

FORMAL STIPULATION AND PRACTICAL IMPLEMENTATION OF RELIGIOUS PRIVILEGES IN ESTLAND, LIVLAND, AND COURLAND UNDER RUSSIAN SUPREMACY: RESEARCHING THE CORE OF BALTIC REGIONAL IDENTITY

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The self-reflection of Baltic German society in the governorates of Estland, Livland¹, and Courland under Russian supremacy represented an eminently complex phenomenon. It comprised a number of different layers of identity. The more dominant identity layers were the cultural ones: firstly, German language, mentality and culture, often conveyed by the German notion *Deutschtum*; secondly, the Lutheran religion. Then politically, Baltic German existence under the supremacy of the tsars was based on corporative self-government, and accordingly the idea of political autonomy was among the major common identity factors. Baltic German society itself was clearly divided into different estates, each one of which sported diverse emphases in identity preferences. Layers of spatially-defined identity included those of the parish, rural or urban locality, province, and empire.²

During the nineteenth century two major developments started to change the self-reflection of the Baltic Germans. The ever-growing intrusion of the central government to local matters, later paired with the spread of the German *Reichsgedanke*, slowly but steadily began to distract the previous and quite unanimous loyalty to the Russian Empire. More importantly, the idea of Baltic regional identity, i.e. the common identity of the three governorates of Estland, Livland, and Courland, became a central theme

¹ Administratively Estland included – in addition to the main land area – the town of Tallinn (Reval) as a distinct unit. Similarly, Livland included besides the main land area the town of Riga and the province of Ösel.

² For an introduction and further references, see for example Michael Garleff, “Deutschbalten als Träger eines nordosteuropäischen Identitätsgedankens?“, *Nordosteuropa als Geschichtsregion*, ed. by Jörg Hackmann, Robert Schweitzer (Lübeck: Schmidt-Römhild, 2006), 452–457, and Ea Jansen, “Baltlus, baltisakslased, eestlased”, *Tuna*, 2 (2005), 37–44.

in Baltic German public discourse beginning in about the third decade of the nineteenth century.

The concept of Baltic regional identity was promoted on a wider scale in several periodicals, most notably *Ostsee-Provinzen-Blatt*, *Kur-, Liv- und Esthländisches Provinzialblatt* and especially *Das Inland*. In the second half of the nineteenth century *Baltische Monatsschrift* and *Baltische Wochenschrift* gained popularity among the German-reading public of all three provinces. The University of Tartu functioned as a unique kind of face-to-face communication forum for all three provinces from its reopening in 1802. By the last third of that century, that there was some kind of common identity in the Baltic provinces had been accepted, at least in the liberal circles of the Baltic German public.³ With the exception of some truly marginal attempts, Baltic regional identity remained an exclusively Baltic German matter, as it was never included in the agenda of the Estonian or Latvian national movements.

Baltic regional identity was founded, first and foremost, on the common fundamental components of Baltic German self-reflection, namely *Deutschtum*, and its shared history of Baltic soil, Lutheranism, and political autonomy. These factors have to be considered against the contrasting background of the rest of the Russian Empire and its established religion of Russian Orthodoxy. Inside the Baltic provinces, *Deutschtum* was a separating element among the Estonian as well as the Latvian population, but Lutheranism served as the main social and cultural bond between Estonians, Latvians, and Baltic Germans.

Lutheranism as an identity factor of Baltic German society was relevant, above all, in regard to the doctrine as well as to the ecclesiastical organizational structure. For the context of the latter it should be pointed out that the political-administrative units of Estland, Livland, Ösel, Courland, Tallinn, and Riga each had their own extensive differences within secular as well as ecclesiastical legal and institutional systems; this kind of particularism presented an institutional obstacle for the formation of a common Baltic identity.

The focus of this article is on the core of Baltic regional identity, namely on those factors of religion which had the most influence on identity formation. Under Russian tsars, the legal position of Lutheranism in the Baltic provinces rested on special privileges, conferred to the Baltic estates during the formation of Russian supremacy. On the following pages these religious privileges and their actual implementation are studied, with emphasis

³ Jansen, "Baltlus", 39–44.

firstly on the prevailing denomination and secondly on church governance and church law as the key elements of an ecclesiastical organization. This article contributes to the research of the Lutheran religion within the legal and institutional framework of Baltic provincial autonomy and eventually to the deeper understanding of Lutheranism's crucial role in Baltic German self-reflection.

From Roman Catholicism to Lutheranism

The Lutheran Reformation radically changed the confessional outlook of the main Livonian towns as early as the 1520s. During the following decades in Tallinn as well as in Riga, a separate Lutheran territorial church emerged under the authority of the town council. Although the Roman Catholic bishoprics clearly dominated in the ecclesiastical structure of the Livonian Confederation until its end in 1561, by this time a considerable part of the nobility in the countryside had converted to the Lutheran confession. The new political units that consolidated on Baltic soil during and after the Livonian War all became overwhelmingly Lutheran. The institutionalization of Lutheranism resulted, first and foremost, from the efforts of the respective protestant political authorities – the Swedish in Estland and Livland, the Danish and then Swedish in Ösel. In Courland, the first Duke Gotthard Kettler, himself a vassal of the Polish-Lithuanian Commonwealth, laid the legal and institutional foundations for the Lutheran church.

In Sweden, orthodox Lutheranism on the basis of the unaltered Augsburg Confession served as the established religion beginning with the Uppsala Assembly of 1593. The unity of “the true religion” was commonly regarded as a major basic principle of the Swedish conglomerate state. This ideal of confessional unity was pursued with the help of a number of legal acts in Sweden proper as well as its dominions on the eastern coast of the Baltic Sea, whereas the apostates were threatened with severe punishment.⁴ At the same time, ecclesiastical institutional unity was not among the priorities of the Swedish church policy until the adoption of the 1686 Church Law. Indeed, each political unit of the Swedish Baltic dominions had its own separate Lutheran church organization. The governance of Estland's territorial church followed the Swedish model, with a bishop and a consistory comprising only clerical members playing the leading roles. Estland's

⁴ Yngve Brilioth, *Svensk kyrkokunskap* (Stockholm: Svenska kyrkans diakonistyrelses bokförlag, 1946), 92–93; Ingun Montgomery, *Enhetskyrkans tid. Sveriges kyrkohistoria*, 4 (Stockholm: Verbum, 2002), 102 ff.

Ritterschaft (a corporation of the noble landlords) had a say in ecclesiastical matters at the parish level, but despite their efforts they could not participate in church governance.⁵ In other territorial churches – those of Tallinn, Riga, Livland, and Ösel – the German model prevailed, i.e. the church was subordinate to secular authority. In Livland, an ecclesiastical decree in 1634 provided a consistory of both secular and clerical members, as well as the clerical superintendent, all under the control of the secular consistory director. With later reforms, the clerical superintendent gained supremacy in the consistory. In Ösel, a reform in the early 1650s modeled church governance after the Livland decree of 1634.⁶

The introduction of the absolutist rule to the Swedish state in the early 1680s led to significant changes concerning the church constitution and governance. The Church Law of 1686, implemented in Sweden proper as well as in the Baltic dominions, subordinated the church to the absolutist rule of the king. What's more, the new law consolidated and unified the whole ecclesiastical institutional configuration. The result can be interpreted as the merger of the church organizations of the Baltic provinces with that of Sweden proper. Estland's church became a diocese of this newly shaped Swedish conglomerate state's church. The church of Tallinn was subordinated to the bishop of Estland and his clerical consistory; thereafter the diocese of Estland also incorporated the church organization of Tallinn. The churches of Livland, Ösel, and Riga acquired the status of a *superintendentia* (a diocese led by a superintendent) of the church of the Swedish conglomerate state. In the *superintendentias* of Livland and Ösel, the superintendent was aided by a consistory comprising only clerical members. As an exception, and especially due to privileges granted earlier by Gustav II Adolf, a consistory of both clerical and lay members under the control of the town council remained the governing institution of Riga's *superintendentia*.⁷ Unsurprisingly the 1686 Church Law did not modify the confessional base of Swedish Lutheranism. The Christian faith had

⁵ Alvin Isberg, *Kyrkoförvaltningsproblem i Estland 1561–1700*, *Studia Historico-Ecclesiastica Upsaliensia*, 16 (Uppsala: Uppsala universitet, 1970), 49 ff.

⁶ Alvin Isberg, *Livlands kyrkostyrelse 1622–1695: reformsträvanden, åsiktsbrytningar och kompetensvister i teori och praxis*, *Studia Historico-Ecclesiastica Upsaliensia*, 12 (Uppsala: Uppsala universitet, 1968), 33 ff.; Alvin Isberg, *Ösels kyrkoförvaltning 1645–1710: kompetensvister och meningsmotsättningar rörande funktionssättet*, *Studia Historico-Ecclesiastica Upsaliensia*, 24 (Uppsala: Uppsala universitet, 1974), 36 ff.

⁷ Andres Andresen, "Luterlik territoriaalkirik ja poliitiline võim: kirikukorralduse struktuurimuutused Eestimaal 1561–1766", *Läänemereprovintside arenguperspektiivid Rootsi suurriigis 16./17. sajandil*, III, ed. by Enn Küng (Tartu: Eesti Ajalooarhiiv, 2009), 64–69.

to be founded on the prophetic and apostolic scriptures of the Old and the New Testament, the Apostles', Nicene and Athanasian creeds, and the unaltered Augsburg Confession, as well as on the explanations of the Book of Concord.⁸

In Courland, Duke Gotthard Kettler's church policy was aimed at establishing strict religious unity on the basis of the unaltered Augsburg Confession.⁹ Later on the political pressure concerning unity of religion loosened quite a bit. The constitution of 1617 (*Formula Regiminis*), imposed on the Duchy of Courland by the Polish-Lithuanian authorities, more or less equalized the legal position of Roman Catholicism with that of Lutheranism.¹⁰ In practice this did not compromise the overall dominating position of Lutheranism in the region, as the Roman Catholics remained a minority. In addition, small communities of Jews contributed to religious diversity.¹¹ In the territory of Pilten, a separate Lutheran church organization emerged under the control of the local nobility.¹²

⁸ *Kyrkio-Lag och Ordning, som then Stormächtigste Konung och Herre, Herr Carl then Elofte, Sweriges, Göthes och Wändes Konung, etc. Åhr 1686 hafwer låtit författa, och Åhr 1687 af Trycket utgå och publicera. Jemte ther til hörige Stadgar* (Stockholm: Johan Georg Eberdt, 1687), cap. I.

⁹ Andreas Zieger, *Das religiöse und kirchliche Leben in Preussen und Kurland im Spiegel der evangelischen Kirchenordnungen des 16. Jahrhunderts* (Köln, Graz: Böhlau Verlag, 1967), 32–33; Joachim Kuhles, *Die Reformation in Livland – religiöse, politische und ökonomische Wirkungen* (Hamburg: Verlag Dr. Kovač, 2007), 309–325.

¹⁰ № 7. *Formula Regiminis*, § 39, see *Kurland. Vom polnisch-litauischen Lehnsherzogtum zur russischen Provinz: Dokumente zur Verfassungsgeschichte 1561–1795*, ed. by Erwin Oberländer, Volker Keller (Paderborn: Ferdinand Schöningh, 2008).

¹¹ Aleksander Loit, “Reformation und Konfessionalisierung in den ländlichen Gebieten der baltischen Lande von ca. 1500 bis zum Ende der schwedischen Herrschaft”, *Die baltischen Lande im Zeitalter der Reformation und Konfessionalisierung: Livland, Estland, Ösel, Ingermanland, Kurland und Lettgallen. Stadt, Land und Konfession 1500–1721*, I, ed. by Matthias Asche, Werner Buchholz, Anton Schindling (Münster: Aschendorff Verlag, 2009), 131–133.

¹² Eberhard Treulieb, “Die Reformation der kurländischen Kirche unter Gotthard Kettler”, *Baltische Kirchengeschichte: Beiträge zur Geschichte der Missionierung und der Reformation, der evangelisch-lutherischen Landeskirchen und des Volkskirchentums in den baltischen Landen*, ed. by Reinhard Wittram (Göttingen: Vandenhoeck & Ruprecht, 1956), 80; Wilhelm Lenz, “Zur Verfassungs- und Sozialgeschichte der baltischen evangelisch-lutherischen Kirche 1710–1914: der Aufbau der Landeskirchen und die Stellung des Pastors in Liv-, Est- und Kurland”, *Baltische Kirchengeschichte. Beiträge zur Geschichte der Missionierung und der Reformation, der evangelisch-lutherischen Landeskirchen und des Volkskirchentums in den baltischen Landen*, ed. by Reinhard Wittram (Göttingen: Vandenhoeck & Ruprecht, 1956), 111.

Religious privileges in the capitulations of 1710, in the Treaty of Nystad and in the manifesto of Catherine II for Courland and Pilten

As the former Swedish provinces on the eastern coast of the Baltic Sea fell to Russian supremacy during the course of the Great Northern War, Tsar Peter I decided to confirm the comprehensive rights of the local elites. The respective political, administrative, legal, economic, social, and religious privileges were stipulated in the capitulations of 1710 and in the 1721 Treaty of Nystad.¹³

By the summer of 1710, the military superiority of the Russian forces on Baltic soil was convincing. The Swedish representatives as well as the politically influential Baltic estates capitulated to the Russian army command – the Swedish Governor-General in Riga on 3 July, Livland's *Ritterschaft* and the town of Riga on 4 July, the Swedish garrison in Pärnu (Pernau) on August 12, the Swedish garrison in Tallinn, Estland's *Ritterschaft* and the town of Tallinn on 29 September.¹⁴ All capitulations followed the same formula. The capitulating side presented their concrete propositions in a number of separate articles, each of which was specifically accorded by the Russian army command. The capitulation of Estland's *Ritterschaft* (in the following text: CE), that of Livland's *Ritterschaft* (CL), that of Riga (CR), and that of Tallinn (CT) are all focused on their own particular corporative rights and privileges. The capitulation of the Swedish Governor-General in Riga (CGR), that of the Swedish garrison in Pärnu (CGP), as well as that of the Swedish garrison in Tallinn (CGT) all treat military questions as well as matters of provincial autonomy.¹⁵ Under Russian supremacy, the Swedish

¹³ See Marju Luts, "Modernisierung und deren Hemmnisse in den Ostseeprovinzen Est-, Liv- und Kurland im 19. Jahrhundert", *Modernisierung durch Transfer im 19. und frühen 20. Jahrhundert*, ed. by Tomasz Giaro (Frankfurt am Main: Vittorio Klostermann, 2006), 159–200; August Traat, "Liivi- ja Eestimaa kapitulatsioonid aastast 1710", *Eesti ühendamisest Venemaaga ja selle ajaloolisest tähtsusest*, ed. by Artur Vassar (Tallinn: Eesti Riiklik Kirjastus, 1960), 103–145; Reinhard Wittram, *Peter I. Czar und Kaiser*, I (Göttingen: Vandenhoeck & Ruprecht, 1964), 323–354.

¹⁴ The capitulation of the Swedish garrison in Daugavgrīva (Dünamünde) from August 8 regulated only military matters and did not touch upon the privileges of the Baltic estates (Traat, "Liivi- ja Eestimaa kapitulatsioonid", 113).

¹⁵ The capitulations are published: *Polnoe Sobranie Zakonov Rossiiskoi Imperii* (in the following text: PSZ), 4 ([St. Petersburg], Pechatano v Tipografii II Otdeleniya Sobstvennoi Ego Imperatorskago Velichestva Kantselyari, 1830), № 2277 (CGR), № 2278 (CR), № 2279 (CL), № 2286 (CGP), № 2297 (CGT), № 2298 (CT), № 2299 (CE). For a German edition see *Die Capitulationen der estländischen Ritterschaft und der Stadt Reval vom Jahre 1710 nebst deren Confirmationen. Nach den Originalen mit andern dazu gehörigen Documenten und der Capitulation von Pernau herausgegeben von Eduard Winkelmann* (Reval: Franz Kluge, 1865) (CGT, CGP, CE, CT) and *Die Capitulationen*

representatives' capitulations were considered to be part of the corpus of the Baltic privileges alongside with the capitulations of the local estates.¹⁶

Some religious privileges are stipulated in multiple capitulations. Some privileges concern the whole population of a certain administrative unit, while some are concerning only a certain corporate body. Thus there are different possibilities for grouping the items of research. For the sake of clear and simple presentation in the following text, the privileges are arranged around single administrative units into five subgroups: Livland, Riga, Pärnu, Estland, and Tallinn. This article is centered specifically on the prevailing denomination, church governance, and church law. But in order to gain an overview on the context and relative importance of these particular themes among all religious privileges, the latter are presented in their entirety.¹⁷

Religious privileges of Livland:

All the rights and privileges, both secular and religious, of Livland's *Ritterschaft* have to be confirmed.¹⁸ Evangelical religion of the unaltered Augsburg Confession and of the other Lutheran symbolical books has to be retained. All inhabitants in the countryside and in towns have to follow the aforementioned confession unalterably. The consistories as church governance institutions, as well as the *ius patronatus*, as they have existed in the olden days [*von Altersher gewöhnlichen Consistorien und Competirenden jurium Patronatus*], have to be restored.¹⁹ The churches and schools in the countryside and in towns have to remain Lutheran²⁰ and have to be restored to the state that they have enjoyed in untroubled times.²¹ In case of a vacancy in those parishes where the right of appointing the new pastor belongs to the state [*Regalparfen*], the nobility has the right to present two candidates.²² The university has to be retained in Livland and the professors have to follow the Evangelical Lutheran

der livländischen Ritter- und Landschaft und der Stadt Riga vom 4. Juli 1710 nebst deren Confirmationen. Nach den Originaldokumenten mit Vorausstellung des Privilegium Sigismundi Augusti und einigen Beilagen herausgegeben von Carl Schirren (Dorpat: E. J. Karow, Universitätsbuchhändler, 1865) (CGR, CL, CR).

¹⁶ See for example Andres Andresen, *Eestima kirikukorraldus 1710–1832: riigivõimu mõju institutsioonidele ja õigusele* (Tartu: Tartu Ülikooli Kirjastus, 2008), 125–126, 130–131, 150–152.

¹⁷ The following excerpts from the sources are not *verbatim* translations.

¹⁸ CGR, art. 33; CL, preamble; CGP, art. 18.

¹⁹ CGR, art. 33; CL, art. 1; CGP, art. 18.

²⁰ CGP, art. 18.

²¹ CGR, art. 34; CL, art. 2.

²² CL, art. 3.

confession; however, the students of the Russian Orthodox religion have the right to exercise their own religion.²³

Religious privileges of Riga:

The unaltered Augsburg Confession has to retain its position as the prevailing denomination. The consistory of the Polish times has to be retained. The pastors as well as the school personnel have to follow the same doctrines, ceremonies and teachings, and they have to get the same income, as previously. The pastors as well as the school personnel have to be appointed by the town council as in the past.²⁴ The consistory is the highest ecclesiastical institution of justice [*Consistorium ohne Appellation*].²⁵ All the offices and institutions, both secular and clerical, stay under the direction of the town.²⁶

Religious privileges of Pärnu:

The unaltered Augsburg Confession has to retain its position of the prevailing denomination. The consistory of the olden days [*in vorigen Zeiten gewesenenen Consistorium*] has to be restored. The pastors as well as the school personnel have to follow the same doctrines, ceremonies, and teachings, and receive the same income, as previously. The pastors as well as the school personnel have to be appointed by the town council as in the past.²⁷ The privileges and *ius patronatus* of the town are to be confirmed.²⁸ All the offices and institutions, both secular and clerical, stay under the direction of the town as previously.²⁹

Religious privileges of Estland:

The evangelical religion of the Augsburg Confession (and of other Lutheran symbolical books³⁰) has to be the prevailing denomination. Churches and schools have to be provided with evangelical pastors and teachers. The privilege of appointing the Lutheran pastor (*ius vocandi*) belongs to the noble landlords. A bishop has to be appointed to office.³¹ Only a German of the evangelical religion is to be appointed to the post of the

²³ CL, art. 4.

²⁴ CGR, art. 45; CR, art. 1.

²⁵ CR, art. 1.

²⁶ CGR, art. 48; CR, art. 9.

²⁷ CGP, art. 27.

²⁸ CGP, art. 28.

²⁹ CGP, art. 29.

³⁰ CGT, art. 13.

³¹ CE, art. 1.

Governor-General.³² All properties of the land churches that had been brought to Tallinn during the war have to be returned to their lawful owners.³³ The church on the Dome Hill of Tallinn is to be reserved for the use of Estland's *Ritterschaft* only, with merely German services to be held there.³⁴

In religious matters no changes are to be made. The pastors, church, and school personnel in the countryside, in towns, and on the Dome Hill of Tallinn can carry out their duties according to the unaltered Augsburg Confession without any obstruction. All regulations regarding church matters that are stipulated in article 18 of the CGP [i.e. religious privileges concerning Livland] are also valid for Estland.³⁵ Every congregation in the Duchy of Estland has to preserve its church as before, and in the churches the evangelical services have to be carried out as before. Every church with all its furnishing has to remain untouched.³⁶ The Russian tsar will take the whole clergy under his special protection; all previous possible infringements against the Tsar will be pardoned.³⁷ All pastors maintain their posts; their income has to remain unchanged.³⁸ Each and every privilege of the clergy, as stated under the privilege of Queen Kristina,³⁹ in the Swedish Church Law of 1686, and in other royal decrees, has to be sustained.⁴⁰ The resources of the churches, the relief fund

³² CE, art. 6.

³³ CE, art. 32.

³⁴ CE, art. 33.

³⁵ CGT, art. 12.

³⁶ CGT, art. 13.

³⁷ CGT, art. 14.

³⁸ CGT, art. 15.

³⁹ Queen Kristina issued the Priest Privilege Act in 1647. This act was reissued in 1650, 1655, and 1675 (Hilding Pleijel, *Karolinsk kyrkofromhet, pietism och herrnhutism 1680–1772*. *Svenska kyrkans historia*, 5 (Stockholm: Svenska kyrkans diakonistyrelses bokförlag, 1935), 256–257). In the Baltic provinces after 1710 the German edition of the 1675 Priest Privilege Act was relevant: *Privilegia, zuerst von Ihro Königl. Majest. der Königin Christina; nachgehends aber von dem Großmächtigsten Fürsten und Herrn, Herrn CARL dem Eilften, der Schweden, Gothen, und Wenden König, etc. Im Jahre 1675, auf dem Reichstage zu Upsal übersehen, und auf das neue confirmiret, vor denen Bischöfen und sämtlicher Priesterschaft in Schweden, und darunter gehörigen Landschaften (Auswahl derer wichtigsten in denen Landes- und Stadtgerichten des Herzogthums Ehistland, auch noch jetzt geltenden Königl. schwedischen Verordnungen*, [ed. by Heinrich Johann Derling] (Reval: Axel Heinrich Lindfors, 1777), 144–166). It guaranteed to the clergy personal inviolability, consistory as the special court, immunity from public burdens, as well as maintenance for the widow and children of the deceased pastor.

⁴⁰ CGT, art. 16.

for pastors' widows⁴¹, legacies and other resources destined for pious applications, have to remain at their present appliance and cannot be used for any other purposes.⁴² In matters regarding their office and church, the pastors continue under the jurisdiction of the clerical consistory [which consists of only clerical members]. The members of the consistory as well as the provosts (*praepositi*) have to exercise supervision in church matters and pass judgments on matters of church and the pastor's office.⁴³ If a certain pastor is invited to take an office in another vacant parish, it is up to the pastor to decide if he accepts the invitation.⁴⁴

Religious privileges of Tallinn:

All the rights and privileges of the town, both secular and religious ones, have to be confirmed.⁴⁵ The evangelical religion of the unaltered Augsburg Confession and of the other Lutheran symbolical books has to be exercised unhindered in all town churches. No one, the pastors nor anyone else, should be hindered in carrying out the usual service in the church.⁴⁶ The churches and schools of the town should preserve all their furnishings, properties, and incomes. The salaries and incomes of the pastors and the school staff must remain unchanged. If a certain pastor is invited to take an office in another vacant parish, it is up to the pastor to decide if he accepts the invitation.⁴⁷ The town can freely exercise the *ius episcopale* in consistorial as well as other matters at all the churches and schools in town, just as had been the case during the first 130 years under Swedish supremacy.⁴⁸ The high school of the town [*Gymnasium*] will maintain its previous status and the state will finance its activities.⁴⁹

In addition to the specific religious privileges, another aspect of the capitulations has to be considered in regard to church and religion. The capitulations validated the continuance of the traditional legal order in the Baltic provinces.⁵⁰ Consequently it also meant the validation of the previously existing Lutheran church law.

⁴¹ *Prediger-Wittwen fiscus*, founded by bishop Joachim Jhering in 1649, see Hugo Richard Paucker, *Ehstlands Geistlichkeit in geordneter Zeit- und Reihenfolge* (Reval: Lindfors Erben, 1849), 10, 13.

⁴² CGT, art. 17.

⁴³ CGT, art. 18.

⁴⁴ CGT, art. 19.

⁴⁵ CT, art. 1.

⁴⁶ CT, art. 2.

⁴⁷ CT, art. 3.

⁴⁸ CT, art. 4.

⁴⁹ CT, art. 5.

⁵⁰ Luts, „Modernisierung“, 159–165.

Sweden finally recognized her defeat in the Great Northern War and the loss of the Baltic provinces in the Treaty of Nystad. Besides regulating the relations of the opponents, this act approbated the local privileges of Estland, Livland, and Ösel (which also came under Russian supremacy in 1710) in town and land.⁵¹

All inhabitants of the provinces Estland, Livland, and Ösel, nobles as well as the others, and the towns, town councils, and guilds preserve all their privileges which they enjoyed under Swedish rule.⁵² In Estland, Livland, and Ösel there has to be no coercion of religion [*Gewissens-Zwang*], but the evangelical religion, the church, and school system and related matters must remain as they were under the recent Swedish government. However, it must remain possible to freely exercise the Greek Orthodox religion.⁵³

The Duchy of Courland and the territory of Pilten experienced the ever growing Russian influence in home affairs after the Great Northern War. The Third Partition of Poland-Lithuania finally expanded Russian *de jure* political supremacy to Courland and Pilten. With the manifesto of 15 April 1795, Empress Catherine II declared the incorporation of these two political units into the Russian Empire. The manifesto was formally given as an answer to the voluntary surrender of Courland's and Pilten's *Ritterschaften*, and it also made a statement about the rights of the local estates.⁵⁴

Not only the free exercise of religion that the inhabitants of the Duchy of Courland and of Pilten have inherited from their forefathers, the rights and privileges as well as lawful properties will be entirely retained, but also from now on every estate will make use of the rights, liberties, and advantages which are enjoyed by the old Russian subjects.⁵⁵

The 1710 capitulations and the Nystad Treaty formed the legal basis for the autonomy of Estland, Livland, and Ösel under Russian supremacy. The provincial autonomy was strengthened by a large number of privilege confirmations, issued by consecutive Russian monarchs to the Baltic estates. A number of these confirmations included clauses which reserved the right of the supreme state power to determine the validity of the privileges. The

⁵¹ Treaty of Nystad, art. 9–12 (PSZ, I, 6, № 3819. A German edition of the articles 9–12 is published in Winkelmann, *Capitulationen* as well as in Schirren, *Capitulationen*).

⁵² *Ibid.*, art. 9.

⁵³ *Ibid.*, art. 10.

⁵⁴ Oberländer, Keller, *Kurland*, 49–50.

⁵⁵ № 23. Manifest Katharinas II. an die neuen Untertanen in Kurland, Semgallen und Pilten (Oberländer, Keller, *Kurland*).

overall legal status of Courland (including the Pilten area) in the Empire was similar to that of Estland and Livland.⁵⁶

Implementation of religious privileges in Estland, Livland, and Courland: prevailing denomination, church governance, and church law

The role of religion as an identity factor changed dramatically after the establishment of Russian supremacy in the Baltic provinces. In the Russian conglomerate state of the eighteenth century, the Russian Orthodoxy served as the religion of the tsars and as the established religion of Russia proper. Greek and Russian Orthodoxy were decisive factors during medieval, early modern, and (partly) also modern times which distinguished “us” from “them” for Europeans practicing Latin Christianity. Furthermore, “they” were often considered to be alien and hostile.

In contrast to the Swedish kings, the Russian tsars did not adhere to the policy of religious unity. Peter I needed the help of foreigners in westernizing Russia, so he guaranteed religious freedom to all foreigners settling down in his realm with the decree issued in 1702.⁵⁷ Subsequent monarchs sustained this view in the eighteenth century.⁵⁸ Similarly, for more than a century the tsars did not attempt to spread their own religion in the newly acquired areas, including Estland and Livland. Lutheranism continued to be the dominant denomination in the Baltic region until the latter part of the 1840s. Until then Russian Orthodoxy remained the religion of the few, mostly of Russian military, civil servants, artisans, and merchants in towns.⁵⁹

Slowly but steadily the neutral attitude of the central government towards Lutheranism in the Baltic provinces started to deteriorate around the 1830s, at the same time as the emergence of a new state doctrine based on the Russian Orthodox religion, absolutist rule of the tsars, and Russian

⁵⁶ For a detailed overview see Traat, “Liivi- ja Eestimaa kapitulatsioonid”, 133–135. See also Michael Haltzel, *Der Abbau der deutschen ständischen Selbstverwaltung in den Ostseeprovinzen Rußlands: ein Beitrag zur Geschichte der russischen Unifizierungspolitik 1855–1905* (Marburg/Lahn: J. G. Herder-Institut, 1977), 5–6.

⁵⁷ PSZ, I, 4, № 1910.

⁵⁸ The ukase of the empress Anna from 1735 (PSZ, I, 9, № 6693) and the ukase of Catherine II from 1763 (PSZ, I, 16, № 11 880).

⁵⁹ In the rare case of a marriage between a Lutheran and a Russian Orthodox, according to state legislation the newborn child belonged to the Russian Orthodox church (See Andresen, *Eestimaa kirikukorraldus*, 134–138).

nationalism. In 1836 the office of the Russian Orthodox bishop was founded in Riga; a decade later a clerical seminary – an institution of secondary education which also trained Russian Orthodox clerics – for Russians, Estonians, and Latvians emerged in the same town. The massive conversion movement among the Livland peasantry (1845–48) profoundly changed the confessional balance in this region. The conversion, more or less spontaneously resulting from the extremely poor economical and social conditions in the village, took nearly twenty percent of Estonians and Latvians in Livland to the Russian Orthodox church. Initially the state government was quite cautious in supporting this movement, as it treated any kind of popular initiative among the people with great suspicion.⁶⁰ Later, during the period of active Russification in the 1880s and 1890s, the state government energetically supported the peasant conversions that took place by then on a much lesser scale. The process of converting to Russian Orthodoxy did not include the Baltic Germans in the Baltic provinces, who remained almost exclusively Lutheran.⁶¹

After 1710 the Baltic provincial administration stayed predominantly in the hands of the local nobility or town council. The central government, for the most part, refrained from interfering with local affairs during the early decades of Russian supremacy. Thus also Lutheran church governance shifted under the authority of the local political elites. In case of Livland, Ösel, and Tallinn, this meant the restoration of the church governance system that had existed before the absolutist reforms of Charles XI, with secular authorities – either the *Ritterschaft* or town council – playing the leading role. The town of Pärnu followed a similar path, as its church organization formed a part of the Livland church.⁶²

As mentioned above, in Estland the position of the clergy had been much stronger than in other Baltic political units during the Swedish supremacy, and Lutheran church governance had previously never belonged to the jurisdiction of the nobility. This changed in 1715, as Estland's *Ritterschaft* took advantage of being the sole authority in internal provincial matters

⁶⁰ The major study on this theme is still that of Hans Kruus, *Talurahva käärimine Lõuna-Eestis XIX sajandi 40-ndail aastail* (Tartu: Eesti Kirjanduse Selts, 1930).

⁶¹ Toomas Karjahärm, *Ida ja lääne vahel: Eesti-Vene suhted 1850–1917* (Tallinn, Eesti Entsüklopeediakirjastus, 1998), 261–262; Gert Kroeger, “Die evangelisch-lutherische Landeskirche und das griechisch-orthodoxe Staatskirchentum in den Ostseeprovinzen 1840–1918”, *Baltische Kirchengeschichte. Beiträge zur Geschichte der Missionierung und der Reformation, der evangelisch-lutherischen Landeskirchen und des Volkskirchentums in den baltischen Landen*, ed. by Reinhard Wittram (Göttingen: Vandenhoeck & Ruprecht, 1956), 202–203.

⁶² Andresen, *Eestimaa kirikukorraldus*, 101, 182–184.

and subordinated the consistory to the secular president, the office of which was performed by one of the *Landräte* (twelve *Landräte* or councilors composed the *Landratskollegium* – the permanent executive body of the *Ritterschaft*). For the first time in history, a secular representative led the governing institution of Estland's church.⁶³

The motives for the move are not difficult to guess. During the Swedish supremacy the nobility had persistently but inconclusively strived to expand its power to the sphere of church governance. Authority over the consistory added the final missing element to the *Ritterschaft's* domination over Estland. As the regulations of Baltic autonomy did not prescribe any rights for the estates to change the existing legal order, the *Ritterschaft* submitted a request to the Russian central government to legitimize the aforementioned institutional change *post factum*. And indeed, the decree of the Senate from 24 September 1725 determined that the Estland consistory had to include secular and clerical members. However, after the death of the consistory's secular president in 1729, the clergy successfully avoided secular leadership for thirteen years, leaning on the argument that the secular president had been appointed only *ad interim* during tough and turbulent times and that the capitulation of the Swedish garrison in Tallinn, the Treaty of Nystad, and the 1686 Church Law all prescribed clerical church governance.⁶⁴ The Russian central government finally decided the case in favor of the *Ritterschaft*. In late 1742 the clerical members of the consistory surrendered to the pressure of the secular authorities and accepted a *Landrat* as the president of the institution. The decree of the Senate from 6 July 1743 gave the final validation to these institutional rearrangements. The earlier imperial orders concerning the membership of the consistory were confirmed and a definitive decision was taken concerning church leadership (as the post of Estland's bishop was permanently abolished).⁶⁵

All these aforementioned changes in church governance after 1710 brought about a significant transformation of Baltic Lutheranism's general institutional framework. The subordination of church governance to local secular elites, the *Ritterschaften*, and the town councils resulted in the re-particularization of the ecclesiastical organization. The separate territorial churches of Estland, Livland, Ösel, Tallinn, and Riga re-emerged

⁶³ For details see Andresen, *Eestimaa kirikukorraldus*, 100–111.

⁶⁴ Andresen, *Eestimaa kirikukorraldus*, 112–115.

⁶⁵ See also Andres Andresen, "Church and state in the Northern Baltic region: the transformation of the Lutheran church governance in Estland 1561–1743", *Communities in European history: representations, jurisdictions, conflicts*, ed. by Juan Pan-Montojo, Frederik Pedersen (Pisa: Pisa University Press, 2007), 230–234.

along the same borders that had existed prior to the implementation of the 1686 Church Law.

At the very beginning of Russian rule in Courland and Pilten, in late 1795, Catherine II ordered the implementation of the so-called regency (*Statthalterschaft*).⁶⁶ This restriction of the local political elite's privileges proved to be short-lived, and regency was revoked by Catherine's successor Paul I in 1796 in all Baltic provinces. The Duchy of Courland and the territory of Pilten were unified into a single political unit – the governorate of Courland. Consequently, the Lutheran ecclesiastical organizations of Courland and Pilten were merged by 1830.⁶⁷

A number of authoritative legal documents from the eighteenth and early nineteenth centuries affirmed that the church law of Swedish times was still entirely valid in Estland and Livland under Russian supremacy. The rulings of the consistories, ordinances of the provincial governments, decrees of the Senate, and the decisions of monarchs quite specifically refer to the Priest Privilege Act of 1675 and the Church Law of 1686 as the most important legal acts in this context. Nonetheless it has to be stressed that in practice two important principles of the 1686 Church Law faced significant disruption after 1710. Firstly, strict religious unity on the basis of orthodox Lutheranism was undermined by the provision of the Nystad Treaty which explicitly granted full rights to the Russian Orthodox church. Secondly, the subordination of the territorial churches to local *Ritterschaften* and town councils violated the maxim of clerical church governance under the leadership of a bishop or a superintendent.⁶⁸

Since the early nineteenth century a series of institutional and legal reforms were carried out in the Russian Empire. As part of this general effort, the central government revealed increasing interest in taking control over Lutheran ecclesiastical matters in the Baltic provinces and elsewhere, culminating with the issue of a new comprehensive law. Tsar Nicholas I

⁶⁶ The regency was a system of secular administration in the Baltic provinces which was based on the Russian model and which seriously restricted the provincial autonomy of the estates. The regency was implemented in Estland and Livland 1783–96 and it had no major impact on the Lutheran church (some minor temporary changes occurred, however; see for example Andresen, *Eestimaa kirikukorraldus*, 118–122, 124).

⁶⁷ Andres Andresen, "The reconfiguration of Lutheran church organisation in the Baltic region from the 1520s until 1917", *Institutional change and stability: conflicts, transitions and social values*, ed. by Andreas Gémes, Florencia Peyrou, Ioannis Xydopoulos (Pisa: Pisa University Press, 2009), 41–42.

⁶⁸ Andres Andresen, "The implementation of Swedish church law in 18th-century Estland", *Making, using and resisting the law in European history*, ed. by Günther Lottes, Eero Medijainen, Jón Viðar Sigurðsson (Pisa: Pisa University Press, 2008), 135–137.

issued the Act for the Evangelical Lutheran Church in the Russian Empire on 28 December 1832.⁶⁹

The implementation of the new church law resulted in the formation of the Evangelical Lutheran Church of the Russian Empire. All the Baltic Lutheran territorial churches, as well as the Lutheran congregations elsewhere in the Empire, were merged into this new church organization.⁷⁰ The Evangelical Lutheran Church of the Russian Empire comprised the consistorial districts of Estland, Livland, Ösel, Courland, St. Petersburg, Moscow, Riga, and Tallinn. In the respective consistories of the Baltic region, the local political elites retained their leading position. All the consistorial districts were subordinated to the general consistory in St. Petersburg, which itself stood under the authority of the central state governance institutions.⁷¹ According to the 1832 Church Law, the Lutheran doctrine rested on the prophetic and apostolic scriptures of the Old and New Testaments and the following symbolical books: the Apostles', Nicene, and Athanasian creeds, the unaltered Augsburg Confession, and the texts of the Book of Concord.⁷² The introduction of the new law invalidated all preceding legal acts on Lutheran church organization.⁷³

The implementation of the 1832 Church Law was the first large-scale measure of unification in the nineteenth-century Baltic provinces to overcome the abundant legal and institutional diversities. Later on, the central government initiated a number of similar steps in the fields of secular law, justice, and administration. However, other lines of institutional development still aggravated the differences in the Baltic political-administrative units. The codification of the Baltic provincial law (1845 and 1864) cemented a considerable part of the particularistic institutional and legal heritage in Estland, Livland, and Courland.

Concluding analysis

The Baltic religious privileges under Russian supremacy were determined with the seven capitulations of 1710, the Treaty of Nystad (1721), and the manifesto of Catherine II for Courland-Pilten (1795). In all these acts,

⁶⁹ PSZ, II, 7, № 5870. This law was also published in German: *Gesetz für die Evangelisch-Lutherische Kirche in Russland* [s.l., s.a.].

⁷⁰ The new church law was not implemented in the Grand Duchy of Finland nor in the Kingdom of Poland.

⁷¹ Andresen, *Eestimaa kirikukorraldus*, 167–169.

⁷² *Gesetz für die Evangelisch-Lutherische Kirche in Russland*, § 1.

⁷³ The ukase of December 28, 1832, preamble (PSZ, II, 7, № 5870).

religious affairs were among the most important issues of provincial autonomy. This fact is not surprising, as during that time church and religion were among the major forming factors of society, and the aforementioned acts were concerned with the transformation of supremacy to the Russian Orthodox monarch in provinces that had been hitherto mostly Lutheran. The capitulations, the Treaty of Nystad, as well as the manifesto of 1795 all follow one and the same rationale in regard to the religious privileges of the local estates: the Russian side confirms or restores rights that existed during earlier times.

The capitulations of 1710 stipulate regulations of church and religion in a number of different ways. The capitulation of Estland's *Ritterschaft*, that of Livland's *Ritterschaft*, that of Riga, that of Tallinn, that of the Swedish Governor-General in Riga, that of the Swedish garrison in Pärnu, and that of the Swedish garrison in Tallinn each have their own focal points. Both in the case of Riga and Livland's *Ritterschaft* the wording of the religious privileges in different capitulations is much the same. Also the wording of the privileges of Pärnu follows closely that of Riga.

Only one item is uniformly present in all capitulations – the evangelical religion of the Augsburg Confession as the prevailing denomination. Lutheranism is thus in all cases prescribed as the dominant religion, but all capitulations except CE specify this matter in a more exact wording, prescribing the unaltered Augsburg Confession [CL, CR, CT, CGR (as part of the privileges of Livland's *Ritterschaft* as well as of the privileges of the town of Riga), CGP (as part of the privileges of Livland's *Ritterschaft* and of the privileges of the town of Pärnu), CGT (referring to "this whole land")] and adding that besides the Augsburg Confession, the religion has to be based on other Lutheran symbolical books as well [CL, CT, CGR (as part of the privileges of Livland's *Ritterschaft*), CGP (as part of the privileges of Livland's *Ritterschaft*), CGT (referring to "this whole land")]. However, in later practices the above-mentioned details did not play any noteworthy role. The 1832 Act for the Evangelical Lutheran Church in the Russian Empire stipulates the same texts as the basis of faith as the 1686 Swedish Church Law.

Lutheranism as the prevailing denomination concerned the whole society of the Baltic provinces. Other religious privileges were confined to a narrower target group, in most cases either to the respective secular authority, i.e. *Ritterschaft* or town council, or to the clergy of a particular territory.

The most important religious privileges which are specifically assigned to certain secular authorities were concerned with church governance and with the right to appoint pastors to office. The right to appoint pastors to

office is assigned to all *Ritterschaften* and town councils, but in the case of Livland's *Ritterschaft* with a certain reservation regarding *Regalpfarren*. Pertaining to church governance, Livland's *Ritterschaft* and the town councils of Riga, Pärnu, and Tallinn all gained control over the consistory, although in different cases the wording of the text is not equally specific. Whereas the regulation on Riga prescribes the consistory as it had existed in Polish times and in Tallinn the *ius episcopale* is expressly reserved to the town, effectively meaning the town council, the consistory of the somewhat vague "olden days" is decreed for Livland's *Ritterschaft* and for the town of Pärnu. The "olden days" leave plenty of room for interpretation, but the context of the respective capitulations suggests that the period of maximum influence of secular authority is meant. Estland's *Ritterschaft* presented a very distinctive exception from the rest of the secular authorities. It had not exercised any church governance rights during Swedish supremacy and the capitulations did not introduce any changes in this field.

The special privileges of the clergy are represented in some way or another in all capitulations. The clergy of Livland had the least privileges, with merely the promise to restore churches and schools according to their best earlier standards. The Swedish Governor-General in Riga did not include in his own capitulation more regulations concerning local affairs than was asked by the *Ritterschaft* or the representatives of Riga. The clergy of Riga, Pärnu, and Tallinn were supposed to receive the same income as in the past. In addition, the churches and schools of Tallinn had to retain all their properties and incomes.

The rather meager prerogatives of the clerical estate in Riga, Pärnu, Tallinn, and especially Livland stood in stark contrast with the comprehensive privileges of Estland's clergy. The Lutheran pastors of Estland were supposed to retain all earlier privileges and incomes. No changes were to be made in religious matters. The clerical consistory (comprising only clerical members) had to remain the governing institution of the Estland church. All these measures were not provided by courtesy of Estland's *Ritterschaft*, however. Even though the latter's capitulation included the highly important clause that a bishop had to be appointed, as well as mentioned the need to protect church properties, it was the Swedish garrison in Tallinn which, as an exception among political authorities, resolved to represent the concerns of the clergy. Estland's as well as Livland's *Ritterschaft* were evidently interested in their own prerogatives, but not those of the other estates of the land.

The Treaty of Nystad and the manifesto of Catherine II differ a great deal from the capitulations pertaining to the elaboration of religious privileges.

The Treaty of Nystad curtly confirms that all local inhabitants – effectively meaning also the clerical estate – have to preserve all earlier privileges and that the evangelical religion, church and school in Estland, Livland, and Ösel have to remain as they had been under Swedish supremacy. However, this regulation is ambiguous, as during the seventeenth century the church institutions in the Baltic provinces underwent major changes. A highly important clause was added which does not appear in any of the capitulations: free exercise of the Greek Orthodox religion. The manifesto of Catherine II addresses generally the privileges of all inhabitants in Courland and Pilten, but religious affairs are stipulated even more vaguely than in the Nystad Treaty. The empress's guarantee for the exercise of “the forefathers' religion” leaves room for diverse interpretations.

In Sweden, religious unity based on the Augsburg Confession had been regarded as foundational for the state. In the Russian Empire, the tsars tolerated the existence of various religions besides Russian Orthodoxy. Lutheranism continued to be the dominating religion in the Baltic provinces throughout the studied period, although since the 1830s and especially during the 1880s and 1890s the central government tried to strengthen the position of the Russian Orthodox religion but refrained from using forced conversion. This policy had fruitful results among Estonian and Latvian peasants. The large-scale appearance of Russian Orthodoxy on Baltic soil, and the real or imagined threat it posed to the traditional way of life, strengthened the role of the Lutheran denomination as an identity factor for Baltic Germans.

The transformation of church governance in Livland, Riga, Pärnu, and Tallinn soon after the establishment of Russian supremacy was in line with the regulations of the respective capitulations. Livland's *Ritterschaft* and the town council of Riga, Pärnu, as well as that of Tallinn restored the consistorial system that had existed before the reforms of Charles XI and subordinated the church to their own power. In Estland, however, things took a different course. The subordination of the consistory to the secular authority – a high official of the *Ritterschaft* – clearly contravened the privileges of Estland's clergy as stated in the capitulation of Tallinn's Swedish garrison as well as in the Nystad Treaty. Thus Estland's *Ritterschaft* committed a violation of the fundamental legal acts of Baltic provincial autonomy.⁷⁴ All these changes in church governance on Baltic soil resulted

⁷⁴ Andresen, *Eestimaa kirikukorraldus*, 189–193. On the reflection of ecclesiastical institutional development after 1710 in Estonian and Baltic German historiography see Andresen, “Luterlik territoriaalkirik”, 74.

in the re-particularization of Lutheran ecclesiastical structures to form of separate territorial churches in Estland, Tallinn, Livland, Riga, and Ösel.

The Church Law of 1832 reformed profoundly some institutional and legal basics of Lutheranism throughout the Russian Empire (with the exception of the Grand Duchy of Finland and the Kingdom of Poland). With the implementation of the new law, all preceding legal acts concerning Lutheran church organization – and consequently the relevant Baltic religious privileges – were invalidated. Lutheran church structures were subjected to central state institutions. Moreover, the new law merged all Lutheran congregations in the Russian Empire into a new single church organization, that of the Evangelical Lutheran Church of the Russian Empire. The emergence of an institutionally unified Lutheran church was a major step to overcome the institutional and legal particularization in the governorates of Estland, Livland, and Courland under Russian supremacy. Thus the unified Lutheran church organization has to be considered as a significant institutional contributing factor for the emerging common regional identity of Baltic Germans. The full particulars of this problem, however, need further research.

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KOKKUVÕTE: Religiooniprivileegide kehtestamine ja rakendamine Eesti-, Liivi- ja Kuramaal Vene ülemvõimu ajal. Uurimus Balti regionaalse identiteedi põhialustest

Uusaegse baltisaksa ühiskonna eneseteadvus hõlmas erinevaid identiteeditasandeid. 19. sajandil hakkas erilaadsete tegurite koosmõjul aegamööda välja kujunema regionaalne Balti identiteet, mille kandjateks olid baltisaksa seisused Eesti-, Liivi- ja Kuramaal ning mille põhikomponentide hulka kuulusid saksa keel ja kultuur, luterlus ning poliitiline omavalitsus.

Artiklis käsitletakse luterluse neid aspekte, mis kõige enam mõjutasid regionaalse Balti identiteedi kujunemist – õpetuse põhialuseid ja kirikuorganisatsioonilist ülesehitust. Vene ülemvõimu perioodil toetus luterluse positsioon Balti provintssides erilistele privileegidele, mis anti kohalikele seistustele Vene võimu kehtestamise ajajärgul. Artikli eesmärgiks on lähemalt

uurida eelmainitud religiooniprivileege ja nende hilisemat rakendamist, pidades silmas esiteks valitsevat usutunnistust ja teiseks kirikuvalitsemist ning kirikuõigust kui kirikuorganisatsiooni kujundanud põhifaktoreid.

Eesti- ja Liivimaa religiooniprivileegid sätestati 1710. aastal seitsmes erinevas kapitulatsioonis (kus üheks pooleks oli Vene võimukandja ja teiseks pooleks vastavalt Rootsi kindralkuberner Riias, Liivimaa rüütelkond, Riia linn, Rootsi garnison Pärnus, Rootsi garnison Tallinnas, Eestimaa rüütelkond ja Tallinna linn) ning 1721. aastal Uusikaupunki rahulepingus. Kuramaa privileegid sisaldasid Katariina II poolt 1795. aastal nii Kuramaa kui ka Piltene rüütelkonnale antud manifestis. Kõik eelmainitud õigusaktid järgisid põhimõtet, mille kohaselt kinnitati või taastati varem eksisteerinud eesõigused.

Kõik 1710. aasta kapitulatsioonid kinnitasid valitseva konfessiooni osas ühtviisi, et usu aluseks peab olema Augsburgi usutunnistus, ja see säte puudutas (vaid üksikute eranditega) kogu siinset elanikkonda. Teised religiooniprivileegid olid kõik suunatud mingile kitsamale sihtrühmale, kas vastava territooriumi kohalikele ilmalikele võimukandjatele (rüütelkonnale või linnaeliidile) või siis vaimulikule seisusele. Kõige olulisemad eesõigused, mis kinnitati ilmalikele võimukandjatele, hõlmasid kirikuvalitsemist ja pastori ametissekutsumise õigust. Pastori määramise õiguse said endale rüütelkonnad ja eelmainitud linnade magistraadid. Kirikuvalitsemise osas saavutasid Liivimaa rüütelkond ja nii Riia, Pärnu kui ka Tallinna magistraat kontrolli konsistooriumi tegevuse üle. Seevastu Eestimaa rüütelkond moodustas ülejäänud ilmalike võimukandjate seas väga olulise erandi. Rootsi ajal ei olnud Eestimaa rüütelkonnale kuulunud min-geid kirikuvalitsusõigusi ja kapitulatsioonitingimused selles küsimuses muutusi kaasa ei toonud.

Kõik kapitulatsioonid kinnitasid teatud eriprivileegid kohalikele vaimulikonnale. Liivimaa pastoritele lubati üksnes kirikute ja koolide taastamist, linnade (Riia, Pärnu ja Tallinn) vaimulikonnale kindlustati veel ka seniste sissetulekute jätkumine. Eelneva taustal torkab teravalt silma Eestimaa vaimulikkonna privileegide hulk ja ulatus: Rootsi garnisoni kapitulatsioon lubas pastorkonnale kõikide varasemate eesõiguste ja sissetulekute püsimist, sealhulgas ainult vaimulikest liikmetest koosnenud konsistooriumi kui kõrgema kirikuvalitsusasutuse edasikestmist.

Uusikaupunki rahulepingu kohaselt pidid kõik Eesti-, Liivi- ja Saaremaa elanikud säilitama kõik oma varasemad privileegid. Evangeelse usu, kiriku ja kooli osas kinnitati, et nende positsioon peab jääma samasuguseks, nagu see oli olnud Rootsi ülemvõimu perioodil. Valitseva usutunnistuse

küsimuses tõi rahuleping sisse väga olulise uuenduse: esmakordselt sätestati, et ei tohi teha takistusi vene õigeusu vabale levikule. 1795. aasta manifest kindlustas Kuramaa ja Piltene elanikele nende „eesiisade religiooni“ vaba viljelemise.

1832. aasta Venemaa evangeelse luterliku kiriku seadus sätestas usu alusena samad tekstid, mis Rootsi 1686. aasta kirikuseaduski. Kogu vaatlusaluse perioodi vältel jäi luterlus valdavaks religiooniks, hoolimata sellest, et keskvalitsus püüdis alates 1830. aastatest ja eriti 1880.–90. aastatel tugevdada vene õigeusu positsioone, hoidudes sealjuures küll vägivaldsest ümberusustamisest. Vene õigeusu laiaulatuslik levik talupoegade seas alates 1840. aastatest ja sellega kaasnenud reaalne või ka kujutletud oht traditsioonilisele elukorraldusele tugevdas baltisaksa seisuste jaoks luterluse kui identiteedifaktori tähendust.

Ümberkorraldused Liivimaa, Riia, Pärnu ja Tallinna kirikuvalitsemises, mis järgnesid Vene ülemvõimu kehtestamisele, olid kooskõlas vastavate kapitulatsioonitingimustega. Nii Liivimaa rüütelkond kui ka Riia, Pärnu ja Tallinna magistraat taastasid konsistoriaalse kirikuvalitsussüsteemi, mis oli eksisteerinud enne Karl XI reforme, ja allutasid seega kohaliku luterliku kirikuorganisatsiooni oma võimule. Ka Eestimaa rüütelkond teostas muutunud poliitilistes oludes, kus keskvoim ei toetanud enam luterlikku vaimulikkonda, oma ammuse eesmärgi ja allutas Eestimaa territoriaalkiriku konsistooriumi juhtimise ühele maanõunikule. See aga oli vastuolus Eestimaa vaimulikkonna privileegidega, mis olid sätestatud nii Tallinna Rootsi garnisoni kapitulatsioonis kui ka Uusikaupunki rahulepingus. Järelikult rikkus Eestimaa rüütelkond Balti erikorra aluseks olnud õigusaktide tingimusi.

Kui Rootsi aja lõppjärgus oli luterlik kirikuorganisatsioon Balti provintides olnud üks osa ühtsest Rootsi territoriaalkirikust, siis kõigi eelmainitud ümberkorraldustega kirikuvalitsemises kaasnes kirikuorganisatsiooniline killustumine ja eraldi territoriaalkirikute väljakujunemine Eestimaal, Tallinnas, Liivimaal, Riias ja Saaremaal.

1832. aasta kirikuseaduse rakendamine tõi kaasa Balti provintside territoriaalkirikute ühendamise kogu keisririigi luterlikke kogudusi hõlmanud kirikuorganisatsiooni koosseisu. See esimene olulisem samm Eesti-, Liivi- ja Kuramaa institutsionaalse killustatuse ületamisel aitas kaasa baltisaksa seisuste ühise regionaalse identiteedi kujunemisele.