

# Monastic Prisons in the Eyes of Ecclesiastical and Secular Authorities

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## Abstract

*The article traces how monastic prisons became the subject of policy making in the Habsburg hereditary lands and the Hungarian Kingdom and how the preparation, implementation and later modification of the regulations made monastic spaces transparent and accessible for secular authorities. It begins with the policies first introduced in the Duchies of Milan and Mantua in 1769, which served as a starting point for discussions of reform in the hereditary lands. The opinions of the bishops in the lands of the Bohemian crown demonstrate the legal and economic arguments considered. The capacity of secular authorities to control monastic prisons after abolition in the hereditary lands in 1771 and in the Hungarian Kingdom in 1772/73 was probably limited. Two cases arising in the early 1780s triggered a more comprehensive investigation of monasteries, which secular commissioners carried out in 1783. This subsequently led to the issuing of new edicts regulating the treatment of mentally ill monks and nuns.*

From the 1760s onwards, the inner spaces of monasteries became the subject of various state policies in the Habsburg realms: any aspect of the operation of a monastery that was considered important from the perspective of public interests could become the subject of detailed inquiries and reports.<sup>1</sup> The state authorities' desire to make monasteries transparent and controllable has been primarily investigated from economic perspectives, focusing on the operation of the monasteries<sup>2</sup> and their capacity to provide services for the common good, i. e. medical provision, pastoral care, and the operation of schools.

The present study focuses on a set of state policies that aimed to exercise control over an especially opaque area of the monasteries: the prisons.<sup>3</sup> Maria Theresa not only not regarded monastic prisons as beneficial for the public – that was the most common criticism of disapproved aspects of monastic life –, but one of their main concern was that the prisons and their detainees were

1 One of the core ideas of the church policies of Maria Theresa and Joseph II was that religious orders should be supported only if their activity served the common good. Maria Theresa claimed this already in her first political testament written in 1750. ARNETH, *Zwei Denkschriften*.

2 DICKSON, *Joseph II's Reshaping*; PATAKI, *A Magyarországi szerzetesrendek vagyona*.

3 For the broader context of detention and religion: SCHEUTZ, *Internierung*. About the prisons of monasteries: LEHNER, *Mönche und Nonnen*, p. 19. Besides his monograph on monastic prisons see also: LEHNER, *Enlightened Monks*, p. 103–120. Specifically on Austria and the era of Maria Theresa and Joseph II see: SCHERHAK, *Die Klosterkerker*; MIKOLETZKY, *Klosterkerker – Korrektionshäuser*.

completely hidden from the public. Among the several church policies issued during the reigns of Maria Theresa and Joseph II, the question of the monastic prisons thematized transparency in the most explicit way. For this reason, the investigation of how the state accessed and managed information on monastic prisons and their detainees can also shed light on a more general pattern of how opacity was identified and handled by the state.<sup>4</sup>

It was not uncommon that the information state authorities were interested in was not directly accessible. In the case of the prisons, the secretiveness of the religious orders could be a serious obstacle, but it was not the only problem. First, the boundaries among the functions of a lockable room could be rather fluid. It could be a cell for religious penitence, it could be used for the incarceration of incorrigible members of the monastic community and it could be a place of confinement for the mentally ill. These uncertainties made it especially challenging to find out if monasteries had a prison or a space functioning as such. If there was one, it was unclear what it was like, how it was used, if there were people detained in it and if so, for how long and for what reason. Further uncertainties had to be dealt with if a detainee was reported to be mentally ill. Even if the claim was confirmed by a physician, the diagnosis did not mean a direct and affirmative answer to the question whether keeping the person locked up was necessary and justified.

My article presents this complex procedure while it also shows how state government was invented and established through individual affairs.

### Legibility, state, government

From the point of view of the state, monastic prisons were only one issue among many others challenging its capacity to make religious orders – including their houses, inhabitants, economic affairs, etc. – accessible and legible. James C. Scott identified legibility as an essential element of the endeavor of the state to “gradually get a handle on its subjects and their environment”<sup>5</sup>. In his seminal book, *Seeing Like a State*, Scott argued that

“Certain forms of knowledge and control require a narrowing of vision. The great advantage of such tunnel vision is that it brings into sharp focus certain limited aspects of an otherwise far more complex and unwieldy reality. This very simplification, in turn, makes the phenomenon at the center of the field of vision more legible and hence more susceptible to careful measurement and calculation. Combined with similar observations, an overall, aggregate, synoptic view of a selective reality is achieved, making possible a high degree of schematic knowledge, control, and manipulation.”<sup>6</sup>

Scott’s concept of legibility is helpful for this study in two ways. On the one hand, it is an important reminder that the files on monastic prisons in state

4 For the broader implications of the question see: LEE/ZHANG, Legibility, p. 119.

5 SCOTT, *Seeing Like a State*, p. 2.

6 SCOTT, *Seeing Like a State*, p. 11.

archives documented not only the opinions of bishops, responses of superiors of the religious orders to inquiries, visitation reports of commissioners and minute books of interrogations, but they are also testimonies of endeavors to make sense of a specific aspect of monasteries with the means of the increasingly developing state apparatus. On the other hand, it helps to trace an important transformation in the notion and operation of the state. But in order to understand this change, we need to remember that the terms state and government were interrelated but not synonymous. Legibility, as a form of information management, is considered here as a manifestation of the pursuit of governance that could be, but not necessarily was associated with the state in the early modern era. By shifting the emphasis to government, a greater diversity of ways to create legibility become capturable, and, contextualized by its various alternatives, it becomes clear – as Natalia Buitron and Hans Steinmüller has argued in their recent article *Governing Opacity* – that state legibility was “only one – and perhaps the most extreme – form of making the world legible.”<sup>7</sup>

The view that the relationship between state and government was not inherent and their connection evolved from a multiplicity of options has been pointed out by Michel Foucault who claimed that it was in the sixteenth century, when government became a general concern and permeated all areas of life. He described the era as

“the crossroads of two processes: the one which, shattering the structures of feudalism, leads to the establishment of the great territorial, administrative and colonial states; and that totally different movement which, with the Reformation and Counter-Reformation, raises the issue of how one must be spiritually ruled and led on this earth in order to achieve eternal salvation.”<sup>8</sup>

Foucault claimed that it was first in the eighteenth century, when the definition of the state moved away from the legal framework of sovereignty and it became more and more intertwined with the idea of good government.<sup>9</sup>

In the Habsburg context, the “governmentalization of the state” is reflected in the writings of Joseph von Sonnenfels (1733–1817), the main theoretician of the state sciences and the professor of *Polizey- und Kameralwissenschaften* at the University of Vienna from 1763. Sonnenfels emphasized that an important goal of the state was to provide for the public and private safety of its citizens. This also included access to medical provision and pastoral care.<sup>10</sup>

Recent research has also shown that the intensified interest in the improvement of secular government was present in the Catholic Church, too: the idea that better government could also help to put into practice the canons and

7 BUITRON/STEINMÜLLER, *Governing Opacity*, p. 3.

8 FOUCAULT, *Governmentality*, p. 87–88.

9 FOUCAULT, *Governmentality*, p. 103.

10 KONTLER, *Polizey*.

decrees of the Council of Trent in a more efficient way was a central theme of the Catholic Enlightenment. Nevertheless, the question whether the guarantor of the improvement of governmental practices should be the state or the church found proponents on both sides.<sup>11</sup>

The Catholic Church had its own methods and personnel to govern its members and institutions. It was, first of all, the bishops' right and duty to control the secular clergy through visitations and inquiries. The houses of religious orders were usually exempt from episcopal control, except if the monks were involved in pastoral care in the territory of his diocese. The religious orders had their own rules and governmental practices intertwined with an established hierarchy of superiors that strongly determined who, how and according to which criteria one could evaluate the inner discipline and operation of the regulars. From the point of view of its inhabitants, the monastery consisted of a complex set of places where the rules being in force were determined by various sources of authority: the rules of their founders, statutes, instructions of their superiors, the Canons and Decrees of Trent, etc. They could restrict various areas of life and their applicability depended on several factors, including the status, age, health and other features of the individual members of the community or the function of the space (church, cloister, refectory, infirmary, etc.).

The governmentalization of the ecclesiastical affairs by state authorities manifested in several church policies regulating areas of life that either had not been the subject of secular legislative practices before or the existing legal framework was regarded as unsatisfactory. The new laws challenged the areas of competence of ecclesiastical authorities and the conflicts created contested spaces among which the monasteries featured prominently. Consequently, monastic prisons also became the subject of negotiations over the legal and physical boundaries of papal, monastic, episcopal and state authorities, while individual monks and nuns – or their family members – could also get involved in the discussions according to their own capabilities and interests.

### An example to follow: episcopal supervision in the Duchies of Milan and Mantua

Maria Theresa (1717–1780) issued her resolution for the Duchies of Milan and Mantua on 9 March 1769,<sup>12</sup> in which she ordered the dissolution of

11 For a general overview see: LEHNER/PRINTY (eds.), *A Companion to the Catholic Enlightenment*; BEALES, *Prosperity and Plunder*.

12 The Duchies of Milan and Mantua. Francis Stephen of Lorraine was the Grand Duke of Tuscany, but the files of the Austrian State Archives on which the following section is based does not evidence the introduction of the same measurements in Tuscany. Multiple marriage treaties signed by Maria Theresa and the duke of Modena prepared the Habsburg succession in Modena, Reggio, Massa and Carrara, but the marriage between Maria Beatrice d'Este and Ferdinand Karl von Habsburg-Lorraine took place only in 1771. CAPRA, *Habsburg Italy*.

monastic prisons.<sup>13</sup> Its preamble emphasized that the prisons of ecclesiastical authorities were set up illegally and punishing subjects with imprisonment had been the exclusive right and duty of secular authorities. It also claimed that the establishment of prisons in ecclesiastical institutions as a tool of disciplining was actually alien to the church, their existence was a sign of corruptions that needed to be remedied by the ruler as the protector of the church.

The ordinance acknowledged the existence of the prisons of the courts of Italian bishops and archbishops but ordered their regular visitations first of all by secular commissioners to whom ecclesiastical ones could join, too, and who had to report their observations. The prisons of the monasteries had to be abolished and those members of the monastic communities whom the superiors wanted to punish with imprisonment had to be sent into the episcopal prisons.<sup>14</sup> A note signed by the State Chancellor, Wenzel Anton Kaunitz (1711–1794) was sent to the Bohemian and Austrian Court Chancellery on 8 June 1769 as a reflection on former discussions on the matter that took place on 20 and 27 May at the State Council. This document mentioned two scandalous cases that served both as motives and justification for the ruler's interference. The first one was the case of a secular priest who became insane in consequence of the bad conditions of his detention and died soon after his hospitalization in Milan. In the second case, the “disappearance” of a Capuchin monk was investigated by secular authorities and he was finally found in an underground prison with one of his fellows.<sup>15</sup>

17 June 1769, the central offices of the hereditary lands (*Landesstellen*) were instructed to give their opinion on the question if the ordinance issued in Lombardy – the Italian text was attached – could be implemented in the

13 A copy of the Italian ordinance issued for Modena was preserved in the Österreichisches Staatsarchiv (ÖStA), Allgemeines Verwaltungsarchiv (AVA), Unterricht und Kultus (Kultus), Alter Kultus (AK), Katholischer Kultus (Katholisch), Akten 619, Signatur 63: Klostergefängnisse, Kerkerwesen – Generalien: Aufhebung der Klostergefängnisse in Böhmen, Mähren und Schlesien, Galizien, folio 4. In the following abbreviated as ÖStA AVA Kultus, AK, Katholisch 619. 63. The ordinance issued for Milan with an identical text and forwarded to the Viennese Archdiocesan Consistorium was published by WIEDEMANN, *Die Klosterkerker*, p. 414–415.

14 Cited in WIEDEMANN, *Klosterkerker*, p. 414–415.

15 “An zugleich der einem beliebten Anfrage, was die vorbemerkte Verordnung wegen der Gefängniße veranlaßet haben möge, genug zu thun, wird in freundschaft erinneret, daß zween Zufällen in Meiland Ihro Majt. dazu bewogen haben: da nämlich ein Priester, nachdem er lange Zeit in dem Erzbischöflichen Kerker gefangen gesessen, und darüber den Gebrauch der Vernunft verloren, ganz verwildet, fast nackend und halb todt in das dortige große Krankenspital gebracht worden, und gleich darauf gestorben ist; zweytens hat man bey Gelegenheit, daß einem auf einmal verschwundenen Kapuciner aus Befehl des Gouvernements in seinem Kloster nachgeforschet worden, denselben samt mit einem andere Gefangenen, und einem unsinnig gewordenen Klosterbrüder beysammen in einem unterirdischen Gefängniß gefundenen worden, ohne daß von diesen, und andere dergleichen Verhaftungen in den Klöster die geringste Anzeige von Seite der geistl. Vorsteher an die Landesherrliche Behörde jemals geschehen ist. Wien den 8ten Junii 1769. Kaunitz-Rietberg” ÖStA AVA Kultus, AK, Katholisch 619, 63, f. 1v. Similar scandalous cases could be found in Vienna around the time of issuing the reworked ordinance in the hereditary lands. Ludwig Raber claimed that the attention of the Empress was directed to the monastic prisons in consequence of a case at the Augustinians in Vienna. However, he refers to Wiedemann's study that does not evidence this statement directly. RABER, *Die österreichischen Franziskaner*, p. 42; WIEDEMANN, *Klosterkerker*, p. 414–415.

hereditary lands and how it should be done.<sup>16</sup> Only the responses sent back from Silesia, Moravia and Bohemia were preserved in the files of the so-called (old) *Katholischer Kultus* in the Austrian State Archives.<sup>17</sup>

### Planning reforms

The Silesian and Moravian reports started with the reiteration of the Italian text of the ordinance in German, according to which the courts of the diocesan and archdiocesan consistories were obliged to inform the *Gubernium* if they held clergymen in their prisons and if yes, they had to specify their names and the crimes committed. These prisons had to be controlled with regular visitations and they could be used for the incarceration of only those persons who were directly submitted to ecclesiastical jurisdiction. The prisons of monasteries had to be dissolved and their detainees had to be transferred into the aforementioned (arch)diocesan prisons.

As these instructions addressed secular governmental authorities, the Duchy of Upper and Lower Silesia with its centre in Opava/Troppau suggested that the provincial government of Nysa (*Neysische Landesstelle*) on the Prussian side should also be involved, as the authorities on the Habsburg side could act out some control only over the southern domains of the former prince bishopric of Nysa that used to belong to the bishop of Breslau/Wrocław until the first Silesian War.<sup>18</sup> While the bishop's authority still connected the separated territories to some extent, his princely power was limited and taken over by the secular authorities on both sides of the border. The Silesian report called attention to the castle of Supíkovice/Saubsdorf, a former domain of the Duchy of Nysa on the Habsburg side<sup>19</sup>, where the former prince bishop owners had built prison cells of various kinds that could be assigned to prisoners according to the severity of their crimes. The same cells served for the detention of insane men, too, whose supervision was the responsibility of an ecclesiastical superior. Nevertheless, as the bishops stopped acting out secular power in the territory, the prisoners were set free and the mentally ill were transferred elsewhere. Thus, even if there were suitable prisons, there was no ecclesiastical authority that would have kept them in operation. Simultaneously, the report also suggested that the prince bishop of Olomouc/Olmütz should be contacted by the government of Moravia. All in all, in this circumstantial manner, the government of Silesia admitted that there was no prison in their territory they could report about or utilize in the same manner as the Italian ordinance suggested.

16 ÖStA AVA Kultus, AK, Katholisch 619, 63, f. 2.

17 This archival unit contains the documents of educational and church affairs handled by the Bohemian and Austrian Chancelleries before 1849, URL: <https://www.archivinformationssystem.at/detail.aspx?id=1610> [10.01.2022].

18 SCHOLZ, *Das geistliche Fürstentum Neisse*, p. 1–8.

19 BÜSCHING, *Große Erdbeschreibung*, p. 680.

The response of the Bohemian Government (*Gubernium*) was submitted on 6 September 1769. It summed up the reports of the bishops of Litoměřice/Leitmeritz<sup>20</sup>, Hradec Králové/Königgrätz<sup>21</sup> and the archbishop of Prague<sup>22</sup>. It also contained a short note from the consistory of Regensburg, as the district of Cheb/Eger belonged to this bishopric. As this district constituted a relatively small part of the diocese, it considered the number of monks whose detention might be the responsibility of the diocese as not too significant. Nevertheless, the costs of transporting detained monks to Regensburg could be very high and the diocese proposed to establish a prison in Cheb/Eger, if the new regulations would make it necessary.

When it came to calculations about the number of the potential detainees coming from the monasteries, the general lack of episcopal prisons appeared in the bishoprics of the Bohemian territories as an even more serious obstacle that immediately raised the question who should bear the costs of their establishment and operation. Emmanuel Ernst von Waldstein (1716–1789), the bishop of Litoměřice/Leitmeritz, reported that there are no – and never ever have been – prisons in his diocese. Even if he would be ready to introduce the Italian regulations, the work should start with building prisons of different kinds (*carceres [...] civiles, et criminales pro qualitate delictorum*). He warned about the potential expenses, such as the price of a suitable plot in the city, the building costs of the prisons and the salaries of the employees (guards and a doctor).<sup>23</sup> As there were no financial means to do so, he suggested that the ruler should agree on with the Holy See to cover the building costs and the sustenance of the future prisoners from the *cassa salis*.<sup>24</sup>

Hermann Hannibal von Blümegen (1716–1774), the bishop of Hradec Králové/Königgrätz also did not protest against following the Italian precedent – if it could be issued in Lombardy, no legal arguments would prevent it in Bohemia either – but he also called attention to the lacking infrastructure and financial means. He predicted that most of the prisoners would come from the mendicant orders that had no regular income, consequently, payment for

20 The bishop of Litoměřice was Emmanuel Ernst von Waldstein (1716–1789). He was appointed Bishop of Leitmeritz on 12 June 1759 and he held the episcopal title for almost three decades, until his death at the age of 73. Further to his biography see: WURZBACH, Waldstein.

21 The bishop of Hradec Králové was Hermann Hannibal von Blümegen (1716–1774) since 1763/1764. Due to a stroke and personal conflicts, he withdrew to Brünn/Brno and he governed the diocese with the help of Mathias Franz Chorinsky von Ledske (1720–1786), whom he appointed the dean of the chapter of the St. Peter and Paul cathedral of Brno and coadjutor bishop of Hradec Králové. His older brother was Heinrich Kajetan von Blümegen, who became the first chancellor of Austria in 1771. ZELENKA, Blümegen.

22 The archbishop of Prague was Anton Peter Příchovský (1707–1793). He was the bishop of Hradec Králové between 1754–1763, then he was promoted to the archbishop of Prague and he held this title until his death. WURZBACH, Przychowský von Przychowitz.

23 ÖStA AVA Kultus, AK, Katholisch 619, f. 12. See also SCHERHAK, Klosterkerker, p. 53–54.

24 *Salzkasse*, reference to a fund from which ecclesiastical institutions were supported in Bohemia. PALECZEK, Kirchliche Strukturen.

the costs of incarceration could not be expected from them either. At the same time, he insisted on that the expenses should be covered by the religious orders and not by the diocese.<sup>25</sup>

The Moravian Government submitted its response on 20 October 1769 in which not only the reports of the five districts (*Kreis*)<sup>26</sup> were summed up, but also the opinion of Maximilian von Hamilton (1714–1776),<sup>27</sup> the prince bishop of Olomouc/Olmütz was included. He noted that there were approximately 80 monasteries in his diocese and the 7–8 prison cells that had been at his disposal for disciplining the members of the secular clergy were unlikely to suffice for the detainees of the religious orders, too.<sup>28</sup> The bishop gave account of the various tools of disciplining he applied in his castle in Mírov/Mürau: first milder methods were tried, such as fasting for a maximum of three days and, if that would not be enough, a few more days of detention in an ordinary room. If these still did not bring the results expected from the detainee, the next step was to prevent the priest from returning to a lifestyle that would be scandalous and blameworthy. This was a concern serious enough to justify arrestment and custody. It still did not mean being locked in a cell or kept in chains – the arrested clergyman was still allowed to move freely inside the castle and only his freedom of leaving it was restricted.

Hamilton also warned that the dissolution of the prisons of religious orders can result in that the superiors will either avoid punishing those who violate rules, or the punishment will take place in secrecy and with means that might be worse than incarceration. This would be even more likely, if the religious orders would be expected to bear to the building costs of new prisons proportionately to the number of their members and to cover the transportation and sustenance of their detainees.<sup>29</sup>

For this reason, he suggested that the prisons of the monasteries should be preserved, but their operation should be subordinated to the bishops' super-

25 “Er möchte anbey ein Anstand sich ereignen wegen Unterhaltung deren propter delictum einzukerkern kommenden praecipue ex ordine mendicantium massen, da solche von bloßen unversicherten täglichen Almosen leben, diese zu dem quanto /: welches doch sub titulo auß ihnen incarcerandorum jährlich servata proportione von sammentlichen in einer Dioeces sich befindlichen Regularibus, um vielen Unordnungen und Verdrüßlichen Aufgleichungen zu entgehen, müste erleyet werden :/ nichts beytragen künften.” ÖStA AVA Kultus, AK, Katholisch 619, ff. 15–16.

26 Olomouc, Brno, Přerov, Znojmo, Jihlava.

27 Maximilian von Hamilton (1714–1776) was the son of a Bavarian court counselor of Scottish origin. His father received Moravian Inkolat in 1698. Hamilton was elected by the cathedral chapter to the prince bishop of Olomouc in 1760. In 1773, the right of the chapter to elect prince bishops was revoked by a papal breve that came into effect only after Hamilton's death in 1776. ZELENKA, Hamilton.

28 “Zu denen verdienet noch einen bedenklichen gedacht, wie viele man Gefängnisse haben müste die Ordensgeistlichen unterzubringen, denen, da in unserer Dioeces die Anzahl derer Klöster sich über achtzig erstrecket, so wäre unser nur für die ein Verbrechen begehende Welt-Priester bestimmte in sieben bis acht Zim[m]ern bestehende Kerker bey weithen unhinlänglich, die Zahl derer etwa aus so vielen Klöstern zusammen kommenden Arrestanten unterzubringen.” ÖStA AVA Kultus, AK, Katholisch 619, f. 26r.

29 SCHERHAK, Klosterkerker, p. 54–55.



vision. Hamilton's argumentation reveals that he advocated for extending episcopal power over not any form of disciplining that involved detention, but a concrete part of the monastery, a specific place with specific features – the prison – that represented harder and usually long-term punishment.

Hamilton suggested that the superiors of the monasteries could have the means of “paternal disciplining”, i. e. locking the disobedient person in a room or ordering spiritual exercises for a maximal duration of three days. If this would be not efficient enough or the sin committed required more serious punishment, the superior should be obliged to inform the bishop. During the procedure, the problematic person could be kept locked in a room, but, disregarding detention, the same provision (e. g. food) should be ensured for him or her as for any other member of the community. He also gave a deadline for presenting the case to the consistory (8–10 days), so that the duration of the arrestment could not be prolonged by the delays of the procedure and the report of the superior also had to contain a plea of the arrested person. If the procedure resulted in sentencing the disobedient monk to incarceration, the circumstances of imprisonment still had to be checked and approved by the consistory, so that the punishment would not become disproportionately hard or significantly worse than intended by the decision makers. Regular visitations carried out by episcopal commissioner could ensure that the prisons and the treatment of the prisoners will correspond to the standards set up in the long run, too, and the conditions of detention remain appropriate.<sup>30</sup>

The questions what actually counts as a prison and particularly as an episcopal or monastic prison appeared in the report of the archbishop of Prague, too, and his answers aimed at differentiating and defining them as precisely as possible. Anton Peter Příčovský's (1707–1793) argumentation discussed the category of a “private prison” claiming that only those prisons can be considered as such, that were owned by somebody who had no judicial authority. The archbishop considered the juridical function of the ecclesiastical court (*forum ecclesiasticum*) as self-evident and the categorization of episcopal prisons as private institutions as nonsense.

As the abolition of private prisons had been ordered by Justinian I (482–565), Příčovský was eager to show that the emperors supported episcopal authority to a far greater extent than it could have been compatible with the abolition of their prisons.<sup>31</sup> He claimed that even people of secular status could be imprisoned by bishops in the so-called *decaneta* or *decanica* if they offended ecclesiastical jurisdiction. He emphasized that not only the secular,

30 ÖStA AVA Kultus, AK, Katholisch 619, f. 27v.

31 Příčovský's arguments were based on the firm conviction that the ordinary was entitled to act as the main legal authority in disciplinary affairs of clergymen and he claimed that this right had been confirmed irrevocably both by decrees of church councils and edicts of secular rulers. The archbishop underpinned his statements with several references to the Theodosian and Justinian Codes, Charlemagne's capitularies and the decrees of the Council of Trent.

but also the regular clergy was subordinated to the bishops, who could act on their own rights without needing the consent or support of a secular authority.

Příchovský also pointed out that the bishops' right to apply punishments were more extensive and his means were more diverse than the narrow focus of the inquiries about ecclesiastical prisons suggest: he regarded the confiscation of benefices or a life-long suspension from exercising ordinances, i. e. from fulfilling priestly functions (*privationis beneficia, perpetuae ab exercitio ordinum suspensionis*) as more severe punishments than a few-days-long detention.

He acknowledged the religious orders' right to maintain their own prisons that he claimed to be built up in accordance with the rulers' requests, but he criticized the potential risk of arbitrary judgements and abuses due to the uncontrolled and exclusive authority of the superiors of monasteries. At the same time, Příchovský claimed that ecclesiastical prisons were not underground, horrible, terrifying places, but chambers (*Behältnisse*), where the disobedient person could contemplate over the sin committed in undisturbed solitude. The duration of imprisonment in the episcopal prisons did not depend on the arbitrariness of one single person, but it was a common decision of the members of the consistory that examined every aspect of the case meticulously. Life imprisonment had not happened in a century in the diocese and the actual detention did not last longer than four weeks, that was too short to have any horrible consequences.

Příchovský suggested that abuses in the prisons of the monasteries could be prevented, if the duration of imprisonment would be maximized in two or four weeks and the decision would have to be approved by the community, too. While the power of the superiors would be restricted this way, the right of the ordinaries to decide about long-term imprisonment and to visit monastic prisons should be expanded. Příchovský, similarly to Hamilton, the prince bishop of Olomouc, expressed his concerns about the abolition of monastic prisons as it could lead to the application of alternative punishments worse than detention or result in the covering up of disciplinary problems.<sup>32</sup> Hamilton proposed annual visitations carried out by the bishops or their delegates in the monasteries during which unreported disciplinary issues could be revealed and result in the (episcopal) punishment of the superiors. Příchovský did not specify how this extension of episcopal power should be achieved. Hamilton implicitly refused secular interference by claiming that the bishops' power could be extended if the Pope would abolish all privileges of the religious orders that ensured exemption from episcopal jurisdiction.

32 ÖStA AVA Kultus, AK, Katholisch 619, 63. ff. 18–31. Citation: ff. 27–28.

Even if the opinion of the consistory of Vienna was not preserved in the files, its content is known thanks to Theodor Wiedemann's study. It reflected on the aforementioned points in a similar vein: it pointed out the lack of episcopal prisons and called attention to the high cost of building and sustaining new ones. After explicating the concerns about secretly applied punishments in the monasteries and the potential scandals the transfer of detainees can cause, it also proposed the sparing of the "prisons" of the monasteries and a closer episcopal control over their conditions.<sup>33</sup>

As the opinions submitted by the dioceses illustrate, the discussions over jurisdictional competences were paired with economic calculations in which the potential number of detainees and the costs of their sustenance were considered. At the same time, the responses also revolved around the standardization of the conditions of detention and revealed the lack of commonly accepted definitions and notions of a prison. After the expenses of creating a new infrastructure were considered, gathering information about the prisons of the monasteries and controlling them through visitations appeared not only as a legally less controversial, but also as a more economical alternative.

### The abolition of monastic prisons in the hereditary lands and in the Hungarian Kingdom

Maria Theresa's ordinance on monastic prisons was issued on 31 August 1771.<sup>34</sup> The Empress ordered the governments of the hereditary lands to inform the leaders of religious orders about her decision and send out secular commissioners in order to ensure the obedience of the monasteries. However, detention still remained a tool of disciplining in monasteries: it was still allowed to keep so-called "correction cells" (*Korrektionszellen*), in which a monk or nun could be locked for a while, but these rooms had to be light and not different from any other cell of the monastery. Similarly, fasting for repentance was allowed, but – in order to prevent food-related abuses (such as food deprivation), the person in custody could not be condemned to fasting for a long, uninterrupted period (*alternativis diebus*) and it was the responsibility of the leader of the monastery not to harm the health of the detainee.

The place of correction and detention was not allowed to be similar to the secular prisons under the monopoly of the ruler (*Landesfürstliche Kerker*), and it had to be accessible both for secular and ecclesiastical authorities. If a monk or nun committed an offense that would be seriously punished by the secular authorities, too, she/he had to be reported to the ordinary of the diocese. The ordinaries had to be informed about the abolition of monastic prisons and they were expected to keep an eye on the monasteries, carry out visitations regularly and be attentive to the conditions of detention, too. However, at the

33 WIEDEMANN, *Klosterkerker*, p. 418.

34 RABER, *Die österreichischen Franziskaner*, p. 42; HUBER (ed.), *Sammlung*, p. 39–41.

dissolution of the prisons, they had to act not as ordinaries, but as the commissioners of the secular authorities (*landesfürstliche Kommissarien*).

Although the literature often speaks about the abolition of monastic prisons, the gaps of the records indicate the limits of such a claim. Two members of the Viennese consistory were commissioned to visit the monasteries of Vienna on 27 November 1771 and they submitted their detailed reports to the Lower Austrian government on 6 April 1772.<sup>35</sup> Elisabeth Scherhak found records about visitations in Lower Austrian monasteries.<sup>36</sup> These actions appear to be exemplary but there is very little evidence that would inform about local investigations in the rest of the Habsburg realms.

Whether the visitations were carried out or not, the focus shifted to other means of acting out control by the autumn of 1772. An ordinance issued on 29 August 1772 obliged the religious orders to report if they had prisons or imprisoned people in their monasteries and warned the superiors that withholding such an information can be sanctioned with removing them from their positions. Two weeks later, on 12 September, the same instruction was repeated, reminding that the dissolution of the monastery prisons was not (only) about carrying out the local visitations and the aforementioned reports were still expected. A further urging reminder was issued in December, as the reports were still not submitted.<sup>37</sup>

The abolition of monastery prisons in the Hungarian Kingdom can be evidenced from 7 September 1772.<sup>38</sup> József Batthyány (1727–1799), the Archbishop of Kalocsa<sup>39</sup> received a letter from the Hungarian Locotenential Council (*Ungarische Statthaltere*) on the aforementioned date inquiring about which monasteries had prisons, how many of them were in use and what the reasons and modes of incarceration were.<sup>40</sup> According to the answers submitted by the superiors of the monasteries, the existence of a prison was admitted only in a few cases and no imprisoned person was reported. No secular authorities entered the cloisters to look for prisons and visitations were carried out by bishops only in some of the nunneries.<sup>41</sup>

While the prison visitations could have provided justification and a precedent for secular and/or diocesan authorities to enter and control monasteries, these boundaries were not or only very cautiously transgressed in the 1770s.

35 WIEDEMANN, *Klosterkerker*, p. 424–427.

36 SCHERHAK, *Klosterkerker*, p. 57–74.

37 JAKSCH, *Gesetzlexikon*, vol. 3, p. 497–498.

38 Magyar Nemzeti Levéltár, Országos Levéltár, Helytartótanácsi Levéltár, alapítványügyi iratok/Acta Fundationalia (C 39) [Hungarian National Archives, Archives of the Consilium Locumtenentiale, Files of the Pious foundations], Lad D Fasc. 91. In the following abbreviated as MNL OL (C 39).

39 József Batthyány (1727–1799) became the bishop of Transylvania in 1759, the archbishop of Kalocsa in 1760 and the archbishop of Esztergom/Gran in 1776. He was also the primate of Hungary and he became a cardinal in 1778. WURZBACH, *Batthyáni*.

40 Esztergomi Főszékesegyházi Könyvtár, Batthyány-gyűjtemény, [Cathedral Library of Esztergom, Batthyány Collection] Categoria IV, Tit. I. Regulares in Genere, a/5-6. *Disciplina Regularium ante Josephum Ildum*; Bacho's report of 1783 refers to the decree issued on 14 June 1773, No 2845.

41 MNL OL (C 39) Lad D Fasc. 91

The right and duty of the bishops to supervise female convents had been an established practice and only during the reign of Joseph II (1741–1790) and after the abolition of the contemplative orders became the monasteries accessible and “transparent” to secular commissioners.<sup>42</sup>

### Joseph II – detention and insanity

Although the investigation of monastic prisons carried out in the 1770s could have raised concerns about the mentally ill monks and nuns, they became subject of policies first only in 1783. The religious orders traditionally nursed their sick and old members inside the monastery. As the care for insane monks and nuns often involved enclosure, it also carried the risk of abuses and mistakes: labelling somebody as insane and justifying incarceration with such “diagnosis” could have many faces. It could be used as a pretext to cover arbitrary actions and/or the strictness of the punishment could turn a disciplinary measure into the cause of the mental problems. Joseph II expressed this concern explicitly in his decree issued on 3 March, shortly before his new decree about monastic prisons was published on 11 March.<sup>43</sup>

Just like in 1769/1770, the legislative measures were preceded by the revelation and investigation of cases that could justify the state interference in the public eye. But the ways in which secular authorities could discover and create cases significantly changed by the early 1780s. The physical and legal boundaries of the monasteries still respected in the 1770s were dismantled in the first years of Joseph II’s reign, i. e. after 1780. This manifested in the most radical form in the dissolution of several male and female monasteries from 1782. As part of the dissolution procedure, an insane nun called sister Columba – her secular name was countess Maria Anna Trautmannsdorff (1730–?)<sup>44</sup> – was found imprisoned in the female Benedictine convent of Göß (Styria).<sup>45</sup>

42 About the first wave of the dissolutions with a particular focus on the femal convents of Vienna see: SCHNEIDER, *Die Aufhebung der Wiener Frauenklöster*; RAZESBERGER, *Die Aufhebung der Wiener Frauenklöster*. About the implementation of Joseph II’s monastic policies in the Hungarian Kingdom: VELLADICS, *Art Historical Aspects*.

43 JAKSCH, *Gesetzlexikon* vol. 3, p. 499, 634; JAKSCH, *Gesetzlexikon*, vol. 6, p. 416–418.

44 Sister Columba (1730–?) was the daughter of count Maximilian Joseph Thaddäus Franz Trautmannsdorff (1698–1751), and her mother was the Hungarian countess Elisabeth Maria Theresia Zay von Csömör (1696–1778). The Zay family was a once powerful Lutheran aristocratic family of the Hungarian Kingdom, but their estates suffered significant losses during the recatholisation of the country in the late seventeenth century. Sigismund von Kollonitsch/Zsigmond Kollonich (1675–1751), the archbishop of Vienna was an influential relative of the Protestant mother: he adopted her brother, Ladislaus/László Zay von Csömör (1705–1780) who converted to Catholicism and inherited Kollonitsch’ name and estates. Kollonitsch enforced the conversion of the children of his adopted son’s sister and insisted that the education of the three daughters of the family should take place in convents. Sigismunda (1725–1803), the eldest sister had lived in the Ursuline convent since the 1740s. A third sister lived in the Dominican convent in Graz. After the death of the father in 1751, Kollonitsch also patronized the only son, Franz Xaver Ehrenreich, who became a secular priest and later inherited an annual pension of 1000 fl from Kollonitsch. SCHNEIDER, *Kloster als Lebensform*, p. 69–70; SCHNEIDER, “*Per vim et metum*”; WURZBACH, *Zay von Csömör*.

45 The abbey of Göß is part of present-day Leoben. It was founded in 1020 and its first inhabitants were nuns from the Nonnberg Abbey of Salzburg. It was the only imperial abbey (*Reichsabtei*), in the territory of Austria at the time of its dissolution. Göß was in the territory of the diocese of Seckau, but its affairs were handled by the archbishop of Salzburg. Seckau was a proprietary diocese of Salzburg.

Sister Columba's detention had been known for the ecclesiastical authorities for about four years, but her issue remained unresolved until 1782. Her case, thanks to Christine Schneider's thorough research, sheds light on the various ways in which insanity was interpreted and confinement was negotiated while the competence fields of ecclesiastical and state authorities were in intense transformation.

The mistreatment of sister Columba was first reported by her sister, Sigismunda, who was herself a nun and lived in the Ursuline convent of Vienna since 1741. Joseph von Spaur (1718–1791), the Bishop of Seckau<sup>46</sup> commissioned Johann Baptist Schober, the deacon of Leoben to visit sister Columba in Göß. He informed Mater Sigismunda in November 1778 and his account illustrates well that the means of secular church authorities to act out control in a Benedictine abbey were rather informal and they did not rely on an established jurisdictional and governmental hierarchy. On the one hand, Schober could not judge if Sister Columba was really mad. Nevertheless, his note on this matter indicates that the pretense of insanity was a concern for him. Furthermore, differentiating between disciplinary issues and mental illness could be even more difficult for a visitor than for the community itself. On the other hand, he did not find the conditions of detention particularly bad or harming. Thus, he could not make a formal complaint on this basis either. He tried to negotiate with the abbess some concessions for Sister Columba, such as more frequent visits of the community members or candles for lighting in her room, but his requests were refused. After facing the limits of his authority and being unable to achieve any improvement, Schober noted that dealing with the affairs of the convent is not his responsibility and he refused to be involved in them in the future.<sup>47</sup>

It is worth mentioning that Sister Sigismunda's appeal to the bishop and the aforementioned visit took place in the same year when their mother, Elisabeth Maria Theresia Zay von Csömör (1696–1778) died. The maternal inheritance was received by the mother's brother, Ladislaus Zay (1705–1780), the adopted son of the former Viennese archbishop, Sigismund von Kollonitsch (1676–1751).<sup>48</sup> The three daughters received an annual pension of 100 forints from which Columba's two sisters reserved 50–50 forints for her potential treatment outside of the convent. From the perspective of Sigismunda, this moderate

46 Joseph von Spaur (1718–1791) was bishop of Seckau between 1763 and 1779, then the archbishop of Brixen until his death. He took over the position from his brother, Ignaz von Spaur (1729–1779), who was coadjutor bishop in Brixen since 1776. Ignaz was the archbishop of Brixen only for a few months as he died in March 1779. Joseph and Ignaz were both nephews of the former Archbishop of Brixen, Leopold von Spaur (1696–1778). WURZBACH, Spaur, Franz Joseph Graf/Zur Genealogie des Grafengeschlechtes der Spaur, p. 96, 101; WURZBACH, Spaur, Joseph Philipp Graf, p. 108–110.

47 SCHNEIDER, "Per vim et metum", p. 96.

48 Sigismund von Kollonitsch (1676–1751) became prince bishop of Vienna in 1716. In 1723, the bishopric of Vienna was elevated to an archdiocese. Kollonitsch was elevated to Cardinal in 1727. WURZBACH, Kollonitz..

income could present an opportunity to improve the conditions of her sister. But, while she was still in Göß, the money was received and handled by the abbey. How her access to the money was controlled by the abbess is unclear, but later reports hint that it was a source of conflict between them.<sup>49</sup>

After the deacon's visit, the bishop of Seckau tried to secure a place for Columba in the Viennese Ursuline convent as a boarder (*Kostgängerin*) in 1779, but the negotiation with the convent about the costs of Sister Columba's sustenance were not followed up, probably due to the promotion of the bishop to Brixen and the temporary vacancy in Seckau.<sup>50</sup>

The abbess of the Benedictine convent of Göß died in 1779, and the archbishop of Salzburg sent Joseph von Spaur as his commissioner to Göß to conduct the election of the new abbess. He was accompanied by a canon of Salzburg as his notary, Johann Michael Bönicke (1734–1811).<sup>51</sup> He noted that Sister Columba was missing from the assembly. The nuns claimed that she was recalcitrant and foolish, and Bönicke found her incarcerated in a small room. He tried to appeal for her liberation. In January 1780, Bönicke wrote from Salzburg to the new Bishop of Seckau, reporting about the bad circumstances of the nun's detention that could be harmful both for her bodily and mental health.<sup>52</sup> He claimed that he could have a reasonable conversation with Sister Columba, who had been in detention for about one and a half years already. She wished to stay a nun and asked for an opportunity to join another religious order. Bönicke's earlier attempts to change the conditions of her arrestment failed partly because of the resistance of the nuns in Göß and partly because the election of the former Bishop of Seckau to the Archbishop of Brixen. The new bishop, Joseph Adam von Arco (1733–1802)<sup>53</sup>, was appointed by the Archbishop of Salzburg only in January 1780. Bönicke trusted that better circumstances still could result in Sister Columba's recovery and he recommended the Bishop of Seckau to grant a short audience to Columba's sister, Sigismunda and allow her to give an account on the case.<sup>54</sup>

Bönicke's appeal did not yield any results and there was no progress until the dissolution of the convent on 21 March 1782. Wolf von Stubenberg, the commissioner responsible for the dissolution procedure, still found Sister Columba imprisoned.<sup>55</sup> On 27 April 1782, Franz Ernst Edler von Plöckner

49 WOLF, *Die Aufhebung der Klöster*, p. 72.

50 SCHNEIDER, *Kloster als Lebensform*, p. 70.

51 Johann Michael Bönicke (1734–1811) was the secretary of the archbishop of Salzburg since 1773. ZILLNER, Bönicke.

52 "[D]er Ort, wo sie eingesperrt ist, ist etwas tiefer als der außen anstoßende Garten; darum sieht man auch die Wände und Fußboden mit Schimmel und Moder überzogen, wodurch die Gesundheit und noch schwache Vernunft der Armen Gefangenen immer noch mehr zerrüttet werden müssen." WOLF, *Die Aufhebung der Klöster*, p. 74.

53 Joseph Adam von Arco (1733–1802) was the auxiliary bishop of Passau between 1764–1773, the bishop of Königgrätz between 1776–1780, and prince bishop of Seckau between 1780–1802. ARETIN, Arco.

54 WOLF, *Die Aufhebung der Klöster*, p. 73–75.

55 WOLF, *Die Aufhebung der Klöster*, p. 71, 76.

was commissioned to carry out a thorough investigation of Sister Columba's case. His inquiries included conversations with Sister Columba, the confessors and the physicians of the convent, the caretakers and the former "best friends" of Sister Columba.

He noted that Sister Columba's responses appeared to be quite consistent first, but then the conversation got stuck due to the nun's insistence on discussing various economic matters that were not specified in the report. The investigator described her place of detention as "prison-like". The caretakers claimed that she was detained in a room next to the infirmary due to loud outburst, aggressive behavior and two attempts to set the convent on fire. The physician of the convent considered Sister Columba's insanity unlikely to be cured, but he added that some improvement could be achieved if she could return "into the world". He saw the cause of the problems in the weakness of the nerves and of the soul, and in a blockage of the blood circulation. The confessor informed about that she was never expected to perform demanding forms of penitence and the community unequivocally claimed that she was "corrected only by words". The testimonies of the nuns explained Sister Columba's conflicts within the convent with her deep frustration over the unfulfillment of her ambitions to be promoted to positions that she would regard as fitting to the wealth and rank of her aristocratic origin. Her conversion from the Lutheran to the Catholic faith in her childhood was interpreted as a reason both for her lack of interest in excelling in religious practices and for being handled more indulgently than other nuns.<sup>56</sup> The report was submitted on 12 May and a court decree issued on 23 July 1782 concluded that the Benedictine nuns of Göß were not responsible for Sister Columba's mental condition and her insanity was not the consequence of bad treatment or detention.<sup>57</sup>

Even if the dissolution of the convent freed Sister Columba from imprisonment, her care remained an unresolved question for several months. The *Gubernium* of Inner Austria promised to ensure accommodation and sustenance for her until the costs of her future care in a secular institute were taken over by the religious fund. The court chancellor count Kolowrat suggested that she should be taken in to the "Spanish hospital" (*Spanisches Spital*) in Vienna, but the journey could have been too exhausting for the sick nun, and the relatives were also concerned about the high costs of her sustenance. Being aware of her sister's condition, Sigismunda appealed on her behalf to the Bishop of Seckau for the dispensation from her oath in September 1782. At the same time, Mater Sigismunda also acknowledged that her sister's pension could not cover the costs of her medical care and nursing. Finally count Stubenberg mediated a deal, according to which a lady in Graz, Marie Abholzerin offered accommodation

56 SCHNEIDER, "Per vim et metum", p. 97–99.

57 SCHNEIDER, Kloster als Lebensform, p. 70.



and care for Sister Columba.<sup>58</sup> Her case shows that mere knowledge of a (potentially) insane detainee and denunciations of the unfitting conditions of the detention were not enough to make a change. The lack of suitable institutional alternatives and sufficient financial means could be serious obstacles.

The investigation of monastic prisons became a major issue for secular authorities in mid-January 1783, after the inhuman treatment of incarcerated monks in the Capuchin monasteries of the Austrian-Hungarian province was denounced and revealed in an anonymous letter written by Ignaz Fessler (1756–1839).<sup>59</sup> An investigation was carried out in the monastery of Poysdorf on 4 February 1783 and the individual testimonies of the monks confirmed the abuses.<sup>60</sup>

Joseph II ordered the investigation of prisons in the hereditary lands on 11 March 1783.<sup>61</sup> About mid-March, the Hungarian Locotenential Council was instructed to carry out visitations in the Capuchin monasteries of Pressburg/Pozsony/Prešporok<sup>62</sup> and Buda and check the conditions of their prisons.<sup>63</sup> The special attention devoted to these two houses could be a consequence of Ignaz Fessler's letter written on 17 January, in which he mentioned these two monasteries in the Hungarian part of the Austro-Hungarian province that still maintained underground prison cells.<sup>64</sup> Joannes Bacho/János Bachó (?–1810)<sup>65</sup> was responsible for the preparation of a report to the Ecclesiastical Committee about the visitation submitted on 28 March. He was informed that the prison of the monastery was dissolved in accordance with Maria Theresa's ordinance, and the diocese carried out a visitation in 1773.<sup>66</sup>

58 Sister Columba was entitled to receive 200 fl. annually on the basis of her maternal inheritance.

This sum, completed with the pension she could expect from the religious fund after the dissolution of the convent, added up to an income of 400 florins in total that covered the expenses of her sustenance and care. SCHNEIDER, *Kloster als Lebensform*, p. 69–70; WOLF, *Die Aufhebung der Klöster*, p. 76. The case is briefly mentioned in MARCZALI, *Magyarország*, p. 132.

59 LEHNER, *Mönche und Nonnen*, p. 37–38; FESSLER, *Rückblicke*, p. 93–96.

60 ÖStA AVA Kultus, AK, Katholisch 619, 63. Relazion und respective Kommissions-Protokoll de do Poysdorf den 4ten hornung 783 von Ignaz Matt wirklichen k. k. Rath und Johann Michael Ress Passauischer Consistorial Rath über die anbefohlen Untersuchung im Kapuziner Kloster daselbst.

61 JAKSCH, *Gesetzlexikon*, vol. 3, p. 498–499.

62 Present-day Bratislava.

63 Magyar Nemzeti Levéltár, Országos Levéltár, Helytartótanácsi Levéltár, Departamentum Ecclesiasticum Cleri Saecularis et Regularis (C 71) [Hungarian National Archives, Archives of the Consilium Locumtententiale, Department of the Secular and Regular Clergy] 1783, fons 100. In the following abbreviated as MNL OL (C 71).

64 “Haben die Klöster noch immer verborgene Klostergefängnisse, die in dem hiesigen Kloster, ob sie schon ziemlich elendig sind, werden doch von dem Gefängnissen in Linz, Preßburg und Offen an den erbärmlichen Aussehen weit übertroffen, wenn man hineingeht, merkt man kaum ihre tiefe, den sie sind schon so gerichtet, von aussen aber ist das Kerkerfenster, kaum ein Zwerg-hand ober der Erde. Die Zimmer, wen sie doch Zimmer zu nennen sind, sind elendig feucht, schimmblicht, und darum am elendsten, weil sie der Geruch ihres eigene Unraths fast aufzehren muß.” ÖStA AVA Kultus, AK, Katholisch 619, 63. Andeutung einiger Grausamkeiten der P. P. Kapuziner.

65 Bachó was an official of the Locotenential Council of gentry origin. He was also the ispán of Krassó county and vice-ispán of Temes, Torontál and Bács counties. NAGY, *Magyarország*, p. 81.

66 “Benignum Rescriptum sub 14a Juny 1773 et Numero 2845 emanatum, viaques Ex consily Locumtententialis Regy omnibus Religiosorum Ordinibus intimatum.” MNL OL (C 71) 1783, fons. 100.

Nevertheless, the monastery still had two correction cells. One of them was empty and in the other cell, a mentally ill monk – mentioned in the report as a “maniac” (*maniacus*) – was kept in custody.<sup>67</sup>

Bacho’s report about the Capuchin monasteries of Pressburg and Buda was discussed by the Ecclesiastical Commission and presented to the Hungarian Locotenential Council in the first days of April. A few weeks later, on 28 April, the Locotenential Council instructed the counties (*Komitaten*) of Hungary and Croatia to visit each monastery in their territories. Their reports were submitted to the Locotenential Council in May and their content was extracted and compiled together in a 40-page long report. According to the accounts received, 296 monasteries were visited in a few weeks. This fact deserves attention, because this really covered all the monasteries of the country, except those 17 houses that had been dissolved in the previous year and three nunneries that were left out from the investigations. No prison was found in any of the monasteries, but the commissioners provided detailed descriptions of correction cells that were used for disciplining mainly in the Franciscan, Capuchin and Minorite monasteries. In several monasteries, the correction cells still preserved the traces of more severe forms of incarcerations: double doors, unusually strong locks, barred windows were noted, since the commissioners were instructed in advance to pay attention to such remnants of prisons carefully and initiate their removal in order to prevent their usage in the future. The investigators found only five incarcerated persons in four monasteries (Bratislava, Kecskemét, Szeged and Caransebeş) in the whole country. Three of them were regarded as mentally ill. The commissioners named the imprisoned persons and inquired into the cause of their detention, its duration and circumstances.<sup>68</sup>

Joseph II’s ordinance issued on March 11, 1783 obliged the bishops and superiors of religious orders to make contracts with the hospitals of the Brothers Hospitallers of Saint John of God (*Barmherzigen*), and reserve places for the old, sick or insane clergymen in their monasteries or dioceses. The instructions were communicated to the leader of the regular and secular clergy first on 7 April and then again on 29 September 1783,<sup>69</sup> i. e. both before and after the prison visitations. Thus, the secular authorities could have at hand information collected by their own commissioners and compare it with accounts of religious authorities.

After the visitations had been carried out, monastic prisons were not discussed any more, further actions were refocused on the provision of men-

67 MNL OL (C 71) 1783, fons 100. According to Ludwig Raber’s book on the Franciscans of Austria, similar cases of mentally ill monks were reported in the Franciscan monasteries of Vienna, Sankt Pölten and Popping, while Adam Wolf informs about that the visitations revealed the detention of a Franciscan monk in Lankowitz. RABER, *Die österreichischen Franziskaner*, p. 43–45; WOLF, *Die Aufhebung der Klöster*, p. 77.

68 MNL OL (C 71) 1783, fons 100.

69 MNL OL (C 71) 1784, fons 2.

tally ill monks and priests. The Brothers Hospitallers of Saint John of God (*Barmherzigen*) undertook the nursing of insane clergymen for an annual fee that was negotiated in advance and was included in the contract.<sup>70</sup> Although most of the church leaders reported already in 1784 that they had made contracts with the Hospitallers, some of the bishops complained about the geographical distance of the Hospitallers' monasteries from their dioceses and asked for permission to use their preexisting institutions, the so-called *Defizienten Häuser* established and maintained by the bishops for the elderly members of the secular clergy.<sup>71</sup> Nevertheless, these places dedicated for the nursing of clergymen were gradually closed down from 1787,<sup>72</sup> and the alternatives of being nursed in any other institution but in the Hospitallers' monasteries were eliminated.

### Network of physicians and enhanced transparency

In the 1780s, the inhabitants of monasteries that remained in operation in the Hungarian Kingdom, became subject to various inquiries, and the authority of the state penetrated them through the eyes of medical, religious and (local) governmental authorities. The network of their examiners was gradually set up in a more and more complex way as it could be described merely with the evolvement of new offices in the governmental apparatus. The state power extended itself through its partners and manifested itself in occasional actions, always with a specific scope, but serving the more general purposes of Joseph II's reform agenda, in which monitoring the suitability of monks for parish service was a high priority. From 1786, a network of county physicians was set up and supported the official apparatus.<sup>73</sup> From this time on, medical professionals were involved regularly and contributed with their expertise to decision making and secular control over monasteries. One of the practical advantages of the network of county physicians was that the physical condition of monks could and had to be regularly checked. The provincial leaders were expected to send quarterly reports to the Locotenential Council in which they provided information about the age, bodily condition and qualification of the monks for parish service. In the case of those monks who could not contribute to parish work for some medical reason, the county physician or surgeon had to prove their inability in a written testimony.<sup>74</sup> These reports provide a rich material for further studies on the formation of the notion of disability, includ-

70 About the treatments provided by this religious order for the mentally ill members of society see: KOVÁCS, Poor, Sick, and Mad.

71 For example, the bishops of Zagreb and Bosnia called attention to the risks and expenses of transporting sick men into faraway monasteries. They asked for and received permission from the *Locotenential Council* to nurse the sick or insane clergymen in Zagreb. MNL OL (C 71) 1784, fons 2, position 13–14.

72 VELLADICS, *Paradicsom vagy pokol*, p. 33.

73 KRÁSZ, *Quackery Versus Professionalism*.

74 MNL OL C 71 1787–1788, fons 501.

ing people incapacitated by some kind of mental problem. The “insane” were recorded not as detainees anymore, but as medical cases, and, consequently, they appear in the quarterly reports in much higher numbers than before, as their mentioning is not reduced to the scandalous cases of imprisonment. The sophistication of administrative and medical supervision served the primary purpose of making the inhabitants of monasteries legible as human resources for pastoral care. At the same time, it also contributed to the prevention of arbitrary incarcerations and abuses.

## Conclusion

The preparation and implementation of policies focusing the circumstances of detention and the treatment of the mentally ill in monasteries had an impact beyond their specific purposes. They could easily create a precedent for further investigations to be carried out by secular commissioners in different monasteries. At the same time, the efficiency of these policies could be enhanced by other regulations that introduced regular checks of the headcount and capacities of the personnel of the monasteries. These ordinances fed into a complex set of detailed instructions shaping the legibility of the monasteries, ecclesiastical institutions and the population in general. The intersecting scope of policies could improve transparency as different types of records written by different people could be cross-checked. While the individual issues were subject of a simplified and narrow view, the whole set of policies still captured something from the complexity of the operation of monasteries. Scott considered this “overall, aggregate, synoptic view of a selective reality” as a “high degree of schematic knowledge”. How schematic it was and what was ignored can be partially reconstructed from Sister Columba’s case: her family history, personal conflicts, inheritance rights and financial resources were pieces of information that would not have been recorded as part of an “average” prison visitation. Her rather ambivalent situation challenged the limits of standardized procedures: she was detained, but her circumstances were not scandalous enough to trigger immediate interference; her insanity was not obvious as she was capable of coherent conversations. As long as she could not (be) fit(ted) into pre-established categories of state governance (e. g. pensioner of a dissolved convent), her case was ignored both by ecclesiastical and state authorities and the petitions of her sister could not yield results either.

While opacity was a main concern of the policies addressing detention and insanity in the monasteries, access to more information was not always helpful. Legibility implies simplification and selectivity, but individual, scandalous cases could be quicker, simpler, more selective and more suitable to condemn the secretiveness of religious orders from a morally unassailable position.

The efficiency of occasional visitations to prevent abuses was questionable. At the same time, they could still shape the understanding of scandalous cases.

The tortured and insane detainees appear as extreme, but nevertheless rare exceptions rather than embodiments of a general trend in the context of the hundreds of visitation reports that could not reveal further abuses.

Despite their shortcomings, observations and reports could serve as relatively cheap and flexible means to exert control and to improve the conditions of detention (at least, on paper). The comprehensiveness of the investigations in 1783 was impressive not so much because of their findings, but because they could demonstrate the potential radius of action of the Habsburg state authorities.

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### Katalin Pataki, Le prigionie monastiche nella prospettiva delle autorità ecclesiastiche e di quelle laiche

Le prigionie monastiche erano spazi segreti e ambivalenti che, nel contesto dello Stato asburgico della metà del Settecento, risultavano particolarmente adatti alla negoziazione tra autorità papali, monastiche, episcopali e laiche, oltrepassando confini giuridici e fisici. La fluidità di tali confini riguardava non solo le autorità in concorrenza, ma anche le varie funzioni che una cella chiusa a chiave poteva avere all'interno di un monastero. Poteva essere luogo di penitenza, a stento differenziabile da tutte le altre celle, o una fredda e umida cantina destinata a membri incorreggibili della comunità monastica, o ancora un locale per segregare i malati di mente. Dalla frequente confusione tra le varie finalità di questi spazi di detenzione derivava anche la difficoltà della loro definizione giuridica. E questi problemi si intrecciavano strettamente alla questione di chi fosse interessato a definire questi spazi, renderli descrivibili, riconoscibili e, in definitiva, controllabili. Lo spazio fisico dei monasteri non costituiva certo un'unità singola e omogenea, bensì un articolato sistema di luoghi caratterizzati da una serie di restrizioni di vario tipo, solitamente in conformità con gli statuti delle comunità religiose. Dagli anni Sessanta del XVIII secolo, questa varietà interna si rispecchiò nelle diverse politiche elaborate e applicate nei confronti degli ordini religiosi: qualsiasi aspetto delle attività di un monastero che rivestisse un interesse pubblico poteva essere oggetto di specifiche indagini e verifiche.

Il contributo prende in esame le indagini sulle prigionie monastiche in questo più ampio contesto, illustrando come le politiche riguardanti i luoghi di

reclusione si integrassero nell'ampia agenda con cui le autorità statali miravano a rendere i monasteri spazi accessibili e leggibili secondo i propri criteri. Il saggio indaga anche l'economicità dei mezzi di controllo esercitati: rispetto alla costruzione di nuove prigioni, le ispezioni e relazioni potevano risultare assai meno dispendiose. E anche più flessibili: una volta scoperto che la maggior parte dei detenuti non erano criminali, bensì monaci e suore malate di mente, le istruzioni si adeguarono di conseguenza. Il focus delle ispezioni si spostò dalle circostanze della reclusione alla diagnosi della malattia mentale, affidata a medici esperti, e al trasferimento di queste persone in ospedali dove potevano ricevere trattamento adeguato.

In conclusione, lo studio mostra come specifiche misure, come quelle sulla detenzione e sul trattamento dei malati mentali, potessero avere effetti ben oltre il loro ambito. Essendo parte di un articolato sistema di politiche, le indagini sulle prigioni monastiche potevano contribuire ad altri obiettivi delle autorità pubbliche, ad esempio legittimare il loro diritto di entrare e ispezionare i monasteri. Potevano inoltre essere integrate da ulteriori misure che contribuivano ugualmente all'abolizione delle prigioni monastiche. Dal 1787 l'idoneità mentale e fisica dei monaci, ora destinati al servizio pastorale attivo, venne regolarmente controllato da esaminatori esterni, tra cui vescovi e medici distrettuali. Anche se non si trattava del loro scopo primario, tali esami potevano contribuire a prevenire arbitrarie incarcerazioni e abusi.

### Katalin Pataki, Klostergefängnisse aus Sicht der kirchlichen und der weltlichen Autoritäten

Klostergefängnisse waren ambivalente und verborgene Orte und insofern im Kontext des habsburgischen Staates des 18. Jahrhunderts in besonderer Weise geeignet für Aushandlungsprozesse über legale und physische Grenzen zwischen päpstlichen, klösterlichen, bischöflichen und weltlichen Autoritäten. Nicht nur ihre Grenzen hinsichtlich der miteinander konkurrierenden Autoritäten waren fließend, sondern auch die verschiedenen Funktionen, die ein absperrbarer Raum innerhalb eines Klosters einnehmen konnte. Es konnte sich um einen Ort für religiöse Buße handeln, der sich nicht stark von den anderen Zellen unterschied, oder um einen nassen und kalten Keller, wo unbelehrbare Mitglieder der Klostergemeinschaft festgesetzt wurden, oder aber um ein Zimmer, in dem geistig Kranke weggesperrt wurden. Wie sich die verschiedenen Zwecke dieses Ortes miteinander vermischen konnten, so erwuchsen auch aus seiner gesetzlichen Definition verschiedene Probleme, die sich eng mit der Frage verknüpften, wer Interesse daran hatte, diese Orte zu definieren, zu beschreiben, sichtbar und letztlich kontrollierbar zu machen. Das Kloster stellte keineswegs eine einzelne, homogene Einheit dar, sondern



war vielmehr ein Komplex von Orten, in dem verschiedene Formen von Restriktionen in Kraft waren – für gewöhnlich in Vereinbarung mit den Statuten der jeweiligen religiösen Gemeinschaft. Ab den 1760er Jahren wurde diese innere Vielfältigkeit von Klöstern auch in den verschiedenen politischen Konzepten mitreflektiert, die vorgeschlagen und angewandt wurden für die Regelung religiöser Gemeinschaften: Jeglicher Aspekt der Klosterstätigkeit, der als wichtig für das öffentliche Interesse eingestuft wurde, konnte besonderen Untersuchungen und Kontrollen unterzogen werden.

Der Aufsatz beschäftigt sich mit diesen Untersuchungen von Klostergefängnissen und geht dabei der Frage nach, wie diese Politiken zu den Orten des Einsperrens sich in die breiter angesetzte, staatliche Agenda einfügten, die darauf abzielte, Klöster gemäß der eigenen Kriterien zugänglicher und einsichtbarer zu machen. Dabei betont dieser Beitrag auch die ökonomischen Überlegungen, mit denen diesen Kontrollpraktiken verbunden waren: Anstatt neue Gefängnisse zu bauen, konnten Visitationen und Berichte kostengünstiger sein. Auch war es auf diese Weise einfacher, Anpassungen vorzunehmen: Als man entdeckte, dass es sich beim Großteil der Inhaftierten nicht um kriminelle, sondern um geistig kranke Mönche und Nonnen handelte, wurden die Instruktionen entsprechend modifiziert. Der Fokus der Kontrollvisitationen verschob sich nun weg von den Haftumständen hin zur Diagnose von mentalen Krankheiten durch medizinisches Fachpersonal und zur Verlegung der kranken Gemeinschaftsmitglieder in Krankenhäuser mit geeigneten Behandlungsmöglichkeiten.

Die Studie kommt zum Schluss, dass die Wirkungen der Maßnahmen mit speziellem Fokus, wie zu den Haftumständen oder zur Behandlung von geistig Kranken, ihren eigentlichen Zweck übertreffen konnten. Als Teil eines komplexen Systems von Maßnahmen konnten die Untersuchungen der klösterlichen Gefängnisse auch zu anderen Zielen der weltlichen Autoräten beitragen, etwa zur Legitimation ihres Rechtes, sich Zutritt zu Klöstern zu verschaffen und Inspektionen anzustellen. Und sie konnten durch weitere Maßnahmen ergänzt werden, die zum Ziel hatten, Klostergefängnisse ganz abzuschaffen. Ab 1787 wurde die geistige und körperliche Eignung von Mönchen für den Pastoraldienst regelmäßig durch Externe, wie Bischöfe oder Landärzte, geprüft. Auch wenn dies nicht ihr primäres Ziel war, konnten diese Untersuchungen dennoch dazu beitragen, mutwilligen Inhaftierungen und Missbrauch vorzukommen.