

Ź R Ó D Ł A I M A T E R I A Ł Y

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PATRYK JOŃCZYK

THE ROLE OF THE CHURCH ARCHIVES

Abstract. The subject of this article is to present the role of the church archives. The article includes a brief legal introduction concerning the regulations of the Code of Canon Law on the subject of the church archives as well as the most important part of the article – the division and a brief role description of the mentioned archives. The division of the article goes back to the desire of finding the *Aurea Mediocritas*, in order not to exaggerate with the secondary but with the essential content of the paper and at the same time to deal with its actual subject at length.

Key words: archive; bishop; catholic; church.

1. INTRODUCTION

The church archives are legally based on the Code of Canon Law¹ (Can. 482-491 CIC) and some detailed regulations included in the Particular Law².

Above all, it should be noted that the Canon Law regards the order to protect all the diocesan and parochial documentation with the greatest care³ as

PATRYK JOŃCZYK – Jończyk, LL.M, Notary Trainee at Notary Office of Krzysztof Jończyk; Office address: ulica Sądowa 1, 46-300 Olesno, Poland; e-mail: historyk1944@hotmail.com

¹ The 1983 Code of Canon Law, further abbreviated to 'CIC'.

² H. MISZTAŁ, *Miejsce centralnego Archiwum Diecezjalnego w strukturze Kościoła lokalnego*, „Poznańskie Studia Teologiczne” 11 (2001), p. 291; source: <https://repozytorium.amu.edu.pl/>

³ All documents which regard the diocese or parishes must be protected with the greatest care' (Can. 486 § 1).

a rule. Because these documents reflect the legal status of the church institutions and report on legal events related to them, include information about owing possessions and are used as a source documentation for historical research⁴.

Who is, therefore, responsible for protecting the documentation and establishing archives at the diocesan curia?

The answer is provided by some canons of the Canon Law.

According to the canons:

- 486 § 2: 'In every curia there is to be erected in a safe place a diocesan archive[...]',
- 489 § 1: 'In the diocesan curia there is also to be a secret archive [...]',
- 491 § 2: 'A diocesan bishop is also to take care that there is an historical archive [...]',
- 381 § 1: 'A diocesan bishop in the diocese entrusted to him has all ordinary, proper an immediate power [...]'.

Apparently, in the cited canons (486 § 2 and 489 § 1) it has not been directly specified who is responsible for establishing the archive. Nevertheless, taking into consideration and interpreting the canons 491 § 2 as well as 381 § 1 it should be assumed that the diocesan bishop is the person responsible for establishing the mentioned archives.

On the other hand, the protection of the archives is regulated by another canons, which are the following:

- the previously mentioned canon 486 § 1: 'All documents which regard the diocese or parishes must be protected with the greatest care',
- and canon 491 § 1, which says: „A diocesan bishop is to take care that the acts and documents of the archives of cathedral, collegiate, parochial, and other churches in his territory are also diligently preserved and that inventories or catalogs are made in duplicate, one of which is to be preserved in the archive of the church and the other in the diocesan archive.”

Accordingly, it should be assumed that the diocesan bishop is also responsible for the protection of the archives.

Nevertheless, the responsibility for the archives does not only rest on the shoulders of the bishop. The bishop is a hierarchical superior of the chancellor, whose duty is also to protect the archives. This duty is precisely regulated in the following canons:

⁴ T. PAWLUK, *Prawo kanoniczne według Kodeksu Jana Pawła II*, vol. II: *Lud Boży – jego nauczanie i uświęcenie*, Olsztyn 1986, p. 233.

– 482 § 1 ‘In every curia a chancellor is to be appointed whose principal function, unless particular law establishes otherwise, is to take care that acts of the curia are gathered, arranged, and safeguarded in the archive of the curia’⁵,

– 487 § 1: ‘[...] only the bishop and chancellor are to have [...] [the] key [of the archive]. No one is permitted to enter except with the permission either of the bishop or of both the moderator of the curia and the chancellor’,

– 487: ‘It is not permitted to remove documents from the archive except from a brief time only and with the consent either of the bishop or of both the moderator of the curia and the chancellor’.

Because of a wide range of another duties entrusted to the chancellor, normally, an additional person is appointed to safeguard the archives: the archivist. The chancellor, therefore, takes care of the diocesan chancery, deals with preparing documents and their duplicates (copies) as well as sending them. After sending the documents to the curial archive, the archivist is responsible for archiving them.

As previously mentioned, the bishops very often appoint archivists, who are entrusted with the archives. In this regard, the archivist seems to be entitled to give the aforementioned permissions⁶.

Moreover, the Canon Law exactly specifies norms for managing the archives⁷. They refer to:

1) the duty of preparing an inventory, namely a catalog with brief synopses of each written document,

2) securing the instruments and rights of using them⁸,

3) the prohibition against removing the documents⁹.

These norms applied *per analogiam* concern all kinds of archives existing in the diocese.

⁵ On the other hand, the additional function of archivist does not release the chancellor from his responsibility for the archive: these issues are precisely normalized by bishop’s decrees and another regulations of the diocesan curiae.

⁶ E. SZTAŃKOWSKI, *Podręcznik prawa kanonicznego*, vol. I, Warszawa 1985, pp. 168-169.

⁷ Can. 486 § 3.

⁸ Can. 487 § 1 i 2: ‘The archive must be locked and only the bishop and chancellor are to have its key. No one is permitted to enter except with the permission either of the bishop or of both the moderator of the curia and the chancellor. Interested parties have the right to obtain personally or through a proxy an authentic written copy or photocopy of documents which by their nature are public and which pertain to their personal status.’

⁹ Can. 488: ‘It is not permitted to remove documents from the archive except for a brief time only and with the consent either of the bishop or of both the moderator of the curia and the chancellor.’

2. THE CHURCH ARCHIVES

The Code of Canon Law gives an overview of archives which have to exist in the diocese:

a) The diocesan archive (*archivum seu tabularium dioecesanum*), also called registry, is intended for keeping instruments concerning the spiritual and temporal life activities. The actual canon regulating the mentioned type of archive says: 'In every curia there is to be erected in a safe place a diocesan archive, or record storage area, in which instruments and written documents which pertain to the spiritual and temporal affairs of the diocese are to be safeguarded after being properly filled and diligently secured'¹⁰. Furthermore, preparing, sending, and protecting the files belongs to the basic duties of the chancellor.

Since this archive is used for storing 'documents having historical value' (Can. 491 § 2 CIC), 'instruments and written documents which pertain to the spiritual and temporal affairs' (Can. 486 CIC) and according to the canon 491 § 1, which states that the diocesan bishop should take care that the catalogs of every single archive on his administrative territory should be prepared in two duplicates, one of which has to be preserved in the already mentioned diocesan archive, it is called **central diocesan archive**.

b) Secret archive (*archivum secretum*) for preserving secret documents, which are to be safeguarded with the greatest care. Unless a suitable room is available, the secret archive can be arranged in a special cabinet or safe properly locked and fixed in the curial archive¹¹ (*armarium seu scrinium*). According to the CIC, among others, the following documents can be considered secret: a rescript of the dispensation granted in the non-sacramental internal way (Can. 1082), certificates of secretly celebrated marriages (Can. 1133), documents concerning canonical warnings and reprimands according to the canon 1339 § 1 and § 2 (Can. 1339 § 3)¹². According to the canon 490, Only the bishop is allowed to have the key to the secret archive (Can. 490 § 1) and when a see is vacant, the secret archive or safe must not be opened. If necessary, only the diocesan administrator is allowed to open the archive (§ 2). Moreover, any documents are not to be removed from the secret archive or

¹⁰ Can. 486 § 2.

¹¹ Can. 489 § 1: 'In the diocesan curia there is also to be a secret archive, or at least in the common archive there is to be a safe or cabinet, completely closed and locked, which cannot be removed; in it documents to be kept secret are to be protected most securely.'

¹² T. PAWLUK, *Prawo kanoniczne*, p. 234.

safe (§ 3). It is recommended yearly to remove and destroy documents of criminal cases in matters of morals, in which the accused persons died or ten years have passed since the condemnatory sentence retaining only a brief summary of each case with the text of the sentence (Can. 489 § 2).

c) Historical archive (*archivum historicum*) – for preserving documents and files of historical value¹³.

d) The Code of Canon Law also recommends that each parish has its own archive to preserve parochial registers, documents, and files for reason of necessity or advantage¹⁴. According to the canon 491 § 1, the diocesan bishop is to take the greatest care of protecting documents in the parochial archives. However, in this case the direct responsibility is to be taken by the parish priest. The bishop only controls during the apostolic visitation whether the archive actually exists, its general state, and the way how it is protected and preserved. He does it in person or through a curial visitor, who goes to the parish in advance and fill in the visitation form including questions concerning the parochial archive.

To sum up, church archives are not only a place of preserving documents. Certainly, they are used for storing documents of historical value as well as canonical documents necessary for the effective functioning of the church administration but, however, they are also a place for preserving, collecting, safeguarding, ordering, and making available the documentation.

Therefore, their role is multithreaded: on one hand as an informative-scientific institution, and on the other hand as an administrative institution.

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¹³ Can. 491 § 2: ‘A diocesan bishop is also to take care that there is an historical archive in the diocese and that documents having historical value are diligently protected and systematically ordered in it.’

¹⁴ Can. 535 § 4.

ROLA ARCHIWÓW KOŚCIELNYCH

Streszczenie

Niniejsza praca przedstawia rolę archiwów kościelnych. Zawiera krótki wstęp prawny dotyczący uregulowań Kodeksu Prawa Kanonicznego w przedmiocie archiwów kościelnych oraz podział i opis roli wymienionych archiwów. Autor chciał znaleźć *aurea mediocritas*, by nie przesadzić z istotną treścią poboczną, a jednocześnie wyczerpująco przedstawić tytułowe zagadnienie.

Słowa kluczowe: archiwum; biskup; katolicyzm; Kościół.

GRZEGORZ KAMIL SZCZECINA

SPRAWOZDANIE
Z PRZEBIEGU SEMINARIUM NAUKOWEGO
POŚWIĘCONEGO SŁUDZE BOŻEMU
KS. WŁADYSŁAWOWI BUKOWIŃSKIEMU

W ramach seminarium naukowego, prowadzonego pod kierunkiem ks. dr hab. Tomasza Moskala, które miało charakter zajęć otwartych, studenci i doktoranci KUL mieli możliwość poznać sylwetkę sługi Bożego ks. Władysława Bukowińskiego. Wykład odbył się 24 XI 2015 r. o godzinie 15.00 w sali C-919 gmachu Kolegium Jana Pawła II Katolickiego Uniwersytetu Lubelskiego Jana Pawła II.

Inicjatorem tego typu seminarium był ks. prof. dr hab. Jan Walkusz, który już od lat na jedno z seminariów naukowych zaprasza ludzi nauki czy Kościoła, by swoim doświadczeniem i pracą podzielili się ze studentami, ubogacając ich nie tylko intelektualnie, ale i duchowo. Tym razem w progi lubelskiej uczelni został zaproszony ks. dr hab. Jan Nowak – wykładowca Uniwersytetu Papieskiego Jana Pawła II w Krakowie, który jest także postulatorem w procesie beatyfikacyjnym wspomnianego sługi Bożego. Ks. Nowak, pochodzi z diecezji krakowskiej, gdzie po przyjęciu święceń kapłańskich w 1975 r. pracował przez dwadzieścia lat jako duszpasterz. W latach 1984-1989 posługiwał w diecezji