

REMAKING THE STATE: EDUCATION AND RELIGIOUS REFORM IN BAVARIA
UNDER MAXIMILIAN IV JOSEPH, 1796-1808

by

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Abstract

During the late eighteenth and early nineteenth centuries, Bavaria embarked on an ambitious program of reform that fundamentally altered the Bavarian state and society. The men responsible for such dramatic changes were Maximilian IV Joseph, the last Elector and first King of Bavaria, and Maximilian Joseph Graf von Montgelas, his closest advisor. Both Max Joseph and Montgelas sought to modernize their government through the removal of feudal remnants and increased participation of the kingdom's subjects. Reforms in education and religion were central to this endeavor. Education reforms developed the skills necessary for improving society, increasing the state's prosperity, and instilling a sense of loyalty to the Bavarian king. Religious reforms helped to eliminate prejudice and better integrate the Protestant and Catholic subjects into Bavarian society, particularly in the areas Bavaria gained during the Napoleonic wars. By maintaining a balance between preserving loyalty to the king and increasing participation in the state's modernization, the Bavarian monarch hoped to reap the benefits of enlightened reform and prevent revolution.

Previous histories of reform during the Napoleonic Era have focused on Austria and Prussia but Bavaria deserves attention as well. There is a pendulum-like quality to Bavarian history that swings between reform and reaction. In 1799 when Max IV Joseph and Montgelas came to Munich, reform and self-preservation in the face of the French Revolution and Napoleon, as well as the changing face of the Holy Roman Empire, served as the impetus for reform. Reform in the early nineteenth century allowed the Bavarian bureaucrats to strengthen the power of the king and increase the wealth of the state. Through a careful analysis of the reform edicts, personal papers of Montgelas, and statements from outside commentators, a clearer picture of reform in Bavaria can be pieced together and the true impact of reform during the Napoleonic Period can be seen; reform that made the Bavaria of Max Joseph almost unrecognizable from the Bavaria of his predecessor.

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Chapter 1 – Introduction

The reign of Maximilian IV Joseph (r. as Elector, 1799-1806, r. as King, 1806-1825), Bavaria's last elector and first king, resulted in a period of tremendous change. Between 1799 and 1818 Bavaria became a more modern state that was territorially cohesive and centralized. Maximilian Joseph von Montgelas (1759-1838), a bureaucrat in the Bavarian government who served Max Joseph for eighteen years, instituted a series of reforms and restructurings that attempted to fundamentally change Bavaria. Bureaucrats became the dominant members of government. These highly educated men demonstrated loyalty to the state and to the sovereign, and their reforms strengthened and centralized Bavaria. The impetus for these reforms was a combination of things such as Enlightenment ideals (both French and German), modernization, *raison d'état*, and the personal convictions of the elector that encouraged Max Joseph and Montgelas to reform. The motivation for reform was a mixture of many things which worked together to create the exceptional circumstances which allowed reform to occur.

Several factors influenced the changes in Bavaria. Max Joseph and Montgelas should receive credit for the implementation of the reforms as well as for continuing the discussion in Bavaria which led to many of the changes during the Napoleonic Period. Other factors, however, played a key role in creating the atmosphere which allowed the discussion to take place. The Napoleonic Wars, the creation of the Confederation of the Rhine, the French Revolution, and enlightened absolutism and the Enlightenment all contributed to the development of the intellectual and theoretical roots of reform.

First, the Enlightenment and enlightened absolutist ideas formed the core of the theoretical ideas present in Bavaria. In the late eighteenth century, European monarchs across the continent sought to bring Enlightenment principles to their kingdoms. The Enlightenment's

emphasis on rationality and a social contract between the ruler and ruled appealed to monarchs who wanted to increase their authority while simultaneously improving the lives of their subjects. This was done in Bavaria through an attempt to remove religious restrictions on Protestants and Jews, the creation of a new criminal code, the equalization of taxes regardless of traditional privileges, and the restructure of the educational system and bureaucracy. Enlightened absolutists felt they had a duty to govern wisely and sought to do so through reforms which promoted agriculture and commerce, science and university research, and a reduction of the role of the Catholic Church. In Bavaria, enlightened absolutists such as Max Joseph and Montgelas sought to modernize the state by embracing Enlightenment principles such as rationality instead of tradition. The principles of enlightened absolutism played the greatest role in the development of reforms. The reforms enacted by Max Joseph and Montgelas sought to increase the power of the monarch and to unify the disparate territories into one cohesive state.

The second influence on reform in Bavaria was the impact of the French Revolution and Revolutionary Wars. The Revolution thoroughly divided society: some welcomed the spread of the Revolution as a return of rationality and the Enlightenment while others feared the spread of the revolutionary mantra of “liberty, equality, fraternity.” The biggest impact of the French Revolution was the decision by the Bavarians to reform their laws and institutions through peaceful means instead of armed revolt. Many European statesmen, Montgelas included, saw the chaos created by the revolution and sought to bring about similar reforms in the bureaucracy and society without violence. In Bavaria, the reforms attempted to change the structure of society and state institutions to achieve greater efficiency and rationality. The Revolutionary Wars resulted in massive territorial acquisitions by Bavaria. Many of these new territories differed drastically from the core of hereditary Bavarian lands inherited by Max Joseph in 1799. The number of

Protestants in Bavaria increased exponentially; in 1800, less than one hundred thousand Protestants lived in Bavaria.¹ By 1819, the number of Protestants had increased to approximately one million, roughly one-third of the state.² The majority of this new Protestant minority had previously lived under Prussian or Austria rule where religious toleration and freedoms were greater than in Bavaria. If the Bavarian state wanted to avoid future difficulties, it needed to reform.

In addition to the Revolution itself, the Confederation of the Rhine also impacted the course of reform in Bavaria, but in a more positive manner. Bavaria allied with the French and remained so until 1813. Napoleon demanded much from his allies, including men and materials, but the alliance with France provided the necessary domestic and internal stability which made reform in Bavaria possible. Although Bavaria was required to provide men and supplies by the 1806 agreement which formally made Bavaria part of the Confederation of the Rhine it was able to do so without much disturbance at home. In fact, no large scale battles took place in Bavaria after their 1797 defeat at Würzburg until 1809 when the Tyrol revolted. This, however, was more of a domestic issue than an international one. After this, the Bavarians would not be involved in the war domestically until 1813, after they left the French alliance.³ Furthermore, the Confederation of the Rhine provided Max Joseph with the title “King of Bavaria,” which served to increase his authority domestically and internationally and gave him the ability to enact serious reforms in the Bavarian state.

¹ Hajo Holborn, *A History of Modern Germany, 1648-1840* (Princeton: Princeton University Press, 1964), 391.

² Chester Penn Higby, *Religious Policy of the Bavarian Government* (New York: Longmans, Green & Co., 1919), 49.

³ “Timeline” The Revolutionary and Napoleonic Wars (1792-1815),” <http://www.unc.edu/nbi/texte/NBITimeline.pdf> [accessed 28 July 2014].

All of these factors worked together in a unique amalgamation which helped create the intellectual and theoretical foundations for reform in Bavaria. Although much of the credit should go to the men who enacted these reforms, these ideas did not occur within a vacuum or suddenly appear with the ascension of Max Joseph and the start of the Montgelas era. It was the exceptional combination of men and times that resulted in reform.

The reforms of Montgelas and Max Joseph were part of a larger, European experience of reform and change. After the French Revolution broke out, France began to implement reform in all areas of French society: land reform, religious and education reform, and more. The start of the Revolutionary and Napoleonic Wars spurred reform in the German states as well. Napoleon viewed the Holy Roman Empire of the German Nation as defunct and outdated and sought not to reform it, but to dissolve it entirely. At the imperial recess, or *Reichsdeputationshauptschluss* in 1803, the ecclesiastical cities and imperial knights were abolished and a significant portion of these lands went to Bavaria. Bavaria and other German states witnessed the dissolution of the Empire and creation of the Confederation of the Rhine by Napoleon and sought to prevent a similar fate from occurring to them. Max Joseph and Montgelas understood the imperative to reform; both Prussia and Austria experienced defeat at the hands of the French, and the consequences, including territorial losses, were dire for both. Survival essentially meant reform – reform that managed to strengthen the power of the king and Bavarian state while simultaneously preserving its autonomy.

Through education and religious reform, Bavarian leaders sought to modernize their government. Through education and religious reform, the Bavarian state hoped to standardize practices across the kingdom and to increase the power of the national government. The state wanted to treat all subjects, regardless of religious confession or socio-economic background,

equally as well as increase its efficiency. Education reforms would develop the skills necessary for improving society, increasing the state's prosperity, and instilling a sense of loyalty to the Bavarian king. Religious reforms helped to eliminate prejudice and better integrate the Protestant and Catholic subjects into Bavarian society, particularly in the areas gained during the Napoleonic wars. By maintaining a balance between preserving loyalty to the king and increasing participation in the state's modernization, the monarchy hoped to reap the benefits of enlightened reform.

Bavarian reforms reflected the main tenets of enlightened absolutist government: a strong, centralized state with an absolute ruler and societal changes including toleration of religious minorities and the reform of political or state institutions. Even though he adhered to enlightened absolutist thought, however, Montgelas also had very pragmatic reasons for his reforms. The reforms themselves helped prevent revolution. As Thomas Nipperdey states,

What was actually more modern about the reforms in the states of the Confederation of the Rhine was their willingness to take on board the ideas of 1789, tempered by authoritarian requirements. This translated itself into the concept of founding the new state on the emancipation of equal and free individuals and property-owners in a society of enfranchised citizens . . . Should conflict arise, precedence would be given to the authoritarian centralization of society; in short, the statist-bureaucratic aspect would outweigh the liberal modernization of society and the activation of the nation to encourage it to participate in the workings of the state. The social achievements of the revolution were to remain within the bounds of the modernized power structure.⁴

Moreover, toleration of religious minorities, namely the Protestants in Bavaria, was essential in order to integrate the new territories into the core of Bavaria. But toleration had economic benefits as well. These new territories, including Augsburg, the third largest city in Bavaria, could provide immense economic wealth to Bavaria if Protestants were allowed full

⁴ Thomas Nipperdey, *Germany from Napoleon to Bismarck*, translated by Daniel Nolan (Dublin: Gill & Macmillan, 1996), 56.

participation in the markets. Although the line between his pragmatism and his belief in free citizens is blurred, the reforms in Bavaria had enlightened characteristics. They sought to secularize and reform many institutions and to modernize the state.

Maximilian Joseph von Montgelas originally worked as a lower-level bureaucrat in the administration of Karl Theodor, Elector of Bavaria (r. 1742-1799) until his ties to the Illuminati caused him to flee to the service of the Duke of Zweibrücken, Max Joseph. He worked as the personal secretary until Max Joseph moved to Munich when he became Elector of Bavaria in 1799. During his time in the government of Karl Theodor, Montgelas recognized the inefficiencies of the administration and sought ways to fix the problems. This led to his Ansbach “Memoire.” Montgelas wrote and submitted the “Mémoire” in September 1796, when Max Joseph was still the Duke of Zweibrücken. The document outlined Montgelas’ basic plans for constitutional and administrative reform. The “Mémoire” was both a critical analysis of the reign of Karl Theodor as well as his proposals for a wide variety of reforms. Specifically, Montgelas complained about the lack of organization of the administrative authorities, the absence of well-defined business areas, the poor pay and benefits of civil servants, and the appointment of staff by the arbitrary whim of the Minister. Montgelas provided a simple, organizational solution: a detailed breakdown of the divisions and their organization according to uniform structures, fair and adequate remuneration and supply of personnel, and the appointment of staff based on qualifications and education, not social standing or family ties. For all domestic affairs, regular meetings were held with experts from the various provinces. He also advocated a separation of judicial, administrative and financial matters; and the abolition of tax and other privileges of the noble classes. He sought the restriction of the jurisdiction of the churches, proposed the abolition of the mendicant orders and reform of the abbeys and monasteries. Montgelas also wanted to

abolish censorship and introduce freedom of the press. Montgelas hoped that such far-reaching reform from above would prevent a revolution from below.⁵ Many of his reforms laid out in the “Mémoire” were realized including the complete re-organization of the state administration, the creation of a new civil service, and the creation of a new constitution which was first issued in 1808 and then revised and reissued in 1818. He also paved the way for compulsory school education in Bavaria which later received rigorous enforcement under the reign of Ludwig I in the 1830s.⁶

The Ansbach “Mémoire” represented Montgelas’ interpretation of enlightenment and absolutist principles for the government of Bavaria. These ideas were implemented through reform between the years of 1800 and 1817, until Montgelas’ dismissal by Max Joseph. The reformers, Montgelas included, were forced to implement many of these reforms in compromised form. The Constitution of 1808 should be viewed as the farthest extension of the application of Montgelas’ ideas. It took the basic principles from which many of his ideas originated and the practical issues they encountered when implementing the reforms and created a document that took the best from both. The Constitution included ideas that were practical enough to be introduced into Bavarian society but still firmly grounded in the ideas of enlightened absolutism. The social achievements of Bavaria including increased religious toleration, a more equitable tax system, and the beginning of compulsory education, remained within the confines of the absolutist state system. The achievements did not threaten the power or

⁵ “Inhalt des Ansbacher Mémoire, von 1796,” *Haus der bayerischen geschichte*, <http://www.hdbg.de/montgelas/pages/hmv34.htm> [accessed 5 August 2014].

⁶ John J. Lalor, “Compulsory Education,” *Encyclopedia of Political Science, Political Economy, and the Political History of the United States* (New York: Maynard, Merrill, and Co., 1899), <http://www.econlib.org/library/YPDBooks/Lalor/llCy398.html> [accessed 5 August 2014].

authority of the monarch and his government. Although the reforms of both Max Joseph and Montgelas worked toward the creation of citizens, instead of simply subjects, of Bavaria, the primary aim of the reforms was to consolidate and increase royal authority. In other words, the “nation” would always play a secondary role to the “kingdom.”

The strengthening of the state was paramount to the reformers as well as the unification of new territories and state development by ensuring the sovereignty of the king. Historian Erwin Hölzler states “One thing is certain: the constitutions in the German states were the imitation of the French system, not the aim of the policy; they served as the purpose of the state development and consolidation.”⁷ The ministers of Bavaria may have been influenced by French ideas but they were also advocates of enlightened absolutism. Their main aims had always been to strengthen the state and power of the sovereign. An important thing to remember is that Max Joseph and Montgelas were, above all, pragmatists. They knew the best way to achieve their goals. Although Bavaria’s traditional ally, France also provided the best way to combat Austrian ambitions as well as provide the internal stability which was essential to the success of their reforms. The continent at large experienced turmoil on a grand scale but the domestic situation in Bavaria remained relatively quiet. If anything, both Montgelas and Max Joseph were sympathetic to the French; if it really came to it, they would certainly side with the French over the Austrians or Prussians. Their ultimate preference, however, was to remain out of international politics as much as possible. Both Max Joseph and Montgelas knew that changes needed to take place domestically in order to make Bavaria a stronger presence on the European stage. Napoleonic hegemony provided Bavaria with the internal stability it required to implement the changes and reforms.

⁷ Erwin Hölzle, “Das Napoleonische Staatsystem,” *Historische Zeitschrift*, 148 no. 2 (1993): 290-291.

The successful balance between reform and absolutist authority prevented revolution in Bavaria during the revolutionary era. Discussions about reform took place in the Central European monarchies, traditional bastions of conservatism. Historian Brendan Simms claims it was primarily a respect for tradition and a hatred of France that largely prevented revolution in Central Europe. In addition, Simms and Michael Rowe argue that revolution failed to occur because the middle-classes in the absolutist regimes in Central Europe realized that revolution in their region would not accomplish their goals of toleration, the spread of education, and abolition of serfdom. Instead, they voiced their complaints and problems through the legal system.⁸ Although these complaints had an impact, a better explanation is that the reforms themselves were instituted to enhance the power and efficiency of the state. As Eike Wolgast explains in *Geschichtliche Grundbegriffe*, the word “reform” during this period was really understood to mean “continuity,” meaning conserving what already existed: the sovereignty of the king and power of the monarchy.⁹ The governments of Central Europe felt a sense of validation in the immediate aftermath of the French Revolution and saw no need to disembark from their determined course of enlightened absolutism and reform.

The reforms of Bavaria were ultimately successful because they introduced greater efficiency in the government, enhanced the authority of the sovereign, and were more enlightened than those of the French government prior to the French Revolution. Bavaria had a strong-willed sovereign and brilliant advisors who understood the necessity of reform before the situation resulted in revolution. Their reforms addressed many of the same complaints as the

⁸ Michael Rowe, *From Reich to State: The Rhineland in the Revolutionary Age, 1780-1830* (Cambridge: Cambridge University Press, 2003), 41; and Brendan Simms, *The Struggle for Mastery in Germany, 1779-1850* (London: Macmillan Press, 1998), 68.

⁹ Eike Wolgast, “Reform, Reformation,” in *Geschichtliche Grundbegriffe*, ed. Otto Brunner, Werner Conze, Reinhard Kosselleck, vol. 5 (Stuttgart: Klett-Cotta, 1984), 346.

French but the timing was more favorable for the Bavarian government. The timing of these reforms was crucial; governments across Europe were struggling to strengthen the sovereign and modernize their countries without making monarchy obsolete which placed a natural limit to these reforms. They attempted to make the transition from a more traditional society towards modernity. They hoped to make Bavaria wealthier and more powerful, with fewer traditional influences, such as the church or feudalism. Modernization was also tied to education and the development of the individual, in agreement with enlightenment principles.

Although both Max Joseph and Montgelas came into power in Munich in 1799, this thesis will specifically focus on the years 1796 to 1808. This study will begin in 1796, when Montgelas wrote his Ansbach “Mémoire.” The year 1803 is particularly important for the implementation of these ideas and reforms. Some small concessions and reforms were issued in Munich between 1800 and 1803, which will be briefly discussed, but the central issues and reforms covered in this work originated in 1803, the year when the secularization of the ecclesiastical cities of the Holy Roman Empire began. These cities were secularized and then annexed into existing states, fundamentally changing the political map of the Empire. After the Treaty of Campo Formio between Napoleon and Holy Roman Emperor Francis II in 1797, the Austrians recognized the French annexation to all imperial territories west of the Rhine River.¹⁰ Monasteries were closed, the imperial and ecclesiastical lands were distributed between the monarchs of the German states, and the revenue transferred to the new rulers. Most importantly, however, was the reduction of the influence and role of the Catholic Church in the Empire. In addition to the monasteries Catholic universities and schools were closed. These moves spurred a

¹⁰ John Gagliardo, *Reich and Nation: The Holy Roman Empire as Idea and Reality, 1763-1806* (Bloomington: Indiana University Press, 1980), 4-15; Joachim Whaley, *Germany and the Holy Roman Empire*, vol. 2 (Oxford: Oxford University Press, 2011), 620-623; and the Treaty of Lunéville in Clive Parry, *The Consolidated Treaty Series* (New York: Oceana Publications, Inc., 1969) 55: 465 and 475; 56: 159-168.

larger movement inside the German states to change the relationship between the Catholic Church and the state. In Bavaria, Montgelas took full advantage of these moves and instituted his own religious reforms beginning in 1803 and began to close monasteries, abbeys, and wrest control of the schools from the church.

Education reform was tied directly to the changing status of the Catholic Church. Max Joseph and Montgelas had originally hoped to use funds from the dissolved Order of Malta to fund their education reform but did not count on the intervention of the Russian tsar who forced them to reinstate the order. Instead, they started with religious reform and used the funds from dissolved monasteries and religious orders to fund their educational reform, a common practice after the secularization of 1803. Montgelas had already recognized the connection between compulsory education and the remaking of the state. In fact, many monarchs understood this connection as a way to inculcate new ideas and loyalties into their subjects. Furthermore, education is essential in building civil society and distinguishing between subjects and citizens. Bavaria under Montgelas and Max Joseph failed to make the transition between subject and citizen complete; during the Napoleonic period the population of Bavaria remained in a gray area: more than subjects, but less than citizens. Bavarians under Max Joseph had the ability to express their dissatisfaction and complaints regarding the state but only if these objections did not directly threaten royal authority. Although the reforms created the foundation, a civil society was not fully created until later in the nineteenth century.

Previous studies of German history during the Era of Reforms have generally focused on Austria and Prussia, the two largest and most dominant of the German states, and this history is well-known. Reform in Austria began during the reign of Maria Theresa (r. 1740-1780) who enacted religious, education, and land reforms in the Austrian hereditary lands and Bohemia. Her

son, Joseph II (r. 1765-1790), continued these reforms and expanded them to include the rest of the Habsburg lands.

During the Napoleonic period, Francis II (r. 1792-1835) not only failed to institute any new reforms, he repealed many of the reforms instituted by Joseph II. Although most of the reforms were repealed shortly after the death of Joseph II, religious toleration and educational reforms remained intact.¹¹ David Blackbourn argues that Francis reacted strongly against the reforms of his uncle, Joseph II, and often equated reform with revolution. He therefore refused to institute any changes he thought would lead to revolution, which ultimately meant he failed to institute any changes at all. The failure and revocation of many of the Austrian reforms shows how, without the proper strength in a ruler, reforms can fail to achieve their goals and purposes.

Reforms in Prussia originally began under Frederick William the Great Elector and continued until the Napoleonic period. The Hohenzollerns were a Calvinist dynasty ruling over a predominately Lutheran populace and many lands in the Holy Roman Empire, Prussia included, were devastated by the Thirty Years' War and the Great Elector (r. 1640-1688) understood the economic imperative to reform. Frederick William I (r. 1713-1740) followed with the creation of the notorious Prussian bureaucracy, a professionalized standing army, and oversaw the settlement of thousands of Protestant refugees. His son, Frederick the Great (r. 1740-1786), the first "King of Prussia," introduced a general civil code, abolished torture, and established the principle that the Crown would not interfere in matters of justice. He also promoted advanced secondary education which later influenced the development of the German *Gymnasium*. After 1800, the state initiated new reforms focused on the restructuring of the cabinet and economic

¹¹ William McGill, *Maria Theresa* (New York: Twayne Publishers, 1972), 114-118; Derek Beales, *Joseph II* (Cambridge: Cambridge University Press, 1987), 465-473; and T.C.W. Blanning, *Joseph II* (New York: Longman Group, 1970), 90-91.

reforms. These policies were also motivated by their defeat at the hands of Napoleon, as were most of the reforms in Prussia throughout the Napoleonic period, in addition to other considerations. Although the majority of religious reforms were already in place, the two main bureaucrats in Prussia, Karl August von Hardenberg (1750-1822) and Baron Heinrich Friedrich Karl vom und zum Stein (1757-1831) enacted major land, administrative, and military reforms and instituted education reform as well with the help of Wilhelm von Humboldt (1767-1835).¹² Hardenberg, Stein, and Humboldt sought to turn subjects into citizens of the state. They instituted a standardized system of public instruction that included new trends in European pedagogy. Although the majority of these reforms took place at the post-secondary level, several reforms occurred at the primary school level, including the institution of new pedagogical techniques, institutes for educating teachers, and a new department to oversee textbooks and learning aids.¹³

Bavaria history exhibits a pendulum-like quality which is in dialogue with both the rulers and ruling ideas of the time. Previously, Maximilian III Joseph (r. 1745-1777) attempted to reform Bavarian society but failed to accomplish much before he died. His successor, Karl Theodor (r. 1777-1799) never attempted any serious reform and conservatism was the chief characteristic of his reign in Munich. In 1799 when Max IV Joseph and Montgelas came to Munich, reform again characterized the actions of the Bavarian government but now self-preservation was the impetus for reform. Max Joseph and Montgelas genuinely wanted to change Bavarian society to better reflect the principles and ideas of the Enlightenment. But after

¹² Christopher Clark, *Iron Kingdom: The Rise and Downfall of Prussia, 1600-1947* (Cambridge: Harvard University Press, 2006), 331-333.

¹³ Christopher Clark, *Iron Kingdom.*, 332.

Montgelas' dismissal in 1817 and the death of Max Joseph in 1825, the pendulum swung again toward a more conservative orientation.

The Bavarian Constitutions of 1808 and 1818 also demonstrate this interesting dynamic. The Bavarian constitution of 1808 was really a document that presented the power of the king. This contrasted sharply with other constitutions, such as the Prussian Constitution of 1848, which showcased the rights of the people and what the king could *not* do. But the Constitution of 1808 should also be seen as the crowning achievement of Montgelas. He began with his ideas in 1796, attempted to put them into practice with the reforms, and finally realized in the Constitution of 1808. The Constitution was supposed to aid in the integration the new Bavarian state, which was both larger and included more socially and culturally variegated populations, and to aid in the implementation of Montgelas' new reform program. The new constitution balanced royally appointed nobles against members of the educated and propertied classes selected by wealthy members of the bourgeoisie.

Many historians, including Heinz Gollwitzer and Eberhard Weis, have written about Montgelas as the man who changed Bavaria and its history in the early nineteenth century and whose reforms would later influence the development of Bavarian nationalism in the later nineteenth century. But Max Joseph deserves some credit for the task as well. Although Max Joseph could vacillate from one idea to another quickly and lacked decisiveness at times, he was also endowed with a benevolent and kind character and genuinely had the best interests of his people in mind. Both Montgelas and Max Joseph understood the implications behind Napoleon's creation of the Confederation of the Rhine and were able to work within the system to their benefit. By becoming King, Max Joseph protected his sovereignty much more easily than as a simple elector. Moreover, the internal stability provided by the Confederation of the Rhine

allowed Max Joseph and Montgelas to perform the internal reforms which transformed Bavarian into a more modern state. In his analysis of the constitutions in Bavaria during the Napoleonic period, Erwin Hölzle argues that the similarities between the Bavarian constitutions and those of the Kingdom of Westphalia, written in France with the oversight of Napoleon and given to his brother Jérôme to implement, were more formalities than strict lines to adhere to.¹⁴ He states “One thing is certain: the constitutions in the German states were the imitation of the French system, not the aim of the policy; it served as the purpose of the state development and consolidation.”¹⁵ The constitutions allowed both Bavaria and Westphalia to enact reforms that they otherwise would not have been able to enact because the constitutions not only safeguarded the rights of the people but also displayed the power of the monarch. The authority of the state was clearly defined and the entire state system had been reorganized to result in maximum efficiency. The new constitutions removed the old, antiquated bureaucracy based on birth or traditional rights and replaced it with a new bureaucracy based on merit and hard work which created channels through which reforms were enacted peacefully.

The ministers of Bavaria may have been influenced by French Enlightenment ideas but they were also advocates of enlightened absolutism. French Enlightenment ideas, such as the rule of human thought, could potentially lead to a complete overthrow of the traditional (monarchical) system. Although Max Joseph and Montgelas agreed with ideas such as rationality, toleration, and progress, these ideas were limited to the benefit of the monarch. The main aims had always been to strengthen the state and power of the sovereign. But the Constitution of 1808 should be seen as much more than an attempt to appease the French. It was

¹⁴ Hölzle, “Das Napoleonische Staatsapparat in Deutschland,” 290.

¹⁵ Hölzle, “Das Napoleonische Staatsapparat,” 291.

the culmination of the ideas first developed by Montgelas when he was a student at Nancy and Strasbourg.

The Bavarian Constitution of 1808 bears a strong resemblance to the Constitution of the Kingdom of Westphalia of 1807. Both the Bavarian and Westphalian constitutions dictated the restructuring of the government bureaucracy and have significant sections which relate to civil and religious freedoms as well as the abolition of serfdom. At first glance, both documents appear as a subtle covers for the establishment of Napoleonic institutions in each country but each document went beyond that. The restructuring of the bureaucracy and civil service, as well as clearly defined rights and freedoms created more space for further social and political reforms. Many of these reforms were inspired by the Enlightenment, such as the internal function of the state, mixed with absolutist ideas, such as the unrivaled power of the monarch.¹⁶

The creation of the national representative body in the Bavarian Constitution of 1808 is quite remarkable. This was an elective body, albeit from a small percentage of the population, who met to discuss crucial aspects of state governance, including finances, legislature, and internal administration.¹⁷ In each district, representatives from the two hundred landowners who paid the highest taxes were eligible for service in the national representative body. This proto-parliamentary aspect served to distinguish the Bavarian constitution from similar documents in the German states. Moreover, the Bavarian Constitution of 1808 set itself apart with a mixture of

¹⁶ "Constitution of the Kingdom of Westphalia," proclaimed by Napoleon Bonaparte in Fontainebleau (November 15, 1807), *German History in Documents and Images*, http://germanhistorydocs.ghi-dc.org/pdf/eng/2_GermanTerr.States_%20Doc.8_ENGLISH.pdf [accessed 10 July 2014] and Ewald Gröthe, "Model or Myth? The Constitution of Westphalia of 1807 and Early German Constitutionalism," in *German Studies Review*, 28 (2005): 1-19.

¹⁷ Königreich Bayern, "Verfassung des Königreichs Bayern vom 1 Mai 1808," Vierter Titel: Von der Nationalrepräsentation, <http://www.verfassungen.de/de/by/bayern08.htm> [accessed March 2014]. This body was never summoned to meet by the king.

Enlightenment ideas and rules which specifically applied to the Bavarian people, such as loyalty to the Wittelsbach family. The document created an amalgamation of liberal constitutional ideas and parliamentary representation with the absolutist state of Bavaria.

Two of the most important reforms which took place were education and religious reforms. These were most closely tied to politics during the late eighteenth and early nineteenth centuries. One goal of education reform was to build model subjects who willingly obeyed their ruler. Through education, it aimed to improve society and eliminate prejudice and ignorance. Religious reform intended to lessen the hold of the Catholic Church on the subjects and subordinate its members to the state. Historian William McGill asked the question of how such pious Catholic rulers could enact legislation that restricted the power of the Catholic Church in their lands. He argues that, in the case of Austria, *raison d'état* resolved this dilemma and that it remained in the best interests of the state to reduce the authority of the Church.¹⁸ A similar argument could be made for Max Joseph. The Bavarian state needed to move forward and both modernize and centralize to ensure the survival of the state as well as to achieve greater efficiency. This combination of Enlightenment ideals, personal feelings and convictions of Max Joseph, modernization, and *raison d'état* resulted in successful reforms which served to distinguish Bavaria from both Prussia and Austria. The reduction in influence and authority of the Catholic Church allowed the Bavarian state to centralize its control over its regions without interference from an outside institution. Furthermore, modernization policies were often hindered by the traditionalism prominent in the Catholic Church who wanted to maintain its established influence in Bavaria.

¹⁸ McGill, *Maria Theresa*, 118.

Bavaria's relationship with France during the Revolutionary and Napoleonic Wars presents interesting aspects of Bavarian history as well. Austria fought against the French for the duration of the Revolutionary Wars and Prussia vacillated between the Allies and France. Bavaria, on the other hand, remained one of France's staunchest German allies from 1801 until 1813 when it became clear that the French Emperor was in decline. Because of the close relationship with France, the situation in the South German states changed dramatically. The sovereigns of these states needed to become masters of their extensive new territories, while satisfying French demands for military personnel and aid. The result was a complete transformation of the South German states. The central issue was asserting the sovereignty of the state within its new borders. As David Blackbourn stated, "measures designed to achieve this were pushed through by a generation of officials who pursued the German tradition of Enlightened Absolutism with a new urgency under changed conditions."¹⁹

The study of Bavaria during the Napoleonic period sheds light on the critical question of how modern states function in a period of dramatic political change. The goal of many of the states of Europe, allied with the French or not, was to prevent the upheaval of the French Revolution in their own countries. An admiration for the beginning ideals of the movement did not necessarily equate with a desire for revolution in their own lands. In an era where revolution was a looming threat, these rulers recognized the delicate situation they faced: they needed reform but reform on their own terms and in their own way. Bavaria was politically affected by its relationship with France but the strong traditionalist vein in Bavarian society also meant that some of the social reforms did not go as far as they potentially could have. The bureaucrats of

¹⁹ Blackbourn, *The Long Nineteenth Century* (Oxford: Oxford University Press, 1998), 76-77.

the era of reforms wanted the fruits of the enlightenment, namely a more productive, efficient, and stronger state but it was necessary to prevent revolution at almost any cost.

Furthermore, because of its prominent role in Central European politics, Bavaria could serve as a successful model for enlightenment reforms. In fact, the Bavarian Constitution of 1818 was quoted at length in the Badenese Constitution of the same year.²⁰ Few realize the important position Bavaria occupied in both the Holy Roman Empire as well as in Central Europe. Until about the mid-eighteenth century, Bavaria occupied a more prominent position in the Empire than Prussia and was arguably the second most important German state, after Austria. During the Thirty Years' War, Bavaria led the Catholic League and had the largest army in the Empire. The members of the Catholic League had given Maximilian I of Bavaria control and leadership of the largest army, outside of Austria, during the war and the emperor had promised Maximilian the Upper Palatinate in exchange for his help, giving the Wittelsbachs control over three of the electoral votes. The Wittelsbachs would remain with three votes until the late eighteenth-century when Joseph II wrested control of the Electorate of Cologne for his brother.²¹

This study relies primarily on a government journal called the *Churpfalzbaierisches Regierungsblatt* (published from 1799 to 1805) and the *Königlich Baierisches Regierungsblatt* (after Bavaria was proclaimed a kingdom in 1806). One key goal of the reforms during this period was to create greater civic participation in state projects. This journal helped inform the educated public about the reforms and served in the emancipation of civil society through the

²⁰ Markus J. Prutsch, *Making Sense of Constitutional Monarchism in Post-Napoleonic France and Germany* (New York: Palgrave Macmillan, 2013), 113.

²¹ Geoffrey Parker, *The Thirty Years' War* (London: Routledge: 1988), 66-67, 112-113, and 118-119; and Beales, *Joseph II*, 427.

dissemination of practical information.²² The gazettes, primarily bi-weekly but the frequency often changed throughout the time, published the majority of edicts regarding the reforms in Bavaria as well as a mixture of information about the commodity markets, deserters from the Bavarian army, national harvests, and other information the government wished to send out to the general population. These “intelligence gazettes,” as Ian McNeeley calls them, offered a more systematic form of dissemination, reducing older forms such as town criers, pulpits, or the posting of ordinances in town squares.²³ They sought to enable the citizen and to make them legally responsible for the information, most especially published laws and ordinances. The gazettes act as a clear sign that the state wanted to send out its ideas to increase civic participation and foster a sense of loyalty to the king. The government occasionally reissued certain edicts, implying that local officials either did not listen or failed to properly or completely implement the changes. Furthermore, in certain situations, the edicts were ignored; for example, when the government tried to force the Catholic Church into declaring a minimum age for reception of the Eucharist. But the overall quality of education and religious situation in Bavaria did improve, according to contemporary and historical accounts.

The sources used in this study were primarily written by government officials and then passed down to the provincial or local officials who were to implement the changes. The authors were the heads of the new cabinet system first proposed in 1796 by Montgelas and later implemented by Max Joseph once he became the Elector in 1799. These men were Montgelas, appointed as Secretary of State but more likely fulfilled the role of Prime Minister on numerous

²² Ian F. McNeeley, *The Emancipation of Writing: German Civil Society in the Making, 1790s-1820s* (Berkeley: University of California Press, 2003), 221.

²³ Ian F. McNeeley, *The Emancipation of Writing*, 225.

occasions as well as many other positions including Finance Minister; Baron Franz Karl von Hompesch (1735-1800), the Finance Minister who originally worked for Karl Theodor and was kept on by Max Joseph and Montgelas until his death in 1800; Baron Johann Friedrich von Hertling (1729-1806), Justice Minister who had originally worked for Joseph II before moving to Zweibrücken where he finally ended up in the service of Max Joseph when he was still the Duke of Zweibrücken; Count Heinrich Theodor Topor von Morawitzky (1735-1810), who started out as a court advisor in 1759 to Karl Theodor and occupied numerous positions until his final appointment as Justice Minister after the death of von Hertling; Baron Johann Wilhelm von Hompesch (1761-1809), son of Franz Karl who took over his position as Finance Minister after his death in 1800; and Count Johann Nepomuk von Triva (1755-1827), the War Minister and a distinguished officer in the Bavarian army.²⁴ These bureaucrats were professionally trained, dedicated, honest, and helped to create an efficient administration with clearly defined duties and staffed by educated men, not favorites.²⁵

One goal of these gazettes and their authors was to make the matters of state and society published in them viewed as important matters by the local population. The idea was to publish the gazettes often enough to reach the largest segments of society which would promote greater familiarity with national matters in the hopes that the local populace would translate the importance on the national scale to importance in their own towns and villages. The elimination of social distance between groups and the forging of a common identity was all the more pressing in post-Napoleonic Germany where enlarged states now needed to convert new citizens

²⁴ Maximilian von Montgelas, "Mémoire présenté à Monseigneur le Duc le 30 Septembre 1796," translated by Eberhard Weis, 255; Staaliche Archive Bayerns, *Maximilian Joseph Graf von Montgelas: Dokumente zu Leben und Wirken als bayerischen Staatsmaanes*, (München: Das Archive, 1988) 88-99; Eberhard Weis, *Montgelas: Eine Biographie* (Munich: C.H. Beck, 2005), 1: 6-7, 15-17, and 281; and *Haus der bayerischen Geschichte*, <http://www.hdbg.de> [accessed 23 March 2014], which has several biographical sketches of some of the ministers.

²⁵ James Sheehan, *German History, 1770-1866* (Oxford: Oxford University Press, 1989), 266.

into loyal subjects. The state gazettes took the focus off the societal differences and placed it on the obligations of all citizens to the king or elector. After so many territorial changes and settlements during the Napoleonic wars, this need was particularly pressing. This shift towards the national level promoted conformity and loyalty to the state and not regional identity, that is, a loyalty to Bavaria and not to Swabia or the Palatinate.

The balance between reform and tradition was also evident in the Bavarian Constitution of 1808, one of the crowning achievements of the Montgelas administration. In this document, Max Joseph aimed to “eliminate the differences in the administrative systems of our Kingdom, as far as it was possible beforehand, to establish a more uniform system for direct and indirect obligations, and to make the most important public institutions more equivalent.”²⁶ But because individual developments of the different regions did not result in a perfect union, the King found it necessary to issue a constitution and guarantee “to fulfill the demands of the state on its individual members, as well as the demands of the individual members on the State.”²⁷

Centralization and uniformity played a key role in the reforms. The elimination of regional differences and the institution of strong centralization which carried out orders from Munich uniformly throughout Bavaria contributed to the idea of a single Bavarian state with one king and one law. The Constitutions of 1808 and 1818 both promoted loyalty to the Bavarian state and not individual regions. The Constitution of 1808 was in place for only ten years, however. A new constitution was issued in May 1818. The new constitution was intended as a revision of the previous constitution, not as an implication that the preceding ten years had been a mistake; Max

²⁶ Verfassung des Königreichs Bayern (1808), <http://www.verfassung.de/de/by/bayern08.html> [accessed 10 March 2014].

²⁷ Verfassung des Königreichs Bayern (1808), <http://www.verfassung.de/de/by/bayern08.html> [accessed 10 March 2014].

Joseph wanted to emphasize that Bavaria had been a constitutional state for several years. In 1818, however, the pendulum-like quality of Bavarian history was again in motion and Montgelas fell out of favor as Crown Prince Ludwig gained more power in Munich. Moreover, Bavaria faced potential foreign intervention in its constitutional process and the fear of an unfavorable constitution imposed by the German Confederation served to speed up the process.

The unique place of the Bavarian reforms was clear in the praise that Max Joseph and Montgelas received from leading liberal thinkers in the Germany at the time. *Der Teutsche Merkur*, a magazine published by Christoph Martin Wieland and used as an organ to disseminate ideas of the Enlightenment, often praised the reforms of the state and officials. Wieland was a German poet and writer who lived from 1733 to 1813 and was a close friend of Jean-Jacques Rousseau. The *Merkur* originally began as a literary magazine but later expanded to include commentary by Wieland on the various reforms enacted by the Bavarian government.²⁸ Wieland began its publication in 1773 and continued until 1810. Although he praised the work of the Montgelas and Max Joseph, as well as the difference in character between Max Joseph and Karl Theodor, he could not fail to notice how far the religious reforms in Bavaria did *not* go. Wieland called for full religious toleration. Still, he praised the work of the ministers and their “measured steps between two extremes,” the ways of the *ancien regime* and the French Revolution. Wieland criticized the excesses of the French Revolution and congratulated Max Joseph and his government on bringing the best parts of the French Enlightenment and Revolution to Bavaria without the excesses.²⁹ For the most part, Wieland seems to agree with the moderate steps taken

²⁸ Max Koch, “Christoph Martin Wieland,” *Allgemeine Deutsche Biographie*, <http://www.detusche-biographie.de/sfz31202.html> [accessed 1 March 2014].

²⁹“Korrespondenznachrichten: Ueber Bayern. Aus einem Breife von 12ten November,” in *Der Teutsche Merkur*, January 1800, 65.

by Montgelas and Max Joseph in their reforms although his attitude towards religious toleration, as shown above, is one of disappointment in the limits of their achievements.

This study ends in 1808 but the pendulum was clearly in action again by 1817-1818, the year after Montgelas was dismissed from service to Max Joseph. He had fallen out of favor with the King, largely because Crown Prince Ludwig and several other members of the Bavarian court convinced Max Joseph of the need to remove Montgelas and introduce more conservative members in to the administration. Many of Montgelas' religious reforms, solidified by the Bavarian Constitution of 1808 were undone and many of the rights previously taken away from the Church were given back when a new constitution was issued in 1818. After this, the Bavarian government became much more conservative than under Montgelas and the reforms ended. Because of this, the period of 1803 to 1818 should be viewed as a narrow window in the history of Bavaria. Following his father's death, Ludwig I ushered a much more conservative era in Bavarian history. Reform became synonymous with change and revolution, instead of preserving the status quo and conservatism again became a characteristic of Bavarian politics and government. Even though the reforms existed for only a short period of time it remains a monumental period in Bavarian history.

Chapter 2 – Bavaria before the Reforms

Bavaria in the late eighteenth and early nineteenth centuries was geographically quite hard to designate. The majority of Bavarian territory, although mostly in the same general area, had several free and imperial cities located in its midst. Furthermore, many regional differences existed between Upper and Lower Bavaria. One major goal of the reforms under Max Joseph and Montgelas was to unite these disparate territories into one cohesive unit.

The state of Bavaria (in its form at the beginning of the Napoleonic Era) existed as a duchy since the tenth century and is one of the oldest continuously existing states in Europe. In 1180, the Holy Roman Emperor Frederick Barbarossa gave the duchy to the Wittelsbach family.¹ The two branches of the Wittelsbach family later split the territory and the Palatinate branch of the family gained the electoral dignity, the right to elect the Holy Roman Emperor. The country became a center for Jesuit activity during the Counter Reformation and led the Catholic League during the Thirty Years' War.

In the most restricted sense, the term Bavaria referred to the duchies of Upper and Lower Bavaria. It also referred to the group of duchies acquired by the electors of Bavaria prior to Karl Theodor's ascension in 1777.² Furthermore, the term was also used in relation to all the outlying possessions and lands received as compensation for lost territory during the Napoleonic Wars. These new territories would later play a crucial role in many of the reforms enacted by Maximilian IV Joseph during his reign as Elector, and later King, of Bavaria. Quite a few of

¹ Marvin E. Thomas, *Karl Theodor and the Bavarian Succession, 1777-1778* (Lewiston: Edwin Mellen Press, 1989), 5; Chester Penn Higby, *The Religious Policy of the Bavarian Government During the Napoleonic Period* (New York: Columbus Press, 1918), 34; Beales, *Joseph II*, 386; and Max Spindler, *Handbuch der bayerischen Geschichte* vol. 3, no. 1 (Munich: CH Beck, 1971), 988.

² "Karten," *Haus der bayerischen Geschichte*, http://www.whdbg.eu/karten/resultat_200_jahre_franken_in_bayern_01.php [accessed 15 March 2014]; Whaley, *Germany and the Holy Roman Empire*, 226; Sheehan, *German History*, 261-262; and Spindler, *Handbuch*, 988-991.

these new territories once belonged to Austria and Prussia and experienced a greater degree of religious toleration and education reform than the hereditary Bavarian lands.

When he ascended to the Bavarian throne in 1799, Maximilian IV Joseph ruled over a compact group of territories (known as the hereditary Bavarian lands) in the valley of the Upper Danube. The hereditary lands consisted of the duchies of Upper and Lower Bavaria, Neuburg, Sulzbach, and the Upper Palatinate and several possession on the Rhine, namely Zweibrücken and Jülich. As compensation for losses during the war, Bavaria received many territories during the Great Secularization in 1803 which helped make Bavaria a more compact state including Bamberg, Passau, Würzburg, and Augsburg. For the purposes of this study, Bavaria will refer to the hereditary lands and the lands received by 1806.

The dynamic of Bavarian history is such that reform is often dependent upon the ruler. In the eighteenth century, Max III Joseph (r.1745-1777) was an enlightened ruler during his reign. He abolished the Jesuit censorship of the press, encouraged agricultural and industrial development, and created the first academic institution in Bavaria, the Bavarian Academy of Sciences, in 1759.³ He attempted school reform with the new curriculum plans of Heinrich Braun and Johann Adam von Ickstatt in an attempt to regulate school attendance and also objected to the extravagance and pompous manner of the Catholic Church. During the reign of Karl Theodor, however, reaction and conservatism characterized Bavarian policy.

Max III Joseph's successor, Karl Theodor, was born into the Palatinate house of the Wittelsbach family in 1724 and succeeded his father as the Count Palatinate of Sulzbach in 1733 and the Electoral Palatinate in 1742. When Maximilian III Joseph (r. 1745-1777) died without any heirs, Karl Theodor inherited the throne of Bavaria and the two branches of the Wittelsbach

³ Spindler, *Handbuch der bayerischen Geschichte*, 983-1102; and Alois Schmid, "Maximilian III Joseph," *ADB*, <http://www.deutsche-biographie.de/sfz59369.html> [accessed 10 May 2014].

family and their holdings were united for the first time in four hundred years.⁴ He was never very popular with the Bavarian people and pursued a policy characterized by all the features that made the *ancien regime* hateful to contemporaries such as rapidly rising debt, ignorant and corrupt officials, and privileges of the nobility.⁵

In education, Bavaria was behind neighboring countries during the reign of Karl Theodor. There were almost no schoolmasters in the rural districts and the ones there had barely enough schooling to perform their job. Their pay was less than that of the average day laborer and Karl Theodor reportedly deprived schools of a new endowment created by Maximilian III Joseph in order to create a Bavarian branch of the Order of Malta.⁶ He turned the schools over to the monks of the Catholic Church and many areas of Bavaria were left without school teachers.

In addition, the many regions of Bavaria were not ruled by a strong central government during the reign of Karl Theodor. The cabinet in Munich was headed by the Elector and included the ministry of finance; special ministers for the Upper Palatinate, Neuburg, and Sulzbach; a Chancellor who dealt primarily with matters of justice and internal security; a minister of foreign affairs and two ministers with no departments.⁷ There was also a minister and Council of War who worked directly with the Karl Theodor. Few, if any, of these men, however, showed real diplomatic or mental acuity. Karl Theodor's main critic, the eighteenth-century historian Lorenz

⁴ Thomas, *Karl Theodor*, 9; Whaley, *Germany and the Holy Roman Empire*, 226, 403, and 537; Beales, *Joseph II*, 386-395; Spindler, *Handbuch*, 254, 978, 999, 1407-1410; Walter Brandmüller, *Handbuch der bayerischen Kirchengeschichte* (St. Ottilien: EOS Verlag Erzabtei, 1993), 2: 302.

⁵ Spindler, *Handbuch* (Munich: CH Beck, 1971), 4: 4 and 5-8; C.T. Atkinson, *A History of Germany, 1715-1815* (New York: Barnes & Noble, Inc., 1969), 469-470.

⁶ Chester Penn Higby, *The Religious Policy of the Bavarian Government*, 27 and Thomas, *Karl Theodor*, 9.

⁷ Penn, *The Religious Policy of the Bavarian Government*, 28.

von Westenrieder, described one member of the group as “an archblockhead . . . [and] an old idiot.”⁸

Maximilian Joseph Graf von Montgelas, who would become the leader of reform ideas in Bavaria under Maximilian IV Joseph, criticized the lack of organization in Karl Theodor’s government and complained in his *Denkwürdigkeiten über die innere Staatsverwaltung Bayerns* that nothing was ever accomplished.⁹ One of his first steps as minister to Maximilian IV Joseph when he became Elector of Bavaria was to establish a cabinet with five specific departments and ministers with clearly defined duties and obligations, a plan he originally outlined in his Ansbach “Mémoire” to Max Joseph in 1796. The confusion and lack of organization present in the government of Karl Theodor carried over and later caused problems in the reign of Max Joseph until Montgelas’ reorganization.

By far the most powerful organization in the Bavaria of Karl Theodor was the Roman Catholic Church. In many regions of the state, Catholics alone were allowed the right of public worship or to pursue an occupation.¹⁰ Criticism resulted in brutal punishment and those who turned away from the Catholic faith had their property confiscated and risked execution. Bavaria’s harsh attitude toward Protestants and apostates resulted in the opinion of Pope Pius VI that “heretics had slipped into all parts of Germany, but never into Catholic Bavaria.”¹¹ Although many of these laws had existed prior to Karl Theodor’s move to Munich, he enforced them with

⁸ Penn, *The Religious Policy of the Bavarian Government*, 29 and Lorenz von Westenrieder, *Denkwürdigkeiten und Tagebücher*, 60.

⁹ Atkinson, *A History of Germany*, 469-470 and Montgelas, *Denkwürdigkeiten über innere Staatsverwaltung Bayerns* (Munich: C.H. Beck, 1908), 13.

¹⁰ Maximilian von Montgelas, *Denkwürdigkeiten*, 116; Sheehan, *German History*, 262; Whaley, *Germany and the Holy Roman Empire*, 537; Agatha Ramm, *Germany, 1789-1919* (London: Methuen & Co., 1967), 79 .

¹¹ Penn Higby, *The Religious Policy of the Bavarian Government*, 34.

great severity. This persecution and intolerance drove many out of Bavaria and embittered the rest. Still, Karl Theodor restrained from forcibly converting his subjects to Catholicism. Even a ruler of as Catholic a country as Bavaria could undoubtedly see the issues it would create in areas such as the Duchy of Sulzbach, where Protestants outnumbered Catholics two to one. Instead, Karl Theodor granted many rights to Catholics only; for example, only Catholics had the right to public worship under Karl Theodor.¹² Furthermore, he offered substantial gains to those who converted to the Catholic confession. Most Jews and Protestants failed to gain citizenship in Bavaria, but some gained entrance into the country for short periods of time and for the sole purpose of conducting their business and immediately leaving. Jews were most subject to these restrictions. In fact, during the week of Easter, Jews were required to stay indoors and close all the windows and doors of their houses until the week ended.¹³ Jews could not testify in courts against Catholics or even to accuse them of any wrongdoing. When Karl Theodor died childless in 1799, Bavarians rejoiced and welcomed Max Joseph into Munich in the hopes that his reign would usher in a new era.

The two Bavarian electors during the Napoleonic period, Karl Theodor and Maximilian IV Joseph, differed tremendously; Max Joseph considered reform an imperative part of his reign upon his ascension in 1799 while his predecessor, Karl Theodor, whose ideas are more closely associated with the era of the *ancien regime*, was much more conservative and lacked any reforming zeal. But a certain continuity did remain between the reign of Karl Theodor and Maximilian IV Joseph. Although Max Joseph eased restrictions on Jews and granted them more civil rights and liberties, most of the legislation passed during his reign had the implicit goal of

¹² Penn Higby, *The Religious Policy of the Bavarian Government*, 34-35.

¹³ Whaley, *Germany and the Holy Roman Empire*, 5.

maintaining the Jewish population of Bavaria at its current level. Nevertheless, the reign of Max Joseph was viewed by many of his subjects as far better than that of his predecessor.

The policies of Karl Theodor were replaced by more conciliatory policies under his successor, Maximilian IV Joseph. Max Joseph (r. 1799-1825) was thirty-two years younger than his cousin. He was educated under his uncle Christian IV of Zweibrücken and served in the French Army of Louis XVI as a colonel until the outbreak of the French Revolution. He succeeded his older brother, Charles II, as Duke of Zweibrücken in 1795 which, unfortunately was occupied by the French at the time. Upon Karl Theodor's death in 1799, he became the Duke and Elector of Bavaria. His enlightened ideas became apparent from the start of his reign and were greatly influenced by his former personal secretary, Montgelas. Both Max Joseph and Montgelas had a more progressive outlook than Karl Theodor. During the reign of Max Joseph, agriculture and commerce flourished, a new criminal code was created that reduced and eased punishments, introduced greater equality in the tax system, and reduced the traditional source of power in Bavaria, the Catholic Church, and its privileges.¹⁴

The reform discussion between Max Joseph and Montgelas began after Montgelas issued his *mémoire* to Max Joseph when he was still the Duke of Zweibrücken (r. 1795-1799). In foreign policy, Max Joseph's attitude was very pro-French.¹⁵ He remained one of Napoleon's staunchest German allies until 1813 when it became clear that the power of the French emperor was on the decline. Even then, however, Max Joseph only left the French coalition after receiving guarantees from the Austrians that he would maintain his title, lands, and sovereignty. He was

¹⁴ Eberhard Weis, *Montgelas*, 2: 439-453.

¹⁵ Allgemeine Deutsche Biographie, "Maximilian I, König von Bayern" *Deutsche Biographie*, <http://www.deutsche-biographie.de/sfz59371.html> [accessed 16 September 2013]; Haus der bayerischen Geschichte, http://hdbg.eu/koenigreich/web/index.php/herrscher/index/herrscher_id/1 [accessed 16 September 2013]; Whaley, *Germany and the Holy Roman Empire*, 617-618; Ramm, *Germany*, 59; and Weis, *Montgelas*, 2: 170.

very anti-Austrian for the majority of his life, a prejudice he received early in life (as a result of his French education as well as his uncle, Christian IV) and never quite got over. Bavaria joined the Confederation of the Rhine in July 1806 as one of its most powerful and important members until Napoleon's defeat by the Allies.

The Bavarian membership in the Confederation provides another interesting aspect of the reforms under Max Joseph and Montgelas. Many of the reforms in Bavaria echoed sections of the Napoleonic Code including religious toleration for Jews and the abolition of feudal rights. It is important to remember, however, that Max Joseph and Montgelas were not simply copying Napoleonic initiatives. Montgelas laid out his plans in 1796, eight years before Napoleon issued his code in 1804. In addition, when Bavaria joined the Confederation of the Rhine, it seceded from the Holy Roman Empire. Max Joseph became a king, not simply an elector, which gave him more power and authority. The fact that Bavaria joined the Confederation of the Rhine should be viewed in a more pragmatic light; both Max Joseph and Montgelas understood the benefits that French hegemony in Europe could provide for Bavaria. Furthermore, the requirement that member states maintain substantial armies would give Bavaria the internal stability to execute reforms (most of the reforms in Bavaria occurred between 1806 and 1813, when Bavaria was a member of the Confederation) and the external security against invading armies. Napoleon exerted tremendous influence and power over the member states and Max Joseph and Montgelas stayed in the Confederation until 1813, when it became clear both that Napoleon was on the decline and that Bavaria was strong enough to break away from France. Max Joseph and Montgelas both strongly opposed any large German state which would hinder

the independence and sovereignty of Bavaria and strongly advocated a weak German Confederation.¹⁶

Max Joseph was considered to be a simple and honest man by his subjects, one who was good-natured and hard-working.¹⁷ He had twice been married to Protestants by the time he inherited the throne of Bavaria in 1799. The Protestant influences on the new Elector had a great impact on his religious legislation and policy during his reign and the Bavarian people had every right to expect a reign substantially different from Karl Theodor. His first few acts as Elector proved this; he removed all but three members of Karl Theodor's cabinet and began to implement the organizational changes Montgelas recommended in his Ansbach "Mémoire."¹⁸

Max Joseph, however, may never have started down this path to reform had it not been for Montgelas. Montgelas was from a noble family of Savoyard origins whose father had been in the service of Maximilian III Joseph. Montgelas was educated in Nancy, Strasbourg, and Ingolstadt, and felt the French influences in Germany particularly strongly. Throughout his life, he was more comfortable both speaking and writing in French than in German. He was born in Munich but later moved to Freising, an area heavily influenced by French thought, and a cultural crossroads between France and Germany. While a student at Nancy, the simultaneous abolition of the Jesuit order by Pope Clement XIV in 1773 and the transfer of the Duchy of Lorraine to France influenced the young student intellectually. New teachers were given posts at the

¹⁶ Allgemeine Deutsche Biographie, "Maximilian I, König von Bayern" *Deutsche Biographie*, <http://www.deutsche-biographie.de/sfz59371.html> [accessed 16 September 2013]; Haus der bayerischen Geschichte; Whaley, *Germany and the Holy Roman Empire*, 617-618; and Ramm, *Germany*, 59.

¹⁷ Author Unknown, "Königreich Bayern, 1806-1918: Maximilian I Joseph," *Haus der Bayerischen Geschichte*, http://www.hdbg.eu/koenigreich/web/index.php/themen/index/herrscher_id/1/id/12 [accessed 16 September 2013].

¹⁸ The three men Max Joseph kept from the old cabinet, Count Morawitzky, Baron von Hompesch, and Baron von Hertling, had been lower-level officials in the government of Karl Theodor and Westenrieder often portrays them as more in sympathy with the policies of Max Joseph than the former Elector.

universities; these new professors were lay clerics or intellectuals who embraced the Enlightenment, had extremely pro-French sentiments, were often Jansenist, and discussed a new secular national education.¹⁹ They began to teach new subjects, including the natural sciences and languages, while moving away from a strict religious, Jesuit education. Furthermore, they taught such subjects with an added emphasis of ensuring the student understood the material and could apply the subjects in practical situations. The new staffs at universities across France no longer taught in a dry manner, simply reciting facts and expecting the students to learn by rote memorization. They now sought to enhance the student by teaching important concepts.²⁰ The ideas of the Enlightenment, thoroughly debated and discussed at both Strasbourg and Nancy had a large impact on Montgelas, and he took them with him to Zweibrücken and Munich while working for both Karl Theodor and Max Joseph. Montgelas also witnessed the secularization movement in Strasbourg in 1764 when the goods of the former Jesuits were sold off to the public and the reorganization occurred without resistance or major difficulty. He undoubtedly noticed the smooth dissolution of the Jesuits and confiscation of church property and attempted to replicate this transition in the monasteries and convents of Bavaria.

In 1779, Montgelas began working at the Censorship of Books and was originally favored by Karl Theodor until his name appeared on a list of Illuminati members active in Bavaria.²¹ He then moved to the court at Zweibrücken where he worked for a time as the personal secretary to Maximilian IV Joseph. He worked in several capacities for the Duke until his move to Munich in 1799 when he became Secretary of State. He worked primarily in foreign affairs as something of

¹⁹ Weis, *Montgelas*, 1: 6.

²⁰ Weis, *Montgelas*, 1:6-7.

²¹ Allgemeine Deutsche Biographie, "Montgelas, Maximilian Joseph," *Deutsche Biographie*, <http://www.deutsche-biographie.de/sfz65214.html> [accessed 16 September 2013]; Whaley, *Germany and the Holy Roman Empire*, 537; and Weis, *Montgelas*, 1: 22-26, 66-81.

a political consultant at a very precarious time; any wrong move in foreign affairs could have resulted in the permanent loss of Zweibrücken to the French but Montgelas seems to have performed his duties well and gained the trust of Max Joseph because of it.

Montgelas began to formulate his plans for reform in Bavaria once it became clear that Max Joseph would be the new elector but before he even arrived in Munich. The ailing Karl Theodor had no children and Max Joseph remained the only heir after his older brother died a few years earlier. Montgelas wrote the Ansbach “Mémoire” in 1796 to make sure the young heir apparent knew of the situation in Bavaria and the necessary steps to fix the issues of corruption, poor education standards, and to change the relationship between the church and state. In the memorandum, he outlined his plans for the reorganization of the government. He argued that the organization of government in Munich made it almost impossible to get anything accomplished and stated that the remedy to the problem was simply to “split the departments according to rational criteria, by separating issues that are not inherent to it, by defining precise boundaries between departments.”²² He advocated entrance into the bureaucracy based on merit and not family lineage or connections; this, he said, would benefit the economy by allowing more of the lower classes a chance at entering government service. In addition, these men would be indebted to Max Joseph for their opportunity which in turn would help them keep their morals and common sense out of fear of letting down the Elector.²³ This new bureaucracy played a tremendous role in later reforms in Bavaria. The bureaucrats effectively remade the state of Bavaria into a more modern and efficient state based on enlightened principles.²⁴

²² Montgelas, “Mémoire,” 243.

²³ Montgelas, “Mémoire,” 243.

²⁴ Spindler, *Handbuch der bayerischen Geschichte*, 5-8; Eric Dorn Brose, *German History, 1789-1871* (New York: Berghahn Books, 2013), 48-49 and 51; Blackbourn, *The Long Nineteenth Century*, 82-83; Thomas Nipperdey,

In the “Mémoire,” Montgelas proposed organizing the government into five departments: foreign affairs, finance, justice, spiritual matters, and war. Each department would consist of a minister and several members as well as trainees. By reorganizing the government based on merit, education, and into five departments whose obligations were both natural to their area as well as clearly defined, Montgelas aimed to both increase the efficiency of the government and gain the respect of the citizenry by combating corruption and intrigue, as well as aiding in progress.²⁵ These changes would increase the efficiency and prevent a duplication of duties. The creation of five new ministries with specifically defined duties which would report directly to Max Joseph centralized the government and transferred the authority back to Munich and the elector.

Part of the “Mémoire” to Max Joseph included his plans for a reformation in the relations between church and state. The new Ministry of Spiritual Matters (headed by Baron von Hompesch) supervised the management of hospitals and charity foundations, the nomination of all vacant benefices under patronage of the Prince Elector (no matter what religion), administration of the Clergyman Council of Munich, and the administration of national education and censorship.²⁶ In the *Mémoire*, Montgelas stated that conflict between the church and state had multiplied exponentially over the years and that “the church authorities have allowed far-reaching attacks on the rights of the princes.”²⁷ This was both a critique of Karl Theodor who, according to Montgelas, allowed the Catholic Church far too much control in what

Germany from Napoleon to Bismarck, 1800-1866, trans. Daniel Nolan (Dublin: Gill & Macmillan, Ltd., 1996), 20; Reinhard Rürup, *The Problem of Revolution in Germany, 1789-1989* (Oxford: Berg Books, 2000), 8 and 12.

²⁵ Montgelas, “Mémoire,” 244-245.

²⁶ Montgelas, “Mémoire,” 249.

²⁷ Montgelas, “Mémoire,” 250.

should be state affairs, as well a critique of the church itself for interfering where it should not. Furthermore, he also implicitly referred to the fact that Catholic leaders in Bavaria often sought the approval of the pope without consulting the monarch. He also spoke of toleration and stated that by refusing to allow Protestant minorities the same rights as Catholics, it only reinforced the cycle of distrust between the state and population. The minorities often resented the state for not granting them basic civil and legal rights and often spoke out against the government or could even potentially support a foreign prince who could offer them greater freedoms than the elector.

Montgelas also commented that the priests and clergy had become corrupt and the ecclesiastical authorities did nothing to prevent this. The rights of specific regions, according to Montgelas, detracted from the authority of the sovereign and place the allegiance of subjects to someone other than the Elector. Moreover, Montgelas hoped to bring more equality to the distribution of taxes and to make the services of the parishes (he specifically mentioned education and counseling) more accessible to the population, hoping that no parishioner would have to travel more than one-half mile to reach the parish. Montgelas aimed to reform the education that priests received in Bavaria. Most priests and monks attended foreign seminaries for their education which Montgelas claimed was “devastating to the authority of the sovereign.”²⁸ He proposed that priests now receive education in Bavaria, under the supervision of the Ministry of Spiritual Matters and the Spiritual Council, which would ensure that their priestly education adhered to the maxims of the Elector and state of Bavaria. He argued this would prevent future collisions between the church and state. He pointed out that foreign education of priests in Bavaria took away from the sovereignty of the Elector by allowing

²⁸ Montgelas “Mémoire,” 252.

allegiance to a foreign prince. Only when the monks and priests were educated in Bavaria would they maintain allegiance to the elector and only the elector.²⁹

Furthermore, Montgelas argued that the need for toleration in Bavaria was economic as well as political. "Religious toleration attracts foreigners into the interior of the state who are useful because of their industriousness and this favors the progress of industry and education and encourages competition."³⁰ In a similar memorandum attributed to Montgelas, the author claimed that the need for religious toleration rested primarily on the grounds that such a policy would promote industry and enlightenment.³¹ Other statesmen at the time, including the Prussian statesman Baron von Völderndorf, agreed with Montgelas and argued that an increase in toleration would result in an increase in manufacturing and peasant holdings which would hold huge economic significance for Bavaria.³² Protestants and Jews had traditionally been denied the right to move to Bavaria or to own significant amounts of property during the reign of Karl Theodor. By opening up the country and removing the restrictions on Protestants, the manufacturing and economic productivity of Bavaria could increase, bringing more wealth and stability to the state which would also help achieve Montgelas' goal of making Bavaria a more modern (and therefore more powerful) state.³³ However, many in the government, Montgelas included, only advocated the easing of restrictions on Protestants, and (later) Jews, if they could

²⁹ Montgelas, "Mémoire," 253.

³⁰ Montgelas, "Mémoire," 253.

³¹ Harold C. Vedeler, "The Genesis of Toleration Reforms in Bavaria under Montgelas," *The Journal of Modern History* 10, no. 4 (Dec. 1938): 484.

³² Vedeler, "The Genesis of Toleration Reforms," 485.

³³ At this time, economic restrictions on Jews, many dating from the medieval period, were still in place. Small changes which would allow Jews to own property under certain conditions and participate more in the economy of Bavaria would not come until much later.

enhance the productivity of the state and had a skill with which they could contribute. Montgelas stated “Our sovereign purpose is to procure through the settlement of foreign communicants, industrious cultivators . . . skilful manufacturers . . . and active enterprisers.”³⁴ Although toleration may have been the end goal, it came with certain conditions.

In the Ansbach “Mémoire,” Montgelas further claimed that toleration was essential in areas with a mixed population and cited successful examples of toleration in the Rhine Palatinate.³⁵ Montgelas further argued that in the Bavarian states “no law ties the hands of the prince.”³⁶ Since the Counter Reformation in the sixteenth century, Bavaria had been an exclusively Catholic state which Montgelas claimed led to the belief that law forbade the Elector from allowing toleration of the three Christian religions.³⁷ In reality, no such law existed and the Elector was free to do as he saw fit. Montgelas admitted that popular resentment might occur against toleration in Bavaria but he countered this with the spread of education and the abolition of the censorship which would allow for freedom of the press. He recognized that such a step would need to be carefully thought out and planned but argued that “The more enlightened the people are, the more they cherish their obligations and the more attached they are to a government that is truly concerned about their happiness.”³⁸

³⁴ Vedeler, “The Genesis of Toleration Reforms,” 488.

³⁵ This area had once belonged to Bavaria but had since been lost to the French, who currently occupied part of Zweibrücken. The Bavarians were later compensated for these losses by the *Reichsdeputationshauptschluss* of 1803.

³⁶ Montgelas, “Mémoire,” 11.

³⁷ “Verordnung: Die Ansässigmachung anderer Religionsverwandten betreffend,” *Churpfalzbaierisches Regierungsblatt*, 5 Sept. 1801, 559-562.

³⁸ Montgelas, “Mémoire,” 12.

There were also personal reasons for the reform in relations between the church and state. Max Joseph had twice married Protestants before coming to the throne of Bavaria. The first religious reforms enacted by Max Joseph and Montgelas were for the benefit of his second wife, Caroline of Baden. As a Protestant, she had previously been unable to practice her faith at the strictly Catholic Bavarian court. Max Joseph genuinely loved his wife and they remained close until Max Joseph's death in 1825. It is important, however, to remember that Max Joseph was an ardent Catholic himself, as well as a pragmatist, and viewed religious toleration for Jews and Protestants as beneficial to the Bavarian state and its population. Considerations for the welfare of both his state and his subjects played a larger role in his reasons for toleration than personal feelings. Max Joseph could have allowed his wife to practice her religion privately at court without extending the right to the rest of Bavaria. Instead, the economic and societal benefits for allowing toleration persuaded him otherwise.

Education was a key aspect in the reform discussions of the late eighteenth and early nineteenth centuries. Montgelas had previously stated that only through education could the Bavarian subjects be truly enlightened and education developed the skills of society and a national spirit.³⁹ The impact of this ideology on Montgelas is apparent when he makes these statements. Only through education could one truly be enlightened and this enlightenment would help eliminate despotism.⁴⁰ Only through education, Montgelas argued, could the people of Bavaria come to love their obligations and faithfully serve a government that cares about their

³⁹ Montgelas, "Mémoire," 252 and Montgelas, *Denkwürdigkeiten*, 175.

⁴⁰ Lian Vardi, *The Physiocrats and the World of the Enlightenment* (Cambridge: Cambridge University Press, 2012), 22, 72. This sentiment is also reflected in Alexis de Tocqueville's work on the French Revolution, *The Old Regime and the Revolution*, translated by Alan S. Kahan (Chicago: University of Chicago Press, 1998), 210-213. The Physiocrats had a tremendous influence on the French Revolution, as de Tocqueville points out. Montgelas, long influenced by the French Enlightenment, seems to also have been influenced by Physiocrat thinkers.

happiness. This emphasized the concept of *Bildung*, understood as the cultivation and instruction of the individual. This also played into Montgelas' desire to make each individual a better and more productive member of society, working for the greater good of the state and with loyalty to the king. This was why education was such a crucial part of Montgelas' reform program. Only through the proper education of the individual could they learn to be productive members of Bavarian society.

Reform of the Bavarian education was previously attempted under the reign of Maximilian III Joseph in the 1770s and 1780s. After Pope Clement XIV disbanded the Jesuits in 1773, many called for school reform with a curriculum which utilized the neo-humanism that was popular in Europe.⁴¹ Two reformers rose to the forefront of this new call for education reform, Johann Adam von Ickstatt (1702-1776) and Heinrich Braun (1732-1792).⁴² Ickstatt's guiding principle for his school reform was the idea that every citizen should have both the right and access to adequate education. He felt that for any subject to faithfully and correctly carry out his civil duties, he needed to be educated in what exactly those duties were as well as how to properly carry them out.⁴³ In addition to the school plans created by Ickstatt, Heinrich Braun created his own plans for school reform in 1774. In Braun's mind, the Realschule was the place where you learn not only languages, but also the dissemination of scholarly and civic education.

⁴¹ Hubert Buchinger, *Die Geschichte der bayerischen Realschule* (Passau: Passavia Universitätsverlag und -Druck GmbH, 1983), 31; and Max Liedtke, *Handbuch der Geschichte des bayerischen Bildungswesen* (Bad Heilbrunn: Verlag Julius Klinkhardt, 1991), 633.

⁴² Liedtke, *Handbuch der Geschichte des bayerischen Bildungswesen*, 691-698.

⁴³ Buchinger, *Die Geschichte der bayerischen Realschule*, 32; Liedtke, *Handbuch der Geschichte des bayerischen Bildungswesen*, 693; and Karl Möckl, *Der Moderne bayerische Staat: Eine Verfassungsgeschichte vom Aufgeklärten Absolutismus bis zum Ende der Reformepoche* (Munich: C.H. Beck, 1979), 159.

The main reason why previous school reform in the 1770s and 1780s with Braun and Ickstatt failed was the contrast between wishful thinking and reality. Montgelas realized that the only way to achieve successful reform of the school system was to create an efficient school bureaucracy, one of the reasons why he suggested the reorganization of the Bavarian government into five distinct ministries. An efficient bureaucracy was really a prerequisite for any successful reform or change and by clearly defining the obligations, duties, and areas of responsibility he could increase the speed and efficiency in implementing new policies. The modernization of Bavaria would require educated bureaucrats to continue and the Enlightenment principles behind many of Montgelas' ideas called for an educated population that would eventually play a large role in state projects and local government. Religious toleration would hopefully help integrate new Protestant citizens in to the economy and society and simultaneously make all citizens loyal to Max Joseph.

Throughout the reforms in Bavaria, Montgelas played the pivotal role and acted as the point at which all others intersected. Without Montgelas many of the reforms of the Bavarian government would not have happened. He recognized the shortcomings of the current government as well as the solution for the problems that faced the current Elector and would undoubtedly face Max Joseph when he inherited the throne. Max Joseph may have been considered the epitome of an enlightened ruler in the eighteenth century by some but it was Montgelas who took enlightened policies and made them a reality in Bavaria. Although the reign of Karl Theodor was backward in many ways, there were other signs that Enlightenment ideas existed such as the ideas of Braun and Ickstatt and Montgelas in 1796. After 1799, conditions would allow these ideas to materialize as state reforms.

Chapter 3 – Pragmatic Toleration in Maximilian's Bavaria

When Maximilian IV Joseph ascended to the electorship of Bavaria in 1799, he brought his personal secretary, Montgelas, with him. From the beginning of his reign, Max Joseph and Montgelas seemed determined to remove most of the religious restrictions put in place by Karl Theodor and wasted no time in replacing almost every member of the old cabinet and checking the authority of the police.

The main goal of the religious reform was to reduce the influence of the Catholic Church in Bavaria and to enhance the authority of the King. Other goals of religious reform in Bavaria during this period included integrating the Catholic Church and clergy into society. Montgelas had previously stated that the abbeys and monasteries had become a burden on society and promoted “ignorance and superstition.”¹ By reforming the relationship between the Catholic Church and the state Montgelas aimed to gain an economic benefit from these religious groups. By granting toleration to Protestants and Jews he also hoped to promote their more active role in society by holding local community offices or posts.²

Maximilian IV Joseph and his ministers wasted no time once he arrived in Munich. In January 1800, edicts were issued proclaiming a less restrictive form of toleration. In order for Max Joseph's marriage contract to Caroline of Baden to be signed by her father, Prince Charles Louis of Baden, he needed to ensure that his Protestant wife could practice her faith at court. The decree issued in January 1800 provided for a private court chapel where a private chaplain could hold religious services and administer the sacraments to the electress and all those of similar faith in her service.³ A second announcement by the government decreed that henceforth the

¹ Montgelas, “Mémoire,” 251.

² Montgleas, “Mémoire,” 250.

³ Montgelas, *Denkwürdigkeiten*, 122.

police would not be used to force the Catholic religion on any subject.⁴ This was the first major concession to Protestants in Bavaria (the January edict only applied to Protestants of the electoral court). In February 1800, the liberal magazine of Christoph Martin Wieland, *Der Teutsche Merkur*, wrote that the end to police enforcement of the Catholic confession “awoke the most joyous hopes” in Bavaria.⁵

The right to practice Protestantism was extended to Protestants of Munich (as well as the right to educate their children as Protestants) in April 1800. This was not equality with Catholicism, however. Protestants had to worship behind doors and the Protestant clergy continued to wear civil dress in the streets and procure special licenses for marriages between those of different faiths.⁶ Although allowing for his wife to practice her Protestant faith at court, Max Joseph remained a devout Catholic all his life. His attempts at reform should not be seen as his desire to convert to Protestantism or to promote the Protestant faith in his lands. On the contrary, he wanted to ensure that his subjects remained Catholic. Instead, the reforms reflect the desire to ease the restrictions on Protestants, not necessarily to make them of equal status with Catholics.

More generous measures followed. In November 1800 edicts proclaimed that settlement in the Bavarian territories would no longer be limited to only Catholics.⁷ The following year, in September 1801 a formal defense of the policy of toleration was posted in the *Churfürstlich-bayerisches Regierungsblatt*. The main defenses were essentially a summation of the

⁴ Montgelas, *Denkwürdigkeiten*, 121.

⁵ *Der Teutsche Merkur*, vol. I, 20 Feb. 1800, 65

⁶ Montgelas, *Denkwürdigkeiten*, 122.

⁷ Montgelas, *Denkwürdigkeiten*, 122.

reasons Montgelas listed in his Ansbach Mémoire, including the lack of any constitutional or legal obstacle to toleration as well as the economic advantages of allowing more diversity in Bavaria.⁸ Furthermore, the decree claimed that to exclude those of a different religion who would act as good, productive citizens was contrary to the spirit of Christianity. All subjects were urged to forget their differences and officials were discouraged from interfering with the settlement of those of a different confession. On 5 September 1801, the Bavarian state made it publicly known that although nothing is prescribed to exclude other religious confessions, the existing laws run counter to this fact, which is why a new law would be necessary; yet we are confident that for practical reasons all subjects are open to our best intentions, and that they will strive to eliminate all tension between religious confessions. They will show all residents of our land, when they possess the otherwise good qualities of good and useful citizens, the respect and love that each religion prescribes the people.⁹

Concessions toward the Protestants continued up to 1809 when the Bavarian state proclaimed its final toleration decrees for Protestants. The edict of 24 March 1809 gave both Protestant denominations further freedoms. It only recognized Lutheranism, Calvinism, and Catholicism as accepted churches and did not specify rights for Jews and those belonging to none of the above religions were to abide by existing laws with the implication that such people were not provided with the new civil rights and liberties granted to Protestants in Bavaria. Although Protestants were granted many rights during the previous years, Protestant clergy were still forbidden to wear clerical garb in public, had to hand over ecclesiastical fees to the Catholic

⁸ *Churpfalzbaierisches Regierungsblatt*, 5 Sept 1801, 559-562.

⁹ *Churpfalzbaierisches Regierungsblatt*, 5 Sept 1801, 559-562.

clergy and report any marriages or births in their Protestant communities and parishes to the local Catholic Church to record in Catholic registers.

The defense of the new policy reflected the economic reasons behind it. Montgelas recognized the economic benefits of toleration long before the Bavarian lands gained a substantial Protestant minority. The increase in population across Bavaria would result in an expansion of the existing markets, favor the development of industry, and encourage competition in the local markets which would bring about economic growth. By eliminating the restrictions on Protestants, more would move to Bavaria where they could actively participate in the economy and society as well as practice their faith without fear of persecution. In short, religious intolerance in Bavaria was just bad business.

A much larger impetus to abandon its exclusively Catholic policy completely and formally came with the acquisition of several territories with a substantial number of Protestant subjects. With the “Great Secularization” of 1803, Bavaria gained several lands that were predominately Protestant in confession. Previously, Napoleon enforced the Treaties of Lunéville and Campo Formio which forced Austria to cede territory on the left bank of the Rhine River and French control was established. Per their agreement, states who lost territory, of which Bavaria was one, would receive additional territories when the ecclesiastical cities and imperial knights were secularized. This brought a substantial Protestant population to Bavaria.¹⁰ In 1803 one of the former bishoprics, ten of the former free imperial cities and towns, and two of the former imperial abbeys that Bavaria gained had Protestant (mainly Lutheran) subjects. In addition, four cities and towns gained by Bavaria during this period were almost entirely Lutheran and in a few cities Catholics and Lutherans were equal in number. The additions alone increased Bavaria’s

¹⁰ Clive Parry, *The Consolidated Treaty Series*, 55: 465-466 and 56: 159-168.

Protestant population by about forty thousand.¹¹ To alienate and exclude these new subjects could potentially result in uprisings. Furthermore, the removal of old restrictions on Protestants as well as some of the outdated and superstitious elements of the Catholic Church would make Bavaria a more unified and cohesive state, one that would recognize the benevolence and authority of their sovereign and foster a sense of loyalty to a government that worked for their best interests. It therefore became imperative that the Bavarian state modify its policy to avoid any serious problems in integrating the new territory into the rest of the country. Any attempt to force Catholicism on the subjects of these new areas would most likely have failed and resulted in serious issues for the state.

In 1803, the Holy Roman Empire underwent what became known as the Great Secularization. In essence, the ecclesiastical territories, imperial cities, and knights were dissolved and their land transferred to secular princes. Walter Brandmüller states that secularization actually took the form of two distinct processes; first, the so-called *Herrschaftssäkularization*, which referred to the loss of imperial immediacy (mediatization) of the ecclesiastical territories. The second process, the *Vermögenssäkularisation*, referred to the nationalizing of church property after the close of the monasteries and religious orders in the recently mediatized areas.¹² The *Reichsdeputationshauptschluss*, the last imperial meeting of the Holy Roman Empire in which the Austrian and French Emperors agreed to the previously arranged territorial exchange and compensation plan in the Treaties of Lunéville and Campo Formio, authorized the confiscation of church property and mandated that the “all the properties of the sound convents and cloisters . . . are at the free and full disposition of the respective

¹¹ Chester Higby Penn, *The Religious Policy of the Bavarian Government*, 119-120.

¹² Brandmüller, *Handbuch der bayerischen Kirchengeschichte*, 1.

sovereign both for the sake of the effort of worship, teaching and other non-profit institutions, and to facilitate their finances.”¹³ Brandmüller also argues that previous historiography often viewed the secularization from the viewpoint of the Catholic Church and saw it as a destructive attack. Only recently have historians modified this position to view it not only as a “violent and spectacular end to an old order but also an opportunity for a positive new beginning.”¹⁴

The secularization process developed as a result of the Peace of Lunéville, specifically the Treaty of Campo Formio (18 October 1797). In the treaty the Austrian Emperor, Francis II, agreed to cede all territory on the Left Bank of the Rhine to Napoleon. As compensation, those princes that lost territory would receive the ecclesiastical territories and imperial free cities. C.T. Atkinson argues that this began the process of the end of the Holy Roman Empire. The secular princes were favored over the ecclesiastical and church princes in what would equal a suppression of papal power in the empire. Many of the monks and members of the religious orders attempted to justify their continuation by arguing that they provided vital services to the state – the education of students and pastoral care.¹⁵ This argument was weakened, however, after governments decided to secularize education and make it the responsibility of the state. In addition, Brandmüller argues that secularization would have occurred eventually, even without the threat of Napoleon, because of staffing problems and the loss of monastic populations. The secularization of the ecclesiastical territories and imperial cities was not an attack on religion or the Church. Instead, it should be viewed as an attempt to regain tax collection and administrative management. Max Joseph, a devout Catholic, and Montgelas did not necessarily continue the process of secularization because they disagreed with Catholic doctrine or wished to break from

¹³ Brandmüller, *Handbuch der bayerischen Kirchengeschichte*, 2.

¹⁴ Brandmüller, *Handbuch der bayerischen Kirchengeschichte*, 3.

¹⁵ Brandmüller, *Handbuch der bayerischen Kirchengeschichte*, 6-7.

the church; instead, they continued this process as a means of regaining control over functions that fell within the realm of the state, but had been performed by the Catholic Church, and enhancing the power of the sovereign. Both Max Joseph and Montgelas seized the opportunity for the “new beginning” and to improve the relationship between the state and Catholic Church.

Of all the compensated states, Bavaria gained the most. The Bavarians received seventeen imperial cities and villages together with twelve abbeys and priories, mostly in Franconia and Swabia. Bavaria also received the Bishoprics of Augsburg, Freising, Bamberg, and Würzburg, as well as parts of Passau and Eichstätt. In addition, the new territories were located in the most fertile and cultivated areas of southern Germany. Bavaria now obtained these regions and did not lose any territory to Austria in the process.¹⁶ Augsburg and Freising were fairly close to Munich, to the west and northeast, respectively, of the Bavarian capital city. Both Bamberg and Würzburg were cities in Franconia and had previously been ecclesiastical cities. The inclusion of these cities made Bavaria more territorially cohesive than it had previously been. Several articles in the *Regierungsblätter* mention these new territories specifically with the notice that they were to follow the new edicts and regulations in a similar manner as the older territories.¹⁷ The articles emphasized the relationship between the new territories and the rest of Bavaria. An article concerning the compliance of electoral regulations spoke of the “paternal purpose” of the regulations but expected all regulations to have been implemented within three months of their issuance.¹⁸

¹⁶ “Edict die Religionsfreiheit in den Churfürstlichen Herzogthümen Franken und Schwaben betreffend,” in *Churpfalzbaierisches Regierungsblatt*, 19 January 1803, 25-28; “Die künftige Beobachtung der bairischen Gesetz und Verordnungen,” in *Churpfalzbaierisches Regierungsblatt*, 26 January 1803, 41; “Auftrag: Die Befolgung die Churfürstlicher Verordnungen betreffend,” in *Churpfalzbaierisches Regierungsblatt*, 9 March 1803, 153-154.

¹⁷ Ibid.

¹⁸ “Auftrag: Die Befolgung die Churfürstlicher Verordnungen betreffend,” in *Churpfalzbaierisches Regierungsblatt*, 9 March 1803, 153-154.

Most of the articles in the *Regierungsblätter* refer to the implementation of the edicts in the regions of Franconia and Swabia, indicating that these two regions, in particular, resisted the directions of their new government. The repetition of edicts concerning education in these regions suggests that the Protestants of Franconia and Swabia were unhappy about Catholic influences on their children. There are several articles concerning the edicts in these two regions from 1803 to 1807 but decreased by about half by 1809. The Constitution of 1808 explains this decrease. The constitution guaranteed civil rights and aimed to better incorporate the new territories in the whole of Bavaria. Wealthy landowners in both Franconia and Swabia were eligible for election to the national representative body and all those living in Franconia and Swabia were considered natives of Bavaria.¹⁹

By 1803, all the monasteries in Bavaria – which had owned more than half the land, and controlled over half of the country's farms – were broken up and sold off. The demise of the monasteries removed the strongest strongholds of pre-modern, non-state power. This allowed the state to establish full sovereignty and reconstitute itself in a more modern form. Thomas Nipperdey, describing the process of secularization, states "The abolition of all autonomous institutions with their own rights, immunities, and privileges, those intermediary powers between subject and state, strengthened the hand of the state in the battle against feudalism. The church had been a part of the feudal order, and the modern state, which wanted this order superseded, had to secularize."²⁰

¹⁹ Königreich Bayern, "Verfassung des Königreichs Bayern vom 1 Mai 1808," Vierter Titel: Von der Nationalrepräsentation, <http://www.verfassungen.de/de/by/bayern08.htm> [accessed March 2014].

²⁰ Nipperdey, *Germany from Napoleon to Bismarck*, 59-60.

The state responded to the changes brought on by secularization by issuing a series of edicts on religion. The edict of 10 January 1803 granted religious toleration in the new areas of Franconia and Swabia and was clearer than most of the reforms preceding it. It guaranteed to all Christian confessions the right practice their own form of religion, possession and enjoyment of school funds and actual church property, in so far as it was not subject to secularization.²¹ Civil rights were also guaranteed to all members of the Christian confessions already established in the hereditary lands of the Bavarian Elector and they were not to be excluded from owning real estate or property based on religious confession. Furthermore, those members of a different confession than the parish they currently lived in were not expected to do anything contrary to their religion and would be allowed to form their own parish once they had achieved significant numbers and funds to do so.²²

The acquisition of so many Protestant subjects led to other problems: what to do about marriages between two people of different religious confessions as well as the religious education of children of mixed marriages or orphans. The issue was addressed in the edict of 18 May 1803. Such marriages were permitted and the parties involved could choose which confession the ceremony would adhere to. They were also permitted to create a marriage contract which would determine the religious education of their children.²³ If the couple failed to make any contract regarding the education of their children, the boys were to be educated in the confession of the father and the girls were to be educated in the confession of the mother until

²¹ "Edict: die Religionsfreiheit in den churfürstlichen Herzogthümern Franken und Schwaben betreffend," *Churpfalzbaierisches Regierungsblatt*, 19 January 1803, 25-28.

²² "Edict: die Religionsfreiheit in den churfürstlichen Herzogthümern Franken und Schwaben betreffend," *Churpfalzbaierisches Regierungsblatt*, 19 January 1803, 25-28.

²³ "Verordnung: die Religionsverhältnisse der Kinder bey vermischten Ehen betreffend," *Churpfalzbaierisches Regierungsblatt*, 25 May 1803, 321-323.

they were eighteen years old, at which time they were free to choose, without discrimination, their own confession.²⁴ For those children who born illegitimately, Protestant mothers could baptize and educate their children as Protestants as long as she remained unmarried to the Catholic father. If she married the Catholic father, a marriage contract would need to be agreed to or the rules regulating the different sexes would be implemented.²⁵ Orphans were to receive education in the predominant confession of the region they lived in or of the orphanage to which they belonged. Previous edicts failed to address the education of children in orphanages and clarifications were issued in March, April, and May 1807 in the *Regierungsblatt*.

The new Bavarian policy of conciliation towards non-Catholics, solidified by decrees in 1805 and 1806, brought new territory and more Protestant subjects to Bavaria. A series of treaties between Bavaria and both the collapsing Holy Roman Empire and France brought large populations of Protestants to Bavaria. The Treaty of Pressburg (26 December 1805) between Bavaria and the Holy Roman Emperor incorporated the city of Lindau into Bavaria with a population of over six thousand, most of them Lutherans.²⁶ Several treaties also occurred between France and Bavaria through which the latter gained Ansbach, Nuremberg, Castell, and Ortenburg.²⁷ By 1808, Bavaria had a population of 3.2 million with a significant Protestant

²⁴ "Verordnung: die Religionsverhältnisse der Kinder bey vermischten Ehen betreffend," *Churpfalzbaierisches Regierungsblatt*, 25 May 1803, 321-323.

²⁵ "Verordnung: die Religionsverhältnisse der Kinder bey vermischten Ehen betreffend," *Churpfalzbaierisches Regierungsblatt*, 25 May 1803, 321-323 and "Verordnung: die Religions-Erziehung unehelicher Kinder betreffend," *Churpfalzbaierisches Regierungsblatt*, 4 April 1807, 518-520. The edict of 4 April clarified the edicts of 18 May 1803 and 13 March 1807 which dealt with the education of children.

²⁶ "Königliche allerhöchste Verordnung: Den Preßburger Frieden und die Staatsverfassung in Baiern betreffend," *Königlich Baierisches Regierungsblatt*, vol. VII, 12 February 1806, 49-56 and 20 April 1807, 867.

²⁷ Ansbach was a Protestant Margraviate (mostly Lutheran) which Bavaria gained from Prussia. Through the newly created Confederation of the Rhine, Bavaria gained Nuremberg (also mostly Lutheran), Castell (Lutheran), and Ortenburg (Lutheran); Higby Penn, *The Religious Policy of the Bavarian Government*, 127.

minority that equaled about one million people, or roughly one-third of the entire Bavarian population, by 1819.²⁸ For this reason, it was essential that Bavaria maintain its tolerant stance toward Protestants and continue the reforms to both gain from the Protestants and prevent any future problems with the state.

The Bavarian Constitution of 1808 represented the heart of the reforms of Montgelas and clearly reflected his ideas. He was the primary author, although other members of Max Joseph's new cabinet assisted, including Count Morawitzky and Baron von Homepsch. It called for a representative body in which "the entire Kingdom would be represented, held to the same laws, and governed by the same policies."²⁹ Neither the aristocracy nor clergy would constitute an unequal part of the representative body and were not entitled to exclusive rights. Furthermore, the constitution granted all citizens complete freedom of conscience and worship and freedom of the press. Education which would also no longer be under the control or supervision of the Catholic Church.³⁰ But the subjects of Bavaria had responsibilities as well. Every citizen had to swear an oath to the state when he turned twenty-one years old that he would be loyal to the king. These sections directly echo Montgelas' Ansbach "Mémoire" and his discussions of how to ensure loyalty to the king and state. Both the "Mémoire" and the Constitution of 1808 spoke of the collective wellness and coherence necessary for security.³¹

²⁸ "Bavaria, 1799-1815," *Haus der bayerischen Geschichte*, http://www.hdbg.eu/koenigreich/web/index.php/themen/index/herrscher_id/1/id/18 [accessed 23 March 2014].

²⁹ Kingdom of Bavaria, *Verfassung des Königreichs Bayern*, <http://www.verfassungen.de/de/by/bayern08.htm> [accessed 3 March 2014].

³⁰ Bavaria, "Erster Titel: Hauptbestimmungen," *Verfassung des Königreichs Bayern* (1 Mai 1808), <http://www.verfassungen.de/de/by/bayern08.htm> [accessed 3 March 2014], 2.

³¹ Bavaria, "Erster Titel: Hauptbestimmungen," *Verfassung des Königreichs Bayern* (1 Mai 1808), 2.

The Bavarian Constitution of 1808 reiterated the power and authority of the monarchy and was issued without mass public uprisings and revolution. It also contained a very conspicuous phrase: “by the consent of the King.” Prussia would not issue a constitution until December 1848 but their citizens took greater strides on the road to citizenship than their Bavarian counterparts, even with the Bavarian Constitutions of 1808 and 1818. Prussians could voice political opposition in provincial diets; Bavarians could not. Even the general assembly promised by the Constitution of 1808 was subject to strict supervision by the king. The deputation, also guaranteed, was chosen by the king and the king would also appoint deputies for positions, order them to assemble, and regulate the place and length of time they were allowed to meet.³²

The Constitution stated,

The State grants all citizens personal and proprietary security – complete freedom of conscience – and freedom of the press, according to the decreed censure edict of the 13th of June 1803, and the ordinances of the 6th of September 1799 and the 17th of February 1806, enacted due to political newspapers. Only natives of the state or owners of property within the State may fill government offices. The foreign-born may only be issued citizenship through a law or a declaration of the King.³³

The new constitution attempted to clarify and explain previous edicts as well as new rights of the subjects of the King. No Bavarian subject was denied citizenship based on his religious confession or affiliation. All were free to receive private devotion, in any confession, and the edicts regarding the education of children in mixed marriages were reiterated in the Constitution. If a subject wished to convert to a different confession or religion, he was allowed to do so

³² Bavaria, “Erster Titel: Hauptbestimmungen,” *Verfassung des Königreichs Bayern* (1 Mai 1808), 2.

³³ Bavaria, “Erster Titel: Hauptbestimmungen,” *Verfassung des Königreichs Bayern* (1 Mai 1808), 2.

without fear of losing any civil rights. In addition, the clergy received the “exclusive and complete ownership of the parish, school, and Church . . . without exception.”³⁴ This is why the Constitution of 1808 is such an important document.

The Bavarian state’s policies toward smaller Protestant groups displayed the fear of foreign influence and the demand of equal obligation. Smaller denominations such as the Mennonites and Herrnhuters gained smaller liberties much later than Calvinists and Lutherans.³⁵ In April 1813, an edict concerning the right to private devotion was granted to all Christian members of the community but both Mennonites and Herrnhuters were forbidden to have any relations with foreign communities of their denomination.³⁶ This echoes several statements by Montgelas about foreign education and connection with foreign religious groups. Montgelas believed that any education received outside the state of Bavaria would result in a loss of sovereign authority by the King because his subjects had not received any education about being proper *Bavarian* subjects. In addition, outside influences could further impugn the King’s authority when malicious outsiders would attempt to turn Max Joseph’s loyal subjects against him. Foreign influences prevented the development of a national spirit and created groups of people who stayed outside society, preventing the cohesion and loyalty necessary in a state with a mixed population.

Religious tenets of the Mennonites, who were generally referred to as members of the pacific Christian community, had caused trouble for the Bavarian government as early as 1805

³⁴ Bavaria, “Erster Titel: Hauptbestimmungen,” *Verfassung des Königreichs Bayern* (1 Mai 1808), 2.

³⁵ For more information, please see <http://www.mennoniteusa.org> and <http://www.moravianseminary.edu>, respectively.

³⁶ “Auszug einer allerhöchsten Entschliessung an die königliche Kriegs- und Domainenkammer zu Ansbach,” *Königlich Regierungsblatt*, 21 March 1807, 444-447.

when they gained the right to buy off the right of conscription for approximately one hundred and eighty-five florins. After paying the fee, the members of the Mennonite community in the army were replaced by members from other communities and Mennonite men were moved to the supply train or another branch of the army. Later, however, many Mennonites claimed that it was incompatible with their religious beliefs to allow their men to serve in the army in any capacity.³⁷ In December 1812, the Bavarian government responded with an edict that allowed conscripted members of the Mennonite community to be replaced with substitutes from other confessions provided that they could provide proof that they were legitimate members of the Mennonite community.³⁸ The exceptions granted to Mennonites increased tensions between the state and Mennonite community. The state wanted standard service from all citizens of Bavaria, not several exceptions from one group.

The Jewish subjects of Bavaria, on the other hand, had to wait until 1813 to receive any conciliatory law regulating their status in the country. The Jews had lived under the medieval restrictions regarding their community since they were first instituted. Beginning in 1799, however, these restrictions were modified. The legislation presented a more hostile stance toward the Jewish community than the edicts concerning the Protestants. The edict of June 1804, for example, allowed Jews to move into the Bavarian state as long as they were not “undesirable elements.”³⁹ Smaller rights were granted to the Jews in the early years of Max Joseph’s reign, including admission to the schools and Jews were attending the Gymnasiums and Lyceums in Munich in 1802. The ordinance of June 1804 granted them the right to attend all schools in the

³⁷ Penn Higby, *The Religious Toleration of the Bavarian Government*, 143.

³⁸ “Rescript: das Militär-Kantons-Regelment betreffend,” *Königlich Baierisches Regierungsblatt*, 13 Feb 1805 and 23 December 1812.

³⁹ Vedeler, “The Genesis of Toleration Reforms,” 488.

state. The *General-Schuldirectorium* was to ensure that the religious freedoms of Jewish students were not obstructed.⁴⁰ These changes in education evoked a hopeful response from Wieland in *Der Teutsche Merkur*. He criticized the lack of toleration on the part of the parents when he stated, “The lovely child of God, tolerance, is gaining ground. It is noticeable here . . . that Protestants and even Jews study at the high school. At least their classmates behave toward them as if all children of Our Father would. Why do the parents not?”⁴¹ Wieland’s statement implied his belief that children do not label their fellow students as “Jew,” “Catholic,” or “Protestant”; they simply see fellow students and children, giving further credence to the notion that hatred and prejudice are not inherent, but learned, qualities.

Wieland wanted the reforms in Bavaria to go farther than they did but his comments on the limited views in Bavaria are evidence to the fact that change was occurring in Bavaria during the Napoleonic Era. Jewish children could now be educated with Christian students as long as the religious freedoms of the Jews were respected. If a Jewish community had their own school, Jewish parents could send their children there as long as it followed the new curriculum and pedagogy reforms except in matters of religion. Wieland recognized the limitations of many of the reforms and, although an advocate of more radical reform, still praised the Bavarian government for its efforts.⁴²

⁴⁰ “Fortschritte wahrer Religiosität und Aufklärung in Bayern,” in *Der Teutsche Merkur* vol. I, 1803, 66.

⁴¹ Wieland, “Fortschritte wahrer Religiosität und Aufklärung in Bayern,” in *Der Teutsche Merkur*, November 1802, 65-66.

⁴² Wieland, “Korrespondenznachrichten,” “Aus Bayern,” “Fortschritte wahrer Religiosität und Aufklärung in Bayern,” and “Aus Bayern,” in *Der Teutsche Merkur*, November 1800, December 1801, November 1802, and September 1803, respectively. In all of these articles, he discusses the problems faced by Bavaria and praises the Bavarians for their effort at enlightened reform.

Some of the most stringent restrictions placed on the Jews of Bavaria regarded economics. The number of Jewish families was strictly controlled in the cities as well as their jobs and occupations. Jews were allowed to participate in any occupation that already included significant numbers of Jewish participants but forbidden to create any guilds of their own. They could generally participate in the standard guild professions but were forced to join existing guilds, where they faced discrimination by Christian members, instead of forming their own. The state aimed to keep the Jewish population at its current level and the ordinance in the *Churpfalzbaierisches Regierungsblatt* of December 1804 ordered customs officials to keep out all Jewish beggars; a similar edict in April 1805 stated that the Bavarian government would not tolerate a stay of longer than eight days by foreign Jews without a special government dispensation.⁴³ Furthermore, no Jew who aroused suspicion that he might support his family by begging was to be granted permission to enter Bavaria and any Jew who was in the country for legitimate business was not allowed to deviate from a pre-determined route.⁴⁴ Those Jews in Bavaria who supported themselves by legal means were given patents of protection by the government which was only to be passed down to one member of the family upon the original owner's death or inability to continue his trade.

By 1813, however, Montgelas admitted that the laws regulating the Jews had caused more problems than they had solved and the edict of 10 June 1813 was the solution.⁴⁵ Although the Jews of Bavaria were required to report to their local police station so their information could

⁴³ "Verordnung: das Regulativ für die Judenschaft in München betreffend," *Churpfalzbaierisches Regierungsblatt*, 28 December 1804, 249-250 and 10 April 1805, 493.

⁴⁴ "Bekanntmachung: die in- und Ausländischen Betteljuden betreffend," *Königlich Baierisches Regierungsblatt*, 16 August 1809, 1357-1360.

⁴⁵ Montgelas, *Denkwürdigkeiten*, 139-140.

be recorded in the registers and they were also required to present their patents of protection, they received permission to acquire full ownership of houses, fields, and other types of real estate, and to use them in any lawful manner. In addition, they could carry on all industries and crafts that Christians could except for breweries, beer shops, and inns.⁴⁶ They could join guilds and could employ both Christians and Jews as assistants and apprentices, but they had to keep all records in the German language. Furthermore, although they could not form a political parish, a community of exclusively Jews who attempted to form a local government, they could share in the privileges of the parishes in which they lived.⁴⁷

Jews also received religious freedoms in 1813, most importantly the right of complete freedom of conscience. They could form religious parishes and have a rabbi as well as a synagogue of their own.⁴⁸ As a result, a new Israelite congregation formed in 1815 and plans for a new synagogue on Theaterstrasse, which was finally completed in 1826, began. Like all other Bavarians, they had to swear an oath of allegiance to the king and promise not to teach any subversive ideas or anything contrary to the law. Again, the conditions placed upon the Jews reflect the desire of the bureaucrats in Munich to ensure that all subjects are educated in the state's schools. The introduction of compulsory school education, which will be discussed in the following chapter, was really the cornerstone of all reforms in Bavaria during this period. Montgelas stated, on numerous occasions in his Ansbach "Mémoire," the importance of education which went hand in hand with religious reform.

⁴⁶ "Edikt über die Verhältnisse der jüdischen Glaubensgenossen im Königreich Baiern," *Königreich Baierisches Regierungsblatt*, 10 June 1813, 921.

⁴⁷ "Edikt über die Verhältnisse der jüdischen Glaubensgenossen im Königreich Baiern," *Königreich Baierisches Regierungsblatt*, 10 June 1813, 921.

⁴⁸ "Edikt über die Verhältnisse der jüdischen Glaubensgenossen im Königreich Baiern," *Königreich Baierisches Regierungsblatt*, 10 June 1813, 921.

The edicts and laws enacted by Maximilian IV Joseph and Montgelas radically changed the landscape of Bavaria. In the space of less than two decades, Bavaria went from a closed, almost exclusively Catholic state to providing equality for the three most prominent Christian denominations in the country as well as making major steps toward toleration for Jews.

Chapter 4 – Education Reform and the Path to Model Subjects

In the first few years of the nineteenth century, rulers across Europe were faced with the daunting task of integrating new areas and subjects into their kingdoms. The new king of Bavaria, Maximilian IV Joseph, was no exception. Early on, he recognized the link between education and adherence to the royal agenda. Previously, Johann Ickstatt and Heinrich Braun attempted a reform of the structure of the school systems of Bavaria and now, in the nineteenth century, new reforms were developed to improve the curriculum of Bavarian schools, as well as teaching methods. Most of these reforms had roots in German Pietism, but Max Joseph and his ministers were careful to structure the changes and language to make them more Catholic in tone.

These reforms were an attempt to modernize the Bavarian school system and introduce new subjects into the curriculum. Both Prussia and Austria instituted similar reforms in their countries in the latter part of the eighteenth century with great success. Absolutist rulers agreed that education reform was an essential first step toward remaking the state. The state required capable subjects, albeit ones bound to their social position. Education reforms in Bavaria aimed to create useful, productive members of society, ones loyal to the King and state.

One of the most important influences on education reform in Germany in the eighteenth and nineteenth centuries was German Pietism. It began as a reform movement within German Protestantism and slowly grew to encompass a wide range of reforms, including education. Both Catholic and Protestant rulers had created a vast system of parish schools throughout Central Europe prior to the eighteenth century but Pietist schools and pedagogy had a larger and lasting impact on Western education. In the late eighteenth and early nineteenth centuries, education

played a key role and Pietism became the first major popular education movement in the late eighteenth and early nineteenth centuries.¹

In the sixteenth century, people across Europe complained about an ignorance of the catechism, poor attendance in school and church, and lax morals in the laity. In the midst of this, Pietism arose as a movement to reform the Reformation. In Frankfurt, Philip Jacob Spener (1635-1705), a theologian from Alsace, started to form the ideas that would later become Pietism. Pietists criticized arid scholasticism and dogmatism, an outward spectacle for the sake of appearances, and placed emphasis on the inner conviction to do one's religious duty.

Although Spener is known as the father of Pietist theology, August Hermann Franke (1663-1727) is known as the creator of Pietism as a social movement. It was in Prussia that Franke created and instituted his Pietist ideas in terms of pedagogy and curriculum reform which would later influence Bavarian and Western education. Franke reorganized the classroom in order to maximize the amount of time students spent working and to ensure more personalized help. The lack of an efficient and well-trained bureaucracy to instruct the teachers on pedagogy hindered the implementation of many of the new ideas. Once this bureaucracy was established through the Ministry of Spiritual Affairs, responsible for both religion and education, the state sent out instructors to train teachers and to professionalize teaching. With the creation of new teaching "seminaries," Bavarian teachers obtained certificates attesting to pedagogical competence.²

¹ Gerhard Kaiser, *Pietismus und Patriotismus im Literarischen Deutschland* (Frankfurt: Athenäum, 1973), 38; and Möckl, *Der moderne bayerischen Staat*, 159.

² Sheehan, *German History*, 176; Möckl, *Der Moderne bayerischen Staat*, 165; Liedtke, *Handbuch der Geschichte des bayerischen Bildungswesen*, 663.

Even though Spener created many of his ideas in Prussia, Bavaria became the first German state to institute a comprehensive plan for teacher education in 1809.³ Furthermore, students were divided into multiple classrooms based on reading and comprehension levels.⁴ This allowed the instructor to teach multiple students at a time, thereby making the most of the classroom time and ensuring that all students continued on the same level. Textbooks were standardized, new subjects were added to the curriculum and students raised their hands to develop a queue for asking questions or wishing to speak.⁵

Education aided the absolutist attempt to integrate new groups into the economy, a task later faced by regimes throughout Central Europe. In the end, the discipline instilled into the students by the teachers would inevitably carry over to the rest of their duties as both children and subjects. Pietism's attempt to institute both autonomy and self-discipline while simultaneously trying to preserve some form of control over them echoed the later absolutist attempts to do the same.⁶

Education reform in Bavaria was part of a larger campaign of secularization. School reform aimed to reduce the prejudice and ignorance of the population. The most intensive reforms took place in the new territories acquired by Bavaria after the secularization of 1803, many of which had formerly been ecclesiastical territories or had large Protestant majorities. Education provided both the benefits of transferring loyalty from a religious prince to a secular prince as well as furthering productivity. In the wake of the Great Secularization of 1803, the

³ Steven R. Welch, *Subjects or Citizens? Elementary School Policy and Practice in Bavaria, 1802-1918* (Melbourne: University of Melbourne, 1998), 32-33.

⁴ Liedtke, *Handbuch der Geschichte des bayerischen Bildungswesen*, 668 and 701-705.

⁵ Liedtke, *Handbuch der Geschichte des bayerischen Bildungswesen*, 646 and 660.

⁶ Melton, *Absolutism and eighteenth-century origins of compulsory schooling*, 58; and Liedtke, *Handbuch der Geschichte des bayerischen Bildungswesen*, 665.

Bavarian state renewed attempts, previously performed under Maximilian III Joseph, to wrest control of the schools from the Catholic Church. An edict from November 1804 stated, “We do not consider the schools religious institutions and they will not be treated as such.”⁷ From this point forward, the state never ceded any ground on their right to remove the schools from church jurisdiction as well as the character and curriculum in the schools. The Catholic Church in Bavaria never surrendered its right to education but, in the wake of the secularization, had more pressing matters to attend to. In the end, the two entities of church and state reached a stalemate. The Church still fully believed in their privilege to educate Catholics in Bavaria and the state never gave up its right to remove the schools from church influence. In other words, the state continued on its path of education reform in secular, state-run schools and the Church continued to complain about it.

The aim of the reconstruction of school authority was to remove anything that would subordinate the purpose of the state to another entity. One goal of reconstruction in Bavaria was to remove confessional segregation in schools; in other words, Catholic schools for Catholic students and Protestant ones for Protestant children and religion was to be only one of many subjects taught. Although Bavaria made great strides in terms of curriculum changes and reducing the influence of the church, it failed to achieve all of its goals. Bavarian schools were still separated by confession throughout the nineteenth century.⁸

As previously stated, one reason why previous school reform in the 1770s and 1780s with Braun and Ickstatt failed was the contrast between wishful thinking and reality. In the plan

⁷ Decree dated 26 November 1804 in *Churpfalzbaierisches Regierungsblatt*, 1001-1002.

⁸ Welch, *Subjects or Citizens?*, 20 and William Turner, “Schools,” in *The Catholic Encyclopedia: An International Work of Reference on the Constitution, Doctrine, Discipline, and History of the Catholic Church*,” ed. Charles G. Herbermann, Edward A. Pace, Condé B. Pallen, Thomas J. Shahan, and John J. Wynne (New York: Robert Appleton, 1912), 558.

Ickstatt submitted, all students would attend the *Trivial-oder Volksschule* for grades 1-3 ages (6-8). Then they would proceed to the *Realschule* or lower gymnasium for grades 4-7 (ages 9-12) where they could either take courses to prepare them for professional life or courses in the classics to prepare for the higher gymnasium for grades 8-12 (ages 12-17). In their twelfth year, they could take preparation for the lyceum and then proceed to the lyceum for grades 13-14 (ages 18-19) after which they would then qualify for one of four faculty positions: theology, law, medicine, or economics. They would study their chosen profession in grades 15-17 (ages 20-22).⁹ In Braun's plan, all students would attend the *Trivialschule* until the third grade (ages 6-8). Students would then be divided into four classes for grades 4-6 (9-11). First and second classes would proceed straight to a profession after the 6th grade. Those in classes three and four would proceed to the gymnasium for grades 7-10 (ages 12-15) and then university for grades 12-14 (ages 17-19). The students would choose which option to take based on their individual abilities and desires. Generally, those students who were placed in classes three and four were of the higher social classes.¹⁰ Although these plans were fairly straightforward, Bavaria lacked an efficient bureaucracy to implement the changes. Montgelas realized that the only way to achieve successful reform of the school system was to create an efficient school bureaucracy, one of the reasons why he suggested the reorganization of the Bavarian government into five distinct ministries. An efficient bureaucracy was really a prerequisite for any successful reform or change and by clearly defining the obligations, duties, and areas of responsibility he could increase the speed and efficiency in implementing new policies. The new territorial acquisitions of Bavaria

⁹ Buchinger, *Die Geschichte der bayerischen Realschule*, 34.

¹⁰ Buchinger, *Die Geschichte der bayerischen Realschule*, 37.

during the Napoleonic Wars and the reorganization of the government soon made it clear that bureaucratic reform all the way down to the local level was imperative as well.

Bavaria encountered many obstacles when trying to implement its education reform, particularly difficulties with the Catholic Church. One of the first areas the new reforms attempted to correct was attendance of children in schools. The new reforms required all students aged six to begin school and to do so until at least their first communion, or about age twelve. But the state immediately encountered issues between the Catholic and Protestant definitions of the appropriate age for the Eucharist. Protestant children usually took communion at the age of twelve or thirteen but Catholic Children would sometimes take it as young as ten after which they would leave school. In 1802, the Bavarian government attempted to introduce legislation requiring the Eucharist to be administered at age twelve but the Catholic Church refused and generally ignored any written edicts requiring them to change their practices. This created the distinction between Protestant children, still educated in separate schools, who received six or seven full years of schooling while their Catholic counterparts attended school for less than six.¹¹ The state again attempted to regulate the Eucharist age in 1809 but, again, it encountered resistance from the Catholic Church who argued that, according to the new Constitution and the new bureaucracy, the state had promised not to interfere in matters that fell strictly within the realm of Church affairs. After intense pressure from the state and a reissued edict in 1810, however, Catholic bishops finally agreed to set the age for the first communion at twelve, thereby ensuring a full six years of education. But the state struggled with spotty compliance and Catholic churches, particularly in Lower Bavaria, still administered the Eucharist prior to age

¹¹ Welch, *Subjects or Citizens?* 32-33.

twelve well into the 1820s.¹² It was not until the second half of the nineteenth century that the Bavarian state was able to mandate and enforce seven years of education for children.

The education reforms under Max Joseph attempted to modernize and secularize the education system. School teachers had earlier supplemented their income by farming or working odd jobs in the town or village but the new system attempted to set tuition rates to prevent instructors from having to take on extra work.¹³ The institution of a salary large enough for instructors to live on allowed school teachers to focus entirely on their students and improve the level of education they provided. Moreover, the new attempts at education reform sought to remove control over schools from the church and bring it firmly into the hands of the state. Reforms aimed to educate citizens to read and write. A reform plan for schools issued in 1806 stated “The general rule of every man is pure immorality; to become a productive member of civil society, he must be put in a position to his and the general interest of the society in which he lives, and contribute as much as possible. For this reason, public education institutions should provide training through the state to make morally good, understanding, and skilled citizens.”¹⁴ The formation of the kingdom and education of the people remained the primary goal of education reform throughout the reform period.

School reform under the new Elector was an immense undertaking. Max Joseph was sympathetic to the French and with French ideas of the Enlightenment, sentiments obvious from the start of his reign as Elector of Bavaria in 1799. His long reign (as Elector from 1799-1805

¹² Welch, *Subjects or Citizens?* 33.

¹³ Welch, *Subjects or Citizens?* 21, 33-36; Liedtke, *Handbuch der Geschichte des bayerischen Bildungswesen*, 673; Möckl, *Der Moderne bayerische Staat*, 160.

¹⁴ “Instruktion für die Elementar-Lehrer in den königlichen Stadt und Landschulen,” *Königlich Baierischen Regierungsblatt*, 3 15 January 1806, 20. Möckl, *Der Moderne bayerische Staat*, 159; Welch, *Subjects or Citizens?*, 5; Liedtke, *Handbuch der Geschichte des bayerischen Bildungswesen*, 653-654.

and as King from 1806-1825) coupled with the new bureaucracy and favorable conditions in Europe brought on by French hegemony allowed Montgelas and Max Joseph to carry out reform with continuity and intensity.¹⁵ The aim of all the reforms in Bavaria, not just education, was to develop a centralized, efficient, and unified national government, guided by the rational principles and dedicated to the welfare of the Bavarian population. Education, as Montgelas saw it, was essential to achieving this task. A properly organized system of schools could perform the essential political and social duties required to achieve cohesion, particularly in the new territories, and to bring about a “national spirit,” which Montgelas viewed as crucial to a modern state.¹⁶

Max Joseph began his reform at the post-secondary level, mainly working with surgical and medical schools. The majority of these reforms took place in 1802 and 1803 and the timing of these reforms tells us as much as the reforms themselves. The Napoleonic Wars resulted in massive casualties and the naval and war hospitals needed to be in the best shape possible to ensure effective treatment of the Bavarian army. In June 1803, an edict was sent out in the *Churpfalzbaierischen Regierungsblatt* that outlined some of the necessary steps to be taken in the curriculum of the surgical schools. Professors were instructed to check the reading and writing levels of medical candidates to make sure they had the necessary skills or to send them to the writing school to achieve the required skill level.¹⁷ In an a state and age where literacy was often feared to lead to heretical views, students, even medical candidates, could theoretically have only had a basic elementary education or understanding of grammar and rhetoric. It was

¹⁵ Welch, *Subjects or Citizens*, 20.

¹⁶ Welch, *Subjects or Citizens?*, 21.

¹⁷ Churfürstliche General-Landesdirektion, “Bekanntmachungen: Lehrplan die Chirurgie betreffend,” *Churpfalzbaierisches Regierungsblatt*, June 1803, vol. XVI, p. 415.

essential that all students be on the same skill level so they could not only understand their lectures, but also follow complicated instructions for performing surgery in battlefield or war hospitals. In addition, professors were advised to administer practice tests that would allow them to track a candidate's progress, and administer proper foundations.¹⁸

Beginning in 1803, the Bavarian government began to restructure the school systems and created both a General School Commission and school inspectors. The General School and Studies Directorate appointed several school inspectors, each assigned to a specific school district to make sure the districts and teachers complied with state regulations. The commission itself was set up specifically because the Bavarian government recognized the difficulty in monitoring the schools and ensuring that new reforms were followed. "Since the General School and Studies Directorate finds it impossible to perform the much needed supervision of all schools in the country directly, so the same various organs are necessary . . ."¹⁹

The first organ the notice refers to is the General School Commissions which were placed in large school districts and then sent out the second organ, the school inspectors, to the individual school for inspections. The inspectors were encouraged to develop a "lively conviction" to their jobs and to understand that "a better education required the same zeal for the school system, a satisfactory knowledge of all parts and an activity that never tired."²⁰ These commissioners and inspectors were responsible for overseeing the schools in the district and to examine everything from the physical state of the schools to the competency and classroom

¹⁸ Churfürstliche General-Landesdirektion, "Bekanntmachungen: Lehrplan die Chirurgie betreffend," *Churpfalzbaierisches Regierungsblatt*, June 1803, vol. XVI, p. 415.

¹⁹ "Instruktion für die Ober-Schul-Kommissärs," *Churpfalzbaierisches Regeirungsblatt*, August-September 1804, vol. XXXV, 633.

²⁰ "Instruktion für die Ober-Schul-Kommissärs," *Churpfalzbaierisches Regeirungsblatt*, August-September 1804, vol. XXXV, 634.

management of the teachers and to compile this information into a table that would then be sent to the General School and Studies Commission. These tables and reports would highlight specific obstacles to the schools and districts as well as the lack of resources faced by the districts.²¹ The list of related disciplinary problems in the school districts is particularly interesting. Part of the Pietist pedagogy for disciplining children was to display the infraction and recommended punishment as a deterrent for later problems.²²

In addition to the General School and Studies Directorate and the local school inspectors, there was also a Local School Commission to which the local school inspectors reported that then relayed information to the General Commission. This local commission was made up of “the top electoral officials [in the area], the local priest, two deputies from the City Council and the school inspector.”²³ In the August-September edition of the *Churpfalzbaierisches Regierungsblatt*, Montgelas wrote about the school inspectors and stated,

They provide for the observation of all regulations in the school system, operate the hard-working school, make quarterly visitations of schools and demonstrate the diligence of the teacher and fruits of the lessons through an examination of the students. Each local school committee is required to hold at least one meeting every quarter. In this meeting, they will deliberate about the defects and enhancements of the reforms, the resources and needs of the schools, and remedies to each of these.²⁴

²¹ “Instruktion für die Ober-Schul-Kommissärs,” *Churpfalzbaierisches Regeirungsblatt*, August-September 1804, vol. XXXV, 637.

²² The standard punishment in the Pietist system was a verbal warning for the child. If the behavior continued, his name would be written on the board with the label “To be punished” next to it and he would be put in a corner. Most found the threat and waiting for punishment to be punishment enough to prevent bad behavior. If, however, the child continued, the parish priest or pastor would be brought in to consult with the teacher on appropriate punishment to prevent any parental problems.

²³ “Instruktion für die Ober-Schul-Kommissärs,” *Churpfalzbaierisches Regeirungsblatt*, August-September 1804, vol. XXXV, 639.

²⁴ “Instruktion für die Ober-Schul-Kommissärs,” *Churpfalzbaierisches Regeirungsblatt*, August-September 1804, vol. XXXV, 640.

In the notice, the General Commission admitted that the Commission wanted “some individuals in that it gave them ultimate supervision of the schools of the district . . . prove that schools know, and teach [the new reforms and essentials of the curriculum].”²⁵ The notice further stated that inspectors were required to perform visitations often enough to report on perceived shortcomings and to instruct the teachers and to “uplift” them to fix the deficiencies in accordance with the new educational standards. These local commissioners were responsible for visiting the schools individually and observing the competency and methods of each instructor. The inspectors observed the instructors during lessons and spoke with the instructors, as well as school administrators, to learn more about the school and any problems they faced implementing the curriculum and pedagogical changes. The school inspectors would also be implicitly studying the success or failure of the academics teachers attended for training. Only properly educated instructors could pass on their ideas and set an example by providing the service Montgelas found so essential in order to remake the Bavarian state and society: the instruction of children in the ways and manners in which they could become productive members. The subject matter provided to students was to instill in them the ability to think for themselves, not simply to understand certain subjects. The ability to think for themselves would lead to decisions that would ultimately better themselves and society, as well as act as a positive reflection upon the state.

Fewer reforms were instituted in 1804 and 1805, but those that did occur pertained to the new curriculum for the Electoral elementary schools as well as a few notices regarding the academic laws of the Ludwig Maximilian Universität of Landshut.²⁶ The opening statement of

²⁵ “Instruktion für die Ober-Schul-Kommissärs,” *Churpfalzbaierisches Regeirungsblatt*, August-September 1804, vol. XXXV, 642.

²⁶ This university was originally in Ingolstadt but moved, by order of the Elector, to Landshut in 1800.

the notice regarding the new curriculum for the elementary schools states the motive behind this new plan: “The necessity of a uniform curriculum for the elementary schools of the Bavarian Palatinate that is anywhere easily and safely applicable was for some time sensible and required.”²⁷ The Palatinate changed hands several times during the Napoleonic Wars. Originally, the Wittelsbachs ruled the Palatinate as part of the personal territory of the Duke of Zweibrücken but in 1794, the area was incorporated into the French Republic. In 1799, however, part of the Palatinate was returned to Bavaria while a significant portion remained with the French until the end of the Napoleonic Wars. The constant changes in territory resulted in a distinct Palatinate identity which resented foreign influence. The Palatinate continued to have special status until the end of the Bavarian kingdom in 1918.²⁸

The statement from the General School and Studies Directorate aimed to eliminate obstacles and to significantly improve the textbooks used in elementary schools. It also stated that earlier plans for reform had been unadvisable without the necessary information needed that had recently been gained by the school inspectors and local and national school commissions recently formed. It was only through the various reports and experiences gained by the inspectors and passed on to the commissions and Electoral School Board that the Directorate was able to fully understand the obstacles they faced and institute a plan that would not only address the obstacles, but hopefully remove them entirely. The plan was to provide the schools with the curriculum and the necessary tools to carry out the new plans before the beginning of the upcoming school year by introducing the curriculum in the winter schools in both the cities and

²⁷ Churpfalzbaierisches General Schul und Studien Direktorium, “Oeffentliche Ankündigung des neuen Lehrplanes für die Churpfalzbaierischen Elementar-Schulen nebst einer Skizze derselben,” *Churpfalzbaierisches Regierungsblatt*, 9 May 1804, vol. XIX, 473.

²⁸ Gertrude Norman, *A Brief History of Bavaria* (Norderstedt: Vero Verlag, 2014), 54-62.

countryside to find out the best way to successfully implement the changes.²⁹ Teachers would rewrite certain sections of their lesson plans to conform to the new curriculum and would work under direct supervision of the General School and Studies Directorate to ensure compliance with the new plans.

Curriculum reform for elementary schools began again in 1806 and focused on the role of the teacher as well as the lessons themselves. The new reforms began in January 1806, shortly after the dissolution of the Holy Roman Empire and proclamation of Max Joseph as King of Bavaria.³⁰ The curriculum had six main subjects: God, man, nature, art, math, and speech and grammar. The subjects were listed by the General School Commission which stated that, “Only the useful and applicable [subjects] should be taught with progressive methods. Follow these methods and the student will never fail in his purpose.”³¹ In other words, teach the useful subjects that would allow students to contribute to society and correctly perform their function as members of the Bavarian state and society. During the reign of Max Joseph, the people of Bavaria occupied a gray area in the realm: more than subjects, but less than citizens. Montgelas hoped to foster a national spirit of belonging and a sense of Bavarian identity but this did not necessarily equate with full participation in the political realm. Steven R. Welch argues that the term “politically passive citizen” fits more to Montgelas’ idea of the people.³² Montgelas

²⁹ Churpfalzbaierisches General Schul und Studien Direktorium, “Oeffentliche Ankündigung des neuen Lehrplanes für die Churpfalzbaierischen Elementar-Schulen nebst einer Skizze derselben,” *Churpfalzbaierisches Regierungsblatt*, 9 May 1804, vol. XIX, 473.

³⁰The Holy Roman Empire was dissolved by Napoleon in December 1805 and Max Joseph proclaimed himself King of Bavaria on January 1st, 1806.

³¹ “Instruktion für die Elementar-Lehrer in den königlichen Stadt und Landschulen,” 8 January 1806, *Königlich Bayerisches Regierungsblatt*, vol. II, 19.

³² Welch, *Subjects or Citizens*, 22.

probably understood that few people understood the rights of political freedom as well as the fact that political participation by the entire body politic could hinder the sovereignty of German princes by placing the decisions of parliament above those of the king, relegating the king to the status of figurehead.

God was the first subject to be listed in the notice of the new curriculum on 8 January 1806. Although the state stressed secularization, this did not equate with a removal of religious study or religion from schools. In the early nineteenth century, religion was still an essential part of education. Instead, the “secularization” of the Bavarian school system referred to the removal of schools from church control and authority. Religious instruction was divided into three classes, each labeled “Virtue and Religious Instruction.” A justification for the appropriate terms was given for the first class and teachers were instructed to “Awaken a sense of morality by short biblical and other stories.”³³ Bible stories were used to create a sense of virtue and students were taught the Lord’s Prayer and tales from the Gospels and life of Jesus. In the second class, an explanation of the Lord’s Prayer and the concepts were to be explained to the students as well as a history of Jesus and virtue in connection with the sacraments.³⁴ In addition, students learned moral proverbs and sentiments as well a deeper understanding of the Gospels in their historical and moral context. The third class continued in their moral and virtue instruction with longer Biblical narratives together with instruction on the passion of Christ, the church foundations, sanctification, and further instructions on the sacraments.³⁵ As the students got older, they

³³ “Instruktion für die Elementar-Lehrer in den königlichen Stadt und Landschulen,” 8 January 1806, *Königlich Bayerisches Regierungsblatt*, vol. II., 9.

³⁴ “Instruktion für die Elementar-Lehrer in den königlichen Stadt und Landschulen,” 8 January 1806, *Königlich Bayerisches Regierungsblatt*, vol. II., 9.

³⁵ “Instruktion für die Elementar-Lehrer in den königlichen Stadt und Landschulen,” 8 January 1806, *Königlich Bayerisches Regierungsblatt*, vol. II., 10.

encountered more difficult subjects which would enhance both their understanding of the material and the implications behind it, especially in the context of Biblical and moral passages. Additional instructions for the three classes included lessons on man (both the physical body and the soul), with the lessons increasing in difficulty for each class. For example, in the first class, students were taught the proper names of the limbs and torso while in the second class students learned more detailed knowledge of the muscles and skeleton. In the second class, a history of man was introduced with topics such as the Babylonian captivity as well as a history of the Assyrians, Egyptians, Phoenicians, Hebrews, and Israelites.³⁶ Lessons on the topic continued in the third class with more specific topics such as the Israelites in Canaan, idolatry, the Seven Wonders of the World, and the cultures of Greece, Italy, and the Romans. Although passages from Bible were used in the teaching of subjects, they were mainly used as examples not as teaching materials. A secular lesson was present in the Bible passage and could help instruct students in their duty to the state.

Teachers were also instructed on the way they taught specific subjects and the new curriculum. The General Commission emphasized the goals of school reform, namely uniformity, progress, and the education of the people to be productive members of society:

All objects should be taught so that they fit into the categories prescribed in order to achieve a uniformity of all school lessons . . . This is a slower progression toward the large goals to form the nation and educate the people. The teachers are therefore the primary spreaders of knowledge and scruples; to educate them is the most essential duty to his community for their progression to convey the proper knowledge of virtue and piety in all ways and by all means.³⁷

³⁶ "Instruktion für die Elementar-Lehrer in den königlichen Stadt und Landschulen," 8 January 1806, *Königlich Bayerisches Regierungsblatt*, vol. II., 11.

³⁷ "Instruktion für die Elementar-Lehrer in den königlichen Stadt-und Landschulen," *Königlich Baierisches Regierungsblatt*, 15 January 1806, vol. III, 19-21.

The primary goal of the teacher, according to the state, was not to impart knowledge on specific subjects but to educate Bavaria's students on how to be good subjects of the monarch. Education needed to cultivate the individual and reinforce his place in the social hierarchy and community. These teachers were the primary spreaders of instruction and as such they needed to work in conjunction with parish priests and pastors to educate the student on his most essential duties to his community and his king.

Because of the size and scale of the new curriculum and its changes, the Commission encouraged the teachers and schools to slowly implement the changes as the success of the curriculum hinged on the successful execution of the new plans. The notice reminded teachers that the goal of the new curriculum was not simply to establish uniformity in all the schools throughout the country, but to fix the issues in the schools and educate the youth. The slow but safe progression toward the big goals of the new plans to form the nation and educate the populace was united by the spiritual and secular teachers of the people. Essential to the education reform was the *safe* progression toward the plans to form the nation. The large swaths of territory acquired by Bavaria during the early nineteenth century meant that a swift development of the Bavarian nation could cause the new regions to break off since they did not yet consider themselves Bavarians. A collective consciousness or "national spirit," as Montgelas called it, needed to develop first, in which all subjects would identify themselves as Bavarian first and Franconian or Swabian second. Instructors needed to implement changes slowly and continuously stress the duty of the student to the monarch and his role in society. They emphasized the right of the authorities to obedience and respect from the population and justified this by arguing that the state genuinely cared about and ensured the welfare of the people. Students should show their gratitude and respect by becoming productive members of society.

The key to creating model subjects, and eventually citizens, from the Bavarian population was Max Joseph and Montgelas' definition of what exactly a model subject was. The definition largely depended on their social class but also on the qualities the person possessed. For example, model peasants had a positive attitude toward both the state and church, were sensible and simple, who obeyed and worked diligently, and were good Christians.³⁸ Members of the upper classes should have the same qualities but should also be well-educated, grateful, modest, fair and obliging, and sensible.³⁹ The upper classes should set the example for the lower classes, especially in terms of obedience, industriousness, and contentedness. Loyalty to Bavaria and Max Joseph was the duty of every citizen and their industriousness would help the state thrive. Contentedness provides clear insight into the ideas of Montgelas and Max Joseph. Members of the lower classes should not aim to increase their social station; instead, they should be proud to be peasants of the Bavarian state and understand their importance in the society and economy. Furthermore, the upper classes should not aim to elevate themselves to an even higher social rank or go beyond acceptable limits. Put simply, these three qualities (obedience, industriousness, and contentedness) were the keys to happiness.

The Bavarian government and General School Commission began to focus on high school and gymnasium level reforms in 1803. The majority of these reforms were concerned with the rules and regulations of the institutions. For example, the first section of a notice posted in the February 1803 edition of the *Churpfalzbaierisches Regierungsblatt* stated that no future student would be approved to take classes at the local Gymnasium that was not at least twelve years old and had documentation of the appropriate skill level from his preparatory school. In

³⁸ Welch, *Subjects or Citizens?*, 68.

³⁹ Welch, *Subjects or Citizens?*, 68-69.

addition, the students seeking acceptance to the Gymnasium were to be selected based on work ethic, morality, and financial level, although scholarships did exist for those students of talent without the means to afford entrance.⁴⁰ Those students who wished to be taught by private tutors were required to move from foreign schools to a Bavarian school and to be tested on the curriculum by a Rector of the school and then allowed to move to a school of their choice as long as they demonstrated the requisite knowledge.

Curriculum reform dominated the discussion between 1804 and 1817. After firmly placing control of the schools in its hands, the Bavarian state turned to curriculum reform in an attempt to standardize and bring uniformity to an area that had previously been at the whim and discretion of the individual teacher or priest. A new curriculum was first published in 1804 but turned out to be so difficult to implement that it was only done so in compromised form in many places and ignored in the rest.⁴¹ The immediate cause for the revision of the 1804 curriculum was the inclusion of new territories with large Protestant populations who objected to the teaching of the Catholic catechism and the Catholic character of religious instruction in schools. A former priest and school councilor named Joseph Wismayr revised the original plan developed and resubmitted it for consideration to the General School Commission in 1804. All students would attend the *Volks-oder Elementarschule* for at least grades 1-3 (ages 6-8). Once they completed third grade they could attend the *Realschule* for grades 4-6 (ages 9-11) or continue in the *Volks-oder Elementarschule* until grade 6 (age 11). Those that went to the *Realschule* would then proceed to the Gymnasium for grades 7-9 (ages 12-14) after which they would attend the lyceum

⁴⁰ "Gesetze und Vorschriften für die Schüler der churbaierischen Gymnasien," *Churpfalzbaierisches Regierungsblatt*, 16 February 1803, vol. VII, 105.

⁴¹ "Oeffentliche Ankündigung des neuen Lehrplans für die Churpfalzbaierischen Elementar-Schulen nebst einer Skizze derselben," *Churpfalzbaierisches Regierungsblatt*, 9 May 1804, 473-474; and ; "Skizze des Fünftigen Lehrplans," *Churpfalzbaierisches Regierungsblatt*, 9 May 1804, 475-476.

for grades 10-12 (ages 15-17) and then university for grades 13-14 (ages 18-19). Those that opted to stay in the *Volks-oder Elementarschule* would attend the *Feiertagsschule* until the 12th grade and then be finished. The Realschule and Gymnasium made up the middle schools in Wismayr's plan and the lyceum and university made up the *Gelehrtschule* or scholars school. The students would make the choice of which route to take depending on their individual preferences and abilities but the vast majority of students who took the Realschule option were of the higher classes.⁴²

A second reform plan was created and submitted in 1808 by Friedrich Immanuel Niethammer, a leading figure in the German neo-humanist movement and a close friend of Hegel. The 1808 curriculum reform argued for two distinct schools, one for the more natural subjects and the other for more humanistic subjects. Neithammer's plan stated that all students would attend the *Volksschule*. They then had the option of going to the *Feiertagsschule*, the French *Realschule* (for grades 7-8), or the Latin/Greek *Progymnasium* (for grades 7-8). Those who went straight to the *Feiertagsschule* would be finished with school after the 12th grade. Those who went to the French Realschule could go to the *Feiertagsschule* after that and be done or could go to the Italian Realschule (for grades 9-12) and then proceed to the University or lyceum. Those who chose the *Progymnasium* route could go to the Italian *Realinstitute* then University or to the Latin/Greek *Gymnasiuminstitute* (for grades 9-12) and then proceed to university or lyceum. Also, students from grades 3-6 had the option of going to an upper (grades 5-6) and lower Latin and primary school (grades 3-4).⁴³ The Niethammer plan was the final plan

⁴² "Öffentliche Ankündigung des neuen Lehrplans für Churpfalzbaierischen Elementar-Schulen," Churpfalzbaierisches Regierungsblatt, 9 May 1804, 473-474; "Skizze des Fünftigen Lehrplans," Churpfalzbaierisches Regierungsblatt, 9 May 1804, 475-476; Buchinger, *Die Geschichte des bayerischen Realschule*, 74; and Welch, *Subjects or Citizens?*, 29.

⁴³ Buchinger, *Die Geschichte des bayerischen Realschule*, 89; Döllinger, *Sammlung in der Gebiete der Innere Staats-Verwaltung des Königreichs Bayern*, 9; and "Die Einrichtung der Schullehrer-Seminarien und die Bildung

implemented for the re-organization of the school system. This plan most closely resembles schools in Bavaria today where students have up to thirteen options which fall into three categories: vocational school, adult education, or general education.⁴⁴ The key distinction between the Niethammer plan and previous plans is the re-organization of schools into the three categories (vocational, general educational, or adult educational) which allows the student to determine if he would like to pursue a post-secondary route. If the student, his teachers, and his parents are in favor of a post-secondary educational route, the pupil can switch to a school which would prepare him for the *Gymnasium*. The Niethammer plan effectively created the equivalent of a middle school where students could change their previous course of study to reflect their academic abilities and talents.

Many teachers and educators called for reform or an entirely new curriculum which was finally issued in 1811 and focused more on the limited capabilities of the school teacher and irregular attendance of many students. But the most interesting aspect of the curriculum changes was the development of a true elementary school in Bavaria. This school was to impart the basic skills and general knowledge to all children, regardless of their social status, and to form the bottom tier of a three-tiered school system, followed by the gymnasium and university. This new pyramid system would allow the student to advance as far as his inclination and talents would allow.⁴⁵ This emphasized the concept of *Bildung*, understood as the cultivation and instruction of the individual. This also played into Montgelas' desire to make each individual a better and more productive member of society, working for the greater good of the state and with a loyalty to the

der Volksschulehrer überhaupt betreffend," *Königlich-Baierisches Regierungsblatt*, XXXXIII, 24 June 1809, 550-562.

⁴⁴ "Education in Bavaria," *Bayerisches Staatsministerium für Bildung und Kultus, Wissenschaft und Kunst*, <http://www.km.bayern.de/education-in-bavaria.html> [accessed 5 August 2014].

⁴⁵ Welch, *Subjects or Citizens*, 30.

king. This was why education was such a crucial part of Montgelas' reform program. Only through the proper education of the individual could they learn to be productive members of Bavarian society.

The curriculum of 1811 further demonstrates the dynamic of Bavarian history. After seven years of a curriculum based on Enlightenment principles a new curriculum was put forth that attempted to reassert the role of religion in Bavarian schools as part of a more conservative movement which feared the current enlightened curriculum would lead to discontent and unrest. The new curriculum concentrated on teaching basic skills to students and tended to work better with the limited capabilities of most teachers. Although the teaching seminaries had been established it did not produce educated teachers in significant numbers quickly enough. In order to more effectively deal with the shortage of professionally trained teachers, the new curriculum focused on the basics: reading, writing, arithmetic, and religion.⁴⁶ The curriculum also called for the separation, by social classes, of students. Bourgeois and upper class children should be educated away from the children of peasants or workers. This essentially reinforced the social hierarchy by implicitly telling the children of lower classes that they belonged in a sphere separate from their higher class neighbors. This also abandoned the idea of a national elementary school where all children would be educated regardless of social class, an idea present in earlier curriculum. Furthermore, education would no longer be based on imparting practical skills and knowledge; instead, education focused on imparting the truths of virtue. By rejecting education

⁴⁶ Georg Ferdinand Döllinger, 1811 curriculum in *Sammlung in der Gebiete der Innere-Staats-Verwaltung des Königreichs Bayern bestehenden Verordnungen aus amtlichen Quellen Geschöpft und systematisch geordnet* (Munich: 1839), vol. IX: 1344-1397.

based on rationalist and enlightenment ideals, they basically created two different types of schools: one to focus on practical skills and the other to focus on religion and virtue.⁴⁷

No other major reforms occurred between 1811 and 1817. In 1813, Bavaria left the Confederation of the Rhine to join the Sixth Coalition against Napoleon and the war became the focus of policy in Bavaria. By 1817, however, Bavaria had successfully established a working system of education with three tiers that catered to both the talents of the individual student as well as the limitations of teachers and sought to inculcate civic responsibility into all children. The state made enormous strides in the realm of compulsory school education and had managed to bring a vast majority of children, even those in remote country villages, into the school house. The success of the later reforms can also be seen in contrast with the failures of the reforms in the late eighteenth century. The early reforms lacked an efficient bureaucracy, educated teachers, and a large system of schools which would all exist during the Montgelas era and would help to further the reforms. Montgelas and Max Joseph also managed to create the foundations for a strong Bavarian identity through their educational program. At the same time, they attempted to lessen the influence of other groups, including and most especially the church, by reducing the control of the church in and increasing the role of the state. At the end of the era of reforms, no one could doubt the power and sovereignty of the state.

⁴⁷ Döllinger, *Verordnungen*, IX: 1355 and 1382.

Chapter 5 – Conclusion

In 1831, an American observer commented on the changes in Bavaria brought about by the reforms under Max Joseph and Montgelas. He stated,

Half a century ago, the Bavarians were the most ignorant, debauched, and slovenly people between the Gulf of Genoa and the Baltic . . . That they are at present patterns of morality, intelligence, and cleanliness, it would be going too far to affirm; but we are bold to say that no people has ever made a more rapid advancement in the career of civilization, than they have made during the last thirty years. The late and present Kings of Bavaria have been truly the fathers of their country; for they have not only swept away myriads of abuses, and established a representative system of government, but they have laid the only sure foundation of a truly admirable system of national education.¹

Max Joseph and Montgelas had succeeded in effectively remaking the Bavarian state, almost from the ground up. They had reduced the power of the Catholic Church and relaxed the ties connecting it to both the state and the education system. An effective bureaucracy now administered the state, staffed by educated, talented men who had succeeded in creating an enlightened state guided by reason and hard work; this system endured long after Montgelas fell from power in 1817.

In retrospect, the Bavarian reforms of the Napoleonic period seem to have successfully remade the state. In general, the era of reforms saw the end of serfdom in Bavaria as well as many of the privileges of the nobility. Moreover, the Catholic Church was now more integrated into Bavarian society. Religious toleration also benefited the country economically and industrialization followed quickly in the aftermath of the Napoleonic wars. In T.C.W. Blanning's words, "The dominant leitmotiv was expansion, for this was a period when population, literacy, towns, ease of communication, economic activity . . . all grew."² In other words, the Bavaria

¹ Anonymous, "Education Instruction in Scotland, the United States, Silesia, Bavaria, &c.," in *The Quarterly Journal of Education*, vol. 1 (1831), 30.

² T.C.W. Blanning, *The Pursuit of Glory: The Five Revolutions that made Modern Europe, 1648-1815* (New York: Penguin Books, 2007), 676.

Max Joseph inherited in 1799 differed greatly from the Bavaria Max Joseph left to his son in 1825.

As previously stated in the introduction, the ideas laid out by Montgelas in 1796 in his Ansbach Mémoire represent his interpretation of enlightenment and absolutist principles. These ideas were implemented through reform between the years of 1800 and 1817 but many times in compromised form. The Constitution of 1808 should be viewed as the culmination of Montgelas' ideas. The Constitution included ideas, such as the guarantee to education and religious freedoms that were practical enough to be introduced into Bavarian society but still firmly grounded in the ideas of enlightened absolutism. The Bavarian constitution was really a document that represented the power of the king. This contrasted sharply with other constitutions, such as the Prussia Constitution of 1848, which showcased the rights of the people and what the king could *not* do. Furthermore, there is a pendulum-like quality to Bavarian history which swings between reform and reaction. During the reign of Maximilian III Joseph, reform began in an attempt to modernize Bavaria. By the ascension of Karl Theodor, however, conservatism and conservatism characterized Bavarian policy. Again, in 1799 when Max IV Joseph and Montgelas came to Munich, reform characterized the actions of the Bavarian government but now self-preservation in the face of the French Revolution and Napoleon and a changing Holy Roman Empire contributed to the need for reform. The reform efforts in the early nineteenth century allowed Max Joseph and Montgelas to strengthen the power of the king and wealth of the state. Ironically, it was only the wealth and power of the state, created during the era of reforms, which allowed Ludwig I to be so authoritarian.

But the pendulum dynamic of Bavarian history had swung back to reaction by 1817. Although many of Montgelas' reforms were partially realized and he laid the groundwork for future developments, court intrigue soon caught up with him. For years, Crown Prince Ludwig (r. 1825-1848) complained to his father that Montgelas had driven a wedge between the two and that Montgelas ran the state, not his father.³ Ludwig enlisted the help of Field Marshal Prince Karl Philip von Wrede (1767-1838) in a plot to overthrow Montgelas and end what they referred to as his "tyranny." Ludwig continued to speak to his father about how Montgelas had overstepped his boundaries but Max Joseph continued to trust his minister and wrote him many letters with instructions until about two weeks prior to his dismissal. Several ambassadors at the Bavarian court, including those for Russia and Austria, knew about the plot but, like Montgelas himself, did not think the King would dismiss his favorite minister and close friend.

By 1817, however, Montgelas, had fallen out of favor. Ludwig and Wrede successfully convinced Max Joseph that Montgelas had too much power and he needed to reassert the authority of the sovereign, the authority Montgelas had worked so hard to reassert and ensure. Ludwig also had much more conservative tendencies than his father or Montgelas and believed Bavaria had strayed too far from the Catholic Church and sought to reestablish closer ties with both the church and Pope.

With his personal reversal of fortunes came the reversal of some of his religious policies with the issue of the Concordat of 1817. The Catholic Church regained its prominent position in Bavaria with the Concordat of 1817 in which Rome demanded the right of appointment of all bishops and the ruling position over the Catholic confession in Bavaria. It also demanded that the

³ Weis, *Montgelas*, 2: 790 and Welch, *Subjects or Citizens?* 86.

Bavarian legislature repeal edicts regarding religion and church discipline, amortization, and taxation of the clergy, all of which it had developed over the past few decades.⁴ From 1817 forward, education, marriage, and jurisdiction over the clergy would be held by the Catholic Church and ecclesiastical censorship was reintroduced.⁵ The papal nuncio signed the Concordat without authorization which forced Max Joseph to also sign to avoid a scandal and difficult relations with Rome. Fortunately for the state, Max Joseph retained the right to suggest appointments for the bishoprics and archbishops and bishops were now required to sign an oath of loyalty to the king and to report to his majesty anything that could be considered disadvantageous to the state.⁶ Furthermore, although the concordat demanded the establishment of new monasteries and convents, the state was slow to fulfill its pledge. It looked as though the state had won a small victory against the demands of the Church.

The Constitution of 1818 was issued the following year and it seemed as though the Catholic Church would never lose power in Bavaria. Article 10, Section 3 stated that

Under no pretense may their [the Catholic Church] financial assets be collected. Nothing may be sold or used for anything besides the three [religious, education, and charity institutions] aforementioned purposes without the agreement of those involved, and when concerning universal foundations the agreement of the Estates of the Kingdom is additionally required.⁷

This directly contradicted Montgelas' earlier policy of confiscating church property and assets to fund his reforms. Max Joseph originally supported this plan, evidenced by his intention to shut down the Order of Malta and to use its funds for internal reforms. Furthermore, the new

⁴ Weis, *Montgelas*, 2: 790-791, 788-789.

⁵ Previously, Protestant marriages and births were recorded in the books of the local Catholic parish. After 1817, this practice was reinstituted.

⁶ Penn Higby, *Religious Policy of the Bavarian Government*, 320-334.

⁷ Verfassungsurkunde für das Königreich Bayern, Artikel 10, Titel 3, "Von dem Staatsgute," *Document Archiv*, <http://www.documentarchiv.de/nzjh/verfbayern.html> [accessed 4 April 2014].

constitution stated that “The religious powers may not be impeded in their proper sphere.”⁸ Article 5, Section 4 stated that both the clergy and nobility, “formerly immediately subordinated to His Bavarian Highness [in 1808], shall enjoy the rights deemed appropriate in the kingly declaration and guaranteed to them through the constitutional edicts.”⁹ Most of the rights that Montgelas had taken away from the clergy and confirmed in the Constitution of 1808 were now given back to the clergy. Again, the dynamic of Bavarian history is present in this struggle. Not only were the Catholic Church and monarchy in a struggle over the rights of the church in Bavaria but there was also a struggle between the reforming and conservative factions at the court in Munich. Many, led by the Crown Prince, felt Bavaria needed to reestablish closer ties with the church and pope while others, including the ministers in the new government Montgelas had helped create, felt reforms could be pushed further.

Ludwig continued to pressure his father to take control of his own government and Wrede launched a fiery diatribe to Max Joseph that urged him to dismiss Montgelas as soon as he could. Max Joseph was in Vienna at the time and Montgelas was at home, sick, when he received the letter stating that Max Joseph had made his decision against him. A year later, the king signed and instituted the Bavarian Constitution of 1818 which gave the Church most of the privileges it had previously taken away in the Constitution of 1808. The majority of measures regarding land, education, and social reform remained intact.

After Max Joseph dismissed Montgelas and issued the Constitution of 1818 he continued to use ministers to do the majority of the administrative work, much to Crown Prince Ludwig’s

⁸ Verfassungsurkunde für das Königreich Bayern, Artikel 10, Titel 3, “Von dem Staatsgute,” *Document Archiv*, <http://www.documentarchiv.de/nzjh/verfbayern.html> [accessed 4 April 2014].

⁹ Verfassungsurkunde für das Königreich Bayern, Artikel 10, Titel 3, “Von dem Staatsgute,” *Document Archiv*, <http://www.documentarchiv.de/nzjh/verfbayern.html> [accessed 4 April 2014].

chagrin. Montgelas retired to the countryside where he wrote many of his memoirs until his death in June 1838. Max Joseph had died thirteen years earlier, in October 1825 and his son, Ludwig I, inherited the Bavarian throne. He reacted strongly against the Enlightenment and many of the ideas that defined his father's reign with Montgelas, especially the restrictions on the Catholic Church. He reinstated several monasteries throughout Bavaria, as well as closer ties between Bavaria and the Catholic Church and the pope.¹⁰ He did, however, keep some of his father's work, such as compulsory schooling, and he continued to improve educational standards, but from a thoroughly unenlightened stance. He reintroduced stricter censorship laws and experienced several protests in Bavaria until his abdication in 1848. Ludwig enjoyed less popularity than his father and even considered restricting the civil rights of Protestants until riots against Protestants in 1841 during the funeral of his stepmother, Caroline of Baden, made him reconsider.¹¹ Ludwig's reign had a more conservative character than his father's and Bavaria became a state more closely associated with the Bavaria of 1799 than the Bavaria of 1818. But Ludwig's reaction to the protests at his step-mother's funeral also provides clues into the lasting impact of Max Joseph and Montgelas' religious reform. Although Ludwig may have changed his mind about restricting the rights of Protestants, it seems that at least some of the Bavarian population still considered Protestants second-class citizens. The Catholic Church and tradition continued to exert strong influences in Bavaria and almost two decades of reforms could not completely erase centuries of distrust. Nevertheless, Protestants retained their civil and religious freedoms.

¹⁰ Weis, *Montgelas*, 2: 792, 800, and 831-833.

¹¹ For more information on the reign of Ludwig I, see Heinz Gollwitzer's *Ludwig I. von Bayern: Königtum im Vormärz* (Munich: C.H. Beck, 1986).

Reform in Bavaria should be viewed as an attempt to remake the state through modernization and change. The reforms in Bavaria brought stability which strengthened the power of the monarch, allowed for the centralization of the government, and it ultimately changed society by fostering a sense of loyalty to the king. Modernization was also tied to education and the development of the individual, in agreement with enlightenment principles. In particular, Montgelas' reforms reflect the main tenets of enlightened absolutist government: toleration of religious minorities, reform of institutions, and absolutism. Even though he subscribed to enlightened absolutist thought, Montgelas also had very pragmatic reasons for his reforms. Toleration of religious minorities, namely the Protestants in Bavaria, was essential in order to integrate the new territories into the core of Bavaria. Furthermore, toleration also had economic benefits. These new territories could provide immense economic wealth to Bavaria if Protestants were allowed full participation in the markets. Although the line between his pragmatism and his belief in enlightened absolutism is blurred, the reforms in Bavaria had enlightened characteristics. They sought to secularize and reform many institutions and to modernize the state of Bavaria.

Montgelas attempted to restructure the school system. Early education reform emphasized the cultivation and instruction of the individual. This also played into Montgelas' desire to make each individual a better and more productive member of society, working for the greater good of the state and with a loyalty to the king. This was why education was such a crucial part of Montgelas' reform program. Only through the proper education of the individual could they learn to be productive members of Bavarian society. In addition, the reform and unification efforts underway in Bavaria during the Napoleonic period allowed for an acceleration of the integration process and concessions to the various sections of society formed an almost

proto-nationalist feeling in Bavaria where the people were loyal to the king and state. Ferdinand Kramer argues that this, in conjunction with the fact that the Wittelsbachs had been in control of the core of Bavaria since the early medieval period, created a sense of continuity in Bavaria which led to a strong Bavarian identity that was closely associated with the king.¹²

Previous studies of the German states during the Napoleonic period have focused on the reforms in Prussia and Austria. It is important to remember that the reforms in Bavaria ran parallel to reforms in Prussia. Both of the main Prussian reformers, Karl August von Hardenberg (1750-1822) and Heinrich Friedrich Karl vom und zum Stein (1757-1831) were students of the Enlightenment and enlightened absolutism along with Montgelas. Although the aims of the reforms in Prussia and Bavaria differed slightly, they faced many of the same problems and found enlightened absolutist solutions to their issues.¹³ Bavaria was an ally of France and greatly profited from Napoleon's victories. Prussia, however, suffered at the hands of Napoleon and the reform projects in Berlin sought to prevent another defeat at the hands of the French Emperor. Furthermore, reform in Austria occurred prior to the Napoleonic period, during the reigns of Maria Theresa (r. 1740-1780) and Joseph II (r. 1765-1790). Francis II (r. 1792-1835), Austrian Emperor during the Revolutionary Wars, refused to implement any changes which could potentially threaten or weaken his rule and reacted strongly against the reforms of his uncle and grandmother, as well as against the French Revolution.¹⁴

The education and religious reforms during the Napoleonic Period fundamentally altered the Bavarian state and its society. Bavaria would remain in essentially the same form throughout

¹² Ferdinand Kramer, "Bayern," in *Historische Zeitschrift Beihefte*, 37 (2003): 12.

¹³ Whaley, *Germany and the Holy Roman Empire*, 522.

¹⁴ Blackbourn, *The Long Nineteenth Century*, 77.

the nineteenth and early twentieth centuries as a modern constitutional state. The constitution helped increase the legitimacy of monarch and the amalgamation of new and traditional sectors of Bavaria created a new society, one which guaranteed the rights of religion and education. The Constitution remains a snapshot of its creator, his ideas, and his attempts remake the Bavarian state. The era of reforms in Bavaria created the wealth and prestige which future rulers, such as Ludwig I, capitalized on. The modern state created through the work of Max Joseph and Montgelas created a new Bavaria, one committed to the rights of its population and a leader in German nationalism. Although the dynamic of Bavarian history swung back towards conservatism after the dismissal of Montgelas, Bavaria remained indebted to its first king and his minister.

Bibliography

Primary Sources

- _____. "Education in Scotland, the United States, Silesia, Bavaria, &c." *Quarterly Journal of Education* 1 (1831): 16-34.
- Churpfalzbaierisches Regierungsblatt*. Munich: 1801-1805.
- Döllinger, Georg Ferdinand. *Sammlung in der Gebiete derr Innere Staats-Verwaltung des Königreichs Bayern bestehenden Verordnungen aus amtlichen Quellen Geschöpft und systematisch geordnet*. Munich: 1839.
- Königlich Baierisches Regierungsblatt*. Munich: [N.P.], 1806-1814.
- Königreich Bayern. "Verfassung des Königreichs Bayern vom 1 Mai 1808." <http://www.verfassung.de/de/by/bayern08.htm> [accessed 3 March 2014].
- Königreich Bayern. "Verfassung des Königreichs Bayern vom Mai 1818." <http://www.verfassung.de/de/by/bayern18.htm> [accessed 4 April 2014].
- Montgelas, Maximilian Joseph Graf von Montgelas. "Das Ansbacher Mémoire: Mémoire présenté à Monseigneur le Duc le 30 Septembre 1796." Translated by Eberhard Weis. *Zeitschrift für bayerische Landesgeschichte*, 33 (1970): 243-256.
- _____. *Denkwürdigkeiten des Bayerischen staatsminister Maximilian grafen von Montgelas (1799-1817)*. Stuttgart: Cotta, 1887.
- _____. *Denkwürdigkeiten über des innere Staatsverwaltung Bayern*. München: C. H. Beck, 1908.
- Parry, Clive. *The Consolidated Treaty Series*. Oxford: Oxford University Press, 1969.
- Staatliche Archive Bayerns. *Maximilian Joseph Graf von Montgelas: Dokumente zu Leben und Wirken als bayerischen Staatsmaanes*. Munich: Das Archive, 1988.
- Der Teutsche Merkur*. Weimar: Verlag der Gesellschaft, 1799-1806.

Secondary Sources

- Aaslestad, Katherine and Karen Hagemann. "1806 and Its Aftermath: Revisiting the Period of the Napoleonic Wars in German Central European Historiography." *Central European History* 39 (2006): 547-579.
- Adamson, John William. *Pioneers of Modern Education, 1600-1700*. Cambridge: University of Cambridge Press, 1905.
- Allgemeine Deutsche Biographie. "Maximilian I., König von Bayern (seit 1806, als Kurfürst Maximilian IV Joseph). *Deutsche Biographie*. <http://www.deutsche-biographie.de/sfz59371> [accessed 16 September 2013].
- Anderson, Scott. "Revolution of Reforms: The Kingdom of Bavaria in the Napoleonic Era, 1799-1815." Masters thesis, Western Kentucky University, 1995.
- Atkinson, C.T. *A History of Germany, 1715-1815*. New York: Barnes and Noble, 1969.
- Beales, Derek. *Joseph II: In the Shadow of Maria Theresa, 1741-1780*. Cambridge: Cambridge University Press, 1987.
- Beller, Steven. *A Concise History of Austria*. Cambridge: Cambridge University Press, 2006.
- Benecke, Gerhard. *Germany in the Thirty Years' War*. London: Edward Arnold, 1978.
- Berenger, Jean. *A History of the Habsburg Empire, 1700-1918*. London and New York: Longman, 1997.
- Berger, Stefan. *Inventing the Nation: Germany*. London: Hodder Headline Group, 2004.
- Bernard, Paul B. *Joseph II and Bavaria: Two Eighteenth Century Attempts at German Unification*. The Hague: Martinus Nijhoff, 1965.
- Blackbourn, David. *The Long Nineteenth Century*. Oxford: Oxford University Press, 1998.
- Blanning, T.C.W. *Joseph II and Enlightened Despotism*. London: Longman Group, 1970.
- _____. *The Nineteenth Century*. Oxford: Oxford University Press, 2000.
- _____. *The Pursuit of Glory: The Five Revolutions that made Modern Europe, 1648-1815*. New York: Penguin Books, 2007.
- _____ and Peter Wende. *Reform in Great Britain and Germany, 1750-1850*. Oxford: Oxford University Press, 1999.

- Blum, Jerome. *The End of the Old Order in Rural Europe*. Princeton: Princeton University Press, 1978.
- Brandmüller, Walter. *Handbuch der bayerischen Kirchengeschichte*. Reichenbach: EOS Verlag Erzabtei St. Ottilien, 1991.
- Brauer, Kinley and William E. Wright. *Austria in the Age of the French Revolution, 1789-1815*. Minneapolis: Center for Austria Studies, 1990.
- Breuilly, John. *The Formation of the First German Nation-State, 1800-1871*. London: Macmillan, 1996.
- Brose, Eric Dorn. *German History, 1789-1871: From the Holy Roman Empire to the Bismarckian Reich*. New York: Berghahn Books, 1997.
- Brown, Dale W. *Understanding Pietism*. Grand Rapids: Wm. E. Eerdsman, 1978.
- Brunner, Otto, Werner Conze, and Reinhard Kosselleck. *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*. Stuttgart: Ernst Klett Verlag, 1972.
- Buchinger, Hubert. *Die Geschichte der bayerischen Realschule*. Passau: Passavia Universitätsverlag, 1983.
- Burckhard, Rudolf. *Die Berufungen nach Altbayern unter dem Ministerium Montgelas*. München: H. Alpers, 1927.
- Clark, Christopher. *Iron Kingdom: The Rise and Downfall of Prussia, 1600-1947*. Cambridge: Harvard University Press, 2006.
- Doeberl, Dr. Jur. Ludwig. *Maximilian von Montgelas und das Prinzip der Staatsouveränität*. München: Hugo Schmidt, 1925.
- Du Moulin-Eckhart, Richard Maria Ferdinand. *Bayern unter dem Ministerium Montgelas*. Munich: C. H. Beck, 1895.
- Einhorn, Karl. *Wirtschaftliche Reformliteratur in Bayern vor Montgelas*, 1909.
- Epstein, Klaus. *The Genesis of German Conservatism*. Princeton: Princeton University Press, 1966.
- Evans, Richard J. *Rereading German History, 1800-1996: From Unification to Reunification*. London: Routledge, 1997.
- Fehrenbach, Elisabeth. *Historische Zeitschrift* 228 (1979): 288-316.

- Fisher, A. L. *Studies in Napoleonic Statesmanship: Germany*. Oxford: Clarendon Press, 1903.
- Forrest, Alan and Peter H. Wilson. *The Bee and the Eagle: Napoleonic France and the End of the Holy Roman Empire, 1806*. New York: Palgrave Macmillan, 2009.
- Gollwitzer, Heinz. *Ludwig I von Bayern, Königtum im Vormärz: eine politische Biographie*. Munich: Süddeutscher Verlag, 1986.
- Good, David F. *The Economic Rise of the Habsburg Empire, 1750-1914*. Berkeley: University of California Press, 1984.
- Green, Abigail. *Fatherlands: State-Building and Nationhood in Nineteenth-Century Germany*. Cambridge: Cambridge University Press, 2001.
- Gückel, Martin. "Heinrich Braun und die Bayerischen Schulen von 1770-1781." PhD diss.
- Haus der Bayerischen Geschichte. "Der erste bayerische König Max. I Joseph." *Haus der Bayerischen Geschichte* [accessed 16 September 2013].
- Hausmann, Friederike. *Die Agrapolitik der Regierung Montgelas: Untersuchungen zum gesellschaftlichen Strukturwandel Bayerns um die Wende vom 18 zum 19 Jahrhundert*. Frankfurt: Peter Lang, 1975.
- Heigel, Karl Theodor. *Über die memoiren des bayerischen ministers Grafen von Montgelas*. Munich: 1886.
- Higby, Chester Penn. *The Religious Policy of the Bavarian Government during the Napoleonic Period*. New York: Longmans, Green & Co., 1919.
- Hölzle, Erwin. "Das Napoleonische Staatsystem in Deutschland." *Historische Zeitschrift* 148 (1933): 277-293.
- Ingrao, Charles W. *The Habsburg Monarchy, 1618-1815*. Cambridge: Cambridge University Press, 1994.
- Jones, Larry Eugene and James N. Retallack. *Between Reform, Reaction, and Resistance: Studies in the History of German Conservatism from 1789 to 1945*. Oxford: Berg, 1993.
- Junkelmann, Marcus. *Napoleon und Bayern: Von den Anfängen des Königreichs*. Regensburg: Friedrich Pustet, 1985.
- Kann, Robert A. *A History of the Habsburg Empire, 1526-1918*. Berkeley: University of California Press, 1974.
- Kaiser, Gerhard. *Pietismus und Patriotismus im Literarischen Deutschland: Ein Beitrag zum Problem der Säkularisation*. Frankfurt: Athenäum, 1973.

- Kohn, Hans. *Prelude to Nation States: The French and German Experience, 1789-1815*. Princeton: D. Van Nostrand Company, 1967.
- Kramer, Ferdinand. "Bayern." *Historische Zeitschrift Beihefte* 37 (2003): 5-24.
- Lee, W.R. *Population Growth, Economic Development, and Social Change in Bavaria, 1750-1850*. New York: Arno, 1977.
- Liedtke, Max. *Handbuch der Geschichte des bayerischen Bildungswesen*. Bad Heilbrunn: Verlag Julius Klinkhardt, 1991.
- Lipowsky, Felix Joseph. *Geschichte der Schulen in Baiern*. München: Jakob Siel, 1825.
- Macartney, C.A. *The Habsburg Empire, 1790-1918*. London: Lowe and Brydone, 1969.
- Macartney, C.A. *The Habsburg and Hohenzollern Dynasties in the Seventeenth and Eighteenth Centuries*. New York: Harper and Rowe, 1970.
- McGill, William J. *Maria Theresa*. New York: Twayne Publishers, 1972.
- McNeely, Ian. *The Emancipation of Writing: German Civil Society in the Making, 1790s-1820s*. Berkeley: University of California Press, 2003.
- Melton, James Van Horn. *Absolutism and the eighteenth-century origins of compulsory schooling in Prussia and Austria*. Cambridge: Cambridge University Press, 1988.
- Möckl, Karl. *Der Moderne bayerischen Staat*. Munich: C.H. Beck, 1979.
- Nipperdey, Thomas. *Germany from Napoleon to Bismarck, 1800-1866*. Translated by Daniel Nolan. Dublin: Gill & Macmillan, 1996.
- Norman, Gertrude. *A Brief History of Bavaria*. Norderstedt: Vero Verlag, 2014.
- Pinson, Koppel S. *Modern Germany: Its History and Civilization*. New York: Macmillan, 1954.
- Prutsch, Markus J. *Making Sense of Constitutional Monarchism in Post-Napoleonic France and Germany*. New York: Palgrave Macmillan, 2013.
- Rowe, Michael. *From Reich to State: The Rhineland in the Revolutionary Age, 1780-1830*. Cambridge: Cambridge University Press, 2003.
- Rürup, Reinhard. *The Problem of Revolution in Germany, 1789-1989*. Oxford: Berg, 2000.
- Sheehan, James. *German History, 1770-1866*. Oxford: Clarendon, 1989.

- Shepherd, William R. *Historical Atlas*. New York: Barnes & Noble, 1956.
- Spindler, Max. *Handbuch der bayerischen Geschichte*. Munich: C. H. Beck, 1966.
- Stoeffler, F. Ernest. *German Pietism During the Eighteenth Century*. Leiden: E.J. Brill, 1973.
- Taylor, A.J.P. *The Habsburg Monarchy, 1809-1918: A History of the Austrian Empire and Austria-Hungary*. London: Hamish Hamilton, 1951.
- Thomas, Marvin E. *Karl Theodor and the Bavarian Succession, 1777-1778*. Lewiston: Edwin Mellen, 1989.
- Vardi, Liana. *The Physiocrats and the World of the Enlightenment*. Cambridge: Cambridge University Press, 2012.
- Vedeler, Harold C. "The Genesis of Toleration Reforms in Bavaria under Montgelas." *The Journal of Modern History* 10 (1938): 473-495.
- Weis, Eberhard. *Montgelas: Zwischen Revolution und Reform, 1759-1799*. Munich: C. H. Beck, 1988.
- Weis, Eberhard. *Montgelas: Der Architekt des modernen bayerischen Staat, 1799-1838*. München: C.H. Beck, 2005.
- Weis, Eberhard. "Montgelas' Innenpolitisches Reformprogramm. Das Ansbacher Memoire für den Herzog vom 30.9.1796." *Zeitschrift für bayerische Landesgeschichte*, 1988.
- Welch, Steven R. *Subjects or Citizens? Elementary School Policy and Practice in Bavaria, 1802-1918*. Melbourne: University of Melbourne, 1998.
- Whaley, Joachim. *Germany and the Holy Roman Empire*. Vol. 2, *From the Peace of Westphalia to the Dissolution of the Reich, 1648-1806*. Oxford: Oxford University Press, 2012.
- Wilson, Peter H. *Absolutism in Central Europe*. London: Routledge, 2000.

Appendix A – Timeline

- 1745: Ascension of Maximilian III Joseph to Bavarian throne
- 1773: Pope Clement XIV disbands Jesuits
- 1773-74: Ickstatt and Braun submit plans for education reform
- 1742: Ascension of Karl Theodor to Bavarian throne
- 1778-1779: War of Bavarian Succession
- 1796: Montgelas writes and submits his Ansbach “Mémoire”
- 1797: Treaty of Camp Formio establishes groundwork for German mediatization and secularization
- 1799: Ascension of Max Joseph to Bavarian throne
- 1801: Treaty of Lunéville; formal defense of the policy of toleration is presented in the *Regierungsblatt*
- 1803: Great Secularization begins; Bavaria begins to close monasteries and cloisters
- 1804: First curriculum reform begins
- 1806: Dissolution of the Holy Roman Empire; Bavaria is proclaimed a kingdom and joins the Confederation of the Rhine
- 1808: Constitution of 1808 is issued
- 1811: Second curriculum reform begins
- 1813: Bavaria leaves the Confederation of the Rhine and joins the Sixth Coalition; first defeat of Napoleon
- 1815: Defeat of Napoleon
- 1817: Dismissal of Montgelas
- 1818: Constitution of 1818 is issued
- 1825: Death of Max Joseph
- 1838: Death of Montgelas