



The Canadian Catholic  
Historical Association  
(Founded Bro. June, 1933)

## **The Preservation of Church Archives in Canada**

**A presentation by**

**Dr. John FitzGerald (Memorial University), President,  
and Ms. Kathleen Mackenzie (St. Francis Xavier University), Member of the Executive  
of the Canadian Catholic Historical Association**

**to**

**Most Reverend Raymond J. Lahey (Bishop of St. George's) (Chairman)  
Most Reverend Martin Currie (Bishop of Grand Falls)  
Most Reverend Brendan O'Brien (Archbishop of St. John's)  
Most Reverend Terrence Prendergast, S.J. (Archbishop of Halifax)  
Most Reverend Vernon Fougere (Bishop of Charlottetown)  
Most Reverend Valéry Vienneau (Bishop of Bathurst)  
Most Reverend François Thibodeau, C.J.M. (Bishop of Edmundston)  
Most Reverend Douglas Crosby, OMI, (Bishop of Labrador City-Schefferville)  
Most Reverend André Richard, C.S.C. (Archbishop of Moncton)  
Most Reverend J. Faber MacDonald (Bishop of Saint John)**

**(the Atlantic Episcopal Conference)  
of the Canadian Conference of Catholic Bishops**

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Your Excellency Bishop Lahey, Archbishops, Bishops, and Reverend Fathers,

Good Morning, Bonjour.

My name is John FitzGerald (and my name is Kathleen Mackenzie) and we represent the members of the English Section of the Canadian Catholic Historical Association, a national organization of 350 professional and academic historians, archivists, and persons who are interested in the history of the Roman Catholic Church in Canada. Many of our members are nationally and internationally recognized in their fields, and receive the research funding support of the Social Sciences and Humanities Research Council of Canada for special research projects which help to research and preserve the history of the Catholic Church in Canada. Each summer we meet at the Congress of the Social Sciences and Humanities, and hold there an annual conference dealing with aspects of the history of the Church in Canada. This conference is open to professionals, academics, graduate students, and the general public. Annually since 1933 we have published the scholarly refereed journal *Historical Studies*, with which some of you may be familiar. On behalf of our members, we thank you for permitting us to attend your meeting here this morning and make this presentation.

We have sought this meeting with you because in recent years, increasing numbers of our members have brought to our attention their concerns about the state of Archives holding the documents, and churches and their material culture which testify to the history of our Church and the history of the faithful in Canada. We still see historic church buildings and artifacts alienated from the Church, and even worse, archival documents dispersed, evidence of the faith of previous generations lost. Let us begin by stating that not all areas of the country are in the same condition. Though relatively young in comparison to the history of the Church in Europe and the Mediterranean countries, Catholicism in Canada still has a long and venerable history. In Quebec, where the Church has centuries of history, archives and churches are in an excellent state of preservation, and the history is well known. The Church is also directly assisted, and indeed mandated by the province, there, to preserve its historic buildings, as the patrimony of previous generations, in a way it is not in other provinces. Here in Atlantic Canada, many of our local Churches, our dioceses, are among the oldest in North America. Many of our cathedrals and churches have been designated as provincial heritage sites, such as St. Ninian's Cathedral in Antigonish, and our basilicas - such as St. Mary's Cathedral Halifax, St. Dunstan's in Charlottetown, and St. John's in Newfoundland - have been designated National Historic Sites, and some of these have received substantial federal financial support for restoration and preservation, which indicates public support for Catholic heritage. In Atlantic Canada, church archives are also in a reasonably good state of order, while the material culture of our Church has been reasonably well preserved and interpreted.

However, some of our dioceses and Catholic institutions in Canada do not have formal archival programs managed by competent professionals. In these dioceses, the preservation, arrangement, description, and management of records representing our heritage, and providing evidence to assist bishops in the operation and administration of the Church, leave much to be desired. Today we wish today to alert you to some of the issues surrounding Catholic diocesan

archives in Canada, and to seek your support for the cause of Canadian Catholic History, and to ask you to consider encouraging your episcopal confreres in other dioceses in Canada to think about the need to take action, to preserve Church archives and the material culture of Canadian Catholicism.

The historical and cultural reasons for preserving Church archives are closely linked with the Church's mandate and mission to evangelize the nations of the world. While dedicating new quarters for the Vatican Archives in 1981, Pope John Paul II said: "The documents of the Church bear witness to the spread of the Kingdom of Christ in the world.... The worthy and adequate preservation of these documents from the most humble to the most precious becomes a service rendered to the Truth." In 1997 the Pontifical Commission of the Cultural Heritage of the Church sent a circular, *The Pastoral Function of Church Archives*, to all dioceses urging authorities to assign the direction of Church archives to qualified and properly trained individuals. The document also suggested that "the technical competence and the sense of duty are necessary conditions at the basis of a proper respect towards the integrity of the material collections, the acquisition of new material documents deriving from other archives, the organization of the material deposited, the access and appraisal policies which should conform with a regulation controlling the passage of material from the archive for current affairs to the historical archive." The Commission's document clearly identified the need for the establishment of relevant and modern archival programs for dioceses, religious orders, and church institutions. In 1999, the Pontifical Commission sent bishops a circular letter entitled an *Inventory and Catalogue of the Cultural Heritage of the Church: a Necessary and Urgent Task*. And in August 2001, the Commission issued a circular letter on *The Pastoral Function of Ecclesiastical Museums*. Finally, and as many of you know, many of our Church buildings here in Atlantic Canada are already provincial historic sites, and some have even been designated as National Historic Sites. They are unique and irreplaceable, and they not only testify to the role our faith has played in the spiritual and cultural development and education of society, but they continue today as our society's most prominent symbols and treasures of a living faith, of communities of faith, in communion with the saints and those who have gone before.

In specific today, however, we would like to address ourselves principally to the issue of the administration of ecclesiastical documents, and in particular to those identified by the 22 June 1998 guidelines for the Conservation and Confidentiality of Ecclesiastical Documents (a guideline prepared by the Canadian Conference of Catholic Bishops) as type c) documents, those of the "dormant historical archives" Two issues are immediately of importance from the perspective of the historian - a historian who may have to testify as a witness for the Church in a court case - and from the perspective of a diocesan ordinary: that diocesan administrators not destroy documents and records reflecting the operation and administration of a diocese, be they active, semi active, or inactive documents of an historical nature, rather instead consulting with qualified professional archivists before determining their disposition; and secondly, that diocesan administrators retain documents which are useful in clarifying the role of an administrator in a sensitive situation.

We could wax eloquent on some very valid historical reasons for preserving documents, but in our experience, administrators often see this as a romantic approach, and it has little

impact. Perhaps the best way to approach the issue of records administration is to note that there are immediate and compelling legal reasons for dioceses to preserve ecclesiastical documents, as pointed out by Bishop Spence in the 1998 guidelines promulgated by the CCCB. At present in Canada there is no concordat governing relations between Church and State. Dioceses are bound to observe civil legislation created nationally, provincially, and territorially. Witnesses in court cases may be compelled to testify, and “dioceses should not ask for exceptional treatment.” Furthermore, as exemplified in recent litigation in my home province, Newfoundland, over schooling, civil authorities may or may not respect internal Church legislation, and indeed, may know little and care less about the administrative structures and operations of the Church. In Canada, formal recognition of ecclesiastical documents as “privileged” has not been achieved, despite efforts to achieve this, and Civil authorities may and have availed themselves of their subpoena powers to seize documents kept in ecclesiastical archives. And as well, Chief Justice of Canada Mr. Justice Antonio Lamer (in the case of *Gruenke v. The Queen*) has ruled that no *prima facie* privilege exists in common law with regard to religious communications such as exists for solicitor-client communications. Ecclesiastical documents are consequently admissible as evidence in a trial unless otherwise determined and by law they may have to be made available. In simple terms, as Marc Lerman, Archivist of the Archdiocese of Toronto and President of the North American Council of Catholic Archivists, has written, “if dioceses do not have records management programs, with policies ranging from identifying what records to create, to policies which help determine final disposition, dioceses can get into legal trouble, or they can find themselves hard pressed to extract themselves from it.”

All this may indeed sound strange coming from historians and archivists. In one way, all these seem on first blush like wonderful arguments for adopting a scorched Archives policy. But we submit that there are even more reasons for putting in place a professionally-administered archival programme, and preserving ecclesiastical documents in Church archives.

- Historical documents have proven and can prove vital for clarifying the role of an administrator in a sensitive situation.
- Historical documents in Church archives are often the only documents attesting to an event or a relationship between persons or events in the past.
- Documents assist the direct legal and financial and pastoral interests of the Church and those who work and prepare legal and historical arguments defending the interests of the Church in the courts.
- In the case of sacramental records, a moral and spiritual responsibility rests with the Church to make available baptismal and marital records to researchers. These records are of immense importance to genealogists and historians. Sacramental records especially also help “spread the faith” from one generation to the next by helping us to learn of our families’ pasts and the faith of those who have gone before us. And sacramental records now are coming to assist even scientists, such as genetic researchers who use them to help research genetic disorders and possibly help treat those who are suffering. Balancing such demands for access, however, are also the legal requirements of bishops to follow

civil legislation, including respecting the rights of individuals to privacy and anonymity.

The principle of “equal access” to archives for all is widely recognized in the archival community, we recognize that in the context of the institution of the Catholic Church, archives also need to operate under different access policies than other archives available to the general public. In 1974, the United States Catholic Episcopal Conference issued a statement expressing its

... sincere hope that the residential bishops may be disposed to grant access to the diocesan archives without undue limitations when properly accredited ecclesiastical historians request it. The past products of such research support, we believe, the contention that serious historians, even graduate students and doctoral candidates, have, with very rare exceptions, used such permission with honesty, fairness, responsibility, respect for the documents, and true Christian charity. Catholic historians have characteristically evinced a distinct pride in the persons and institutions of their Church of past generations, and, in our judgment, no bishop need fear that by opening his archives to scholarly examination, he will expose the Church’s past to deliberate attempts at embarrassment. True, scandals and shortcomings may be uncovered, but in these matters we believe that it is still appropriate to follow the admonition of Pope Leo XIII, who in his letter on historical studies, *Saepenumero considerantes*, of August 18, 1883), quoting from Cicero, declared “that the first law of history is not to dare to utter falsehood; the second, not to fear to speak the truth; and, moreover, no room must be left for suspicion of partiality or prejudice.

While we, too, would generally like to encourage the Bishops of Canada to open the archives of their dioceses, the historians and archivists of the CCHA recognize that diocesan archives are not public archives, they are private archives. Specifically, they are your archives, and we recognize that access is not a legal right except in some few circumstances. We understand the need for some restrictions in access to Church records. However, we submit that any restrictions should always be mentioned and explained to visiting researchers and members of the general public who may seek to use Church archives.

To these ends, we encourage the Bishops of Canada to adopt access policies to their archives. We encourage the Bishops of Canada to ensure that archives within their jurisdiction are staffed by competent professionals, even if they are part-time. We encourage the Bishops of Canada to ensure that their archives are housed in appropriate facilities conducive to preservation and consultation. We would also encourage the Bishops of Canada to ensure that all dioceses adopt common policies and procedures for placing their archives on this firm footing. Such arrangements will eliminate ad-hockery which can and has occasionally resulted from placing well-meaning but often technically inept, or perhaps retired religious or clergy in charge of the archives. The CCHA would be most pleased to provide individual bishops with reference materials and suggesting for acquiring professional assistance to accomplish this goal.

Finally, the CCHA encourages the Bishops of Canada to adopt and issue a statement similar to the spirit of the 1974 *Document on Ecclesiastical Archives* issued by the United States

Catholic Episcopal Conference.

To the ends of stabilizing, organizing, and professionalizing Church archives and adopting regular policies of access, a variety of support mechanisms exist of which the Bishops of Canada may or may not be aware. Most provinces have provincial associations of professional archivists which sponsor training programs and which have members who have considerable experience in establishing and running Church archives. Federally, the National Archives of Canada also has considerable archival expertise on staff, and the Canadian Council of Archives offers training and certification for archivists. These people also know how to access cost shared funding for archives. For example, funding is available from the National Archives of Canada and the Canadian Council of Archives for special projects that diocesan archives may wish to undertake, such as cataloguing backlogs, providing conservation assessments, and making the collections more accessible and preparing finding aids. Finally, to this brief has been appended a Compendium of Online Archival Resources in order to help those responsible to access further information on funding and professional guidance.

Even though the Church in Canada has occasionally had its crosses to bear, as Catholics we still have a rich and illustrious history. And the history of our Church and faith communities is not just religious history, it is also social, cultural, economic and political history as well. It deserves to be closely studied by students of the past, and by the faithful. We respectfully request that you take every opportunity to encourage your brother bishops to consider carefully their obligations and the good they will do by caring for and developing the archives which are entrusted to them.

Thank you for considering our remarks.

## Sources Cited / Useful Documents

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The Canadian Catholic Historical Association: [http://www.umanitoba.ca/colleges/st\\_pauls/ccha](http://www.umanitoba.ca/colleges/st_pauls/ccha)

The National Archives of Canada: <http://www.archives.ca>

The Canadian Council of Archives: <http://www.cdncouncilarchives.ca>

The Association of Canadian Archivists: <http://archivists.ca/conferen/index.htm>

The Association of Newfoundland and Labrador Archives: <http://www.anla.nf.ca>

The Council of Nova Scotian Archives: <http://www.councilofnsarchives.ca>

The Council of Archives of New Brunswick: <http://moondog.usask.ca/cca>

The Archives Council of Prince Edward Island: <http://www.library.pe.ca/acpei/links.asp>

### Contact information:

Dr. John Edward FitzGerald  
President, Canadian Catholic Historical Association  
Department of History  
Memorial University of Newfoundland  
St. John's, NL A1C 5S7  
e-mail: [jfitz@mun.ca](mailto:jfitz@mun.ca)

Ms. Kathleen Mackenzie  
University Archivist  
St. Francis Xavier University  
Antigonish, NS B2G 2W5  
email: [kmackenz@stfx.ca](mailto:kmackenz@stfx.ca)