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THE WAYS OF PUNISHING CLERICS.  
EPISCOPAL DETENTIONS FOR PRIESTS  
– A CASE STUDY OF OLOMOUC ARCHDIOCESE  
IN THE 19TH CENTURY

The issue of the houses of correction for the clergy (also called “priestly prisons”), still does not enjoy the interest of historians much. As indicated by the name of the institution, the “house of correction” in Mírov, this institution was aimed primarily at correction, i.e., the correction or reformation of the priests stationed there. The priest who was considered to be reformed (corrected) could be released back into pastoral service (sometimes even repeatedly). The priest carried out his mission of the pastoral care of souls; as a prisoner at Mírov or elsewhere, he was useless. Priests located in clerical prisons were not “dangerous criminals”, but rather offenders<sup>1</sup>.

1. THE PUNISHMENT OF CLERICS

The Church had the privilege of being the only judge of clergymen<sup>2</sup>, even if they had committed offenses against the common law. This privi-

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<sup>1</sup> Their guilt was never referred to as sin (*peccatum*), but it was considered an offence (*ex delicto*) to be labeled as imprisoned (*incarceratus*). Cf. Aichner 1905, 768-69; Tinková 2004, 109-54.

<sup>2</sup> However, this privilege was sometimes violated, and then the bishop had to try to recover the privilege. For example, in the 16th century, when priests were driven to the provincial court, the Olomouc Bishop Stanislav Pavlovsky (1579-1598) from Pavlo-

lege in no case meant impunity, but the principle was that clerics may be judged only by other clerics [Rémond 2003, 72; Plöchl 1960, 184, 256, 364]. The subordination of clerics to the Church, and not to state law and the judiciary, was also enshrined in canon law. Among other things, the Gregorian reform which sought to free the Church from secular power (fighting under the banner of *libertas ecclesiae*) also advocated the exemption of clerics from the secular judiciary. Humbert of Silva Candida, in connection with the struggle for investiture, expressed this clearly: “As clerics do not interfere in secular power, laypeople are thus so with spiritual power” [Neuner 1997, 53]. The Fourth Lateran Council also prevented the interference of the laity in the affairs of the clergy<sup>3</sup>.

Clerics committed various offences against obedience to their superior – the Ordinary: property offences, failed alcoholism, offending the moral realm, etc. They could also have been struck with mental illness, which kept them from properly exercising the priestly ministry. But how was the Church to deal with those ordained ministers of the Church who were temporarily or permanently unable to exercise their priestly ministry? While they could not carry out their pastoral duties, they, however, remained priests.

The bishops had jurisdiction over their priests. Therefore, even though it was criminal and civil law that was broken, clerics had the privilege – a legal exemption – that they would be investigated, tried and punished only by an ecclesiastical court [Aichner 1905, 773].

A diocesan bishop generally has in his diocese proper, personal and immediate power, which requires the exercise of his pastoral office: his task is to manage, to sanctify and to teach (*munus regendi, sanctificandi et docendi*). He is entitled to legislative, executive and judiciary power under the provisions of canon law. In the early modern period, the delegated body for the performance of the function of the diocesan court became the consistory. For Bishop Karl von Liechtenstein-Castelcorn, the consistory

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vic stood up against this and successfully demanded from the emperor so that he was once again granted the right of jurisdiction over the clergy by the imperial letter of 18th October 1587. See: Breitenbacher 1906, 97-134; Zlámál 1970a, 30.

<sup>3</sup> In addition, we add a general prohibition onto a strict prohibition to decide on the laity in spiritual matters, except that it would be a suitable layman to decide on these matters (can. 40). Clerics and laymen should not mutually usurp their rights (can. 42), etc. Fourth Lateran Council – 1215 A.D., <http://www.dailycatholic.org/history/12ecume1.htm> [accessed: 10.04.2017]; Plöchl 1962, 190-93.

held the function both of a diocesan court and the administrative body of the diocese [Válová 2003, 109, 111-12; Válová 2002, 49-51]<sup>4</sup>.

Offences and complaints about the priesthood were discussed at consistory meetings. Light trespasses against ecclesiastical discipline were addressed by simple procedures. Severe infractions were considered misconduct in the field of the sacraments and their own obligations stemming from ordination. For example, a great offence would be when a sick parishioner on his deathbed was not provided with the final sacraments, so, if he died thus, then the priest would be severely punished; also, if the priest asked for carriage or cash reimbursement for travel, particularly from those of a low-income, he could expect a severe punishment<sup>5</sup>.

In the case of the laity, the jurisdiction of bishops was limited to *crimina mere ecclesiastica* [Feine 1954, 486; Tinková 2004, 38-39]. These were dealt with according to canon law in a church court. Ecclesiastical courts therefore judged the clergy and the laity, who ran afoul of Church regulations<sup>6</sup>.

Into Church sanctions, which were originally only spiritual sanctions (excommunication), there gradually penetrated elements of secular law, such as fines or even imprisonment<sup>7</sup>. The Church continued to prefer spiritual punishments in order to correct the culprit – without the possibility of the redress of the offender, the ecclesiastical penalty would not make sense [Aichner 1905, 775-76]<sup>8</sup>.

The time of the Enlightenment perceived the priest also as a citizen of the state, which was an apparent effort to limit the jurisdiction of the Church. Emperor Leopold II, son of Maria Theresa, started making government interventions in the Church's judiciary, being the administrator of Modena and Tuscany, in a decree of 1769, denouncing private jurisdic-

<sup>4</sup> Zemský archiv Opava, pobočka Olomouc [later cited as: ZAOpO], fund: Arcibiskupský církevní soud, Inventory; Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus, Typis Polyglottis Vaticanis, Romae 1933, can. 1572.

<sup>5</sup> *Dokumenty Soborów Powszechnych. Tekst łaciński, polski. Tom IV (1511-1870). Lateran V, Trydent, Watykan I*, oprac. A. Baron, H. Pietras, Wydawnictwo WAM, Kraków 2004 (XIV. ses. II. Decree on reform, p. 512-14; Can. 4, p. 518-19; Can. 5, p. 520-21; Can. 8, p. 522-23; XXII. Ses. III. Decree on reform, p. 652-53; XXV. Ses. IV. Decree on reform; Can. 14, p. 834-37). See: Plöchl 1970, 422-27.

<sup>6</sup> This regarded especially a sacrilegious act or the area of matrimonial law.

<sup>7</sup> The Council of Trent allowed that disobedient priests were deprived of their benefice, the right to perform priestly functions, or were cast into prison.

<sup>8</sup> He refers to the punishments (in the Church) as being spiritual and healing.

tion in dioceses, and even more so in the monasteries that were outside state control. Therefore, monastic prisons were to be abolished, and offenders were to be sent to the diocesan prisons for clergymen, which Leopold was willing to tolerate. These measures pleased Maria Theresa and she wanted to introduce them into her inherited lands. Copies of these decrees were also sent to Moravia, but the regional governors replied that conditions were different in Moravia because there were no monastery prisons (or rather they had usually been abolished) and the episcopal prison for priests was deemed useful [Zuber 2003, 109]. On 15th September 1772, the highest burgrave of the Czech Kingdom Prince Charles Egon Furstenberg announced to the Archbishop of Prague Petr Adam Příchovský the regulation of Empress Maria Theresa of abolishing all prisons in convents and other monastic houses. The Archbishop then ordered all Church institutions in the Prague archdiocese to adhere to the regulation<sup>9</sup>.

A later concordat between the Holy See and Austria in 1855 (Art. 11-14) guaranteed the freedom of the bishops in judicial matters of the clergy. Internment in specialty houses or in convents or seminaries was thus allowed (Art. 12)<sup>10</sup>.

Soon after the publication of the Concordat there arose both disputes about its interpretation and even the question of the criminal liability of the clergy. An interdenominational edict was suggested in 1861, where the Church was to be legally subject to state laws and the Church was to lose

<sup>9</sup> See: H. Sýkorová, A. Nosková, J. Milotová (eds.), *Prameny k dějinám vězeňství. Retro informace*, Státní ústřední archiv, Praha 1994, ed. 1, p. 22.

<sup>10</sup> In Josephine legislation, the criminal jurisdiction of the Church, in internal matters was destroyed. In 1765, ecclesiastical courts were not allowed to pass judgment that would touch upon civil law; if they did so anyway, they should have *forti manu sub comminatione sequestrationis temporalium* been retained to withdraw such censorship as punishment. When it came to excommunication, according to court decrees, this was supposed to occur through a joint investigation by the spiritual and political commissars; the ordinaries gave the verdict, but they handed it to “the provincial government who would *placetum regium* award it” and the state and civil court had to cooperate in giving the penalty of excommunication. Excommunication could not be plotted without the approval of the state – *placetum regium*. Hence, all excommunications stopped. According to the decrees of 13th March and 23rd November 1791, the demotion of clergy with benefices took place with the knowledge of the bishop, however, not by the political authorities, “because passing out worldly punishments belongs only to secular authorities”. For each theologian knows that unseating a spiritual authority is not a worldly punishment. The court decree of 27th February 1779 ordered that the exclusion from receiving Holy Communion in canonical cases, “must not take place without the knowledge and concurrence of the Provincial Government”. Kryštůfek 1899, 167; Aichner 1905, 774, note 19.

existing privileges guaranteed by the Concordat [Kryštůfek 1899, 309-12]. This was confirmed by basic state law from 21st December 1867, which *de facto* substituted the concordat that was cancelled by Austria. Abolishing the article that allowed clerics to serve their sentence in a penitentiary of the Church, the Interior Minister Dr. Giskra in a decree of 24th May 1869 announced that this privilege would no longer apply. Thus clergymen were to expiate their sentence in state prisons like other convicts. The Minister of Religious Affairs Hasner further stated that in a decree from 7th June 1869 the bishop may punish the offending priest (against ecclesiastical regulations) only if the priest himself voluntarily submits to this. So, all of the help which formerly came from state authorities to bishops in this matter therefore also ended. The Ministry of Religious Affairs, Interior and Justice, then on 7th August 1869 issued a decree that provincial authorities were to observe the penitentiaries for the clergy, and the list of those held and all facilities should be sent to the Minister of Religious Affairs. The jurisdiction of bishops over the clergy was significantly restricted [Kryštůfek 1899, 361, 424-26]. Against the revocation of Articles 13 and 14 of the Concordat, the Archbishop of Prague Schwarzenberg objected, but to no avail<sup>11</sup>. The jurisdiction of the bishop thus was gradually restricted to only the punishment of priests for offences against ecclesiastical discipline [Mrkývka and Veselá 1992, 70-76].

## 2. DISCIPLINARY REGULATIONS FOR THE CLERGY AND THEIR VIOLATION IN THE OLOMOUC ARCHDIOCESE

The Catholic Church in Moravia won some privileges under Bishop Henry Zdík in 1147. The judicial power of the bishops was gradually expanded, so there fell within its competence the judging of the disputes of all clerics and disputes regarding Church properties, disputes over patronage, marital disputes, and the like. Margrave Přemysl then in 1234 confirmed the rights of the bishop's court by a special privilege<sup>12</sup>.

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<sup>11</sup> He also mentioned an audience with Pope Pius XI in which he promoted the preservation of privileges. Archivio Segreto Vaticano [later cited as: ASV], Archivio della Nunziatura Vienna, b. 455, f. 252-56r, 18.02.1869, Card. Schwarzenberg.

<sup>12</sup> In the Czech Republic, the ecclesiastical courts gained their competency by the restoration of the privileges of the Prague bishopric (the document of 2nd July 1221 is called the Concordat). Subsequently, in March 1222, there was issued the so-called

The basic guideline for priestly discipline in Moravia since the second half of the 17th century became the instruction of Bishop Karl Lichtenstein, issued in 1666, for rural deans and parish priests<sup>13</sup>. The Consistory also issued various warnings and commands, as well as recommendations on how to catechise and fulfil their obligations (i.e., to implement the regulations of the Council of Trent), under various punishments, but these efforts were not always successful. Besides neglecting catechesis and instruction in the faith to entrusted souls, there was also severe punishments if the priest demanded excessive “century”, i.e., fees for granting the sacraments and sacramentals<sup>14</sup> and for issuing official documents of confirmation<sup>15</sup>. Priests were strictly punished for breaches of discipline – offenses against morals<sup>16</sup>, alcoholism, a penchant for dancing, or vanity in

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“Great Privilege to the Church in Bohemia”, given by King Přemysl and the Prague bishop Ondřej. See: Válová 2002, 109.

<sup>13</sup> See: C. Lichtenstein, *Monitorium sive Instructio brevis pro Decanis ruralibus ac Parochis Dioecesis Olouccensis*, Typis viti Henrici Ettelii, Olomucensis 1666.

<sup>14</sup> For example, in 1764, the Brno Carthusians were punished after complaints from believers for not visiting the sick by one of them serving four months in Mírov. Josef Monse, the pastor at Nové Město na Moravě was punished by being sentenced to one year in prison at Mírov for not providing the final sacraments for one woman who then died; at the onset and end of the punishment he had to carry out a ten day fast (the commonly used “Panem et Aqua”) and every Friday he could consume food worth only 8 pennies. After serving the sentence, he pledged to celebrate a Mass for the salvation of the dead woman every Friday. ZAOpO, fund: Arcibiskupská konzistoř Olomouc [later cited as: ACO], p. 5212; Zuber 1987, 233. I did not find this priest in the correspondence of the House of correction in Mírov, see: Arcibiskupství Olomoucké, Arcibiskupský archiv, p. E 1).

<sup>15</sup> The word “štóla” is derived from “stole”, a component of the priestly liturgical garments worn when giving the sacraments and sacramentals (this was, however, worn also by a deacon and a bishop). This “štóla” was supposed to pay for costs-candles, oils, worn vestments, etc.; for official confirmation, it was supposed to pay the cost of paper and the like. The income was part of the official income of priests. Fees used to be determined, and if a priest demanded, particularly from low-income people, excessive charges, he was severely punished – especially so in the case of low-income people; it was recommended that the priest lower or cancel such fees. Cf. Zuber 2003, 109.

<sup>16</sup> According to the deans’ reports about the state of the clergy of 1747, there were offences against morals by about 10% of priests, while sinful intercourse with women ending sometimes in pregnancy concerned about 3% of the clergy; other delinquencies were quarrelsomeness, drinking, dancing, and also weak theological knowledge. Checking the lives of priests rested primarily on the shoulders of the deans, but they themselves were not always a “model to follow”, hence sometimes they even concealed the misdeeds of priests to keep their own hidden. Particularly, offences against celibacy have always been pilloried, and contact with suspicious women and travelling in one

clothing<sup>17</sup>. Such an offense could be punished by imprisonment, fasting, or in the case of lower clerics also not to be admitted to higher ordination [Válová 2003, 112]<sup>18</sup>. The bishops heavily criticised the very secular clergy and their entertainment habits, and urged the moral and honourable goal of a life worthy of the priesthood<sup>19</sup>.

In 1777 diocese of Olomouc was promoted to an archdiocese and there was established in Brno a bishopric, and thus also a new consistory in Brno, with the competencies of both matching the diocesan boundaries [Válová 2003, 116]. However, the house of correction (a house of demerit) for priests continued to serve both dioceses.

On the basis of a concordat between Austria and the Holy See of 1855, the ecclesiastical court was established as a separate institution: in the Olomouc Archdiocese, an independent ecclesiastical court was established first for the Prussian part of the archdiocese in 1857 and in the following year for the entire archdiocese, called *Reverendissimum forum archiepiscopale iudiciale*. The consistory then restructured its operations and began to act as the administrative authority of the Archdiocese [Válová 2003, 116].

As already mentioned, the authority of the bishop was gradually reduced, including the punishment of priests, to only offences against ecclesiastical discipline, that is the above-mentioned *crimina mere ecclesiastica* [Mrkývka and Veselá 1992, 74-76]. The tribunal was led by the Vicar General (i.e., by his official) with two assessors, who were obliged to keep the proceedings secret. According to discretion, two witnesses could be ques-

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cart with housemaids was criticised even during deanery visitations. Zuber 2003, 111-13.

<sup>17</sup> For example, unkind relations between priests and chaplains who mutually did not pay on time the mandatory salaries; the secularisation of priests was manifested in the wearing of secular clothes with brightly coloured trousers, fashionable coats and scarves around the neck instead of collars, etc. Cf. Válová 2003, 110-11; Válová 2002, 49; Zuber 1987, 169.

<sup>18</sup> Aichner distinguishes between heavier offences – loss of affiliation to the clergy (*apostasia irregularitatis seu clericatus*) – and lighter delicts (*transgressio legum honestatem clericorum*), which include drunkenness, overly close conversation with women, etc. Aichner 1905, 810; Jonová 2012, 74-76.

<sup>19</sup> Clergy were exhorted to a godly life, and criticism was for drunkenness and neglecting the breviary, etc. Zlámál 1970a, 24-25. It was also Bishop Troyer who spoke against the abuses of dressing in short clothing made from bright fabrics and other transgressions. Zlámál 1970b, 49-50; Válová 2003, 112; Zuber 2003, 109.

tioned, but regarding concubinage mere fact finding would suffice (*sola facti veritate inspecta*) [Zuber 2003, 105-106].

The proceedings were probably the following: a priest was reported, and the severity of this was taken into account. In severe or frequent cases, information was collected about the priest. If found legitimate, or at least presumed so, the priest was cautioned and, if he did not change his behaviour, he was summoned to Olomouc.

The decision of the consistory could be appealed to the Vienna Nunciature in the second instance. Some priests used this path to the great displeasure of the consistory. The canonists of Olomouc therefore complained that there were barely any appellate proceedings which the Nunciature did not correct, leaving the Olomouc bishops looking as if they did not know the procedural law or had made unjust judgements. However, the third instance, a consistory in Prague, was pleasing, for the Olomouc court verdict was usually confirmed [Zuber 1987, 39-40].

### 3. BISHOPS' PRISONS FOR PRIESTS IN THE (ARCH)DIOCESE OF OLOMOUC

In the diocese of Olomouc<sup>20</sup> there were previously two prisons for priests<sup>21</sup>, one in the episcopal residence (it was considered to be milder),

<sup>20</sup> The bishop's prison in Prague Archdiocese and other dioceses have only very sketchy reports, so it is not yet possible to make a comparison. "The priestly prison was in Bohemia in the Archbishop's Palace in Prague and other cities of the bishops". Zlámál 1970b, 41, note 1. F.J. Řezáč, a Czech prison reformer, worked as a spiritual for seven years in the penitentiary for priests, at St. George's at Prague Castle. See: Řezáč 1852; Uhlík 1997, 34, 52.

<sup>21</sup> Clergy prison had essentially the same goals as secular prison – to isolate (those who might be dangerous, both for themselves and their surroundings) and to correct. While up to the 18th century transgressors were primarily punished (which mainly meant for non-clerics physical punishment up to death) and the aim of imprisonment was more isolation than cure, since the late 18th century, and especially in the 19th century, we see a deliberate effort not only to punish "with lasting effects" and to isolate, but especially to correct. Cf. Instruction regarding the daily routine in a correction house (Chapter 3), Daily order in an institution for young prisoners in Paris [Foucault 2000, 36-39]. There is a clear effort to remedy the interned. However, it was precisely the religious prisons in connection with the absence of corporal punishment in canonical law (there the penalties are exclusively spiritual) that had the consequence that the Catholic internment institutions were founded mainly on individual meditation and penance, while in Protestant lands the emphasis was on work – the crime seemed like the fruit of laziness. Indeed, in the late 17th century, Jean Mabillon lamented that

and the second in the castle of Hukvaldy [D'Elvert 1893, 81] which is already somewhat frightening by name. The priestly prison of the episcopal residence was under the supervision of the consistory, and Hukvaldy under that of the dean in Příbor. According to the statement of a priest who had served his sentence in Hukvaldy, it was better to die than to find themselves in it [Zuber 2003, 106].

The time of the founding of Hukvaldy prison has not yet been identified – the first reports of the imprisonment of priests there are from 1559 [Dvorský 1933, 101; Zuber 2003, 106]. In Hukvaldy, however, they held not only priests but also laypersons up to the early 18th century. Convicts were housed in miserable conditions, perhaps in the lower parts of the castle, and only if their sentence was commuted might they be moved to rooms in the upper part of the castle [Dvorský 1933, 102]. It is very likely that there they were held as true culprits along with those vitiated by mental disorder or disease [Zuber 2003, 108]<sup>22</sup>.

The beginnings of the notorious reputation of Hukvaldy prison are linked to an individual, Bishop Karl von Liechtenstein-Castelcorn (1664-1695), “who promoted clergy discipline with an iron hand” [Zuber 2003, 107] Cardinal Schrattenbach (1711-1738) also acted strictly against guilty priests. Through the absence of his predecessor, Bishop Charles of Lorraine (1695-1710), priestly discipline had weakened greatly and the cardinal’s long residence in Rome had similar consequences. The angered cardinal “asked the consistorial board with astonishment why the best resource, Fort Hukvaldy, was not used against unrepentant priests”. So, it is no wonder that throughout the whole Schrattenbach episcopate Hukvaldy jail was full. Similarly, this detention was also used under Bishop Troyer (1746-1758). Bishop Hamilton (1761-1776) in 1761 closed the prison in Hukvaldy Castle and set up a house of correction for clergy in Mírov [Zu-

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the secular form of prison without religious content does not fulfill its purpose, and he also lamented the state of French prisons where the accused groaned for years in terrible conditions, waiting for the final verdict [Tinková 2004, 51-52].

<sup>22</sup> Note 77: “In the year 1723, four insane were in prison without being given a time for when they should be released. Antonín Brázda from Tovačov was, for a dissolute life (*liederliches Leben*), sentenced to five years without the right to celebrate Mass, and on Fridays was fed only bread and water. Although Jan Svoboda was allowed to celebrate, the time of his imprisonment had not been determined. However, Michael Rumpf knew his duration, but he had been condemned without the crime being specified for two years. The poor diet could not cost more than 45 pennies a week, and only the feeble Jan Černický was nourished for 1 gold coin and 45 pennies from his benefice income. The musketeer Václav Kašpar cooked for them”.

ber 2003, 108]<sup>23</sup>. The bishop received for each priest located here a grant of 200 gold coins of common currency from a religious fund. For minor infractions, clergy were placed in the Capuchin monastery in Olomouc, where there was something of a section for correction [D'Elvert 1893, 81].

In 1849, the estate began talks with Archbishop von Sommerau-Beckh (1837-1853) on the use of the Mírov castle by the state. On 17th July 1849, the archbishop was told that Špilberk should be converted into a military facility and that he needed to move the prison elsewhere. According to the Administration of the Regional Office in Olomouc, a suitable facility to move the prison to would be Castle Mírov<sup>24</sup>. Subsequently, there began negotiations between the Archbishop, property managers, the chapter, and the state. Decisions on the scheduled withdrawal from the correction house at Mírov were issued on 31st January 1849<sup>25</sup>.

The house of correction in Mírov represented a special institution for priests who were guilty of violating their duty or manners, but also for priests who were ill (physically or psychologically). This institution had its own rules: instructions for the dean of Mohelnice (with the duty of visitation), for the chaplain of Mírov (the superior of the house of correction in Mírov), service staff and for the incarcerated priests, of course. These instructions represented very well thought-out regulations. Based on these, we can also picture the functioning of this institution, and outline the fates of the incarcerated priests (depending upon the preserved archival sources) [Jonová 2012, 43].

From October 1850, the final communication regarding the priests placed there has survived (according to which there was only George Wiesnar), and the chaplain Alois Richter in one of his letters mentions that by November 1850 he had to vacate the library for the use of the military hospital which was moved there<sup>26</sup>. Although I have not found the official document of the abolition of the correction house at Mírov, I would like to think that it was precisely in 1850 that the existence of the house of cor-

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<sup>23</sup> See also: Jonová 2012, Chapter 2.2.

<sup>24</sup> ZAOpO, fund: Arcibiskupství Olomouc, p. 1362, sign. 4/17, Brno, 17.07.1849.

<sup>25</sup> The doctor from Mírov, Alois Müller, appealed against this decision, because that decision for him meant a loss of income for visits to the correction house. ZAOpO, fond: Ústřední ředitelství arcibiskupských statků [later cited as: ÚŘAS], p. 2725, sign. O 13/10-5, 22.03.1852, Alois Müller.

<sup>26</sup> Alois Richter wrote that although he had stored the library, he didn't know what to do with it. He also mentioned that the castle chapel had been converted into a room for living. ZAOpO, ACO, p. 5213, 15.10.1855.

rection in Mírov was ended<sup>27</sup>. In 1855, Mírov was sold to the state [Jonová 2012, 28-29, 34-36].

In the letter of 23rd January 1857, Archbishop Fürstenberg (1853-1892) wrote that after the negotiations of December 1856 he would like to establish a house of correction. On 28th January, Consistorial Decree no. 634 was issued, in which the individual deans were asked whether in their deanery there were priests who belonged to a house of correction, and whether or not there was in their deanery a facility suitable for this institution. We have numerous reports preserved from individual deans, with most of them answering both questions in the negative<sup>28</sup>, but some attached to their report plans for the possible adaptation of some buildings for a house of correction<sup>29</sup>. There were also consultations on the reorganisation of the Franciscan monastery in Moravská Třebová for the needs of a house of correction, but this did not take place.

From May 1860, under Archbishop Friedrich Fürstenberg there functioned a house of demerit for the Moravian church province in Vyškov<sup>30</sup> and the first rector appointed there was Leopold Boria<sup>31</sup>. Also, in *Catalogus Venerabilis cleri Archidioecesis Olomucensis* in 1861, the house of correction was referred to as a house of demerit for priests in Vyškov.

What happened to guilty priests during those ten years when a correction house was not there? From the reports<sup>32</sup> which were sent by the individual deans of retired priests, we discover that they were placed in parishes under the supervision of a priest or monastery. For those who had a problem with alcohol, there was the constant “assurance” of the Brothers of Mercy hospital in Prostějov.

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<sup>27</sup> Also, *Catalogus cleri* (1851) mentions the castle chaplain of Mírov without having the function of superior of house of correction.

<sup>28</sup> Including the dean of Vyškov, who did not know of any suitable building for this institution.

<sup>29</sup> For example, the dean of Loštice.

<sup>30</sup> ZAOpO, ACO, p. 5210, sign. I 1, 30.4.1860. Given that Vyškov was attached to the Olomouc archdiocese in January 1863, the archbishop explicitly mentions that he does so in agreement with the bishop of Brno.

<sup>31</sup> Leopold Boria (\*1811, Uherský Ostroh), priest 1836, honorary canon of Crimea. It is an interesting case because later, when he ceased to be the rector of the demerit house, he became its inmate.

<sup>32</sup> ZAOpO, ACO, kart. 2478-2479, sign. D6. These reports included all retired priests who were paid from a religious fund, and not just those who were somehow “guilty”.

In 1874, the demerit house was moved from Vyškov to its final place, in Kroměříž<sup>33</sup>. Here, it was located at the parish house at the Church of the Virgin Mary. According to *Catalogus Venerabilis cleri Archidioecesis Olomucensis*, there used to be between one and three priests here, and then none. The location of the priests here did not arouse great public interest, except perhaps in the case of the priest Ocásek in April 1903. The arrest of the priest led to a series of protests against Archbishop Kohn. Also, unlike other normally held priests, he had numerous visitors [Jonová 2015, 208-11]. Additionally, that year Kohn “frequently” used also the punishment of a mandatory retreat at the Capuchin monastery in Olomouc. There was, for example, Karel Dostál Lutínov who was sent there (three times), who, just like Ocásek, subsequently petitioned to Rome [Marek and Soldán 1998, 169]<sup>34</sup>.

Although Archbishop Kohn was not the last who actually used the demerit house, its use became lessened and finally disappeared, but “demerit” priests finished their lives here, and its de facto closure occurred after February 1948<sup>35</sup>. After this year we can find no institution that would resemble this institution in the Olomouc Archdiocese.

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<sup>33</sup> Moravský zemský archiv Brno – Státní okresní archiv Vyškov se sídlem ve Slavkově u Brna. Fond Farní úřad Vyškov. Sign. VI. i. Demeritní dům Vyškov. Složka nadepsaná: 26/8 1874 Translatio domus demeritorum Cremsirium. The letter of the director of the demerit house Anton Hejbal announced that, according to the Consistory of 5th September no. 5988, the demerit house should be transferred from Vyškov to Kroměříž. Zuber 2003, 110; Wolný 1862, 6.

<sup>34</sup> See: P. Marek (ed.), “*Jsem disgustován...*”. *Vzájemná korespondence Sigismunda Ludvíka Boušky a Karla Dostála-Lutínova*, Katedra politologie a evropských studií Filozofické fakulty Univerzity Palackého, Gloria, Olomouc-Rosice u Brna 2002, Dopis Bouškovi, 14.03.1903, Nový Jičín; Ibidem, no 682, p. 523.

<sup>35</sup> In the archive of Ústřední ředitelství arcibiskupských statků Kroměříž there are preserved the materials of the demerit house in Kroměříž from the years 1946-1947, but any regulation that would include the abolition of the institution is not there. Cf. ZAOpO, ÚŘAS, p. 583, sign. C 3/18. The demerit and emeritus priest’s house in Kroměříž. A witness of Kroměříž’s demerit house, Mrs. Ludmila Pekárková, née Jamrichová (the daughter of the sexton Jamrich), lived in the building of the demerit house in Kroměříž. According to her memories, priests actually lived “behind bars”, but had no fixed daily routine, with a sort of supervision to be exercised by the priest Ležatka (military chaplain, catechist), however this did not occur. Priests officiated at the Church of the Virgin Mary, but common prayers were not regularly held; rather, they actually came “for a chat” to the household of the sexton Jamrich. During the Second World War the demerit house was used for “tidying up” Czech priests from the Sudetenland, but as soon as the situation calmed down, these priests returned back to pastoral work.

The house of correction/demerit house was ranked among the important institutions needed in the diocese. The Archbishop reported on it in regular communications to the Holy See. Regarding the existence of the house of correction in Mírov, this was recorded by Archbishop Rudolf Jan (1819-1831)<sup>36</sup>, and also by Maxmilián Joseph Sommerau-Beckh<sup>37</sup>. His successor, Archbishop Fürstenberg, didn't write in relation to any house of correction from the year 1854, but in 1859 and 1867 there is mentioned the house of demerit in Vyškov<sup>38</sup>. The demerit house in Kroměříž then is mentioned in communications of Archbishop Leopold Prečan (1923-1947) in 1929 and 1933<sup>39</sup>.

## CONCLUSION

The house of correction in Mírov and also the house of demerit in Vyškov and then in Kroměříž could be considered to be institutions that violated freedom. Considering the conditions in which a priest addicted to alcohol or mentally ill could have survived in his parish, his relocation to Mírov could have been perceived as helping him preserve his human dignity.

Currently, in addition to medical facilities, priests guilty against ecclesiastical discipline may be sent to monasteries, but institutions like the prison for priests in dioceses no longer occur.

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<sup>36</sup> "Et ideo in arce mea Müroviensi Institutum existit tale correctorium, ubi sub directione Superioris aberrantes a semina recta per exercitia et poenas salutare reduci possunt". ASV, Congregazio Concilio, Relationes Dioecesium, Olomouc, Borso 597C, Relatio, 24.03.1824.

<sup>37</sup> "Ori cirrectuibe severuuru ub arcen Nüroviensem mittitur, ubi sub directione Superioris ad id specialiter deputati exercitiis piis ac jejuniis, ut corrigatur, quantum fieri potest, contenditur". ASV, Congregazio Concilio, Relationes Dioecesium, Olomouc, Borso 597C, Relatio, 17.07.1841.

<sup>38</sup> "Ut in arce mea Viškoviensi propria domus Sacerdotibus incorrigibilibus detentendis paretur" (Relatio, 11.01.1859). "In arce mea Viškoviensi propriam esse domum Sacerdotibus corrigendis nec non et incorrigibilibus paratem". ASV, Congregazio Concilio, Relationes Dioecesium, Olomouc, Borso 597C, Relatio, 17.06.1867.

<sup>39</sup> ASV, Congregazio Concistoriale, Relationes Dioecesium, Olomouc, Fasc. 579, Relatio 1929, 1933.

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**The Ways of Punishing Clerics. Episcopal Detentions for Priests  
– a Case Study of Olomouc Archdiocese in the 19th Century**

S u m m a r y

The institution of the house of correction for the clergy (also called “priestly prisons”) represented a special institution for priests who were guilty of violating their duty or manners, but also for priests who were ill (physically or psychologically). The priest who was considered to be reformed (corrected) could be released back into pastoral service. Priests located in clerical prisons were not “dangerous criminals”, but rather offenders.

The house of correction in Mírov had its own rules: instructions for the dean of Mohelnice (with the duty of visitation), for the chaplain of Mírov (the superior of the house of correction in Mírov), service staff and for the incarcerated priests, of course. These instructions represented very well thought-out regulations. Based on these, we can also picture the functioning of this institution, and outline the fates of the incarcerated priests (depending upon the preserved archival sources).

**Key words:** house of correction for the clergy; Olomouc Archdiocese; punishing of clerics

**Sposoby karania duchownych. Biskupie więzienie dla kapłanów  
– studium przypadku Archidiecezji Ołmunieckiej w XIX wieku**

S t r e s z c z e n i e

Institucja domu „korekcyjnego” dla duchowieństwa (zwanego również „więzieniami kapłańskimi”) stanowiła szczególną instytucję dla kapłanów, którzy byli winni naruszenia ich obowiązków i sposobów postępowania, ale także dla kapłanów chorych (fizycznie lub psychicznie). Kapłan, który został uznany za zreformowanego (poprawionego), mógł zostać zwolniony z powrotem do służby duszpasterskiej. Kapłani znajdujący się w kleryckich więzieniach nie byli „niebezpiecznymi kryminalistami”, ale raczej przestępcami.

Dom „korekcyjny” w Mírov miał własne reguły: instrukcje dla dziekana w mieście Mohelnice (z obowiązkiem wizytacji), dla kapłana Mírova (przełożonego domu korekcyjnego w Mírov), personelu obsługi i dla więzionych kapłanów. Te instrukcje przedstawiają bardzo dobrze przemyślane przepisy. Opierając się na nich, można wyobrazić so-

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bie funkcjonowanie tej instytucji i przedstawić losy więzionych kapłanów (w zależności od zachowanych źródeł archiwalnych).

**Słowa kluczowe:** dom korekcyjny dla duchownych; Archidiecezja Ołomuniecka; karanie kleryków

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