Jewish toleration, Joseph presented his motivations as primarily utilitarian, while Jews themselves supported various interpretations of the implications of toleration for their communities. These diverse understandings of toleration, which were often in tension with one another, were present throughout the many responses to religious toleration published while the censor was lifted.

This project will examine a number of these responses concerning the toleration of both Protestants and Jews in the Habsburg Empire. Religious toleration was controversial within Catholic, Protestants, and Jewish communities. While some religious authors welcomed toleration as an enlightened reform, ultimately arguing for the compatibility of faith and reason, other authors viewed toleration as a threat, as it resulted in the loss of identity and autonomy. While Joseph made it clear he saw toleration as a means by which to make religious minorities "more useful to the State,"[6] voices within religious communities justified or condemned religious toleration using not only utility arguments but also arguments rooted in scripture and religious thought.

The thesis provides a close analysis of arguments for and against Protestant and Jewish toleration, arguing that, in both cases, authors of varying positions on toleration engaged with similar themes in their arguments. Even when taking vastly different approaches, authors on all sides of the debate were able to agree on what was at stake: the similarities among all Christians within the Protestant debate, and the usefulness of Jews to the state among authors writing on Jewish toleration. In identifying these common themes, this project problematizes potential

[6] Quoted in Beales, *Joseph II,* 201.

dichotomies between religious enlighteners and traditional religious adherents as well as between insiders and outsiders of religious traditions.

In addition to differences within religious communities between those in favor of and against toleration, discrepancies between the positions of Protestants and Jews at the time of toleration were also reflected in their respective trajectories. Although Jews had been brutally expelled from Vienna in the Middle Ages and in 1670, and Maria Theresia further discriminated against them,[7] they had been living in these lands far before the Protestant Reformation. Due to their wealth and influence, particularly in Vienna, some Jews remained more important to the government than Protestants.[8] Additionally, in order for Jews to live in the Monarchy, they had to be able to dress differently, adhere to dietary customs, and observe religious rituals. Protestants, on the other hand, were relatively new to the Monarchy compared to Jews and had long been suppressed by the Counter-Reformation. For this reason, Jews enjoyed more religious freedom than Protestants prior to toleration. However, Joseph granted more liberty to Protestants, whereas his policies toward the Jews were primarily aimed at assimilation.[9] Despite these contrasts, the usefulness of both minorities to the state recurs as a theme throughout both debates.

According to Perez Zagorin, historians frequently present two explanations for the origins of toleration: indifference and political expediency. In response to arguments of indifference, he cites the fact that such indifference was limited to the intellectual elite, a number of whom actually continued to support intolerance. Additionally, he points to the distinctly Christian origins of toleration in the second half of the sixteenth century. Regarding political expediency, he rejects the argument that toleration was the result of "exhaustion" — a final measure only

[7] Vocelka, "Enlightenment in the Habsburg Monarchy," 201.
[8] Beales, *Joseph II* 197-99.
[9] Ibid, 208-09.

taken after religious groups could no longer continue to fight. However, Zagorin writes, as evidenced by the Peace of Augsburg of 1555 in the Holy Roman Empire and the 1598 Edict of Nantes in France, toleration based on exhaustion was short-lived. For toleration to be long lasting, he argues, those practicing it must believe in its inherent value. At the root of such a realization are "religious, philosophical, moral, and humanitarian arguments that can support and justify them. For in a certain sense ideas rule the world, and the attitudes and actions of human beings are greatly affected by reasons and justifications."[10] However, while acknowledging the philosophical and religious origins of toleration, Zagorin also argues that toleration forwent its religious foundation in the eighteenth-century Enlightenment in favor of secular justifications.[11]

In the late eighteenth century, a number of authors throughout Europe wrote in favor of or against toleration, providing the reasons and justifications to which Zagorin ascribes such significance. While the trend toward secularization at this time was undeniable, many arguments about toleration nevertheless retained their religious character. In contrast to the perception of the Enlightenment as an exclusively secular phenomenon, there also existed a distinctly religious Enlightenment, which sought to inform and reform religion from within. A number of scholars, such as David Sorkin, engage with this movement. Sorkin describes four characteristics of the religious Enlightenment: it provided a middle way between belief and reason, advocated for toleration, participated in the public sphere, and gained the support of the state.[12]

Religious Enlightenment thinkers advocated "reasonable belief," which balanced reason and faith. Because reason and faith, in the view of religious enlighteners, both originated from the same source, they could not contradict each other. Furthermore, the religious Enlightenment

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[10] Perez Zagorin, *How the Idea of Religious Toleration Came to the West* (Princeton: Princeton University Press, 2003), 8-12.
[11] Ibid, 292.
[12] David Sorkin, *The Religious Enlightenment: Protestants, Jews, and Catholics from London to Vienna* (Princeton: Princeton University Press, 2008), Introduction.

helped maintain this balance through notions of natural religion, a set of basic religious beliefs one could realize using reason alone. At the same time, religious Enlightenment thinkers found revealed religion to be necessary, as such truths revealed by God could not be understood using reason alone. These thinkers affirmed the value of revealed religion; however, they valued scripture for its insights into salvation and one's relationship with God, rather than knowledge about science, which consequently gave significance to humanistic scholarship.[13]

The religious Enlightenment had clear implications for toleration, ultimately rooting toleration in religious belief. This understanding indicates that toleration was not only a practical measure but also ideological at times. However, thinkers varied in the extent to which they were willing to extend toleration, excluding certain religions or confessions — most often Atheists.[14] State leaders often supported the religious Enlightenment in order to attain political stability or bring about reform. Religious Enlightenment thinkers, in turn, sought to transform relations between church and state by granting the church and individuals more autonomy. Additionally, they pushed to limit the state's influence on religion to cases in which it negatively affected the civil order. However, at the same time, they strove to integrate the church into the state, demanding such individual and church autonomy in return for obedience to state authority.[15]

Members of the religious Enlightenment were particularly vocal in response to Joseph's many reforms, including his policies regarding toleration. While the majority of Catholics opposed toleration and saw Catholicism and the Enlightenment as incompatible, a small minority

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[13] Ibid, 11-14.
[14] Ibid,15.
[15] Ibid, 18. While Sorkin writes that the religious Enlightenment sought a middle ground between Erastian and theocratic rule, O'Brien states that enlightened Catholics placed religious authority with the ruler, in fact adopting an Erastian understanding of the relationship between Church and state. (*Ideas of Religious Toleration,* 29). Although, as both authors argue, the religious Enlightenment brought about a greater involvement of the state within religion (and there was likely variation among enlightened Catholics about the appropriate extent of such involvement), some members of the Catholic Enlightenment also acknowledged certain limits on the state's interference with religion. As Sorkin cites, Joseph Eybel (more on him in chapter one), an enlightened Catholic, attests to such limitations, as he writes that the state should support religion (*The Religious Enlightenment*, 233).

of "enlightened Catholics," who exercised considerable influence within the government, supported it.[16] One such enlightened Catholic, Johann Leopold von Hay, was the bishop of Königgrätz in Bohemia and the first cleric to defend Jospeh's plan for the toleration of Protestants. His pastoral letter *Cirkularschreiben des Herrn Bischofes von Hay an die ihm untergeordneten Prediger über die Toleranz*, was circulated throughout the German-speaking world. This letter supported religious toleration on the grounds that it was useful to the state and justified by reason and Christianity. Such claims led to controversy among Catholics. His argument for toleration as a Christian virtue was particularly scandalous, and he received opposing responses from orthodox Catholics.[17] Additional responses to toleration came from Protestants as well as secular authors.

The subsequent Jewish toleration debate, on the other hand, took place in conversation with a circle of enlightened Jews in Berlin. Even before Joseph officially tolerated the Habsburg Jews, conversations about Jewish toleration had been taking place within and between Jewish communities in Berlin, Vienna, and Trieste. Most notably, in 1781, the German author Christian Wilhelm von Dohm argued in favor of improving the conditions of the Jews in order to bring about their service to the state in his *Über die bürgerliche Verbesserung der Juden*. Shortly after Joseph extended toleration to Jews, Naphtali Herz Wessely, who was an enlightened Jew from Berlin, published a work in support of Jewish toleration titled *Divrei shalom ve'emet*, or *Words of Peace and Truth,* in 1782. In the text, he encouraged Jews to speak German, learn new trades, and adopt a secular education for their children, arguing that each of these measures was in

[16] Ibid, 5.
[17] Ibid, 41.

keeping with both faith and reason.[18] The ensuing debate surrounding toleration proceeded to elicit responses from traditional Jews as well as non-Jews both inside and outside the Habsburg lands.

These debates, which took place due to Joseph's relaxation of censorship, corresponded with a blossoming of public spaces, including salons, coffeehouses, Masonic lodges, and theaters. Additionally, both Catholics and Protestants had begun to promote popular literacy in order to strengthen their respective traditions. Catholic reformers encouraged Maria Theresia to issue her edict on compulsory education in 1774. In 1781, Joseph championed popular literacy when he declared that each common man should have a Bible.[19] The increased importance of public spaces as well as the spread of popular literacy likely facilitated the reach of works written in response to religious toleration, expanding their significance and allowing them to provide insight into the attitudes of those who read them.

By bringing attention to common themes within and across each of these debates, this project differs from Shmuel Feiner and Edward Breuer's accounts, which emphasize the *Kulturkampf* taking place within Judaism at the time,[20] as well as from Hilde Spiel's work, which, in celebrating Fanny Arnstein for her ability to navigate both the Christian and Jewish

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[18] Naphtali Herz Hartwig Wessely, *"Words of Peace and Truth,"* 1782, trans. S.Weinstein and S. Fischer. in *The Jew in the Modern World: A Documentary History,* ed. Paul Mendes-Flohr and Jehuda Reinharz (New York: Oxford University Press, 1980), 74-77.

[19] James Van Horn Melton. *The Rise of the Public in Enlightenment Europe* (Cambridge: Cambridge University Press, 2001), 84-85. Citing the lack of bourgeois public in the Habsburg Monarchy and the reintroduction of censorship, Vocelka emphasizes the limits of clubs and coffeehouses, arguing that the circumstances in the Habsburg Monarchy were not conducive to public discourse. However, even he admits that Joseph's relaxation of censorship had resulted in a proliferation of pamphlets (*Enlightenment in the Habsburg Monarchy,* 207-08). Furthermore, Maria Theresia's edict of 1774 and Joseph's later statement reinforce the sense that the public was beginning to play a greater role at this time.

[20] Shmuel Feiner, *The Jewish Enlightenment* (Philadelphia: University of Pennsylvania Press, 2002), 162; Edward Breuer, "Naphtali Herz Wessely and the Cultural Dislocations of an Eighteenth-Century Maskil," in *New Perspective on the Haskalah 2008*, ed. Shmuel Feiner and David Sorkin (London: Littman Library of Jewish Civilization, 2001), 37.

worlds,[21] implies that most Jews and Christians remained ostracized from one another. Even David Beales, whose two-volume biography of Joseph II primarily discusses the policy instead of its responses, acknowledges a geographic divide between western enlightened Jews and eastern traditionalists.[22] Without denying such divisions, the project draws attention to points of convergence, indicating ways in which traditionalists began to modernize and modernizers remained traditional.

Additionally, this thesis puts views on toleration that scholars have previously often considered separately in conversation with each other. For example, Charles O'Brien's work provides insight into the enlightened Catholics' response to toleration — including their attention to the similarities between Catholics and Protestants — without giving much attention to the conservative Catholic or Protestant positions. Furthermore, by presenting debates regarding Protestant and Jewish toleration side by side, the following project examines the similarities and differences not only within the respective debates, but also across them — particularly their attention to the usefulness of toleration to the state.

Finally, in contrast to scholars who have focused primarily on one geographic location within the Habsburg Monarchy —such as Lois Dubin's work on the Jews of Trieste or David Sorkin's chapter on the religious Enlightenment in Vienna — the thesis brings together responses from a range of geographic locations throughout and outside of the Habsburg lands. While it is impossible to generalize the views of an entire region or province from one response, the works included in the following chapters were widely read, which justifies their selection. Ultimately, this project adds to the historical discussion through a close analysis of these particular responses to toleration. In putting competing voices in conversation with one another,

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[21] Hilde Spiel, *Fanny von Arnstein: Daughter of the Enlightenment 1758-1818,* trans. Christine Shuttleworth (New York and Oxford: Berg Publishers Limited, 1991), 166.
[22] Beales, *Joseph II,* 200.

it explores the rhetoric and discourse surrounding religious toleration and provides insight into the changes taking place within Habsburg religious communities and beyond during this time.

Chapter One: "A true union and the bond of love:"[23] Christian Kinship in Arguments Regarding Protestant Toleration

The motivations behind Joseph's decision to tolerate Protestants have long interested historians. Some have explained it as purely an economic measure, such as Ernst Wangermann, who describes Joseph's policy toward Protestants as "a device for attracting foreign skilled craftsmen to the new industries of Austria and settlers to the wastes of Hungary."[24] In contrast, Charles O'Brien disagrees with Wangermann and others who hold similar views. While accepting that the needs of the state were Joseph's primary concern in issuing toleration, O'Brien sets himself apart from other scholars by also providing a religious explanation for Joseph's actions. In his insightful work about the Enlightenment among Catholics, O'Brien explores the ways in which enlightened Catholics argued in favor of the compatibility of Enlightenment principles — including toleration — and Catholicism, as does David Sorkin.[25] This chapter puts such arguments in conversation with conservative Catholic, Protestant, and more secular writers, identifying common themes among these voices. In debates over Protestant toleration, authors on all sides of the issue reference the usefulness of Protestant toleration to both the state and the Catholic Church. Additionally, they discuss the compatibility between Protestantism and Catholicism, varying their emphasis on the similarities and differences between Protestants and Catholics in order to best support their arguments in favor of or against toleration.

Historical Background on Protestant Toleration

Although Protestantism won a number of followers in the Habsburg Empire after the Reformation, the Habsburgs had zealously propagated the Counter-Reformation since the early

[23] Quoted in Derek Beales, *Joseph II,* 190.
[24] Ernst Wangermann, *From Joseph II to the Jacobin Trials: Government Policy and Public Opinion in the Habsburg Dominions in the Period of the French Revolution* (London: Oxford University Press, 1969), 14.
[25] Sorkin, *The Religious Enlightenment,* 218.

seventeenth century. Until the time of Joseph II, the Habsburg rulers privileged Roman Catholicism to the greatest extent possible.[26] Most significantly, since 1731, Habsburg officials were required to affirm the Immaculate Conception in order to enter central government service everywhere except Transylvania. Because this oath contradicted Protestant beliefs, Protestants were discriminated against in this respect — even in places such as Hungary, which had a significant Protestant nobility. However, despite this exclusion from nearly all official posts, Protestants could rise to high ranks in the army.[27]

Other restrictions on Protestants included exclusion from buying land or joining guilds, with the exception of Transylvania and parts of Hungary; without such guild memberships, they could not access some trades and occupations. Within Austria, Bohemia, and some parts of Hungary, it was a crime to be or become Protestant, a position which had been restated as recently as 1778 in the *Religionspatent.* Additionally, only Roman Catholic religious services were legal, except in embassies — specifically, those of the Netherlands, Denmark, and Sweden in Vienna — where Protestant services could be held. Two additional exceptions were a few high-ranking Protestants, who could hold services in their private chapels, and Dutch soldiers stationed in Belgium. Elsewhere, in Silesia and parts of Hungary, rulers during the eighteenth century had attempted to diminish rights guaranteed to Protestants in laws and treaties, including the right to public religious services. Additionally, such rulers made conversion to Protestantism a crime, and supported Catholic missionaries and Protestant persecution.[28]

Despite this discrimination, some of the Habsburg lands still contained a significant number of Protestants, comprising a fourth of the population of Hungary in 1780. In Galicia, Bukovina, and Transylvania, treaties allowed various non-Catholic Christians to hold public

[26] Vocelka, *Enlightenment in the Habsburg Monarchy,* 196-97.
[27] Beales, *Joseph II,* 171-72.
[28] Ibid, 172.

worship. Additionally, in Vienna, even though the law officially barred Protestants from attending religious services, most Protestants could worship in an embassy without facing repercussions. They could also travel to Teschen, where such services were permitted. The final exceptions to the status of Protestants before 1781 were those born outside of the Monarchy, many of whom had been encouraged to immigrate in order to support development in the East or promote commerce in Trieste or Vienna. Consequently, they were allowed to build churches. Vienna, particularly, as the location of the bureaucracy of not only the Habsburg lands, but also the Holy Roman Empire — half of which was Protestant — needed to be able to receive Protestant visitors.[29]

In the last ten years of Maria Theresia's reign, educated Catholics no longer supported conversion by force, a position with which Joseph also agreed. While this shift in thinking was taking place, Protestants in Moravia broke the existing law by worshiping openly in 1775. While Maria Theresia was prepared to send these Protestants to distant regions, such as Transylvania, and had done so as recently as 1774, she faced considerable opposition in her efforts to do so. The debate between mother and son that ensued over how to handle these Protestants was revealing of Joseph's motivations for instating toleration. Joseph expressed vastly different opinions on toleration at times, ranging from support for complete religious freedom to strictly temporal toleration, which he insisted would actually strengthen Catholicism. He also consistently supported his arguments by insisting that toleration would benefit the state.[30] Throughout the subsequent debate on toleration, both religious and practical justifications would continue to prove inextricably intertwined.

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[29] Ibid, 172-73. Some historians have used these exceptions to argue that toleration was already common and expanding under Maria Theresia. However, Beales contends that such arguments ignore the 1778 *Religionspatent* (Beales, *Joseph II,* 173-75).
[30] Ibid, 175-77.

When Joseph submitted a draft of the *Patent* to his mother in 1780, which would have instated toleration, Maria Theresia rejected it and even deported a number of Protestants from Moravia in 1780. However, upon becoming sole ruler, Joseph's first act with respect to the Protestants was to end Catholic missionary efforts. Shortly after doing so, he wrote to Catherine II of Russia regarding toleration, revealing the motivation behind his attitude toward Protestants. In addition to leaning more towards complete religious freedom, he acknowledged the opposition he would inevitably face in doing so. He justified toleration with reference to the benefits it would provide the state, including the development of the economy and loyalty among Protestants. Additionally, he provided religious reasons, such as returning Protestants to the Church. The latter argument reflected Joseph's identity as a Catholic, though he was determined to reform the Church. In order to both attract Protestants and make them more useful to the state, he argued, the Church would also have to become more tolerant.[31]

The provincial governments were responsible for the laws concerning Protestants, and, for this reason, Joseph consistently turned to the Staatsrat for support of toleration. In response to a list of grievances from Hungarian Protestants in 1781, Prince Kaunitz, president of the Staatsrat at the time, referenced the economic growth he believed would ensue. He also insisted that the state should be indifferent (to an extent) to what its subjects believed. Freiherr von Gebler, another reformer on the Staatsrat, emphasized cooperation between religions and recommended that the state "regard all Catholics, Protestants, Orthodox and Uniates as citizens working together for a state equally benevolent towards all of them."[32] Additionally, he argued that toleration would make Protestants more loyal to the state because they were to be treated

[31] Ibid, 177-79.
[32] Quoted in Beales, *Joseph II,* 181.

equally.[33] The latter statement concerning loyalty would have particularly appealed to Joseph's fear of his Greek Orthodox subjects' Russian sympathies.[34]

Joseph subsequently concluded that the Protestants' grievances were justified and ordered the Hungarian Chancellery to allow Protestants to exercise their rights. Then, later that year, he repealed Maria Theresia's *Religionspatent.* He also declared that, with the exception of public worship, no distinction should be made between Protestants and Catholics anywhere in the Monarchy. When faced with opposition to this decree on the grounds that it would increase subversion among the emperor's subjects, Joseph, along with Kaunitz and Gebler, continued to insist that toleration would make Protestants better citizens and attract useful Protestants from abroad.

Additionally, Joseph played a role in the creation of an anonymous document in favor of toleration, which explained the ways in which intolerance was harmful to the state. However, it maintained that Catholicism should remain the state religion and that Protestants should only be allowed to build a chapel in locations where they had considerable numbers. Shortly after, Joseph officially announced his decision to adopt the suggestions of the document. He did not intend to publish it as a *Patent* or repeal existing contradictory laws, but simply make exceptions. This decision not to publish led to confusion and difficulty in enforcement. Consequently, Joseph soon realized that it was necessary to publish a formal *Patent.* However, he lamented the limits he had to place on toleration due to public opposition in a letter to Catherine, expressing a desire to have instituted a more comprehensive system of toleration.[35]

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[33] Beales, *Joseph II,* 180-81.
[34] Joseph Karniel, *Die Toleranzpolitik Kaiser Josephs II* (Gerlingen: Bleicher, 1985), 190, 162.
[35] Beales, *Jospeh II,* 183-86.

Joseph published the *Patent*, justifying "a true Christian tolerance" by the benefits it would provide both to religion and the state.[36] It also established one hundred families as the number of Protestants necessary to build a chapel and school. The *Patent,* which applied to all provinces, stated that, in places where toleration was further-reaching than now prescribed, the existing system was to remain in place. Everywhere else, Lutherans, Calvinists, and Greek Orthodox could worship domestically and, if they met the minimum of 100 families, could build a place of worship as long as it did not have a tower, bells, or entrance from the street.[37] Among other measures, they could also choose their ministers and select a schoolmaster. They would no longer have to attend Catholic religious services or affirm Catholic beliefs. Additionally, the *Patent* specified what religion the children of mixed marriages were supposed to profess. It also stated that Protestants could be buried in local churchyards and that Catholic priests were supposed to receive all stole fees.[38]

Shortly after, Joseph added that Protestant ministers could not come from outside of the Monarchy and that Catholics should respect Protestants and avoid doctrinal disagreements with them. A year later, he decided Protestants could also build a chapel if they numbered 500 individuals.[39] By this time, 70,000 Protestants had identified themselves in Austria and Bohemia, and, in 1783, Viennese Protestants had built two churches. Elsewhere, however, there was a delay in the publication of the *Patent*, and it was never published in some places.[40] Even where it was published, there was no guarantee that it would be obeyed, which compelled Joseph to repeatedly reinforce, clarify, and modify the *Patent*. Among other acts, he decriminalized

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[36] Joseph II, "Das Kaiserliche Toleranzpatent: Abschrift," 278. "von dem großen Nutzen, der für die Religion und den Staat aus seiner wahren kristlichen Toleranz entspringt."
[37] Beales, *Joseph II,* 186-87.
[38] O'Brien, *Ideas of Religious Toleration*, 23-24.
[39] Beales, *Joseph II,* 187-189.
[40] O'Brien, *Ideas of Religious Toleration*, 24-25.

conversion to Protestantism in addition to organizing the Protestant churches in a way that gave them more independence from Catholics and made it easier for the state to make use of them.[41]

Although Joseph intended to make the treatment of Protestants uniform in his lands with his *Patent*, there was some variation across provinces, most notably in Hungary. Throughout the 1780s, Hungary continued to present difficulties in the implementation of toleration due to its large number of Protestants and previous legislation in regards to this population. In addressing these problems in 1785, Joseph wrote, "by the Christian toleration that has now been introduced, a true union and the bond of love may be established between the various religions of the peoples subject to him… Anything that for whatever reason might offend those who practice a different religion must be guarded against with sedulous care and diligent solicitude."[42] In addition to his usual arguments in favor of toleration based on its usefulness to the Church and state, this statement provided evidence of Joseph downplaying the differences between Protestants and Catholics. He encouraged the establishment of a union and bond of love in addition to referring to Protestants as "those who practice a different religion" instead of as heretics.

Such statements reflected the fears of conservative Catholics that toleration would lead to increased conversions to Protestantism and religious indifference. However, in contrast to this later statement, Joseph took steps to avoid such potential consequences. He used the language of the *Patent* to portray it as an allowance for current Protestants, not as an encouragement for Catholics to convert. To make this clear, he required Protestants to register individually in order to attend Protestant meetings. Nevertheless, Catholics continued to take Joseph's *Patent* as a sign

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[41]Beales, *Joseph II,* 187-189. In discussing the integration of Protestant churches into the state, Charles O'Brien (*Ideas of Religious Toleration,* 25) emphasizes the considerable autonomy that non-Catholic churches experienced in comparison to Catholic churches, citing the lack of state involvement in Protestant liturgy, church appearance, sermons and religious education, the education of the clergy, and the education of children. While seemingly contradictory to Beales' understanding of the organization of Protestant churches, both authors' statements are ultimately compatible, as O'Brien acknowledges the relationship between the state and Protestant churches.

[42] Quoted in Beales, *Joseph II,* 187-190.

of his acceptance of all religions as equally valid. In order to counter this perception, in 1782, he clarified that he supported civil toleration, proclaiming his desire to strengthen the One and Holy Catholic Church, of which he wanted all of his subjects to be a part. He further attempted to communicate these intentions by allowing Catholics to proselytize, albeit in an enlightened way, while prohibiting non-Catholics from doing so. He also made it easy to convert or return to the Catholic Church.[43]

Joseph expected these preliminary measures to deter many of his subjects from registering as Protestants. However, the number of registrations exceeded Joseph's expectations within the first year of the *Patent*. This development, along with the Pope's visit to Austria in the spring of 1782, compelled Joseph to restrict toleration. [44] Namely, he set January 1, 1783 as the deadline for the last day Protestants could declare themselves without having to attend six weeks of Catholic education. Potential converts were required to pay half of the costs of this education, and they could not visit the Protestant chapel or communicate with its clergy.[45]

Joseph's treatment of non-tolerated religions provides insight into the limits of his plan of toleration, which had both religious and practical explanations. Hussites and Mennonites were allowed to form their own communities in Bohemia and Galicia, respectively, if they registered as Lutheran. The government justified this measure on the grounds that these religious communities were Trinitarian, which reflects Joseph's religious considerations when deciding whether to extend or limit toleration. On the other hand, the concerns of the state were also clearly on his mind, as another reason for tolerating Hussites and Mennonites in this way was

[43] O'Brien, *Ideas of Religious Toleration*, 26-27.
[44] Ibid, 27.
[45] Beales, *Joseph II,* 190-91.

their conformity to the authority of Protestant governing bodies, which would have made them easier to control.[46]

Similar explanations are also evident in Joseph's decisions in regard to the Bohemian Deists.[47] This religious community rejected the Trinity and Christ's divinity, both of which Joseph believed to be essential Christian doctrines. Consequently, he had never been willing to extend toleration to groups that denied them.[48] In addition to their religious unorthodoxy, the Deists had a reputation for evading taxes and being potentially revolutionary, which undermined the state and presented yet another problem for Joseph. After a number of unsuccessful attempts to suppress the Deists, Joseph finally decided in 1783 that they should no longer be targeted as long as they did not publicly profess their beliefs. However, if they continued to declare their Deist ideas — which Joseph considered subversive — he ordered them to be beaten. Joseph decreed, they "shall receive without further ado twenty-four strokes with a cane or whip on their buttocks and then be sent home, not because they're Deists, but because they say they are something which they cannot know they are."[49] He also simultaneously forbade interrogating peasants' private opinions in order to punish them, demonstrating his desire to preserve freedom of conscience when it did not come into conflict with the state's interests.[50] Though, in light of this concession, Joseph seemed to have somewhat accepted Deists' religious beliefs, he still did not tolerate them to the extent of other groups who affirmed Christ's divinity and the trinity. Thus, the limits of his toleration in regard to the Deists ultimately reflect both their religious unorthodoxy and the threat they presented to the state.

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[46] O'Brien, *Ideas of Religious Toleration,* 28.
[47] Bishop Hay of Königgrätz called this religious community Deists due to their belief system, which included faith in one God and the immortality of the soul. While they based their moral code on the Ten Commandments, they did not have clergy and worshiped domestically (O'Brien, *Ideas of Religious Toleration,* 28).
[48] Beales, *Joseph II,* 191.
[49] Quoted in Beales, *Joseph II,* 191.
[50] O'Brien, *Ideas of Religious Toleration,* 29.

Throughout the development of these later restrictions and clarifications, Joseph did not relent on his insistence on the civil rights of Lutherans, Calvinists, and Orthodox or their right to domestic worship and, in some cases, worship in their own chapel.[51] Significant effects of these measures were felt in Hungary, where 758 communities of tolerated Christians were founded and where Protestants had successfully adopted a number of new occupations.[52] Éva Balás has even written that it was "the most momentous and enduring decree of the Josephist administration in Hungary, one that was to have a determinative effect on events there even into the next century."[53] In areas with less Protestants, non-Catholics could come out of hiding for the first time, such as in Styria, where prelates were shocked by the number of Protestants who made themselves known in Upper Styria and Graz.[54] For many, however, the effects were felt more gradually because their communities had so long been oppressed. Nevertheless, the *Patent* instated the greatest degree of toleration of any Catholic country at the time, leading to praise from both Protestants abroad and in the Habsburg lands.[55] By 1788, there were 156,000 declared Protestants, 142 pastors, and 154 prayer-houses in the central and western lands;[56] in some cases, the government had even helped provide Protestants with land and buildings.[57] After Joseph's death in 1790, Protestant communities grew much more slowly, testifying to the role of Joseph and his *Patent* in their expansion.[58]

The Catholic Enlightenment

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[51] Beales, *Joseph II,* 192-93.
[52] Ibid, 195.
[53] Éva Balás, *Hungary and the Habsburgs 1765-1800: An Experiment in Enlightened Absolutism,* trans. Tim Wilkinson (Budapest: Central European University Press, 1997), 73.
[54] Christine L. Mueller, *The Styrian Estates 1740-1848: A Century of Transition* (New York: Cambridge Garland Publishing, 1987), 73.
[55] Beales, *Joseph II*, 193-94.
[56] Ibid, 195-196.
[57] O'Brien, *Ideas of Religious Toleration*, 25.
[58] Beales, *Joseph II,* 196.

While the general principles of the religious Enlightenment can be applied to the Jewish, Protestant and Catholic Enlightenments, each of these Enlightenments also possessed their own characteristics. Enlightened Catholics, who were primarily clerics with ties to the government, wanted to improve human intelligence and valued human worth, which led to both secular and church reform, including support for a more inward spirituality and simplified public worship. However, they never denied the unity or infallibility of the Catholic Church, arguing for the compatibility of faith and reason. Enlightened Catholics were comprised of two groups: the Febronians and the Jansenists. While acknowledging the Pope's doctrinal authority, Febronians desired greater authority for bishops and advocated an autonomous German church. The Jansenists, on the other hand, were primarily concerned with reform of thought and practice based on the ideals of the early church. Additionally, they advocated religious freedom among Catholics as opposed to religious freedom within the empire.[59] The Catholic Enlightenment, or Reform Catholicism, is often referred to as a "counter-Counter-Reformation," representing the view of eighteenth-century historian Michael Ignaz Schmidt. According to Schmidt, in catalyzing the reformation, Luther had been correct in his criticisms of the Catholic Church, but his method for correcting them was flawed. By creating antagonism between Protestants and Catholics, Luther pushed the Catholic Church further away from reform, as it embraced anything Protestants condemned, such as the Papacy.[60]

Reform Catholicism, on the other hand, sought to bring about necessary changes in the Church, including a turn away from and renewal of scholasticism in favor of studying science,

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[59] O'Brien, *Ideas of Religious Toleration,* 39. While Jansenism had controversial political implications in France, Maurism, originating in a French monastery, stayed true to the Jansenist ideal of replacing scholasticism with historical scholarship. However, it did so without the same political history. Italian Ludovico-Antonio Muratori also engaged in historical scholarship and developed an idea of practical Christianity, providing an example of another alternative to the Jesuits and Counter-Reformation: David Sorkin, *The Berlin Haskalah and German Religious Thought* (London: Vallentine Mitchell, 2000), 29-30.

[60] Sorkin, *The Berlin Haskalah and German Religious Thought*, 27-8.

philosophy and history. It was intended to rid the Church of alleged corruption — such as cults, brotherhoods, processions, superstitions, and other aspects of Baroque culture and popular piety — and eventually led to religious toleration as an alternative to the confessional state. Initially a monastic movement, [61] Reform Catholicism emerged into the public sphere through universities, which increasingly promoted the Enlightenment following the Habsburg loss of Silesia to Prussia. The Protestant Prussian victory over the Catholic empire contributed to a feeling of inferiority among Catholics, which was reinforced by Catholic students' frequent attendance at Protestant universities and their occasional conversion. Consequently, Catholic universities tried to make themselves more appealing in order to avoid Catholic exposure to Protestant and secular ideas, which would then infiltrate the Habsburg lands when Catholics returned. Additionally, they sought to prevent the negative economic effects of significant amounts of hard currency leaving the empire with these students.[62] This renewal of Catholic universities reflects both the ideological and practical purposes of the Catholic Enlightenment.

Additionally, the academies, which also contributed to the public emergence of Reform Catholicism, focused on research.[63] Monks played a critical role in both of these institutions, as they rotated regularly through the universities[64] and produced most of the scholarship in the academies.[65] Both institutions also served as meeting points for the secular and religious Enlightenments; although Reform Catholics criticized the secular Enlightenment, lay and clerical enlighteners united in their opposition to the Jesuits, the champions of the Counter-

[61] Ibid, 28.
[62] Ibid, 31.
[63] Ibid, 35.
[64] Ibid, 31.
[65] Ibid, 36.

Reformation.[66] Ultimately, by the 1760s, Reform Catholicism has established a significant movement within the Church and Holy Roman Empire.[67]

The figure of Valentin Eybel, a professor of canon law turned civil servant, provides further insight into the Catholic Enlightenment within the Habsburg lands. Eybel exemplified the qualities of a religious enlightener. He advocated reform of the relations between church and state, restricting the Church to spiritual matters while the state was responsible for its inhabitants' external well-being. However, according to Eybel, the state should also support spiritual laws through censorship and other measures, which would, in turn, benefit the state.[68] This understanding of church and state relations suggests a codependency between the two institutions. Additionally, challenging papal power, he argued in favor of investing authority with the bishops and councils as well as the sovereign, justifying this distribution of power with natural and revealed law and ultimately contributing to the design of a state church.[69] Additionally, while desiring religious uniformity, Eybel supported toleration, although he would not extend it to those who came into conflict with religion or the state, arguing that freedom of conscience did not give anyone the right to deter others from true religion.[70]

Eybel was active in the second of two waves of reforms by Maria Theresia, who adhered to Reform Catholicism during part of her reign. However, after 1773, Maria Theresia became increasingly conservative, and Joseph II, co-regent at the time, along with Kaunitz, instituted reforms without her support.[71] More radical than Maria Theresia, Eybel's ideas were compatible with Joseph II, whose later reforms he advocated and implemented. Furthermore, Eybel, like a

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[66] Ibid, 29, 31, 36.
[67] Ibid, 37.
[68] Sorkin, *The Religious Enlightenment,* 232- 34.
[69] Ibid, 234-236.
[70] Ibid, 234.
[71] Ibid, 225- 27.

number of other religious enlighteners, participated in the public sphere by writing extensively.[72] Through the publication of religious works by thinkers such as Eybel, the religious Enlightenment was able to develop across Western and Central Europe.[73]

Enlightened Catholic Responses to Toleration

Leopold Hay of Königgrätz in Bohemia, an enlightened Catholic, wrote a response titled *Circularschreiben des Herrn Bischofes von Hay an die ihm untergeordneten Prediger über die Toleranz* in support of the *Patent* shortly after Joseph issued it. His letter was widely circulated throughout German-speaking countries in addition to being translated into Danish, Czech, and Magyar. Hay had previously encountered religious dissent in 1777, when Maria Theresia sent him to Moravia. While he was there, he attributed religious discontent to the oppression that Catholics imposed on Protestants in addition to insisting that Catholics must make the church appealing to non-Catholics in order to spread the Gospel. He allowed Protestants to keep their books, though he edited them, and he emphasized the doctrines, prayers, and creeds shared among both Protestants and Catholics when teaching about Catholicism.[74] This final measure reflects a theme that would later emerge in his, and others', arguments regarding toleration.

In addition to providing instructions on how to implement the policy in the letter, Hay justified toleration with the benefits it would provide to the state. For example, he wrote that, in issuing the *Patent,* Joseph intended to "…secure both the security of the individual citizen as well as the welfare of the entire state always more and more."[75] However, he supported his

[72] Ibid, 237-38.
[73] Ibid, 16.
[74] O'Brien, *Ideas of Religious Toleration*, 40-41.
[75] Hay, Johann Leopold, *Circularschreiben des Herrn Bischofes von Hay an die ihm untergeordneten Prediger über die Toleranz, oder Duldung der Lutheraner Reformirten und anderen Religionsverwandten,* (1782), 4. "Sicherheit der einzelnen Bürger sowohl, als auch die Wohlfahrt des ganzen Staates immer mehr und mehr befestigen."

position with arguments based in natural law and religion, such as when he told his audience to ask themselves if his principles contradict religion and reason.[76] Hay further relied on religious arguments when he interpreted Bible passages as in favor of toleration.[77] He referenced one such passage from Ephesians[78] when he wrote "That we should tolerate one another in all love, anticipate one another in expressing terms of respect, 1) and live with all men in peace."[79]

Throughout most of the letter, Hay grouped justifications based in service to religion and the state together. Before beginning to instruct his readers on how to implement toleration, he stated, "Through this procedure alone will we bring it about that we fulfill to their full extent the duties of a righteous pastor and good citizen, which are always inseparably bound with one another."[80] He also instructed the pastors to "explain in their stead the Gospels of the Son and holidays in a manner whereby salvation and civil welfare both win."[81] Furthermore, in discussing books forbidden by the censor, Hay described them as "preaching profanities against God, the Christian religion … and good morals" as well as against "the regent" and "patriotic legislation."[82] Other examples include Hay's request for pastors to act out of love of the church and fatherland (*aus Liebe gegen die Kirche und das Vaterland*),[83] his description of pastors as "worthy servants of the Church [and] useful subjects and fellow citizens" (*würdige Diener der*

[76] Ibid, 5. "Urtheilet selbst, ob die Grundsätze die wir euch einschärfen, nicht mit unserer heiligen Religion, der Menschlichkeit und der gesunden Vernunft auf das genauste übereinstimmen."
[77] Ibid, 6.
[78] Ephesians 4: 2-3. "…with all humility and gentleness, with patience, bearing with one another in love, making every effort to maintain the unity of the Spirit in the bond of peace." (New Revised Standard Version).
[79] Hay, 5. "dass wir einander in aller Liebe vertragen, mit den Ehrenbezeigungen einander zuvorkommen, 1) und mit allen Menschen in Frieden leben sollen."
[80] Ibid, 7. "Durch diese Verfahrungsart allein werden wir es dahin bringen, daß wir die Pflichten eines rechtschaffenen Hirten und guten Bürgers, welche stets unzertrennlich mit einander verbunden sind, in ihren ganzen Umfange erfüllen."
[81] Ibid, 7. "Erkläret an ihrer Statt die Evangelien der Sonn und Feiertage auf eine Art, wodurch beides, das Seelenheil und das bürgerliche Wohl gewinnen."
[82] Ibid, 10. "…Bücher, welche nämlich Ruchlosigkeit gegen Gott, die christliche Religion, die Regenten, vaterländische Gesetzgebung und gute Sitten predigen..."
[83] Ibid, 14.

Kirche, als nützliche Unterthanen und Mitbürger),[84] and his conclusion that toleration pleased both God and the Monarch (*die Unordnung höre auf, denn das ist Gott gefällig und dem gottseligsten Monarchen angenehm*).[85]

In his consistent grouping of church and state, Hay made an argument characteristic of the religious and Catholic Enlightenments. Throughout his letter, however, another significant theme emerged: the similarities between Protestants and Catholics. This theme is evident in the Hay's references to Protestants and their religious beliefs, his emphasis on the union of all Christians, and his prescribed treatment of Protestants. While a conservative Catholic would have described Protestant traditions as "false,"[86] Hay referred to them as "Fellow citizens who profess another religion" (*Andern Religion bekennend Mitbürgern*),[87] or "…these people, who profess one of the religions that is different from ours" (*dieses Volk, das sich zu einer von der unsrigen verschiedenen Religion bekennet*).[88] In the former reference, Hay not only downplayed the differences between Protestant and Catholic beliefs, but also emphasized Protestants' and Catholics' shared position as *Mitbürger.* Finally, in condemning Catholics who believed that preaching against Protestants pleased God, he wrote that such Catholics "force their opinions" (*ihre Meinungen aufdringen*)[89] on Protestants. In describing religious beliefs as opinions, Hay diminished the importance of subscribing to the one true religion.

In addition to such references, Hay also presented the similarities between Protestants and Catholics by discussing the bond shared by all Christians. He first addressed this bond at the beginning of his letter when explaining Joseph's intentions in issuing the *Patent.* He wrote, "His

[84] Ibid, 15.
[85] Ibid, 16.
[86] O'Brien, *Ideas of Religious Toleration*, 41.
[87] Hay, 4.
[88] Ibid, 11.
[89] Ibid, 4.

majesty, out of a motive of paternal love, which cherishes all his subjects to the same degree… and through which the many dispersed citizens of his lands gather as if in one family."[90] Shortly after, Hay continued, "His majesty wants to unify forever everyone, whom religious diversity and the compulsion of previous laws has split into parties, through the inseparable band of Christian love."[91] Both of these statements praised the union of Catholics and Protestants and established it as the goal of toleration, depicting Christian love as a unifying force that transcended the differences between confessions.

On the other hand, a Catholic who preached against and tries to force their beliefs on Protestants, according to Hay, "…instead of promoting the welfare of religion and the state, tear[s] the ties of love and sociability."[92] Not only did Hay state that such actions threatened Christian union, which he had already established as a noble objective, he insisted that such antagonistic behavior threatened both church and state. The juxtaposition of these outcomes further implied that Christian union was in fact beneficial to religion and the state. Finally, Hay rooted Christian union in both faith and reason:

> We will follow the instructions of our holy religion, the laws of nature and reason… when we finally, in order to summarize much with a few words, live agreeably and sincerely in peace with all cohabitants of our sheepfold, without regard to the religion they profess, with unfeigned love and good will, harm no one, and encompass everyone with the same brotherly love.[93]

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[90] Ibid, 3. "Sr. Majestät aus einem Antrieb jener Vaterliebe, welche allerhöchst Dieselben gegen alle Ihre Unterthanen in gleichem Grad hegen... und dadurch die vielen bisher zerstreuten Bürger Ihrer Staaten gleichsam in eine Familie versammele."

[91] Ibid, 2. "Seine Majestät wollen alle welche die Religionsverschiedenheit, und der Zwang der vorigen Gesetze in Parteien getrennt hat, durch das unzertrennliche Band der christlichen Liebe auf immer vereinigen..."

[92] Ibid, 4. "...anstatt das Wohl der Religion und Staats zu befördern, die Bande der Liebe und der Geselligkeit zerreissen."

[93] Ibid, 7. "Wir werden daher der Vorschrift unserer heiligen Religion, dem Gesetz der Natur und der Vernunft folgen... wenn wir endlich, damit wir mit wenigen Worten vieles zusammenfassen, mit allen Mitbewohnern unseres Schaafstalles, ohne Rücksicht der Religion, zu der sie sich bekennen, mit unverstellter Liebe und gutem Willem, verträglich und aufrichtig in Frieden leben, niemanden etwas zu Leide thun, und alle mit gleicher Bruderliebe umfassen."

Here, toleration shed some of the power dynamics often associated with it. Instead of the Catholics graciously bestowing toleration on Protestants, Hay emphasized Catholics and Protestants' identities as "cohabitants," equating them with Protestants to an extent.

Finally, in giving instructions on how to implement the *Patent,* Hay also prescribed treatment of Protestants that emphasized their similarities with Catholics. Even when instructing others in the Catholic religion, Hay did not condone preaching against Protestants. In regards to the Council of Trent, which was convened in response to the Protestant Reformation, Hay wrote that the names of Luther, Calvin or any non-Catholic leaders were not mentioned once. He urged pastors to follow the Church's example and, instead of speaking of such men, "convince their sheep to the truth solely through arguments, which one can see come from the mouth of a friend…"[94] He then continued, "One must... pursue no one with a hostile arrogance, but rebuke with love; not as an enemy, also not as an opponent forces a punishment, but as a doctor prepares a remedy."[95] In affirming the truth of Catholicism, Hay did not allow for Protestantism to be rebuked. Instead, the Catholic truths had to speak for themselves, and the Church had to win followers through the way it treated others.

Next, Hay wrote that Catholics should not disturb Protestants when they gathered to sing, pray or read the liturgy. However, if such gatherings threatened peace, concord, or order, then pastors should report them to a secular judge. Significantly, Hay applied the same standards to Catholic gatherings, instructing preachers to "…monitor the same also even in consideration of Catholics, if you notice suspicious gatherings. The vigilance of a shepherd [cleric] must be set

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[94] Ibid, 8. "…eure Schaafe von der Wahrheit blose durch Beweisgründe, denen man es ansieht, daß sie aus dem Munde eines Freundes kommen…"

[95] Ibid, 9. "Man muß... niemanden mit einem feindseligen Uebermuthe verfolgen, sondern mit Liebe zurechtweisen; nicht wie ein Feind, auch nicht wie ein Widersacher auf Bestrafung bringen, sondern wie ein Arzt heilmittel bereiten."

there without consideration of the person."[96] In this way, Hay made it clear that Protestants were not to be solely targeted, as Catholics were also capable of disruption. By instructing Catholic preachers to treat suspicious gatherings of Protestants and Catholics similarly, Hay once again advocated an improvement in the treatment of Protestants in comparison to Catholics under the heading of equal, or at least more equal, treatment under the law.

Hay's further instructions regarding toleration also stressed the commonalities between Protestants and Catholics. In addressing the protocol for giving sacraments, such as baptism, marriage, or weekly blessings, Hay explained, "At all of these performances, maintain merely the basics that are necessary for the validity of the sacraments; however, you must abstain fully from all formalities that are purely Catholic and are really against their [Protestants'] doctrines."[97] For example, Catholic pastors should not ask the godparents at a baptism whether they believed in the Roman Catholic Church. He also instructed them not to sprinkle holy water on the living or pray the usual prayer at funerals because Protestants did not believe in purgatory. Additionally, Hay told them not to bless Protestant homes on the usual days or bring them the crucifix to kiss.[98] Notably, Hay also rejected Church law in favor of allowing Protestants to be buried in Catholic cemeteries, stating, "Peace and public tranquility, which occupy the most important position under Church law, seem to command that we also grant our fellow Protestant citizens, with whom we are bound to live in amicable tolerance, a resting place among us after their death."[99] Hay justified this measure with the benefits it provided to the public, which he

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[96] Ibid, 11. "Eben dasselbe werdet ihr auch in Ansehung der Katholiken beobachten, wenn ihr unter ihnen verdächtige Zusamenkünfte bemerket. Die Wachsamkeit eines Hirten muß ohne Ansehung der Persohn dahin gerichtet sein..."

[97] Ibid, 12. "Ihr bei allen diesen Verrichtungen blos das Wesentliche, was zur Gültigkeit des Sakraments nothwendig ist, beibehalten; von allen Formalen aber, welches blos katholish, und ihren Glaubenssätzen geradezu entgegen sind, euch völlig enthalten müsset."

[98] Ibid, 12.

[99] Ibid, 13. "Der Friede und die öffentliche Ruhe, welche unter den Kirchenpolicengesetzen billig die oberste Stelle einnehmen, scheinen zu erheischen, dass wir unsern Protestantischen Mitbürgern, mit denen wir in

said made it compatible with religion, even if it was not in keeping with church policies.[100] In addition to providing further insight into Hay's views on the relationship between church and state, this declaration seemed to lessen one disparity between Protestants and Catholics by expanding access to cemeteries to Protestants, bringing them together into the same sacred space upon their death.

Hay was not the only enlightened Catholic to emphasize such similarities between Protestants and Catholics. Bishop Heberstein of Laibach (Ljubljana), for example, in a letter to the general public, was able to find redeeming qualities in Protestantism. Similar to Hay, he referred to non-Catholic confessions as "other religions" instead of passing a value judgment on their validity.[101] On the other hand, Bishop Joseph von Auersperg of Gurk in inner Austria, who presented a more orthodox take on toleration in his pastoral letter, emphasized the similarities among Protestants and Catholics to a lesser extent. For example, he described the Catholic Church as "only saving" (*alleinseligmachende*) twice in his work. Additionally, he advocated the conversion of non-Catholics, whom he openly acknowledged as erring. Nevertheless, true to his enlightened principles, he avoided condemning Protestants with terms such as heretics and insisted on brotherly love as the means by which to win converts.[102] Ultimately, the comparisons and contrasts between Hay, Heberstein, and Auersperg indicate the various extents to which authors could accept Protestants as similar to Catholics. However, each of these writers at least

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freundschaftlicher Beträglichkeit zu leben verbunden sind, auch nach ihrem Tode unter uns eine Ruhestätte gönnen."

[100] O'Brien cites this measure in order to classify Hay's understanding of the relationship between Church and state as Erastian (*Ideas of Religious Toleration,* 41). However, Hay's argument in favor of allowing Protestants to be buried in Catholic cemeteries based on religious principles seems to indicate some limitations to the state's authority on religious matters. He also later criticized Joseph's policy of six weeks of instruction for potential converts as well as his treatment of Bohemian Deists (42).

[101] O'Brien, *Ideas of Religious Toleration*, 42-44.

[102] Ibid, 45- 46.

engaged with such terms of debate, leading to the emergence of the commonalities among Christians as a consistent theme in the works of enlightened Catholics.

Conservative Catholic Responses

In comparison to such enlightened Catholics, the majority of Catholics rejected the compatibility of Catholicism and the Enlightenment in addition to criticizing Protestant toleration. In Upper Austria, for example, some members of the clergy had to be moved to parishes where there were no Protestants due to their resistance to Joseph's measures. In Hungary, bishops immediately protested; one even blamed Protestants for bringing "the Turks into Hungary in the first place, and thereby undermin[ing] the *Regnum Marianum,*"[103] accusing Protestants of threatening both religion and the state. The government authorities in Hungary also tried to subvert the *Patent.* However, Joseph closely observed the implementation process, punished those who created obstructions, and ended up extending toleration further than he had originally intended.[104]

Ultimately, however, the Catholic opposition was limited in size in Hungary.[105] Elsewhere, conservative Catholics also failed to launch a successful counterattack to the writings of enlightened Catholics such as Hay, which the government had distributed throughout the Monarchy. When the Archbishop of Görz refused to relay the measures of toleration to his diocese, he was removed from his position. While some clerics — including Archbishop of Vienna Migazzi — protested directly to the Emperor, most bishops obediently conveyed the new policy to their subordinates without objection.[106] Nevertheless, some conservative Catholics did

[103] Quoted in Balás, *Culture and Society,* 181.
[104] Balás, *Culture and Society,* 182.
[105] Ibid, 181.
[106] O'Brien, *Ideas of Religious Toleration,* 40.

publish works in opposition to toleration. One anonymous writer echoed Migazzi's written protest in the work *Ob seine Majestät der Kaiser die Toleranz einführen können,* which the censor eventually forbade The author wrote that any improvement in trade brought about by toleration would not justify the harm it would cause to the Church and true religion. Rejecting the Jansenist view that, in open debate with Protestants, the Catholic Church would inevitably prevail, the writer argued instead that toleration would only make Protestants more stubborn and difficult to teach. Ultimately, the author concluded that toleration would hurt the state more than it would help it.[107] In addition to describing the relationship between Catholics and Protestants as antagonistic, this work demonstrates the consistent presence of utilitarian arguments in the Protestant toleration debate.

The arguments of Patricius Fast, a cleric of St. Stephen's parish, provide additional insight into the attitudes of conservative Catholics towards toleration. Likely at the behest of Migazzi, Fast responded to a previous work from Jansenist Marc Anton Wittola. In this work, *Schreiben eines österreichischen Pfarrers über die Toleranz nach den Grundsätzen der katholischen Kirche,* Wittola based his arguments in scripture and Church history, justifying toleration as commanded by Christian charity. Though in contrast to Hay and other enlightened Catholics, Wittola refers to Protestants as "heretics" (*Ketzer*), he laments the religious divisions that coercion of conscience brought about,[108] preferring instead cooperation among all Christians. In Fast's response, he discounted Wittola's argument that Christian charity demanded tolerance. Instead, he compared Protestants to murderers and other criminals, whom the Emperor had a duty to punish out of love for his subjects.[109] Additionally, in 1782, Fast wrote a response

[107] Ernst Wangermann, *Die Waffen der Publizität: Zum Funktionswandel der politischen Literatur unter Joseph II* (Wien: Verlag für Geschichte und Politik, 2004), 50.
[108] Ibid, 48.
[109] Ibid, 49.

in opposition to Hay, titled *Katholische Betrachtungen über das Circularschreiben des Herrn Bischofes zu Königsgrätz an die Geistlichkeit seiner Diöces über die Toleranz,* which mirrored the themes present in the writing of Hay and others.

In contrast to Hay — and even Joseph at times — Fast emphasized the differences between Protestants and Catholics throughout this work, privileging Catholicism as the true, saving religion. For example, Fast consistently referred to non-Catholics as "heretics" (*Ketzer*) or "misbelievers" (*Irrgläubigen*). He also took issue with Hay's description of Catholic teachings as "opinions" (*Meinungen*). He wrote, "Opinions is a very erroneous term. Opinions are propositions which have no certainty; they give an appearance of truth, but they can also be false."[110] By finding fault with this term, Fast asserted the truth of Catholic doctrine over Protestant beliefs, thereby emphasizing the differences between Christian confessions.

Although Fast ascribed significance to such differences, he nonetheless invoked themes of Christian union to support his arguments in favor of proselytism (*Bekehrungseifer*). Opposing Hay, Fast asserted that according to scripture, the good cleric demonstrated their love for God and their neighbor by working to secure their neighbor's eternal salvation. Thus, Fast criticized clerics who "do not disturb their brother in his erroneous dreams, letting him eternally perish."[111] By using the terms "neighbor" and "brother," Fast invoked themes of Christian union. However, in contrast to Hay and other enlightened Catholics, he argued for increased proselytism instead of toleration.

In further support of his position, Fast presented the model of Christ, distinguishing between His treatment of repentant and resisting sinners. In regards to the latter, Fast asked, "Is

[110] Ibid, 9. "Meynungen macht einen sehr irrigen Begriff. — Meinungen sind Lehrsatze, die keine Gewißheit haben; sie geben einen Schein der Wahrheit von sich, sie können aber auch falsch sein."
[111] Ibid, 8. "…ihren Bruder in seinem irrigen Traume nicht zu stöhren, ihn ewig zu Grunde gehen lassen."

Christ also so affectionate, indulgent and gentle towards them? O! No."[112] Fast also challenged Hay's instruction not to visit Protestants on their deathbed in an attempt to convert them before death. He posed the question: "Is the cleric not then bound by the command of Christian love and brotherly improvement, that he comes himself?"[113] Once again, Fast justified this form of proselytism with Catholics' duties to their fellow Christians.

Additionally, Fast distinguished between civil and religious toleration. He argues that Joseph intended civil toleration, which was unfortunately sometimes necessary. However, according to Fast, Hay supported a superfluous religious or theological toleration. Fast stated:

> It is true that our Monarch introduced toleration, but it is a political toleration, which occasionally can and also must be allowed, as in the sad circumstances of the Peace of Westphalia; however, a spiritual and religious toleration is of another nature, which our Monarch does not depend on in his entire decree... Only you, my Bishop, do this is your letter![114]

Ex-Jesuit Zallinger vom Thurn made a similar assertion in his response to Hay. Thurn further developed Fast's position, questioning Hay's orthodoxy and accusing him of threatening to destroy the Catholic Church. Like Fast, Thurn believed that Hay had perversely construed Joseph's intentions in issuing toleration.[115]

Fast's and Thurn's engagement with Joseph's intentions demonstrate some of the tensions present between ideas of what toleration meant at this time. Conservative Catholics reluctantly endorsed a strictly civil toleration. On the other hand, enlightened Catholics, such as Hay, extended toleration further by supporting it with religious arguments. However, the

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[112] Ibid, 12. "Ist Christus auch gegen diese so liebreich, nachgiebig, und sanfmüthig?"
[113] Ibid, 32. "Verbindet alsdann den Geistlichen nicht das Geboth der christlichen Liebe, und der brüderlichen Verbesserung, daß er selbst komme…?"
[114] Patricius Fast, *Katholische Betrachtungen über das Circularschreiben des Herrn von Hay Bischofes zu Königsgrätz an die Geistlichkeit seiner Diöces über die Toleranz* (1782), 4. "Es ist wahr, unser Monarch hat die Duldung eingeführet, aber eine politische Duldung, welche zuweilen kann, und auch muß zugelassen werden, wie in den traurigen Umständen des westphälischen Friedens; Aber mit einer geistlichen und religiösen Duldung hat es eine andere Beschaffenheit, welche unser Monarch in seinem ganzen Decret nicht berühret... Nur Sie, mein Herr Bischof! thun es in ihrem Circularschreiben."
[115] Wangermann, 53.

conversion of Protestants remained a common goal of both enlightened and conservative Catholics, though they disagreed on the best means by which to accomplish this aim. Additionally, enlightened and conservative Catholics also resembled one another in their engagement with themes of comparisons between Protestants and Catholics as well as Christian union.

Protestant Responses

Themes of Christian union are also evident in a Protestant poem from Moravia, which was written in response to toleration in 1784. The author emphasized the similarities between Catholics and Protestants through the description of Protestants, especially in relation to Catholics, as well as by repeatedly mentioning the union of all Christians. The author began the poem by describing a time before toleration, writing, "Discord and jealously first yet separated his people, and they envied themselves — as if the Lord wants not to be worshipped in a thousand ways — customs and opinions."[116] Here, the author depicted Protestantism as one of many ways to worship, all of which are equally pleasing. Furthermore, by describing such worship as "customs and opinions," the author adopted a certain amount of religious pluralism, implicitly denying that there was one true way to worship. Next, reiterating this claim, the author stated that the dominant religion "condemned all…who did not think like them."[117] This statement provided value judgment on the validity of any religious beliefs, as Protestants were simply depicted as thinking differently from others.

[116] *Zwo Predigten gehalten bei Einweihung des protestantischen Bethauses in Brünn der Hauptstadt Mährens den 8. und 9ten Junius 1783* (1784), 2. "Erst noch trennten sein Volk Zwietracht und Eifersucht,/ und sie neideten sich — als ob der Herr nicht auch/ Tausend Arten verehrt sein / Wollte — Bräuche und Meinungen."
[117] Ibid, 3. "verdammten all… die nicht dachten wie sie."

Additionally, the poet diminished the difference between Protestants and Catholics by referring to both as "citizens." The author stated, "Does the hunter not go in quest of the damaging game just as the citizen persecutes the citizen from blind religious hate."[118] By indentifying adherents of Protestantism and Catholicism in this way, the author further drew attention to what they had in common. In describing the ideal of toleration, the poet wrote that the court would be blind to whether a Lutheran, Zwinglian, Jew,[119] Greek, or Orthodox stood before it,[120] making **each** appear equal before the law. Finally, in support of toleration, the poet argued that, "What does not harm humanity temporally will also not bring harm after death."[121] Once again, Protestantism was depicted without negative qualities.

In addition to describing Protestants in a way that made them seem more like Catholics, the author also completed this description through presenting the union of Christians in the poem. For example, the poet wrote, "We want to call ourselves brothers and share joy and sorrow as brothers,"[122] ultimately establishing a kinship between Protestants and Catholics. This bond was reiterated when the author celebrated that there was "no longer compulsion of the conscience in the Christian band."[123] Finally, the author described the Christian religions after toleration as "united in practice of the most outstretched, most pure, love of humanity."[124] Each of these statements established a connection between Protestants and Catholics that diminished their differences in favor of celebrating their resemblances.

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[118] Ibid, 2. "Spürt der Jäger nicht nach schadlichen Wild, wie aus / Blindem Religions-haß/Bürger Bürger verfolgt."
[119] By the time this poem was published, Joseph had extended toleration to Habsburgs Jews, which could have influenced their inclusion into this statement. However, the fact that the court is blind the religion of those standing before it suggests that the author is supporting civil toleration here and does not explicitly extended the bond among Christians to Jews.
[120] Ibid, 4.
[121] Ibid, 5. "Was der/ Menschenheit zeitlich nicht schadet,/Nach dem Tod auch nicht Schaden bringt."
[122] Ibid, 4. "Brüder wollen wir uns nennen, und Freud und Leid/ Teilen brüderlich."
[123] Ibid, 5. "Nie kein Zwang die Gewissen in der Christenheit bande mehr!"
[124] Ibid, 6. "In Uebung der Ausgebreitetsten, reinsten Menschenliebe vereinigen."

While the previous poet reflected the theme of Christian union present throughout the debate on Protestant toleration, statements from the first preacher of the evangelical congregation (*Gemeinde*), Fock, echoed the utilitarian arguments also present in writers' responses to toleration. In Fock's plan to build a school for Protestants — of which the majority of the community voted in favor — he desired a Christian education based in reason, which would enable students to live industrious lives as useful citizens, benefitting both themselves and others. The presence of this utilitarian argument indicates that the Viennese Protestant community adopted this aspect of the Enlightenment and measured themselves by the standards society had set for them.[125]

Such positive Protestant reactions were generally representative of Habsburg Protestants, who were, for the most part, grateful for the new measures of toleration.[126] In Hungary, both conservative and enlightened Protestants alike reacted favorably to the policy, as traditionalists expected religious revival and Enlightenment advocates anticipated further modernizing developments.[127] However, regarding education, Hungarian Protestants preferred the Hungarian constitution, which granted them greater autonomy in respect to their school system.[128] Some Protestants in the Monarchy were unsatisfied by other limits of toleration, such as the maintenance of Catholicism as the state religion and the inability to worship publicly.[129] Those who were more isolated within the Monarchy were so surprised by the changes brought about by

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[125] Ingrid Mittenzwei. *Zwischen Gestern und Morgen: Wiens Frühe Bourgeoisie an der Wende vom 18. zum 19. Jahrhundert* (Wien: Böhlau, 1998), 87.

[126] Karniel writes that, immediately following the issues of the *Patent,* most Protestants did not approve its measures. However, with the exception of the loss of autonomy in respect to the school system in Hungary, he does not fully support this claim. (*Die Toleranzpolitik Kaiser Josephs II,* 349). Beales, Mittenzwei, and Kosáry, on the other hand, emphasize the positive reactions of Protestants. Though there was obviously variation among Protestant reactions, given the improvement in the conditions of Protestants brought about by toleration, the latter interpretation seems more plausible. This is especially clear in comparison to the Jews, who had more to lose than Protestants (more in the following chapter).

[127] Domokos Kosáry, *Culture and Society in Eighteenth Century,* trans. Zsuzsa Béres (Budapest: Révai Printing House, 1987), 88.

[128] Karniel, *Die Toleranzpolitk Kaiser Josephs II*, 349.

[129] Ibid*,* 193.

the *Patent* that they refused to openly identify themselves as Protestants.[130] Due to a previous experience in Moravia in 1777, Protestants had learned to be suspicious of declarations of toleration, which could simply be a means by which to discover hidden Protestants and punish them.[131] Despite some backlash and limitations, the *Patent* ultimately represented an improvement in the conditions of Protestants, inspiring many grateful writings in response, such as the anonymous poem — a work which was characteristic of the Protestant toleration debate in its emphasis on the similarities between Protestants and Catholics.

Secular Enlightenment Responses

Like the previous enlightened Catholic, conservative Catholic, and Protestant authors, a number of secular enlightenment thinkers — who outwardly conformed to the Church while inwardly dissenting — also engaged in the debate over the similarities between Catholics and Protestants, describing their differences as unimportant. Following the publication of Gurk's letter, Joseph encouraged the clergy to use the measures of toleration to bring as many of the "erring" (*Irrigen)* back to the correct way (*rechten Weg)* as possible.[132] Both conservative and enlightened Catholics agreed on the ultimate purpose that Joseph presented here: the conversion of Protestants to Catholicism. On the other hand, secular enlighteners saw tolerance — not conversion — as an end in and of itself.[133] Consequently, both moderate and radical enlighteners, who had primarily begun to emerge among the Viennese elite in the 1770s, found Joseph's plan of toleration to be restrictive, citing the criminalization of atheism[134] and continued

[130] Beales, *Joseph II,* 196.
[131] Karniel, *Die Toleranzpolitik Kaiser Josephs II,* 348-49.
[132] Wangermann, *Die Waffen der Publizität*, 55.
[133] O'Brien, *Ideas of Religious Toleration,* 60.
[134] For the most part, the toleration of atheists was not a pressing concern in these debates, as atheists were rare at the time. Though the *Realzeitung* extended toleration to atheists, even the most radical Austrian thinkers did not

censorship.[135] These thinkers diminished the differences between Catholics and Protestants in their works in order to support their arguments in favor of religious liberty and natural religion.

Most of these skeptics belonged to the militantly secular Masonic lodge *Zur wahren Eintracht,* which produced the literary journal the *Realzeitung.* The journal contributed significantly to the public debate on toleration, reviewing works by authors such as Wittola, Hay, and Heberstein. The authors in the *Realzeitung* were consistently critical of attempts at Christian reunification, preferring instead to champion a natural brotherhood of men.[136] Though sharply different from Catholics in this respect, these secular enlighteners nonetheless took a stance on the similarities and differences between Catholics and Protestants. For example, one reviewer drew attention to the irreconcilability of Catholic and Protestant doctrines in order to argue in favor of the necessity of creating a new religion. Another insisted that the integration of Catholics and Protestants could not bring an end to religious divisions in Germany, as only individual enlightenment could accomplish that goal. Finally, a third author wrote that religious unity should be based on "rational knowledge of God" and ideas of morality common to all major religions, thereby emphasizing the similarities between religions while discarding their differences as unimportant.[137] Ultimately, each of these voices engaged with questions of the compatibility of Catholicism and Protestantism in their arguments in favor of religious unity based on enlightenment principles.

Like other more secular enlighteners, Heinrich Joseph Watteroth acknowledged the differences between Catholics and Protestants without ascribing much significance to them. In

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question the existence of God. Most believed, along with the state, that since religion is necessary to produce good citizens, atheism could threaten the state. (O'Brien, *Ideas of Religious Toleration,* 61)

[135] Jonathan I. Israel, *Democratic Enlightenment: Philosophy, Revolution, and Human Rights, 1750-1790* (Oxford: Oxford University Press, 2011), 292-94.

[136] O'Brien, *Ideas of Religious Toleration,* 59-60.

[137] Ibid, 60.

his work from 1781, *Für Toleranz überhaupt und Bürgerrechte der Protestanten in katholischen Staaten* — which justifies religious toleration as beneficial to the state as well as rooted in humanity (*Menschlichkeit),* reason, and Christian belief[138] — he found the differences between Catholics and Protestants merely to be theological opinions and the product of historical developments. Furthermore, he believed that Christians should come together to defend principles of natural religion, which both Protestants and Catholics shared, against the absence of religion. In his criticism of non-Catholic countries, he did not write of how far they were from Catholicism, but from the Enlightenment.[139] He further diminished the significance of religious differences, writing, "In the cabinet of a prince, political prudence, not belief, should reign."[140]Additionally, he rejected the right of a prince to determine the religion of his subjects: "Prince, you exist for us citizens, we do not exist for you."[141] This statement reflected his belief in religious freedom as a natural right. He did, however, find fault with rulers who have adopted complete religious indifference, stating, "A prince without any religion is a tyrannical predator of his subjects."[142]According to Watteroth, the purpose of religion was to produce better citizens. Consequently, priests should champion brotherly love,[143] once again seeking to overcome the differences between Protestants and Catholics.

Additionally, Watteroth made a number of claims regarding the usefulness of toleration to the state. For example, he wrote that Protestant toleration could bring about better relations

[138] Karniel, *Die Toleranzpolitik Kaiser Josephs II,* 356.
[139] Beales, *Joseph II,* 62-63.
[140] Heinrich Joseph Watteroth, *Für Toleranz überhaupt und Bürgerrechte der Protestanten in katholischen Staaten* (1781), 57. "Im Kabinette eines Fürsten soll Staatsklugheit, nicht der Glauben regieren."
[141] Ibid, 58. "Fürst du bist wegen uns Bürgern, aber wir nicht wegen dir…"
[142] Ibid, 59. "Ein Fürst ohne alle Religion auf dem Throne ist ein tirannisches Raubthier seiner Unterhanen."
[143] O'Brien, *Ideas of Religious Toleration,* 63.

with Protestant countries.[144] Additionally, he argued that the persecution of Protestants had brought ruin to the Catholic economy, providing a number of international examples from France, Salzburg, and Spain.[145] According to Watteroth, attempts to convert Protestants in the Habsburg lands had proved fruitless, as Protestants remained in the Monarchy. Meanwhile, "religious hatred pairs with the national hatred of the provincialists against Austria."[146] As a result, tolerance was necessary to in order to unite the many different parts of the Monarchy.[147] Watteroth held up Peter the Great as an example of a ruler who had successfully tolerated Protestant *Fachleute.*[148] Finally, Watteroth wrote that mixing religious dissenters among the rest of the population ultimately benefitted the state, as it allowed people to realize the commonalities between the various religions. The state should therefore forbid accusations of heresy and supervise the clergy to ensure the furtherance of fraternity among their congregations. However, while the Lutheran and the Reformed churches were of sound moral doctrine, some religious communities may have proven immoral or threatening to the state and should not have been tolerated.[149] In addition to reiterating the benefits of tolerance to the state, these final statements demonstrate the limits of toleration, suggesting that — even from the perspective of a secular-minded thinker — some religions could be too different.

Two other Viennese "radicals," Johann Pezzl and Johann Baptist Alxinger, also addressed the similarities and differences between Protestants and Catholics in their respective works. Pezzl could afford to be more radical than Watteroth because he published outside of the reach of the censors. He justified religious toleration — which he defined as the ability to leave

[144] Watteroth, 65. "Es ist wider alle Saatsklugheit, wenn ein Staat einer Religionsparthen die innere Aufnahme versat, dessen Bündniß und Schutz er für seine äußerliche Sicherheit nöthig hat. Portugal würde an dem Britten einen weit wärmern Vertheidiger haben; wenn sein Inquisitionsgerichte nicht den englischen Glauben verfolgte."
[145] Ibid, 68-70.
[146] Ibid, 71-72. "…Religionshaß mit dem Nationalhaße der Provinzialisten gegen Oestreich verpaare."
[147] Ibid, 72-73.
[148] Karniel, *Die Toleranzpolitik Kaiser Josephs II,* 356.
[149] O'Brien, *Ideas of Religious Toleration,* 64.

the state-sponsored religion — not with utility to the state or Christian principles, but with reason and the rights of humanity. Though, like other secular-thinkers, he condemned the reunion of the all Christians, he nonetheless compared Catholics and Protestants, condemning both for their intolerance.[150]

Alxinger, on the other hand, was the only radical to directly criticize Joseph's *Patent.* In his poem from 1783, "*Die Duldung,*" he took issue with maintenance of Catholicism as the state religion in addition to finding fault with the compulsion of all subjects to conform to one of the four churches. Influenced by the Masonic ideal of brotherhood, he also failed to find meaning in the differences between Catholics and Protestants — and even Jews — arguing that the prince should not question the citizens' religious views if they obeyed the law. In 1786, he also criticized a concession allowing Catholics to proclaim their church as the one, true, saving religion. Finally, Alxinger denied that any person or institution could realize absolute truth.[151] Pezzl and Alxinger ultimately echoed a trend among secular enlighteners to ignore the differences between Christian confessions in order to justify religious freedom and natural religion.

The Habsburg debate over Protestant toleration, which consistently engaged with questions concerning the similarities and differences between Protestants and Catholics, continued to unfold in the following years, primarily abroad. In Hungary, Joseph moved closer to religious equality, as he allowed Protestant chapels to have a bell or spire for the first time in 1786 and a street entrance in 1788. He also appointed a number of Protestants to government and

[150] Ibid, 64-67.
[151] Ibid, 67-69

university positions, though some restrictions remained.[152] However, despite these developments, Joseph's policy for the Habsburg lands remained mostly unchanged after 1783.[153] On the other hand, the most significant repercussions of Joseph's Protestant *Patent* emerged abroad. It received acknowledgement in a number of other countries — such as from the German political journal the *Staats-Anzeigen* in Göttingen and Edmund Burke in Britain — and even inspired increased toleration in France and Hamburg.[154] Reflecting Watteroth's argument, Joseph practiced a foreign policy that included supporting toleration in Catholic Germany in 1788 in order to facilitate cooperation between Catholic and Protestant states. Finally, attesting to his tendency to downplay the differences between Catholics and Protestants, two months before he died, Joseph declared that the number of Catholics and Protestants should no longer be kept track of, as the distinctions were unimportant to the state.[155] Although the debate regarding Joseph's policy of Protestant toleration shifted outside of the Habsburg boundaries as the decade progressed, this late statement by the Emperor indicates that the significance of differences between Protestants and Catholics remained a question worth answering.

[152] Kosáry, *Culture and Society,* 88.
[153] Beales, *Joseph II,* 207.
[154] Beales, *Joseph II,* 193-94.
[155] Ibid, 192-93.

Chapter Two: "To make the Jewish nation useful and serviceable to the State:"[156] Utilitarian Arguments in Response to Jewish Toleration

Scholarship on Jewish modernization and toleration of the late eighteenth century often presents a dichotomy between enlightened and traditional Jews. For example, Shmuel Feiner writes, "It seems that at this historic moment in Jewish history a series of battles were launched in the *Kulturkampf* between the modernist *maskilim* [enlightened Jews] and the orthodox enemies of the Enlightenment."[157] Edward Breuer echoes this portrayal in his piece on Berlin *maskil* Napthali Herz Wessely, whose work *Divrei shalom ve'emet,* or *Words of Peace and Truth,* publicly divided enlightened and traditional Jews.[158] Breuer emphasizes Wessely's isolated position, arguing that he was caught in the middle of this division, as he was too modern for traditionalists and too traditional for modernizers.[159] Even David Beales acknowledges this split, assigning geographic locations to the two camps — with Jews becoming increasingly less enlightened the further East one looks in the Habsburg lands.[160] Divisions at this time, however, did not solely take place between Jews. Hilde Spiel's work, for example, celebrates Fanny von Arnstein because she "moved half in the Jewish and half in the Christian world"[161] at a time when most Jews thought that they had to choose between orthodoxy and conversion, indicating a separation between Jews and the rest of society. However, despite the increasing polarization of enlightened and traditional Jews as well as the undeniable antagonism between Jews and Christians, authors with varying views on Jewish toleration and modernization did share some common ground. Christians, *maskilim,* and the rabbinical elite engaged in the same terms of debate in arguing for and against toleration. In addition to appealing to scripture and tradition,

[156] Joseph II, "Edict of Toleration," 1782, trans. P. Mendes-Flohr, in *The Jew in the Modern World: A Documentary History,* ed. Paul Mendes-Flohr and Jehuda Reinharz (New York: Oxford University Press, 1980), 42.
[157] Feiner, *The Jewish Enlightenment*, 162.
[158] Breuer, "Naphtali Herz Wessely," 37.
[159] Ibid, 28.
[160] Beales, *Joseph II,* 200.
[161] Spiel, *Fanny von Arnstein,* 166.

Jewish authors addressing Jewish toleration referenced the negative effects of oppression on Jews, the economic benefits of toleration, and the role of Jewish stereotypes in support of their arguments, ultimately echoing non-Jewish writers both in favor of and against toleration.

Beginnings of Jewish Toleration in the Habsburg Lands

Before 1772, there were about 150,000 Jews in the entire Habsburg Monarchy. However, the annexation of Galicia in that year increased the number of Jews by 200,000. In the eyes of Empress Maria Theresia, this addition necessitated the *Judenordnung* of 1776, which reduced the autonomy and increased the taxes of the Galician Jews. Elsewhere in the Monarchy, until 1780, the Habsburgs had tried to expel or convert Jews living in their central provinces. Jews had been allowed into these areas during the Middle Ages by virtue of royal privilege or protection. However, during the seventeenth and most of the eighteenth century, the Habsburgs, like the Catholic Church, saw the Jews as antagonists of Christianity and sought to rid their lands of Jewish presence.[162]

Although Maria Theresia expressed a desire to expel the Jews, she also recognized their economic value. Not only did wealthy Viennese Jews serve as financial advisors to the government, Maria Theresia also encouraged some to migrate to the more eastern lands in order to encourage economic and population growth. However, though the Habsburg Jews were needed to an extent, they were still subject to a number of restrictions throughout the Monarchy. In theory, they were completely barred from the most of the Austrian lands, and those in Vienna had to live in approved houses and could not worship publicly. Throughout the rest of the Monarchy (excluding Galicia, which, as a recent addition, was treated as an exception[163]), Jews

[162] Beales, *Joseph II,* 197-8.
[163] More on Galicia on pages 78-79.

faced restrictions concerning their population size, marriage regulations, residence (they were often forced to live in ghettos), interactions with Christians, occupations, clothing, and ability to hold government office or own property. They also had to pay special taxes to the government, including the *Leibmaut,* which was especially disliked, as it equated Jews with animals.[164]

On May 13, 1781, Joseph declared that, in order to make the Jews "more useful to the state," they should use the language of the province in which they lived in "everything that is to be binding in judicial or extra-judicial proceedings,"[165] with the exceptions of worship services. He justified this restriction on the basis that it would increase efficiency in the courts.[166] The statement included further instructions, such as allowing Jews two to three years to learn the language, requiring Christian schools to teach Jewish children where no Jewish schools existed, and lifting some restrictions on their occupations and clothing. Each provincial government was supposed to draft a proposal for how best to implement these changes within their own land. Additionally, Joseph simultaneously published an anonymous statement in which he wrote that the Jews' present inutility was the result of the restrictions placed upon them, which had originated due to Christians' prejudices toward Jews. This statement was also circulated to the provincial governments. Later, after being confronted with controversy among the provinces concerning the new policy, Joseph reiterated his intention to make the Jews "more useful."[167]

The exact policy of toleration varied by province, each of which eventually received a separate decree from Joseph, beginning with Bohemia on October 19. The *Patent* for Lower Austria, which included Vienna, was issued on January 2, 1782. Although it included a preamble testifying to Joseph's intention to improve the conditions of his Jewish subjects, in order to

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[164] Beales, *Joseph II,* 199-200.
[165] Quoted in Beales, *Joseph II,* 201.
[166] Beales, *Joseph II*, 201.
[167] Ibid, 201-03.

appease the opposition to the *Patent* its first seven paragraphs repeated restrictions in place since the 1764 *Judenordnung*.[168] It also stated that "We have no intention… to increase the number of the members of the Jewish religion in Vienna or in general elsewhere in Our states," though Joseph later proved willing to make exceptions for economically successful Jews.[169] Among other changes, it lifted restrictions on the trades Jews could practice "in order to facilitate their future means of support and to prepare the necessary ways of gaining a livelihood." It also encouraged them to invest in factories and manufacture in ways that "benefit the public." Furthermore, the *Patent* declared that all public transactions must take place in German due to the frequent interactions between Christians and Jews in trades.[170] Justifications such as these reflect Joseph's intention to increase Jews' productivity.

The variation between *Patents* from province to province was often considerable. However, while Joseph was willing to compromise some aspects of his proposal, even at the request of Jews themselves, such as in Hungary, he consistently prioritized Jewish use of provincial languages. Additionally, he abolished the *Leibmaut* everywhere in name, though this measure was not fully completed until 1785 and Jews still had to pay the same amount in other taxes. No *Patents* were issued in provinces without Jews, or in Italy, where they already lived under relatively favorable conditions. Bukovina proved to be another exception, as Joseph expelled all *Betteljuden*, which made up about half of the Jews from this land, in August 1781.[171] These poor "Jewish beggars" did not have stable jobs and were unable to pay their taxes, often allegedly committing crimes a result.[172] This expulsion also reflects Joseph's commitment to making the Jewish population more useful to the state, and reflects some of the limits to his

[168] Ibid, 203-04.
[169] Ibid, 210.
[170] Joseph II, "Edict of Toleration," 43-44.
[171] Beales, *Joseph II*, 204-07.
[172] Ibid, 200-01.

notion of toleration, as *Betteljuden* were likely some of the least economically productive Jews in the Habsburg lands.

In light of the variation and limitations of Jewish toleration in the Habsburg lands, historians have debated the extent of change that the various *Patents* implemented. Citing continued restrictions and the failure of toleration to accomplish the claims of some preambles, Derek Beales recognizes the limitations of toleration. On the other hand, while William O. McCagg, Jr., partly agrees with Beales, he also writes, "Joseph's work unmistakably constituted the first great generalized attack in modern European history by a Christian ruler against the medieval restrictions that burdened Jewish life."[173] Regardless of the extent of change it brought about, the toleration was controversial both within and outside of Jewish communities. Nor was the debate restricted solely to the Habsburg lands, as the reception of toleration within the Habsburg Empire was shaped by developments outside of it, particularly from the Jewish Enlightenment circle of Berlin.

Introduction to the Jewish Toleration Debate

The *Haskalah*, or Jewish Enlightenment, began among a group of men in central Europe during the eighteenth century. These men, who had been raised in the tradition of the religious elite, felt intellectually inferior to other educated Europeans. Consequently, the *maskilim* intended to enrich Jewish intellectual life in addition to improving the Jews' reputation among non-Jews. They pursued "external" knowledge outside of the Jewish tradition, which was forbidden to Jews, justifying their endeavors with religious purposes in order to avoid subverting their religion and being denounced by others. Their pursuit presented linguistic barriers, as many

[173] William O. McCagg Jr., *A History of Habsburg Jews, 1670-1918* (Bloomington: Indiana University Press, 1989), 29.

scientific terms did not have Hebrew equivalents, and they supported the revival of the Hebrew language. Additionally, the *maskilim* aimed to defend Judaism against the religious skepticism of the Enlightenment through philosophical arguments.[174]

After moving to Berlin, Moses Mendelssohn, the central figure of the *Haskalah,* transformed from a student of traditional Judaism to a philosopher. He became the first Jew to become completely integrated in German Enlightenment circles, securing his influence in the non-Jewish world. At the same time, he brought Enlightenment ideas to other Jews through a German translation of the Pentateuch accompanied by a Hebrew commentary. A number of *maskilim* contributed to this work, known as the *Be'ur* (Commentary), which received both support from *Haskalah* sympathizers and criticism from traditionalists.[175]

At Mendelssohn's suggestion,[176] Christian Wilhelm von Dohm, a German deist, Prussian government official, and friend of Mendelssohn, published *Über die bürgerliche Verbesserung der Juden* in September 1781. In the text, he argued that improving the treatment of the Jews would make them more useful to the state. Dohm's pamphlet quickly became a popular topic of discussion. Shortly after, Joseph issued his first *Patent* for Bohemia in October and then the *Patent* regarding Austria in January, which expressed the same desire to make the Jews more useful to the state with similar means to accomplish this goal.[177] When news of the measures reached Berlin, Mendelssohn compared Joseph's and Dohm's contributions.[178]

Although McCagg entertains the possibility that Dohm prompted Joseph's measures,[179] Beales refutes this claim on the grounds that it is chronologically impossible,[180] as Dohm

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[174] Shmuel Feiner and Natalie Naimark-Goldberg, *Cultural Revolution in Berlin: Jews in the Age of Enlightenment* (Oxford: Bodleian Library, 2011), 8-22.
[175] Ibid, 23-32.
[176] Feiner and Naimark-Goldberg, *Cultural Revolution in Berlin,* 39.
[177] Feiner, *The Jewish Enlightenment*, 123-4.
[178] Ibid, 124-25.
[179] McCagg, *History of the Habsburg Jews*, 30.

published his work in September after Joseph's initial declaration in May.[181] Despite this discrepancy, these two works nonetheless share many of the same terms of debate — such as references to Jews' usefulness to the state — which continued to shape discussions regarding Jewish toleration. Common themes were perpetuated by Johann David Michaelis, a German biblical scholar and professor of Oriental languages at the University of Göttingen, who responded to Dohm in 1782, and by Mendelssohn in his responses to Dohm and Michaelis in 1782 and 1783, respectively.

In comparison to Mendelssohn and Dohm, who found parts of Joseph's policy disappointing, especially Joseph's desire for Jews to convert to Christianity,[182] Wessely ignored its shortcomings in *Words of Peace and Truth,*[183] which was published in Berlin[184] and circulated widely inside and outside of the Habsburg lands. Wessely is considered one of the primary catalysts of the *Haskalah,* second only to Moses Mendelssohn. Caught between traditional Jews and modernizers, his isolated position among Jews is most clear in this work from 1782, in which he came out in support of toleration and called on Jewish communities to drastically restructure the way they educated their children. Ultimately, *Words of Peace and Truth* divided the Jewish public between the rabbinical elite and the *maskilim* circles.[185]

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[180] Beales, *Joseph II*, 200.
[181] There is considerable historical debate over why Joseph initiated toleration. McCagg argues that Joseph was prompted by the huge number of Jews added to the Habsburg lands after the annexation of Galicia (*History of the Habsburg Jews,* 29-30). Beales disagrees, citing Joseph's lack of interest in the Jewish population demonstrated in his reports from his visit to Galicia, as well as his delay in issuing toleration for this region. Beales rejects most other explanations, including the influence of the international community, Joseph von Sonnenfels, and the Viennese Jews. Allowing only for the potential influence of Kaunitz and Joseph's travels to Trieste, he prefers to credit Joseph with originality (*Joseph II,* 211-212). While Joseph may have acted somewhat of his own volition, there is still evidence to suggest outside influences, namely from the Viennese Jewish community. More on this on pages 51-52.
[182] Although Joseph expressed a desire for all of his subjects to become Catholic, he did not present toleration as a means by which to bring about Jews' conversion to the same extent as he did in the Protestant case.
[183] Feiner, *The Jewish Enlightenment*, 124.
[184] Feiner and Naimark-Goldberg. *Cultural Revolution in Berlin*, 44.
[185] Breuer, "Naphtali Herz Wessely," 27.

Wessely's work was a product of the Berlin circle and attests to the influence of Mendelssohn and Dohm. Wessely had contributed a commentary on Leviticus to Mendelssohn's *Be'ur,* and defended the project when it came under attack from Rabbi Landau of Prague and Rabbi Raphael Kohen of Hamburg-Altona. His essay in defense of the *Be'ur* strongly resembled *Words of Peace and Truth,*[186] which Mendelssohn later defended when Wessely received criticism from rabbis. Additionally, Mendelssohn read drafts of Dohm's *Über die bürgerliche Verbesserung der Juden,* which sat on Wessely's desk as he wrote the *Words of Peace and Truth*,[187] further demonstrating that the works of the three figures were closely intertwined.

Wessely's *Words of Peace and Truth* reached the Jewish upper class in Vienna, who had long been associated with the ideas of Moses Mendelssohn and the Berlin Enlightenment. Specifically, Fanny Arnstein had familial ties with Mendelssohn and personally shared his ideas.[188] When the rabbi of Berlin threatened to persecute Wessely for his text, Fanny's family helped him avoid condemnation. Even prior to the publication of Dohm's work*,* Viennese Jews had argued in favor of toleration on grounds similar to those later used by Dohm, Mendelssohn, and Wessely in an anonymous document titled "Vorschlag zur Verbesserung des Schicksals der Juden." Inevitably belonging to the circles of the Arnstein or Eskeles families, the author was a member of the Jewish upper class.[189] At the time, support for toleration came primarily from the elite, as most Jews thought toleration came at too high a price: assimilation.[190] Cabinet secretary Johann Valentin von Günther, who was infatuated with Eleonore Eskeles, delivered the document to Joseph, who was fond of him. When Joseph announced his intention to change his policy concerning the Jews, he also told the Lower Austrian government to create a report on

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[186] Feiner, *The Jewish Enlightenment*,128-33.
[187] Ibid, 119-121.
[188] Spiel. *Fanny von Arnstein,* 83.
[189] Mittenzwei. *Zwischen Gestern und Morgen,* 91.
[190] Spiel, *Fanny von Arnstein,* 69.

how to make Jews more useful to the state, informing the government of the points made in the anonymous document. While the document no longer exists, its contents can be inferred from the government report, which referenced the document's points when it was completed in September.[191]

Enclosed with the government report was a statement from the advisor to the court chancery, Franz Sales von Greiner, regarding Jewish toleration.[192] Franz was married to Charlotte Greiner, who, after being orphaned as a child, was taken in by Maria Theresia and raised at Schönbrunn palace, which prepared her for her later life as a salon host alongside her husband. Their salon had connections to the Viennese Freemasons, including Mozart, who performed at their home a number of times, and who, like Greiner, belonged to the lodge *Zum wahren Eintracht*.[193] Additionally, Caroline Pichler, the daughter of Greiner, frequented Fanny's salon and was also acquainted with Eleonore Eskeles.[194] Given the biography of Greiner and his family, it no surprise that in his statement accompanying the government report, he participated in the toleration debate using similar arguments as the author of the anonymous Viennese document.

The report, however, was rejected in favor of Joseph's proclamation of January 2, 1782. No individual Jews were consulted, though the anonymous document was given consideration. Additionally, Fanny, whom Günther possibly introduced to the Emperor, could have influenced Joseph's decree. She allegedly once went to the Emperor to request that he look favorably upon the Jews, [195] and he visited her salon twice. Given the correspondence between the arguments of the anonymous document and Joseph's plan of toleration for the Jews — which met the request

[191] Ibid, 68-70
[192] Ibid, 71.
[193] Melton, *The Rise of the Public in Enlightenment Europe*, 216-17.
[194] Spiel, *Fanny von Arnstein*, 205-06.
[195] Ibid, 69-72.

for access to additional professions[196] — as well as Fanny's interaction with the Emperor, it is clear that the Jewish elite exercised considerable influence in Vienna.[197]

Thanks to Fanny's family, Mendelssohn's and Wessely's books and letters were also able to reach the Jewish community at Trieste.[198] Notably, the initial contact between Trieste and the *maskilim* in Berlin — which took the form of a letter from the Triestine Jews communicating their plans for Jewish secular education and seeking information about textbooks — was spurred by Habsburg official Governor Zinzendorf. Even before Wessely received the letter in Berlin, he had praised the Italian Jews in *Words of Peace of Truth* for their knowledge of the Italian language.[199] Additionally, after he received criticism and even threats in response to his work, he sought out the support of Italian rabbis. Wessely received support from several rabbis; however, their defense of him was qualified, as they rejected his dichotomy between human and divine knowledge and diverged from his plan of education by delaying nonreligious study in their curriculum.[200] Nevertheless, the Italians' belief in the necessity of culture as well as religion — though religion remained primary — was reconcilable with Wessely's vision, and they chose to emphasize their similarities instead of their differences in their response.[201]

Before the Triestine Jews' involvement in the Wessely affair, they and Zinzendorf had participated in the toleration debate using similar arguments as the later writers on toleration. Though the Jews of Trieste did not receive their own *Patent*, Joseph did issue a court resolution

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[196] Mittenzwei, *Zwischen Gestern und Morgen,* 90.
[197] In contrast to Spiel and Mittenzwei, Beales pushes back against the possibility that Fanny or Günther significantly influenced Joseph's decision to issue the *Patent,* citing the lack of evidence of Fanny's interaction with the emperor, Günther's subordinate status, and Joseph's hypothetical disapproval of Günther's relationship with Eskeles. Preferring to credit Joseph with originality, Beales nonetheless allows for the potential influence of Kaunitz, who found value in the Viennese Jews, which still attests to their influence, even if indirectly. (*Joseph II,* 212)
[198] Spiel, *Fanny von Arnstein,* 88.
[199] Lois C. Dubin, *The Port Jews of Habsburg Trieste: Absolutist Politics and Enlightenment Culture* (Stanford: Stanford University Press, 1999), 120.
[200] Sorkin, *The Jewish Enlightenment*, 177-80.
[201] Dubin, *The Port Jews of Habsburg Trieste,* 128-29.

on December 19, 1781, which reached Trieste on January 16, 1782.[202] However, Zinzendorf had previously received Joseph's intentions of May 13, which he translated on May 31 into Italian in order to communicate it to the Jewish community. While translating, he made a number of changes that were revealing of many of the ideas regarding toleration circulating at the time. Zinzendorf's previous experiences — including his conversion to Catholicism from Protestantism, his exposure to Enlightenment thought through his training and travels, and his role as a translator of Josiah Tucker's work concerning religious toleration in England[203] — likely influenced his position on toleration, which came through in his translation of the resolution.[204] Furthermore, on September 27, 1781, the Jews of Trieste sent two petitions to Zinzendorf — one for the emperor and one for the governor — in which they responded to Joseph's May proposal, engaging with similar terms of debate.[205]

In contrast to Fanny's Arnstein's circle in Vienna and the Triestine Jews, the orthodox position was championed elsewhere both within and outside of the Habsburg lands. In March 1782, on Shabbat HaGol, the Sabbath before Passover, Rabbi David Tevele, a member of the rabbinical elite, and Rabbi Yehezkel Landau, "the most senior religious authority of that generation," gave sermons in Lissa in Western Poland and in Prague, respectively. Both rabbis, who communicated with one another, condemned Wessely while praising Joseph and his plan of toleration in their sermons, which they circulated throughout Europe. In addition to sending his sermon to rabbis in Hungary and Moravia, Landau — who feared that Wessely would travel to

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[202] Ibid, 73.
[203] Tucker was a British cleric who argued in favor of the Jewish Naturalization Act of 1753, or "Jew Bill," which proposed removing discriminatory measures against foreign-born Jews, including forcing them to pay alien duties. Tucker justified his argument with economic benefits, as he wrote that the British indirectly taxed themselves by taxing such Jews — a view that failed to gain popular support. He also argued in favor of Jewish toleration on the grounds that the Glorious Revolution ensured it. Todd M. Endelman. *The Jews of Georgian England 1714-1830* (Ann Arbor: University of Michigan Press, 1999), 24, 33, 37-38.
[204] Ibid, 76.
[205] Ibid, 79.

Vienna, where, with the assistance of the Jewish elite, he would incite hostility between the rabbinical elite and government officials — wrote to Vienna to urge Jews there to refuse to receive Wessely.[206]

Furthermore, shortly after Tevele gave his sermon, three Polish rabbis had already threatened Wessely.[207] Even though the emperor did not exercise authority in Lissa, Tevele nonetheless perceived *Words of Peace and Truth* as an attack on all rabbinical authorities and felt compelled to speak out. Ranging from members of the rabbinical elite — such as Landau and Tevele — to enlightened Jews and non-Jews, participants in the debate over Jewish toleration were not limited to the Habsburg lands, nor were they limited in the variety of their positions on the matter. Despite the range in the authors' views, three distinct themes emerged in the writings of those on both sides of the debate: the effects of oppression on Jews, the economic benefits of toleration, and Jewish stereotypes.

Effects of Oppression

A number of authors, including Dohm, Mendelssohn, Wessely, the anonymous Viennese author, and Greiner, referenced the negative effects of Christian legal oppression on Jews' ability to be productive and useful to the state. According to Dohm, feelings of hostility and corruption on the part of the Jews were the result of their oppression. While alleged Jewish corruption was used to justify the restrictions placed on them, he observed, the restrictions were actually the cause of that corruption – to the extent it exists – and therefore of their diminished usefulness to the state. He wrote:

> If I am not entirely mistaken there is one error in this reasoning, namely that one states as cause what in reality is the effect, quoting the evil wrought by the past

[206] Feiner, *The Jewish Enlightenment*, 87-88.
[207] Ibid, 142.

> erroneous policy as an excuse for it… this supposed greater moral corruption of the Jews is a necessary and natural consequence of the oppressed condition in which they have been living for so many centuries.[208]

In fact, according to Dohm, "The hard and oppressive conditions under which the Jews live almost everywhere would explain, although not justify, an even worse corruption than they actually can be accused of."[209] Moreover, he wrote, "…any other group of men, under the same conditions would be guilty of identical error," placing the blame for supposed Jewish limitations solely on their subjugation, the effects of which were "stronger than his [the Jew's] religion."[210]

However, he argued that Jewish corruption could be eradicated by improving their conditions, as "With the elimination of the unjust and unpolitical treatment of the Jews will disappear the consequences of it; and when we cease to limit them to one kind of occupation, the detrimental influence of that occupation will no longer be so noticeable."[211] In addition to access to professions outside of commerce, Dohm recommended specific measures to make Jews more useful, including equal rights, abolishment of privileges, integration of their places of residence with Christians, instruction in provincial languages, education in science without interfering in religious education, and allowing Jews to build synagogues and serve in the military.[212] Such emancipation would lead to feelings of gratitude and love of the state. Dohm wrote, "how would it be possible for him [the Jew] not to love a state where he could freely acquire property and freely enjoy it… He would look at his country with the eyes of a long-misjudged, and finally after long banishment, re-instated son."[213]

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[208] Christian Wilhelm von Dohm, "Concerning the Amelioration of the Civil Status of the Jews," 1781, trans. Heather Lederer, in *The Jew in the Modern World: A Documentary History,* ed. Paul Mendes-Flohr and Jehuda Reinharz (New York: Oxford University Press, 1980), 29.
[209] Ibid, 29.
[210] Ibid, 30.
[211] Ibid, 30.
[212] Ibid, 27-34.
[213] Ibid, 28.

Mendelssohn intended to support Dohm's work by translating into German Menasseh ben Israel's *Vindicae Judaeorum,* a seventeenth-century work written in favor of granting Jews readmission to England. The pamphlet included a list of common accusations against Jews, many of which were still alleged during Mendelssohn's time. In a preface to the 1782 translation, Mendelssohn wrote that Jews were blamed for the results of their own oppression.[214] He states, "We are excluded from all arts, sciences, and useful occupations and activities of mankind; all means to useful improvement are closed to us, and our lack of applied knowledge is made the cause of continued oppression. Our hands are tied and we are rebuked for not using them."[215] According to Mendelssohn, the prejudices invoked in arguments against granting Jews rights were the result of the restrictions placed on them.

Similar arguments are evident in Mendelssohn's response to Michaelis, who had accused Jews of being thieves. Mendelssohn wrote that there were many more German than Jewish thieves. Furthermore, he suggested that Jews were forced to steal because of the limited number of professions available to them as well as their lack of protection, whereas Germans could take up another occupation. Although Mendelssohn rejected the negative picture of the Jews' present condition painted by Dohm in his work[216] — in contrast to Dohm's "civil improvement," Mendelssohn preferred the phrase "civil admission"[217] — this argument about Jewish thieves echoed Dohm.[218]

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[214] David Jan Sorkin. *Moses Mendelssohn and the Religious Enlightenment* (Berkeley.: University of California Press, 1996), 112-113.
[215] Quoted in Sorkin. *Moses Mendelssohn and the Religious Enlightenment,* 113.
[216] More on Dohm's acceptance of Jewish stereotypes on 67-68.
[217] Jonathan Hess, *Jews and the Claims of Modernity* (New Haven: Yale University Press, 2002), 30.
[218] Feiner and Naimark-Goldberg argue that Mendelssohn and Dohm also differed in their views on how to best integrate Jews into the state — according to them, for Dohm, granting Jews rights was conditional on their improvement, whereas Mendelssohn believed Jews should be granted rights regardless of reform (*Cultural Revolution in Berlin*, 39-40). Hess, on the other hand, writes that Dohm was in fact radical because, in his plan, improvement came after citizenship, whereas most of his contemporaries demanded that improvement come first. (*Germans, Jews and the Claims of Modernity*, 29, 35.) While Dohm seemingly placed limits on the rights he was

Like Dohm's work, Wessely argued in favor of Joseph's plan of Jewish toleration and changes to Jewish education using arguments concerning the effects of oppression on the Jews. According to Wessely, Jewish children should be educated in both "human knowledge" and "revealed knowledge." Human knowledge — which included "etiquette, the ways of morality and good character, civility and clear, graceful expression" as well as truths founded in reason, such as the natural sciences — was necessary to learn revealed knowledge, which included God's laws and teachings found in the Torah and is beyond reason. Wessely wrote, "Therefore he who lacks human knowledge, even though he has learned the laws and teachings of God and lives according to them, give no pleasure to others…"[219] Even though revealed knowledge was superior to human knowledge, according to Wessely, "he who is ignorant of the laws of God, but is versed in human knowledge… will benefit the remainder of humanity," whereas he who lacked human knowledge is "worse than useless."[220] Lacking human knowledge, in Wessely's opinion, hindered one's ability to be useful.

Using distinctly accusatory and emotionally charged rhetoric in comparison to Mendelssohn, Wessely added that Jews, particularly in Germany and Poland, have neglected human knowledge due to no fault of their own:

> We should not pour out our anger upon ourselves or direct our complaint against ourselves. Rather, it is the nations who have hosted us for more than a thousand years who are to blame for our misfortune, for they have terribly wronged us by the command of their kings and ministers. Inspired by many evil motives they have risen against us to destroy us and to humble us to the dust, for which purpose they subjected us to irrational decrees.[221]

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willing to grant Jews prior to improvement — for example, he wrote that Jews should not yet serve as civil servants (Hess, 41), and, in his second volume, responded to his critics by stating that Jews could not receive equal rights until they were willing and able to serve in the military (Hess, 39) — which Hess acknowledges, Hess' interpretation remains more true to Dohm himself than Feiner and Naimark-Goldberg's understanding.

[219] Wessely, "Words of Peace and Truth," 74-5.

[220] Ibid, 75.

[221] Ibid, 75.

Due to such decrees, Jews have lost the desire and ability to attain human knowledge and instead focused entirely on revealed knowledge. If Jews were to practice etiquette, they would be slandered; if they spoke with proper grammar, no one would listen; the arts and science were useless to Jews due to restrictions on their occupations. Consequently, Jews stopped teaching human knowledge, and, once lost, they could not regain it — even under benevolent kings — because Jews did not have the necessary books in Hebrew and could not read other languages. Ultimately, for Wessely, Jewish oppression was responsible for Jews' lack of human knowledge.

Such arguments are also evident in the anonymous document from Vienna, which criticized the *Judenordnung* of 1764 on the grounds that religious hatred (*Religionshaß*) was the root of the oppression and constraint (*Bedrückungen* und *Einschränkungen)* of the Jews. The document, which was written and delivered to Joseph prior to the issuance of his toleration policies, began by drawing attention to the oppression of Jewish merchants and ended by calling for the lifting of employment restrictions.[222] According to the document, due to such restrictions on Jews they struggled to economically sustain themselves,[223] contributing to their lack of productivity.

Furthermore, reference to the negative effects of oppression on Jews was present in Greiner's statement. While the government report essentially rejected the most important parts of the anonymous document in favor of maintaining the present policy toward Jews, Greiner wrote that, without ambition or hope, Jews would be inactive and uncooperative.[224] In light of the current restrictions on Jews, "they [Jews] could be of little use to the state, and, in fact, could not even wish to be of use; indeed, it would have been better for them and for other subjects if they

[222] Mittenzwei, *Zwischen Gestern und Morgen,* 90.
[223] Spiel, *Fanny von Arnstein,* 70.
[224] Ibid, 70.

had not been settled here at all, rather than be tolerated in the way they have been."[225] Greiner, who advocated for complete equality for the Jews, recognized that such a proposal would not be well received by the Lower Austrian government, most of his colleagues, and the Emperor, and thus he did not call for such equality.[226] However, he nonetheless made his opinion known in his statement, referencing the negative effects of oppression on the Jews to support his claim.

Finally, Zinzendorf and the Triestine Jews presented these effects in their discussion of the Joseph's May 13 proposals. In Zinzendorf's translation, he changed the purpose of the proposals from "making Jews more useful to the state" to "improving the condition of the Jewish Nation[227] residing in the most blessed Hereditary Provinces."[228] He thereby advocated improvement of the circumstances in which Jews live, instead of the Jews themselves. He further emphasized this distinction in a letter to the governor of Fiume, in which he rejected improving the education (*Bildung)* of the Jews in favor of their fate (*Schicksal),* once again presenting the oppression of the Jews as the problem. Zinzendorf likely adopted this view because he interacted with Jews who were already assimilated to a significant degree and, hence, did not need to change.[229] Additionally, the Jewish leaders adopted this argument themselves in their response, blaming restrictions — instead of an inherent Jewish quality — for Jewish deficiency or corruption. On the other hand, they wrote Joseph's proposed changes would improve relations between Jews and Christians and benefit both individuals and the state.[230]

Economic Benefits of Toleration

[225] Quoted in Spiel, *Fanny von Arnstein*, 71.
[226] Spiel*, Fanny von Arnstein*, 71.
[227] While Joseph often used the term nation, it did not have racial implications at this time, but simply implied religious identity. While this had sociological implications, Jews could obtain Catholic rights by converting. (Beales, *Joseph II,* 197; McCagg, *History of the Habsburg Jews,* 31).
[228] Quoted in Dublin, *Port Jews of Habsburg Trieste*, 73-74.
[229] Ibid, 74.
[230] Ibid, 81-82.

In addition to giving attention to the negative effects of oppression, Dohm, Mendelssohn, Wessely, and the Viennese writer, as well as Tevele and Landau, focused on the economic benefits of toleration. While Dohm and Mendelssohn argued that granting Jews citizenship would be economically beneficial to the state, Wessely and the Viennese author discussed the economic benefits of toleration for both the state and Jews themselves, the latter aspect of which was echoed in Tevele and Landau's responses.

Dohm justified his proposed plan for Jewish integration with economic advantages. He recommended abolishing restrictions on Jewish occupations and argued that Jews, once integrated, should no longer retain any privileges. He wrote, "When no occupation will be closed to Jews, they should not have a monopoly on any occupation in preference to other citizens."[231] Consequently, Jews would have to observe laws regulating commerce, including keeping interest rates under the legal limit and observing rules regarding lending money. Furthermore, Dohm endorsed the requirement of Jews to use German in all extra-religious activities, the economic effects of which he also cited, asserting, "This would facilitate communication with Christian merchants and in cases of litigation over these books the judges would have less difficulties."[232]

While Mendelssohn rejected the assumption that Jews were presently unproductive consumers, arguing instead that they were producers,[233] he nonetheless made an economic-based argument for toleration in his response to Dohm, holding up Holland as an example of economic success. Mendelssohn believed that commerce did not draw people to Holland, but people drew commerce to Holland. He then explained what originally drew the people themselves to the country:

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[231] Dohm, "Concerning the Amelioration of the Civil Status of the Jews," 30.
[232] Ibid, 31.
[233] More on Mendelssohn's rejection of this stereotype on page 68.

> What else but liberty, mild government, equitable laws and hospitable manner in which men of all complexions, garbs, opinions, manners, customs and creeds are admitted, protected and quietly allowed to follow their business? Nothing else but these advantages have produced, in Holland, the almost superabundant blessings and exuberance of prosperity, for which that country is so much envied.[234]

For Mendelssohn, Holland's laws were justified by the economic success they bring about.

Additionally, according to Mendelssohn, Dohm had written on potential limits of the benefits population growth could provide to the state, attempting to find the point at which such growth could become harmful.[235] However, Mendelssohn rejected the notion of limiting population growth, as it led to innovation in the ways the population earns a living. In fact, he wrote, "there never has been a thinning or emigration of the people, which was not the fault of the laws or management of them. As often as, under any government whatsoever, men become a nuisance to men, it is owing to nothing but the laws of their administration."[236] Therefore, it was not the Jews, but the laws that need improvement. After expanding the category of "producers" to include Jews, Mendelssohn advocated "competition," "unlimited liberty," and "arid equality of the laws of buying and selling,"[237] once again referring to Holland as the standard:

> It is merely through competition and rivalry, through unlimited liberty and equality of the privileges of buyers and sellers, of whatsoever station, quality, or religious persuasion they be, that all commodities have their price there, but with a moderate difference as to buying and selling; while rivals and competitors bring both the parties to a mean, which tends to their mutual advantage. Hence, with a small sacrifice, you can buy or sell any article whatsoever, at all seasons of the

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[234] Moses Mendelssohn, "Response to Dohm," 1782, trans. M. Samuels, in *The Jew in the Modern World: A Documentary History,* ed. Paul Mendes-Flohr and Jehuda Reinharz (New York: Oxford University Press, 1980), 37.
[235] Mendelssohn's statement related to Dohm's engagement with the Prussian policy of "internal colonization," which involved attracting foreigners to settle in the country in order to bring about economic growth. The Jewish population, however, was to be kept as low as possible. Dohm found hypocrisy in these two policies and presented his plan for Jewish civil improvement as a means by which to substitute Prussia's current Jewish inhabitants for foreign settlers. Dohm's plan ultimately promoted economic prosperity while putting Enlightenment universalist principles into action. (Hess, *Germans, Jews and the Claims of Modernity,* 27-28).
[236] Mendelssohn, "Response to Dohm," 37-8.
[237] Ibid, 39.

> year, and at all times of the day, nowhere better, and with greater ease, than at Amsterdam.[238]

Ultimately, Mendelssohn justified his recommendations concerning population growth and regulation of trade with the promise of prosperity.

In *Words of Peace and Truth*, Wessely described Joseph's plan of toleration as both divinely intended and practical. Invoking religion, he wrote, "O Generation! You have seen that God is good. He has raised up a great man, a saviour to mankind, the exalted emperor, His Majesty Joseph II."[239] This religious appeal reflected Wessely's Jewish audience. He specifically praised the measures lifting restrictions on occupations, which had obvious economic benefits. According to Wessely, "He [Joseph] has unshackled the disabling bonds by permitting the Jews to engage in all forms of cultivation of the land, to work in all crafts and to trade in all merchandise.[240]"

In regards to practicality, Wessely argued that toleration would benefit both Jews and the state. He recommended the idea of establishing schools where Jewish children could learn German and the natural sciences. Acknowledging the positive effects of this measure on Jews, he wrote, "Knowledge of these subjects can only strengthen the House of Israel and mend the breaches made by the preceding rulers…"[241] He then continued, "And thus, the children of Israel will also be men who accomplish worthy things, assisting the king's country in their actions, labor and wisdom."[242] Even though Wessely addressed a Jewish audience, he held up usefulness to the state as justification for toleration, presenting it as an ideal towards which Jews should strive.

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[238] Ibid, 39.
[239] Wessely, "Words of Peace and Truth," 77.
[240] Ibid, 77.
[241] Ibid, 77.
[242] Ibid, 77.

Economic arguments are also evident in the anonymous Viennese document and subsequent report from the Lower Austrian government. In the first lines of the document, the author asserted that Jews were unnecessarily limited in their ability to earn a living.[243] For obvious reasons, Jews would have been negatively impacted by their inability to support themselves; however, the state should also have taken issue with such a problem, as it was interested in making the Jews more productive and useful. Consequently, it is no surprise that the government report agreed with the claim that Jews were overly limited by imposed economic restrictions. The affirmation of this claim by the report, which rejected most other points of the anonymous document, demonstrates the prevalence and widespread appeal of claims about the economic benefits of toleration at this time.

In responding to both the resolution and Wessely, Triestine Jews drew attention to the economic benefits of toleration. In requesting the continuation of their current privileges, they wrote that this would allow them to support themselves financially without partaking in anything dishonorable.[244] Coming out in support of Wessely's plan for Jewish education, Jewish merchants in Trieste and a number of other parts of Italy also spoke of the economic benefits and integration it would bring.[245] Even in a location where they already enjoyed considerable occupational freedom, these Jews continued to support their arguments with economic justifications.

Economic arguments in favor of certain aspects of toleration, specifically the usefulness of learning German, permeated internal Jewish debates over toleration among proponents and opponents alike. In Landau's sermon on the Sabbath before Passover, Landau criticized Wessely, writing, "an evil man has arisen from our own people and brazenly asserted that the Torah is not

[243] Spiel, *Fanny von Arnstein,* 70.
[244] Dubin, *Port Jews of Habsburg Trieste,* 82.
[245] Ibid, 132.

all important, that an animal carcass is worth more than Talmudic scholars, that etiquette is more vital than the Torah."[246] Despite his disdain for Wessely, Landau recognized the value of etiquette and knowledge of the local language, praising the government for having decided to teach German to Jewish children. He primarily supported this idea (and his other claims) using religious arguments and citing scripture, as expected by virtue of its being a sermon addressed to a Jewish audience. For example, he observed, "Even in the Bible we were criticized for not knowing how to speak the various languages of one's neighbors."[247] He later added, "Even in the time of the last prophets, the king commanded that Daniel, Hananiah, Mishael and Azariah be taught the literature and language of the Chaldeans, and they distinguished themselves both in this area and in their knowledge of Torah and their performance of good deeds."[248]

Unlike Wessely, Landau privileged the study of the Torah; however, he also found religious justification for pursuing the study of language and etiquette. Furthermore, he referenced the economic benefits of knowing the language of their country of residence. He stated:

> Torah unaccompanied by labor will eventually come to naught, but most of our labor is in the area of trade commerce, which requires the ability to write and to speak the language of the country. Likewise, the members of the Sanhedrin, the pillars of the Torah faith, were required to understand the languages of other peoples.[249]

Even within a religious context, he justified Jewish use of the German language by holding up the economic benefits of toleration, specifically the role of language in facilitating trade. By suggesting that this aspect of toleration would make it easier for Jews to earn a living, Landau

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[246] Ezekiel Landau, "Sermon on Wessely and the Edict of Tolerance," 1782, trans. Marc Saperstein, in *The Jew in the Modern World: A Documentary History,* ed. Paul Mendes-Flohr and Jehuda Reinharz (New York: Oxford University Press, 1980), 81.
[247] Ibid, 81.
[248] Ibid, 82.
[249] Ibid, 82

demonstrated the compatibility of such economic arguments with the internal Jewish debates of the time.

Tevele's sermon also included this compatibility between the study of the Torah and the study of the German language. In the sermon, Tevele launched a polemic attack on Wessely, invoking scripture and religious language in order to warn Jews against his ideas. After summarizing *Words of Peace and Truth*, Tevele discounted Wessely's authority due to his lack of religious knowledge, writing, "Aside from the fundamentals of the Hebrew language and a simple rudimentary knowledge of Scripture and the commentaries, this man is bereft of the sublime wisdom of the Torah."[250] Throughout the sermon, Tevele virulently criticized Wessely in a number of passages: "Beware! This man, Wessely is an impious man. Beware, do not draw near to him!" He also wrote, "Wessely, a foolish and wicked man of coarse spirit.... A carcass is better than he!" Or yet again: "You, Wessely, are a despicable man. Shame on you!"[251]

Tevele made such statements in order to discredit Wessely's interpretation of Joseph's toleration policies and provide his own understanding of the interpretation of the Emperor:

> The Emperor has commanded all his subjects the following: Every child shall be taught to speak and write the German language so that he will know the language of the land. Everyone shall [also] remain true to the rites and principles of his faith; no part of his faith shall be made alien to him. No Jew will be prevented from fulfilling the fundamentals of our faith, the Written and Oral Torah. [252]

According to Tevele, contrary to Wessely's claim, "In the abundance of his righteousness he [Joseph II] actually wishes to strengthen the fortress of religion, each man according to his

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[250] David Tevele Ben Nathan, "A Sermon Contra Wessely," 1782, trans. S. Fischer and P. Mendes-Flohr, in *The Jew in the Modern World: A Documentary History,* ed. Paul Mendes-Flohr and Jehuda (New York: Oxford University Press, 1980), 78.
[251] Ibid, 78-79.
[252] Ibid, 78-79.

faith."[253] Like Landau, Tevele accepted that the use of the German language by Jews was compatible with the integrity of Judaism.

Also like Landau, it is possible that Tevele was conscious of a potentially negative reception of an attack on the Emperor's measures of toleration.[254] If this was the case, it is unlikely that he would have outright criticized his policy. However, it could have been cause for concern for Tevele. Instead of condemning the Emperor, his sermon strategically criticized a fellow Jew for comprising the Jewish tradition while praising the Emperor and his policy in addition to providing a less threatening interpretation. Upon further reflection, it seems that, in his sermon, Tevele attributed his preferred system of toleration to the Emperor. Tevele's interpretation differed sharply from the impression given by the language and measures of the policy itself, in which strengthening religion was not a primary goal.

Regardless of the validity this explanation may claim, it is notable that Tevele praises the Jewish use of the German language, which he must have found compatible with the preservation of traditional Judaism, likely for its economic benefits. He even acknowledged the necessity of the limited study of language and science for merchants and craftsmen. He wrote, "For truly all parents would wish to provide their children with every *chokmah* [wisdom] and science, every craft and occupation."[255] Even within a religious context, Tevele, like Landau, alluded to an economic justification of this aspect of toleration.

Jewish Stereotypes

Some of the previous arguments rested on the notion that Jews were not useful to the state in their present condition due to excessive restrictions placed on them. However, this

[253] Ibid, 79.
[254] Landau, "Sermon on Wesssely and The Edit of Tolerance," 83.
[255] Quoted in Feiner, *The Jewish Enlightenment*, 91.

assumption was contentious in debates over toleration at this time. For example, Mendelssohn took issue with Dohm's claim that Jews were not presently productive. Michaelis, on the other hand, listed a number of Jewish stereotypes, which he argued provided reasons why Jews cannot be useful to the state, and thus denied the role of state restrictions. Jewish stereotypes, championed by some authors and questioned by others, provided a rhetorical battleground not only in Dohm, Michaelis, and Mendelssohn's works, but also the Viennese document and Landau's sermon.

In *Über die bürgerliche Verbesserung der Juden*, Dohm accepted the reality of Jewish stereotypes in the Jews' present condition, while simultaneously denying them as inherent to Jews. Playing into contemporary conceptions, he allowed: "Let us concede that the Jews may be more morally corrupt than other nations; that they are guilty of a proportionately greater number of crimes than the Christians; and that their character in general inclines more toward usury and fraud in their commerce, that their religious prejudice is more antisocial and clannish…"[256] However, he did not find these problems to be a result of their religious views, writing that their religion did not prevent them from "fulfilling their duties to the state," nor did it contain "antisocial principles."[257] According to Dohm, Judaism did not create any more antagonism toward non-Jews than any other religion displayed toward non-adherents. Even if Judaism did create some divides, however, it was the state's responsibility to remedy such tendencies, which Dohm recommended doing through education.

Dohm also dismissed the stereotype of Jews as unfit for military service due to their religion. He argued that the Mosaic Law did not include any restrictions that would prevent Jews from serving in the military and supported his claim by citing examples from history, such as in

[256] Dohm, "Concerning the Amelioration of the Civil Status of the Jews," 29.
[257] Ibid, 27.

the Greek and Roman armies, when Jews had done so. While Jews may not have immediately become physically fit to serve in the military, Dohm wrote that access to more physically demanding occupations, such as farming, would prepare Jews for such service over time.[258] While acknowledging potential limitations, Dohm dispelled the notion that Judaism was inherently adverse to military service.

In his response to Dohm, Mendelssohn rejected the idea that men could be useless to the state, writing:

> Men are all more or less useful: they may be employed in this or that way; and more or less promote the happiness of their fellow creatures and their own. But no country can, without serious injury to itself, dispense with the humblest the seemingly most useless of its inhabitants, and to a wise government, not even a pauper is one too many — not even a cripple altogether useless.[259]

He argued that Jews, who worked as intermediate buyers and sellers, were not consumers who increased the prices of products, but producers:

> …they [intermediate buyers and sellers] are not only far from prejudicial either to the producer or consumer, provided abuses be prevented, but very beneficial and almost indispensible to both; nay that through their agency, commodities become more useful, more in demand, and also cheaper; while the producer gains more, and is thereby enabled to live better and happier without any extraordinary exertion of his strength.[260]

Furthermore, he stated, "On this conclusion, the pettiest trafficking Jew is not a mere consumer, but a useful inhabitant (citizen, I must say) of the state — a real producer."[261] In addition to rejecting the stereotype of Jews as consumers, Mendelssohn argued that the state should not try to control population growth and should grant equal liberties and privileges to all buyers and sellers, regardless of their religion, in order to encourage competition and economic prosperity.

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[258] Ibid, 33-34.
[259] Mendelssohn, "Response to Dohm," 37.
[260] Ibid, 38.
[261] Ibid, 39.

In arguing against Dohm, Michaelis relied on stereotypes of Jews as disloyal to the state and unfit soldiers. He wrote that he viewed the Jews as a separate nation,[262] who could never be loyal to the state. He stated, "the Jews have a great deal of national pride, and not the least reason for this is their conception of themselves as God's Chosen People…" and later added, "For he [the Jew] will never be a full citizen with respect to love for and pride in his country."[263] According to Michaelis, Jews' belief that they will return to Palestine also impeded their loyalty to the states in which they lived, as they would inevitably see their residence in it as temporary. Finally, Michaelis believed that granting the Jews citizenship:

> …would gravely weaken the state, even in the unlikely case that the Jews would bring wealth and money directly to the state, or attract them in the course of time. For the power of the state does not depend on gold alone, but rather, in large part on the strength of its soldiers. And the Jews will not contribute soldiers to the state as long as they do not change their religious views.[264]

He gave a number of arguments against Jewish military service, including the prohibition of fighting on the Sabbath, dietary restrictions, inability to take an oath, and physical insufficiencies.[265] Ultimately, unlike Wessely or Mendelssohn, Michaelis did not attribute Jews' inutility to the state's restrictions, but to their religious views. Furthermore, while Michaelis' opinion on Jewish emancipation ultimately differed vastly from Dohm's original piece, he resembled Dohm in his acceptance of Jewish stereotypes and let the usefulness of Jews to the state (or lack thereof) remain the standard for settling the question, as opposed to making a religious argument in favor of a Christian state.

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[262] In contrast to Joseph's use of the term nation, which denoted merely religious affiliation, albeit with some sociological implications, the word had racial connotations for Michaelis. See the second chapter of Hess' *Germans, Jews and the Claims of Modernity.*

[263] Johann David Michaelis*, "*Arguments Against Dohm," 1782, trans. L. Sachs. in *The Jew in the Modern World: A Documentary History,* ed. Paul Mendes-Flohr and Jehuda Reinharz (New York: Oxford University Press, 1980), 35.

[264] Ibid, 36.

[265] Ibid, 36.

Mendelssohn responded directly to Michaelis, refuting the argument that Jews were inherently disloyal and unable to serve in the military due to their religious beliefs. Citing the experience of tolerated Jews and scripture, Mendelssohn discounted Michaelis' claim that the expectation of returning to Palestine prevented Jews' loyalty to the state. He also argued for the possibility of Jewish military service, writing that no religion explicitly allows war, and, therefore, Jews should be treated no differently than Christians in regards to this issue. According to Mendelssohn:

> …laws should not be influenced by personal convictions at all. Laws should take their inevitable course, proscribing whatever is not beneficial to the general good. When personal convictions conflict with the laws it is up to the individual to resolve this problem on his own. If the fatherland is to be defended, everybody who is called upon to do so must comply. In such cases, men usually know how to modify their convictions and adjust them to their civic duty.[266]

In this way, Christians have conquered and oppressed others and engaged in the slave trade. If Christians were able to disregard their religion for these purposes, then Jews could certainly serve in the military — and serve the state — despite any religious convictions that indicate otherwise.[267]

In Mendelssohn's responses to both Dohm and Michaelis, he consistently attempted to discount stereotypes of Jews as pure consumers, disloyal to the state, or unfit for military service, ultimately refuting assumptions that Jews were inherently corrupt or in need of improvement. Although written before Mendelssohn's response to Dohm and Michaelis, the title of the anonymous Viennese document, *Vorschlag zur Verbesserung des Schicksals der Juden*, (*Proposals for the Improvement of the Fate of the Jews)* reflected the arguments Mendelssohn would eventually make, as the Jews' fate needed improvement, not the Jews themselves. Given

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[266] Moses Mendelssohn, "Remarks Concerning Michaelis's Response to Dohm," 1783, trans J. Hessing, in *The Jew in the Modern World: A Documentary History,* ed. Paul Mendes-Flohr and Jehuda Reinharz (New York: Oxford University Press, 1980), 41.
[267] Ibid, 41.

the ties between Mendelssohn and Fanny Arnstein, [268] the document was possibly influenced by Mendelssohn's rejection of Jewish stereotypes. Additionally, many influential Viennese Jews subscribed to Mendelssohn's translation of the Pentateuch, which further attests to the potential effects of Mendelssohn's thought.[269]

The Lower Austrian government's response to the anonymous document also invoked Jewish stereotypes. According to the report, contrary to the document's claim that religious intolerance was the source of the Jews' oppression, Jews had "political defects."[270] Once again, the stereotype that Jews were inherently corrupt was present in debates concerning toleration. In this case, Jewish stereotypes were held up as true and used to justify the government's rejection of a crucial part of the anonymous document.[271]

In Trieste, Zinzendorf and the Jews addressed Jewish stereotypes, such as corruption, unproductivity, and disloyalty to the state. In his translation, Zinzendorf changed Joseph's proposals — which originally said that corruption was "so-characteristic" of the Jews — to say that only "poor" Jews were corrupt, thereby denying corruption as an inherently Jewish problem. Furthermore, this change alluded to the fact that, contrary to the assumptions of Joseph's plan of toleration, Triestine Jews were presently economically productive due to the privileges they already enjoyed.[272] Even the Jews themselves highlighted their service to the state in their response.[273] They also seemed to have anticipated accusations of disloyalty in their requests for greater autonomy, ensuring that they did not intend to "form a totally separate nation with respect to regulations and principles."[274]

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[268] Spiel, *Fanny von Arnstein,* 83.
[269] Ibid*,* 87.
[270] Ibid, 70.
[271] Ibid, 70.
[272] Dubin, *Port Jews of Habsburg Trieste, 74-75.*
[273] Ibid, 80.
[274] Quoted in Dubin, *Port Jews of Habsburg Trieste,* 83.

Finally, at least one stereotype — disloyalty to the state — is evident in Landau's sermon in response to Wessely and Jewish toleration. Landau referenced Jews' belief in an eventual return to a homeland; however, instead of arguing that this belief made Jews disloyal to the state, he told his Jewish audience to remain submissive to the state precisely because they were foreigners. He praised Joseph for his "good deed" and "gracious beneficence" and told Jews to "act respectfully toward the inhabitants of this kingdom. It is their own land, while we are only guests. A sense of submissiveness is good when it comes from within."[275] Furthermore, he explained:

> The author of the Haggadah was warning us not to become insolent and arrogant. Even if there should be a gracious and compassionate king who abundantly helps us, we should inwardly know that we are in a land not our own, and that we should remain submissive to the peoples of that land.[276]

While not opposed to all aspects of the *haskalah* — such as good relations with non-Jews, feelings of patriotism for the state in which Jews lived, or the general education of Jews — Landau did not approve of the antirabbinic tendencies of *maskilim* such as Wessely. He found Joseph's plan of toleration to be disastrous; however, like Tevele, he was hesitant to completely condemn it, as that would have risked offending the emperor.[277] Given the potential implications of Landau's sermon for Joseph's (and others') feelings toward the Jews, Landau had to simultaneously appease the emperor while communicating the dangers of Wessely's way of thinking. Through discussing the relationship between Jews and their country of residence in light of the belief in a return to a homeland — the consequences of which authors such as Michaelis and Mendelssohn were debating — Landau countered outsiders' concerns about

[275] Landau, "Sermon on Wessely and The Edict of Tolerance," 80-81.
[276] Ibid, 81.
[277] Ibid, 83

Jewish disloyalty, while also reminding insiders that the country they lived in was not their home, seemingly warning them against the assimilation intended by toleration.

In arguing for and against toleration, each of these authors engaged with similar themes regarding the service of Jews to the state, demonstrating some points of resemblance, even between polarized groups. They also continued to influence the debate over toleration as it further unfolded. After Joseph issued the Lower Austrian *Patent*, the Viennese Jews were not satisfied, but wanted further restrictions lifted, specifically their inability to form a congregation (*Gemeinde*).[278] At the behest of Mendelssohn, in May 1782 the Berlin *maskilim* launched a counterattack on the rabbinical elite, sending letters to the communities of the rabbis who had denounced Wessely — including Tevele — exhorting the communities to reprimand their rabbis. In the letter to Tevele, the *maskilim* threatened to appeal to the Polish king if the rabbi did not apologize.[279] Tevele then shared this letter with Landau, who insisted that Wessely should be the one to apologize.[280] This continued controversy attests to the catalyzing force of Wessely's work. Though this particular fray abated by the fall of 1782, Wessely had played an important role in Jewish modernization.[281] In the following years, Joseph continued to expound on his *Patents*, generally increasing protection of Jews, specifically in regard to forced baptism of Jewish children. Galicia also continued to demand Joseph's attention towards Jewish toleration leading him to visit in 1783, 1786, and 1787.[282] The continuing development of Joseph's policy after 1783[283] speaks to the remaining relevance of these initial reactions.

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[278] Mittenzwei, *Zwischen Gestern und Morgen*, 91.
[279] Feiner, *The Jewish Enlightenment*, 150-152.
[280] Ibid, 155-56.
[281] Ibid, 161.
[282] Beales, *Joseph II,* 600.
[283] Ibid, 207.

Conclusion

The debates surrounding religious toleration in the Habsburg Empire ultimately provide insight into the changes taking place in religious communities in this era of partial enlightenment. In agreeing on what was at stake in these debates — the similarities between Protestants and Catholics on the one hand and the usefulness of Jews to the state on the other — the authors writing on toleration (likely unintentionally) gave a certain amount of validation to one another's arguments. While drawing different conclusions in support of their respective positions, they imply that their opponents' arguments at least successfully identify the relevant issues. In this way, religious figures, such as the conservative rabbis, engage with utilitarian arguments, while secular authors, such as Watteroth, make religious arguments, demonstrating the ways in which opposing voices converge.

In addition to similarities within each of these debates, common themes also emerged across the two discussions on Protestant and Jewish toleration, such as the usefulness of toleration to the state as well as the compatibility of faith and reason. O'Brien writes that Joseph's Jewish policy was more utilitarian than his *Patent* for Protestants, citing the suppression of rabbinical courts, replacement of Hebrew with German in most areas of Jewish life, reform of Jewish education, and measures restricting Jews' ability to study the Torah or marry until they reached a certain level of German proficiency. However, utility was also an important part of Hay's argument in favor of Protestant toleration. Additionally, in arguing for Protestant and Jewish toleration, respectively, Hay and Wessely both insist on the union between faith and reason to support their examples. Although of different faiths and writing on different issues, these two writers demonstrate themes of the religious Enlightenment that transcended individual traditions.

On the other hand, there were also a number of differences between the debates on Protestant and Jewish toleration. The Jewish debate included writers outside of the Habsburg Empire, particularly in Berlin — who were in direct contact with and informed the arguments of those inside it — to a greater extent than in the Protestant debate. The debate on Protestant toleration in turn was much more shaped by enlightened Catholic voices than was the case for that on Jewish toleration. According to O'Brien, Jewish toleration lacked enlightened Catholic voices in the Church hierarchy because, while Catholics felt spiritually connected to Protestants, the same did not hold true for Jews. He writes that, although the government demonstrated confidence that it could increase the usefulness of the Jews to the state, Joseph still did not acknowledge the spiritual kinship between Catholics and Jews as he did with Protestants.[284] This observation is consistent with the emphasis on the similarities between Protestants and Catholics evident throughout the debate on Protestant toleration — a theme that could not easily be transferred to arguments in favor of or against Jewish toleration, where a number of differences between Christians and Jews were not questioned.

The variations within the debates reflected fundamental differences between policies regarding Protestant and Jewish toleration. At the time of toleration, Viennese Jews had amassed significant wealth, and some served as financial advisors to the government, which made them more valuable than Protestants to the state. However, at the same time, their differences were significantly more noticeable than those of Protestants due to their clothes, dietary customs, language, and religious rituals. Jews in Bohemia, Moravia, Hungary, and Galicia were even less integrated than in Vienna or Trieste, as they generally tended to be poorer and more traditional, though a wealthy Jewish community in Prague proved an exception.[285] They further differed

[284] O'Brien, *Ideas of Religious Toleration,* 30-31.
[285] Beales, *Joseph II*, 199-200.

from Protestants in their access to international networks of Jews, which supposedly facilitated their ability to serve as spies for other nations, reinforcing the stereotype of Jews as disloyal to the state.[286] For this reason, Joseph's Jewish *Patents* prioritized Jewish assimilation to a greater extent than his policy for Protestants.[287] Finally, Joseph's measures regarding the Habsburg Jews were particularly groundbreaking because, unlike Protestants, no treaties or provincial constitutions existed anywhere to protect them. Consequently, the Emperor had to grant Jews all privileges.[288]

Just as the conditions of Protestants and Jews differed before toleration, Joseph's policies regarding the two groups also varied, albeit with some similarities. For example, freedom of worship was at stake for both groups, both Protestants and Jews could now take university courses, and Joseph expressed no desire that either group increase in size.[289] On the other hand, whereas Jews had previously exercised more freedom in the Empire compared to the Protestants, Joseph's toleration policies ultimately granted more liberty to Protestants. For example, while a government school board oversaw Protestant schools, Protestants nonetheless exercised considerable autonomy in the education of their children. On the other hand, Jews were subject to strict supervision,[290] especially in contrast to the autonomy they had previously enjoyed.

Whereas Protestants could establish churches in most of the Monarchy, if their numbers were large enough, Jews were restricted from building synagogues in many places, including Vienna. Additionally, while Jews had previously been able to import Hebrew texts, they lost much of this freedom after toleration. Protestants, on the other hand, enjoyed greater access to publications than ever before. Furthermore, unlike Protestants, Jews from abroad could not settle

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[286] Ibid, 107.
[287] Ibid, 209.
[288] Ibid, 199.
[289] Ibid, 196-97, 208-10.
[290] O'Brien, *Ideas of Religious Toleration,* 25, 30.

in the Habsburg lands, Jews were excluded from many parts of the Empire, and they could be expelled. Joseph intended the third measure to prevent the number of so-called *Betteljuden,* or poor Jews, from rising too high; this treatment was characteristic of his attitude toward the Jews. Finally, while Joseph allowed Protestants to hold government office and own land, Jews continued to be excluded from doing so.[291]

Both Joseph's Protestant and Jewish policies required continuous clarification after their issuance. However, after 1783, Joseph changed relatively little in regards to Protestants, whereas his Jewish policy underwent significant development.[292] In 1788, Joseph first allowed Jews to serve in the army in Galicia, later extending this measure to all provinces. The ensuing conflict attested to the continued relevance of the terms of the debate surrounding Joseph's policy from 1782. Authorities within the army argued that Jews' dietary restrictions and religious rituals prevented them from successfully serving in the military when Joseph first proposed it in 1785. However, Joseph argued that converts from Judaism to Christianity as well as Protestants had served in the army, suggesting that no inherent Jewish quality disqualified them from military service. Moreover, the 1787 Galician proposal for Jewish military service argued in favor of this measure on the grounds that it would decrease Jewish idleness,[293] thereby making Jews useful to the state. This change was largely successful, and it may in fact have helped to dispel some Jewish stereotypes. Nevertheless, some Jews and military officers continued to object the measure, resulting in its eventual repeal in Hungary by Joseph's heir Leopold.[294]

Additionally, Galicia, where the majority of Jews lived, presented considerable difficulties due to this large Jewish minority, and, consequently, it did not receive a *Patent* until

[291] Beales, *Joseph II,* 208-09.
[292] Ibid, 207.
[293] Ibid, 577-78.
[294] Ibid, 578.

April 1789. Joseph adopted measures intended to encourage economic productivity among Galician Jews and assimilate them into Christian society. However, he often came into conflict with the provincial government over such measures, as the government feared the growth of the Jewish population. After receiving a draft from the Galician government in 1788, Joseph provided a number of principles to inform his official *Patent,* including allowing Jews to serve in the military and take up additional occupations. He also ended the limit on the number of Jewish families in Galicia, increased Jewish access to education, and instated a legal process of expulsion, among other measures.

The 1789 *Patent* essentially reflected these principles, making it the farthest-reaching of any Jewish policy in the Habsburg lands. Because most of the Jews in Galicia were traditional, many of them criticized the *Patent.* However, the few liberal Jews in the province celebrated it,[295] which followed patterns of response elsewhere in the Monarchy. Additionally, Joseph later extended the policy to Hungary, Transylvania, and Lower Austria, and he intended to apply it to Moravia. However, this final plan was never realized due to his early death.[296]

Finally, whereas Joseph's Protestant *Patent* had received praise and was immediately imitated in a number of locations outside of the Habsburg lands — and though the Berlin *maskilim* had commended his Jewish policy — this trend did not hold true for his measures regarding Jewish toleration at first.[297] In 1781, Edmund Burke, who supported Catholic emancipation in Ireland, called the Joseph's policy a "new Instance of the Liberality and Justice which begins to prevail in the world."[298] Additionally, he wrote, "I am sorry to find, that we, who ought to have taken the lead in so noble a work, are but ill followers even of the examples which

[295] Ibid, 602-603.
[296] Ibid, 602-603.
[297] Ibid, 213.
[298] Edmund Burke to Lord Petre, September 18, 1781, in *The Correspondence of Edmund Burke,* ed. John A. Woods (Cambridge: Cambridge University Press, 1963), 372-73.

are set to us."[299] Furthermore, in France, the development in the Habsburg lands helped bring about the toleration of Calvinists in 1788.[300] In Hamburg, Joseph's Protestant *Patent* helped bring about the Lutheran state's toleration of Catholics and Calvinists in 1785.[301] Citing the example of Joseph, one Hamburg government official even argued in support of toleration: "In all of the Christian religions the major and fundamental teachings are the same."[302] This statement echoed the Habsburg debate.

On the other hand, while news of Joseph's Jewish policy continued to stir discussions begun by Dohm, it produced little improvement in the treatment of the Jews outside of the Habsburg Monarchy.[303] In fact, in most of the German states, it took the French Revolution and occupation by French troops to bring about Jewish emancipation in the early nineteenth-century. However, despite the delay of Jewish toleration in Germany, the 1809 emancipation edict in Baden continued to echo the Habsburg debate, directly referencing Joseph II and Dohm.[304] In spite of the initial limited effects of Joseph's Jewish *Patents* outside of the Habsburg Empire, the fact that the Habsburg debates on toleration reached Hamburg, Baden, and beyond indicates the continued influence of the debates immediately surrounding Joseph's toleration policies throughout Europe.

By examining responses to Protestant and Jewish toleration side by side, it is possible to discern the ways in which each debate resembled the other as well as how they differed. Additionally, this comparison sheds light on developments both within religious communities

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[299] Ibid, 373.
[300] John McManners, *Church and Society in Eighteenth-Century France, Vol. II: The Religion of the People and the Politics of Religion* (New York: Oxford University Press, 1998), 653-656.
[301] Joachim Whaley, *Religious Toleration and Social Change in Hamburg, 1529-1819* (Cambridge: Cambridge University Press, 1985), 164-67.
[302] Quoted in Whaley, *Religious Toleration and Social Change in Hamburg,* 165.
[303] Whaley, *Religious Toleration and Social Change,* 104-105.
[304] David Sorkin, *The Transformation of German Jewry, 1780-1840* (New York: Oxford University Press, 1987), 28-29.

and throughout the Habsburg Empire and Europe at this time. Though Perez Zagorin rejects political expediency in favor of religious justifications as the origin of religious toleration, in light of the debates regarding toleration in the Habsburg lands, it appears that the two need not necessarily be mutually exclusive. If one thinks of political expediency not only as a way to avoid war, but also as a means by which to support the state, then these debates demonstrate that such justifications — as well as religious arguments from both traditionalists and religious enlighteners — remained integral to questions of religious toleration.

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