

**FEDERAL COURT**

BETWEEN:

**ATTORNEY GENERAL OF CANADA**

Plaintiff

and

**JAN KOESTEL**

Defendant

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**EXPERT REPORT OF DR. EMMA ANDERSON**

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## 1. What is a relic in Roman Catholicism?

1. “Relics” (from the Latin “*reliquiae*” or “remains”) refers to the earthly remains of those individuals who are deemed to be saints in the Christian tradition (saints, of course, being particularly holy individuals who exhibited “heroic virtue” during their earthly life, and who are now thought to reside with God in heaven). The relics of the saints are venerated both in Roman Catholicism and in Eastern Orthodox churches.
2. Roman Catholicism recognizes three “classes” of relics: 1) “Primary” or “first class” relics refer to the physical remains of departed saints.<sup>1</sup> Most commonly, this means their skeletal remains (either in whole, when the skeleton is retained intact, or in part, as is actually more typical). Hair, teeth, blood, and even breastmilk have also been venerated by Catholics as primary relics (in fact, in the case of Jesus and the Virgin Mary, believed by Catholics to have ascended body and soul into heaven, blood and milk are the only primary relics available for veneration). Relics associated with the “passion” (or the trial, suffering, and death of Jesus) have traditionally been particularly prized primary relics (since the nails that held Jesus to the cross, the lance that opened his side, and the crown of thorns were all tinged with his blood).
3. “Secondary” relics refer to intimate items used by the saint during his or her life, such as their clothing and personal effects (such as books, shoes, or other items particularly associated with them, or that they valued highly).
4. Finally, “Tertiary” relics are made when anything (but most frequently silk, prayer cards, or rosaries) is touched to a primary relic. They are thus essentially “manufactured” through human effort and are infinitely reproducible.

## **2. What are Catholic relics used for?**

5. Relics have a number of crucial functions in Roman Catholicism.
6. Perhaps most fundamentally, they are necessary to consecrate each and every Roman Catholic church. Even today, a Catholic church cannot operate without the relics of saints being ceremonially enshrined within its altar, its holiest space (though generally they are placed discretely inside the altar, and so are invisible to the congregation). The tradition dates back to early Christianity, when the sect was outlawed and persecuted in the Roman Empire. Christians secretly gathered in the catacombs at the tombs of their martyrs (those whom they considered to have died for their faith, and whom they revered as mighty spiritual heroes) to pray and celebrate communion. The martyr's tombs were used as improvised altars.<sup>2</sup> When churches are sold, these relics must be removed in order for the building to be "deconsecrated." Because of the mandate that each altar contain one or more relics, there are probably more invisible than visible Catholic relics. But many Catholic churches (as well as cathedrals, abbeys, shrines, sanctuaries, oratories, chapels, convents, and other Catholic institutions) also display relics for public veneration in containers called "reliquaries," which are often elaborate, precious, and beautiful (please see p. 7-9 of this report for more on reliquaries).
7. In addition to consecrating Catholic churches, relics also serve a myriad of other important functions, most of them related to the "cult" or "cultus" (that is to say, the tradition of veneration) of the saints. In Catholicism, saints both serve as exemplars (serving as models of the holy life for Catholics to imitate) and intercessors (because they are asked to prayerfully intervene on behalf of those who come to them in need). Generally, relics are the tangible medium through which blessings, favours, and healings flow from a given saint in heaven to his or her devotees on earth.

These miracles, however, are recognized ultimately as the work of God, even though Catholics often speak as if the saint him- or herself was solely responsible for them.

8. Traditionally, relics have also been integral to the generation of wealth for the church through pilgrimage. Because looking at, praying before, touching, or kissing saint's relics was and is believed to have beneficial physical and spiritual effects, the display of saint's relics to pilgrims generated both prestige and economic benefits for the parishes, abbeys, and monasteries that housed them, in the form of the alms or religious donations that pilgrims made.
9. For that reason, a number of religious rituals are associated with relic veneration in Roman Catholicism. Most simply, relics are displayed in reliquaries for the veneration of the public in many churches (though, admittedly, this is more common in Europe than in North America). Moreover, particularly at shrines dedicated to promoting the veneration of particular saints, at sanctuaries associated with healing or other miracles, or at pilgrimage sites, relics are also used to bless devotees. This is done by prayerfully touching them on the forehead with a small, specialized reliquary that looks something like a magnifying glass created for just this purpose. Alternatively, this same portable reliquary may be presented to pilgrims to touch or kiss (for photographs of these rituals, see p. 19).

### **3. Questions of “Authenticity”**

10. Attempting to ascertain the “authenticity” of Roman Catholic relics raises many complex problems.<sup>3</sup> These are further complicated by the venerable age of the remains of the saint under consideration in this case, Saint Nicholas of Myra, who lived from 265-334 CE, making any of his remains extant today some 1,687 years old.
11. Given the tools and access that I have, it is impossible for me, under the present circumstances, to be able to determine definitively whether any of the bone fragments contained in Objects A, B, and C

are *really* those of Saint Nicholas of Myra. For to do so would require that we would be able to test the three small bone fragments reposing in the three objects to determine whether they are 1) human 2) male 3) from the fourth century, C. E., and 4) from the same individual. We could then compare the results obtained with testing on bones from Saint Nicholas's principal relic cache in Bari, Italy (assuming that we were able to receive permission and funding to carry this out, and that it could be done in a timely manner). However, even going to these lengths would still not fully resolve the question of the relics' authenticity, because there is always the possibility that the human remains preserved in Bari are not in fact those of Saint Nicholas!<sup>4</sup> I do not have physical access either to Objects A, B, and C, or to the Bari relics. Nor do I have permission to do these types of intrusive (and possibly destructive) tests. Nor do I have access to the tools necessary to conduct radio-carbon dating. Therefore, this type of scientific study remains beyond the realm of possibility in the present context.

12. Fortunately, however, such extensive, expensive, and time-consuming scientific tests are not necessary, because when thinking about the authenticity of Catholic relics, tradition and perception have, for over two millennia, been far more important than DNA or carbon dating. When it comes to the authenticity of relics, Catholics have not traditionally looked to science (which has, in any case, invented these tests only in 1946 (Erin Blakemore, "Radio Carbon Helps Date Ancient Objects – But it's Not Perfect," *National Geographic*, July 2, 2019), but to the dictates of its own hierarchy for guidance in such matters. It is amply evident when the Church reverently believes certain bones to be the moral remains of a particular saint, because it both implicitly demonstrates this reverent belief in how it preserves, displays, and secures those relics it considers to be genuine, and because it explicitly comments upon the genuineness of the relics it authenticates through episcopal

certification. The wording on these certificates is confident and definitive. One such certificate reads, for example:

“To all and sundry who will see Our present Letters, we pledge good faith and attest that, insofar as certain Sacred Relics have been shown to us, we have recognized these as having been taken from their authentic places and to have been marked with a seal, the documents being authentic...We have done so to the greater glory of Almighty God and for the veneration of His Saints, in order for the said Sacred Relics to be kept, donated to others, or exhibited in any...oratory or chapel for public veneration by the Faithful” (Episcopal Certificate issued by Giovanni Soglia Ceroni, the Bishop of Osimo and Cingoli, accompanying Object A, please see the Appendix for the original Latin Certificate and a translation into English).

13. When the Catholic Church considers a particular relic to be genuine, it preserves and presents these remains in a fitting manner, so as to honour the saint, promote his or her public cult, and encourage the saint to acts of miraculous intercession on behalf of the population. This generally takes the form of a specially commissioned reliquary.<sup>5</sup>

14. Much can be gleaned about Catholic attitudes towards relics from how they choose to display them. While reliquaries come in many shapes and sizes, they are generally made of expensive, beautiful, and luxurious materials, reflecting the precious nature of what they contain. The silks, satins and velvets on which bones are cushioned and displayed, as well as the use of precious metals, such as silver and gold, often accented with jewels, reflects the Catholic perception of the precious nature of the relics themselves, and demonstrates a strong desire to honour and to magnify the saint.



**Figure 1:** an elaborate multilevel golden relic featuring statues of saints and angels in silver and massive jewels ornaments the modest glass reliquary it contains. Notre Dame de Paris treasury, author photo.

15. The forms that reliquaries take suggest a desire, in some cases, to further contextualize and personalize the relic (perhaps as a response to the essentially interchangeable, anonymous nature of human bones). This was (and is) done in one of two ways. Artists can craft a reliquary that mirrors the area of the body that the bone comes from (for example, encasing a hand bone in a hand-shaped reliquary):



**Figure 2:** three arm relics in the Treasury of Notre-Dame-de-la-Mer Catholic Church, Saintes-Maries-de-la-Mer, France (author photo). There is a very similar arm relic of Saint Nicholas housed in Napierville, Quebec, as well as the very famous arm relic of Saint Anne at the Shrine of Saint Anne de Beaupré near Quebec City.

16. Or they can evoke the person-hood of the saint even more fully by encasing his or her relics in a reliquary depicting the saint's head and shoulders, known as a "reliquary bust"...



**Figure 3:** Reliquary Bust of Saint Louis (King Louis IX) of France (now empty), Notre Dame de Paris treasury (author photo). Reliquary busts were generally meant to house the saint's skull, and would be visible through the small glass window under the statue. Canada's most famous reliquary bust is that of Saint Jean de Brébeuf, in the treasury of the Hospitalières of Quebec City.

...or even of their whole body, generally in miniature, known as a “reliquary statuette.”



**Figure 4:** Reliquary Statuettes of Saints Peter (right, with his keys) and Paul (left, with his sword). Reliquary statuettes, which can be made of precious metals or of gessoed wood, either have the relics visible in their base or, as in this example, have the saints themselves carry their own reliquary. Trier Dom Cathedral Treasury, Trier, Germany (author photo)

17. In addition to commissioning reliquaries, a second and equally important way that the Catholic hierarchy demonstrates its belief in the authenticity of a relic is evident in the effort put into security and anti-tampering apparatus. The Church attempts to secure and protect relics that it feels are genuine by sealing all of a reliquary's apertures with red sealing wax, which are then stamped with the bishop's seal and/or secured with red threads, so as to protect the relic from tampering, fraud, or theft. In some cases, bishops cannily provide detailed information regarding the appearance of the reliquary that they are sealing up to avoid any confusion or deliberate malfeasance. For example, the certificate for Object A helpfully describes the reliquary as “a case of *orichalcum* of round shape, fitted with crystal on the front part, fastened with a genuine silk string of red colour and marked by our seal, impressed in red Spanish wax, in attestation to their identity” (please see Appendix A for the original Latin and an English translation. Please note that “orichalcum” refers to the gold-

coloured metal, a bronze alloy).<sup>6</sup> Such certificates, written in Latin, attest to the provenance and authenticity of the bones and assure the reader of their genuineness and worthiness of veneration.<sup>7</sup>



*Figure 5: Example of a red wax seal stamped with a bishop's seal*

18. So while, with the tools and expertise that I have at my disposal, I am unable definitively to say whether or not these remains are “really” those of Saint Nicholas of Myra, I *can* say that, in my view, the Catholic Church has certainly acted as if they believe them to be authentic, based on their reverential treatment of these bone fragments, their creation of ornate reliquaries to house and display them, and the measures that they have taken (both with security and documentation) to certify and preserve them. I am able to demonstrate this by showing, definitively, the undeniable similarities between Objects A, B, and C and other Catholic relics on display in churches and church treasuries across Europe and North America, in terms of how the materials used, the style adopted, the fabrication, security devices, and documentation bear strong visual similarities with those of other, attested relics (please see pages 16-31 of this report).

#### **4. Is it possible to distinguish a fake relic from an authentic relic?**

19. Yes, I believe that it is possible to distinguish a fake from an authentic religious relic with a fairly high degree of certainty (though only in the sense of authenticity just discussed, pertaining to close examination of the objects, and evaluation of whether or not they are consistent with or inconsistent with traditional conventions of relic display and protection generally seen in Roman Catholicism). However, it is impossible to be completely definitive in the absence of all of the background

information. All I have to go on is the three objects themselves (and their certificates, where available). I have not been given any information about how, when, or from whom the three objects were acquired.

20. In my view, the best way to judge whether these three objects have, in the past, been judged to be authentic Catholic reliquaries is to comprehensively compare these objects, in terms of the materials and form of their display, with attested examples of similar reliquaries currently held in churches, treasuries, and museums across North American and Europe. This I do on pages 16-31 of this report.

### **5. Who is Saint Nicolas of Myra?**

21. Saint Nicholas of Myra (265-334 CE) was a fourth century bishop in Myra, Asia Minor (which is now part of the modern nation of Turkey). He received his bishopric at an unusually young age (possibly even becoming a bishop without having first been ordained, which is highly unusual). It was in that capacity, as a bishop, that he purportedly attended the Council of Nicaea in 325 CE (see Jacobus de Voragine, *The Golden Legend: Readings on the Saints*. Princeton University Press, 2012, p. 21-22, hereafter Voragine 2012). Like many Christians of the era, he suffered persecution and even, reportedly, imprisonment under Emperor Diocletian.

22. The young bishop became famous, even during his lifetime for his many acts of charity, particularly his gifts to poor children and adolescents. Much as Saint Francis of Assisi would do centuries later, the young man reportedly gave away all of his considerable inheritance in charitable donations. However, because he wished no thanks or honour for his generous gifts of food or money, Saint Nicholas would make his donations secretly, throwing them through the open windows of poor families' hovels – particularly those with hungry children - in the dead of night. According to legend, sometimes these small bags of money would land in socks hung up to dry, or in shoes laid

out, ready to wear, before the door. The saint was known to be particularly generous to impoverished families with teenaged girls, providing them with dowry money to prevent the young women, in their penury, from turning to prostitution (see Emily Diana Kelley, “Servant of God and Protector of the Faithful: St. Nicholas as a Saint and Redeemer in Late Medieval Burgos,” *Journal of Medieval Iberian Studies*, Volume 4, #2, September 2012, p. 199-232, especially p. 207, 217-220, hereafter Kelley 2012; L. F. Müller, “Saint Nicholas’s Beleaguered Black Companions: A Study of the Contested Nature and Late Antique History of Santa’s Helpers in the Dutch Saint Nicholas Feast,” *Akroterion*, Vol. 65, 2020, p. 123-142, p. 130, hereafter Müller 2020; Voragine 2012, p. 21-22). This is why, even today, Saint Nicholas is the patron saint of prostitutes, as well as of children (Hintz).

23. Other stories present a somewhat macabre, wonder-working saint with the power to raise the dead. One of legend recounts how the saint confronted an evil butcher who had been slaughtering and pickling children. Saint Nicholas used his saintly powers to discover these massacred innocents and bring the children back to life (see Kelley 2012, p. 206; Hintz).
24. In this process of Saint Nicholas’s gradual transformation over the centuries, however, the original strong emphasis on his charity to very poor children and adolescents became gradually universalized, and the saint’s penchant for secret, nighttime gift-giving that gradually led to the morphing of this somewhat obscure figure from the early church into the beloved seasonal figure of “Santa Claus” or “jolly old Saint Nick.” Subsequent elaborations involving the North Pole, elves, and reindeers took the figure even further away from the legendary fourth century bishop.

## **6. By whom is Saint Nicholas revered?**

25. Because of his link in the popular imagination with the beloved figure of Santa Claus (which in itself is an obvious corruption of the Dutch name of Saint Nicholas, “Sinterklaas” (see Müller 2020, p.

123; Charlie Hintz “Santa Claus is Dead and his Bones are Leaking,” Cult of Weird website, henceforth Hintz), this early Christian bishop is one of the best-known and loved of Christian figures, even among normally more saint-adverse Protestants.<sup>8</sup> Saint Nicholas has a strong appeal in both the Orthodox and the Catholic traditions, each of which have robust traditions of saint and relic veneration (see Angela Calia et al, in “Integrated Prospecting in the Crypt of the Basilica of Saint Nicholas in Bari, Italy,” *Journal of Geophysics and Engineering*, Vol. 9, 2012, p. 271-281 (hereafter Calia 2012) and Müller 2020, p. 136).

26. As well as the general appeal of Saint Nick’s generous charity to poor children, another reason for his “crossover” popularity in both churches is that he lived well before the split between the Catholic and the Orthodox churches in 1054, and thus is easily claimed by both traditions. His popularity in the Orthodox world is only heightened by the fact that he was of Greek descent, and is thus embraced as something of a native son by Greek (and by extension) Russian Orthodox Christians. In fact, Saint Nicholas is the patron saint of Russia (Francesco Paolo, “The Science of Santa Claus: Discussions of the Manna of Nicholas of Myra in the Modern Age,” *Nuncius*, 2012, Vol. 27, #2, p. 241-269 (hereafter Paulo, 2012) *The Guardian*, “Bones of Contention,” 22 December 2000. On the longstanding nature of Russian devotion to Saint Nicholas, please see Ildar Garipzanov, “The Cult of Saint Nicholas in the Early Christian North,” *Scandinavian Journal of History*, 2010, Vol. 35, #3, p. 229-246 (hereafter Garipzanov 2010). The frequency and fervour of the many pilgrimages made to the saint’s sepulcher in Bari’s Roman Catholic Church (site of most of the (purported) remains of Saint Nicholas) led church officials to construct a small Orthodox Chapel inside their Catholic church, in an unprecedented act of ecumenicalism unique in the world (ibid, see also Calia 2012, p. 272).

## **7. Are there relics of Saint Nicolas of Myra?**

27. Yes, there are (purportedly).
28. When Saint Nicholas died in 343 CE (AD), his remains were originally deposited in a tomb in Myra, where they would remain undisturbed for more than seven centuries (indeed, even today, his empty tomb is still extant and visited by pilgrims). Legend has it that from the very beginning, the saint's remains behaved in an unusual manner, by exuding a clear, sweet smelling liquid known as the "manna" or "myrrh" of Saint Nicholas (Voragine 2012, p. 25; Paulo 2012; Kelley 2012, p. 207-208; Müller, 2020, p. 134).
29. However, in 1087, Saint Nicolas's relics were taken by Italian sailors from Myra to Bari, Italy, where they have remained ever since ("Travelling Relics: From Bari, Italy to Moscow and Saint Petersburg, Russia, and Back," Saint Nicholas Centre; Voragine 2012, p. 25). The ostensible reason for this hasty "translation" (as the transfer of relics from one location to another is known) was to preserve the relics from potential destruction by invading Muslims. However, this explanation is vigorously disputed by Greek Orthodox officials in Myra, who characterize the incident as motivated less by a pious desire to protect the relics than as a bold "furta sacra" or relic theft.<sup>9</sup> This interpretation casts the Italian sailors as little more than opportunistic crooks who, fully aware of the economic and spiritual benefits to be gained for Bari by stealing the saint's skeleton, cynically decided to steal them for themselves, thus beating the Venetians (themselves adept relic thieves) to the punch. In Bari, however, the sailors were (and are<sup>10</sup>) perceived as heroic rescuers of the holy bones, and were given the unusual honour of being buried close to the relics that they had been instrumental relocating there ("The Manna of Saint Nicholas," *Atlas Obscura*).
30. But the Venetians were not so quickly to accept being cut out of the lucrative cache of Saint Nicholas's bones. Venetian sailors, themselves visiting the plundered Myra tomb, apparently found that, in their haste to removing the holy relics of Saint Nicholas, inadvertently left some behind.

Thus, Venice claims what is purportedly the second largest cache of Saint Nicholas's bones, after Bari. This means that, with the exception of the saint's smaller relics, displayed across the globe in both Catholic and in Orthodox churches, the vast majority of the saint's skeleton has purportedly been in Italy since 1087.

**8. Have you had the opportunity to examine the three objects at issue in this legal proceeding (the "objects")? If so, how and when?**

31. Yes, I had the opportunity to examine the three objects via videoconferencing during the morning of Tuesday, July 27, 2021. This method of examination was decided after the original plan of direct physical examination of the objects in Ottawa proved to be impossible because of the prohibitive cost of packing and shipping the items. The possibility of the examiner travelling to Winnipeg, Manitoba to look at the three objects in person was also explored. However, this option was ultimately rejected because of the ongoing restrictions related to safety and unnecessary travel due to the Covid 19 pandemic.
32. During our recorded videoconference on July 27, 2021, which took just over one hour, two Border patrol officers, Lisa Ramcharita and Robyn Ingram, both assisted me with establishing the video conferencing link through Microsoft Teams, and manipulated each one of the three exhibits at my direction. During this session, each of the three objects (and their supporting documentation, where extant) were minutely explored.
33. During this process, the border officers did their best to hold up to the camera the view or detail of each object. When it was still difficult for me to see very small details, they assisted me by reading out inscriptions and labels, and responded to all of my questions about missing pieces, damage, and other details.
34. Video conferencing was not a perfect substitute for in-person examination and manipulation of the objects due to issues such as glass glare and video graininess, which made it difficult, in some cases,

to fully and clearly see each detail of the objects. This problem was particularly pronounced when it came to trying to see clearly into the glass display windows containing the bone fragments.

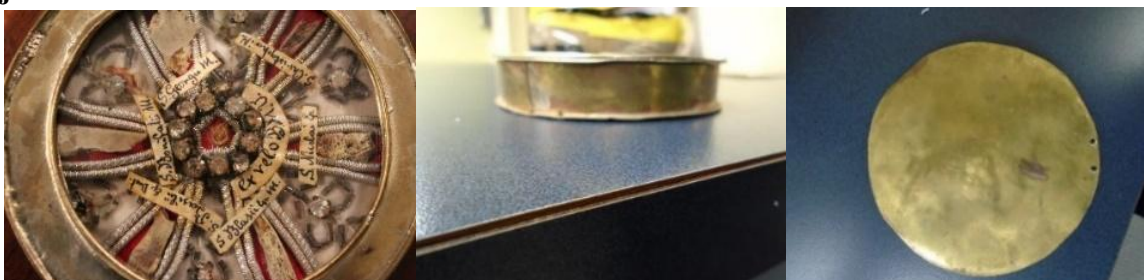
Moreover, having a purely visual (as opposed to tactile) examination deprived me of the ability to discern additional information that could have been provided by texture, patina, weight, and feel of the objects.

35. However, together the three of us did our best to overcome these inherent disadvantages of video-conferencing. For example, in those instances when it was still difficult for me to see as clearly as I would have liked, the border agents made careful notes about which areas of each relic I wanted to see more clearly and sent me excellent photographs, via email, after the conclusion of our session together.

### 9. Can you explain your observations?

36. Yes. In the pages that follow, I will first minutely describe each object before comparing it, systematically, to a range of similar Catholic reliquaries.

#### A) Object A



*Figures 6, 7, and 8: the top, side, and bottom of Object A. Photos: Canada Border Services*

#### *(a) General Description*

37. Object A is a large, round, golden medallion with a glass-and-gold face measuring 11 cm in diameter and standing 2 cm in height. This reliquary displays within it what appear to be small bone

fragments, arranged so that they radiate out from the center like the petals of a flower, or like sunrays.

38. Of the three objects under consideration, this is the only one that features relics other than those of Saint Nicholas of Myra (though he also is included). The relics of the following other saints: Blaise, Christopher, George, Boniface, and Basil are also there, as is a fragment of the veil of the Virgin Mary. All are clearly marked with their names (carefully handwritten with black ink in Latin on small strips of paper or parchment) that are placed adjacent to the relics that they purport to identify.
39. The bone fragments are set on a piece of dark red fabric (likely satin or velvet), an entirely typical colour choice for reliquaries. In addition to the labels that clearly identify each fragment of bone, typical decorative elements have been included, such as white fabric between the bone slivers, as well as silver cording, beading and artificial, decorative jewels. The arrangement of the bone fragments maximizes the circular space of the reliquary interior.

***(b) Indications of Damage or Adaptation***

40. Object A does show some signs of damage or adaptation in two ways: the presence of small holes along its circumference (which are most evident in the back view, see Figure 8), and the absence of its security apparatus of seals and red silk cord.
41. The small holes may indicate that Object A was originally attached to a stand or some other display apparatus that could allow it to be hung on a wall or propped on an altar or treasury shelf. A stand would ensure that the bone fragments within would be visually accessible to venerated. The two holes likely also indicate the intended spatial orientation of the reliquary, as it was likely the top of the medallion that would have been attached to the now vanished stand or display ring.
42. It had originally occurred to me that possibly Object A was removed from what was originally a more elaborate display. Sometimes, formerly elaborate reliquaries can be disassembled when

theological or aesthetic tastes change. For example, Figures 9 and 11 show the haunch-bone of Canadian saint and martyr, Jean de Brébeuf, conserved in a plain glass medallion by the Jesuits of Rennes, France.



**Left: Figure 9**, the Brébeuf relic in Rennes, France as currently displayed and venerated, **Middle: Figure 10**: the large, carved reliquary originally commissioned to house it in the 1930s, subsequently discarded in the 1980s, **Right: Figure 11**: Père André Metz, S. J. with the Brébeuf haunch relic in Rennes. Photos by author.

43. When I saw this relic in 2008, it was lying flat on a display table, in a very plain glass-and-gold reliquary that was striking similar to Object A in its overall low-key aesthetic. In the 1980s the relic was removed from the elaborate reliquary that had been carved for it (Figure 10) showing the post-mortem cannibalism of Brébeuf, as this violent scene was now judged to be “unconducive to prayer.” But in the current case this possibility must be discounted because the bishop’s 1841 certification specifically mentions that the relics were “in a case of orichalcum [a golden metal] of round shape, fitted with crystal on the front part” (**Appendix A**), meaning that this hypothesis must be discounted.

44. Another possibility is that this reliquary was always designed to lie flat, perhaps because it was placed on a *prie-Dieu* for veneration (because then the kneeling venerator is in an excellent position to be able to see the relic from above. This is the case with the small relic of Saint Marguerite d’Youville in the private Oratory of the Mother House of the Sisters of Charity of Ottawa. However,

if this is the case, the presence of the two small holes in the reliquary becomes more difficult to explain.

45. A final possibility is that this reliquary was designed to be used for active ritual purposes. As already noted, reliquaries, as well as being displayed on church altars or in their treasuries, are also actively used for blessing supplicants, or for being offered to venerators to touch or kiss. Typically, reliquaries made for this purpose are relatively small, round, and equipped with a handle installed either on the back of the reliquary (see Figures 12 and 13), or with a handle that sticks out the side (Figure 14), so that the officiant can firmly grasp the reliquary while the relics it contains remain fully visible to the venerator.



*Left to right: Figure 12, Father Patrick Coldricks of the Canadian Martyrs Shrine in Midland, Ontario holds up a reliquary with the relics of Jean de Brébeuf, Gabriel Lalemant, and Charles Garnier that is used to bless pilgrims. This reliquary has a handle on the back. Figure 13: Father Coldricks blesses a pilgrim. Figure 14: a priest at the Our Lady of Martyrs Shrine in Auriesville, New York extends a reliquary to a kneeling pilgrim for her to kiss and venerate. All photos by the author.*

46. Since the two small holes appear on the side of Object A, it is likely that, if this was an active reliquary used for blessing (though it is rather large for that), it would probably have had a side stick, like the Auriesville reliquary, rather than a back handle, like the Midland reliquary.

47. Another indication of damage is that, unlike the other two objects, Objects B and C, which are heavily sealed with red, stamped wax, this one is not. This means that these elements were somehow lost or sometime between 1841 and today, given that Giovanni Soglia Ceroni, the bishop

of Osimo and Cingoli, in his certificate of the object's authenticity, specifically mentions that they were "fastened with a genuine silk string of red colour and marked by our seal, impressed in red Spanish wax, in attestation to their identity" (see Appendix A, which contains the original certificate in Latin, with an English translation).

48. However, if the glass and gold portion of the reliquary was removed from a larger structure originally meant to display it, this might explain why the wax seals are missing, as they would likely have been destroyed when the round reliquary medallion was removed from the larger reliquary stand originally designed for it.

49. This regrettable and unusual deficiency in security is ameliorated somewhat by the fact that Object A does have a certificate of its provenance and authenticity (please see **Appendix A**).

*(c) A Comparison of Object A with Catholic Reliquaries*

50. Round medallion reliquaries with small bits of bone fragments arranged in a petal-like shape have long been a conventional way to expose for public veneration the bones of multiple saints. With its striking, round window, this style of reliquary, is very similar to the typical design of a "monstrance" (from the old French, *monstrer*, from which we get the current French verb *montrer*, to show or display) in which the Eucharistic host is displayed on the altar.



**Left: Figure 15:** Elaborate 17<sup>th</sup> century monstrance (empty): Jesuit Archives, Montreal (find and put a similar reliquary there). **Right: Figure 16:** Equally elaborate reliquary at the Jean de Brébeuf Shrine in Conde-sur-Vire, France. Photos by the author.

### 1. Similarities

51. The basic design of a round reliquary containing multiple bone fragments arranged in pleasing patterns is quite common, as can be seen from the gallery of comparable relics shown below:



**Figure 17:** close-up of Object A, **Figure 18:** relic of Catherine de Saint-Augustine, conserved by the Hospitalière nuns, Pont d'Éveque, Normandy, France, **Figure 19:** relic of Jean de Brébeuf, **Figure 20:** “Sunburst” reliquary containing multiple relics. Both of the latter two are preserved at the Jean de Brébeuf Chapel in Condé-Sur-Vire, Normandy, France. Except for Figure 17, which was taken by Canada Border Services, all photos are by the author.

52. 1) All of the reliquary windows are round.

2) All of the reliquaries are made of gold and have a glass face so that the relics within, though small, are clearly visible.

3) All of the reliquaries use similar decorative strategies: for example, all use brightly coloured fabric, such as red silk, satin, or velvet to show off the bone fragments. Those containing multiple relics, like Object A and Figure 20 use similar strategies for the arrangement and decoration of the small relics to present them in a visually pleasing manner.

4) All of the relics are carefully labelled.

### 2. Differences:

53. The main difference between Object A and the attested reliquaries shown above is apparent in terms of their spatial orientation. Object A sits flat, whereas the attested reliquaries have mounting apparatus so that they can be hung up so as to be better seen.

*3. Features on which I am Unable to Comment:*

54. I am unable to compare Object A to Figures 18-20 in terms of its lack of security apparatus (e.g. the presence of red, sealed wax). Figure 16 was in a locked glass case in the Hospitalière museum in Pont d'Éveque, making it impossible to see the back of the reliquary, where the wax seal would be, if there is one. Figures 19 and 20 were on the Brébeuf chapel's main altar, so I was unable to see their back view. Figure 9 (and 11), on the other hand, the plain Brébeuf reliquary from Rouen pictured on p. 18, I was allowed, even encouraged to handle. But I cannot remember whether there was any red wax on it, nor are any of the photos I took that day helpful in this regard. However, I do remember that the large haunch bone it contains was carefully secured to its backing, inside the glass window, with the same distinctive red string typically used for security (which is clearly visible in Figure 9).

**B) OBJECT B**

*(a) General Description*



*Figures 21, 22, and 23: the front, side, and back, respectively, of Object B. All photos by Canada Border Services.*

55. As seen above, Object B presents, in miniature, a full-body, three-dimensional depiction of Saint Nicholas. It is 21 cm high, and 10 cm wide. Both the figurine and its base appear to have been sculpted from wood, over which gilding or gesso has been applied.
56. The figure of Saint Nicholas (we know who is being depicted here because of the identifying label on the bone fragment contained in the base) has been sculpted with considerable skill and care. Featuring an expressive, bearded face, he is shown dressed in full ecclesial (or churchly) vestments worn to celebrate the mass, including a *cassock*, *alb*, and *chausible*. Three features of his clothing and accessories point to Saint Nicolas's episcopal status (that is, his status as a Catholic bishop): 1) his high, distinctive *mitre* (a bishop's ceremonial hat) with its long *lappets* (streamers) falling down his shoulders to his back, 2) his pectoral cross (a large cross or crucifix worn around the neck, a traditional marker of his status), and 3) his very long bishop's *crozier* (shepherd's crook), which he clutches in his right hand, which symbolizes his care for his "flock" of parishoners.<sup>11</sup> In his left hand, the figure clutches a large book, likely the Bible.
57. The way in which Saint Nicolas's clothing seems to ripple and flow as if he is in motion (or as if his clothing is being blown against his body by the wind), as well as the slight tension or twist to his body highlights the considerable artistry and excellent craftsmanship of this object. This visual dynamism is also a valuable clue that suggest that the object was produced sometime during the Baroque or Counter-Reformation era, when this style was used to make static figures seem more mobile and engaging (alternatively, it could have been created later, in imitation of this style).



*Figure 24: Detail of Object B: the relic window and label*

58. As seen above, in Figure 24, inside the glass window in the statue's base a small fragment of bone is clearly visible, mounted against a gold, rather than a fabric backing that is decorated with gold curlicues. A pinkish label identifies, in French, the bone fragment as belonging to "S. Nicolai Ep. et Conf." ("Saint Nicholas, Bishop and Confessor" in Latin: please note that a "confessor" is one who suffers, but does not die, like a "martyr" for his or her faith. This is likely a reference to Saint Nicholas's persecution by the Emperor Diocletian).

*(c) Indications of Damage or Adaptation*

59. Only one part of the statuette indicates any damage, and that is the bishop's crozier: its "hooked" end is missing. Careful examination of the artifact via videoconferencing appeared to show that the full crozier had once been present, but that the top must have at some stage snapped off and been lost.

60. Object B is the only one of the three objects under consideration not to have an episcopal certificate attesting to its authenticity. However, other elements typical of Catholic care for the provenance, identity, and security of the relic are present. For example, the relic is clearly labelled and the back "door" or aperture to the reliquary chamber has been carefully sealed with red sealing wax and stamped with what appears to be an episcopal stamp (Figure 25).



*Figure 25: view of the back of the base of Object B*

***(c) A Comparison of Object B with Other Reliquaries:***

61. Reliquary statuettes range considerably in size and in the materials used. Some can be very large (almost life-sized) and made of precious metals and jewels (such as one of the earliest French examples of a figural reliquary, Sainte-Foy).



*Figure 26: Sainte-Foy, Treasury of the Abbey Church of Sainte-Foy, Conques, France*

62. Others are of more modest dimensions and made of less precious materials, such as “gessoed” or gilded wood.



**Left: Figure 27:** Reliquary Bust, Companion of Saint Ursula. The round hole in between the woman's breasts would originally have contained a relic under glass. **Right: Figure 28:** St Agatha of Sicily. The glassed-in aperture in her stomach reveals her relic. Photos: Metropolitan Museum of Art, New York.

63. Reliquary statuettes have three alternate strategies for the placement of the reliquary window. It can be placed in 1) the statue's base, 2) in the statuette's breast or midsection or, alternatively 3) the figure can be show holding his or her relics (for an example, see Figure 5).

1. Similarities

64. In comparing Object B (far left) to the Figures below, many striking similarities are immediately apparent:



**Left: Figure 29:** Object B, front view. **Middle: Figure 30:** Two reliquary statuettes, Lazio, 18<sup>th</sup> century (now empty) of Saint Peter (left) and Saint Paul (right). **Right: Figure 31:** Two reliquary statuettes, Saint Peter (left) and Saint Paul (right), 18<sup>th</sup> century Lombardy. Much like Object B, in which Saint Nicholas's crozier has been damaged, here Saint Peter is missing his keys and Saint Paul, his sword).

- 1) All of the reliquaries are made of carved and gilded wood and show the entire figure of the saint. Gold is the predominant, unifying colour for statue and plinth alike.
- 2) All of the reliquaries shown above feature the saint standing on a plinth that contains his relic
- 3) All of the reliquary statues shown above present the saints they depict in dynamic poses, with upraised arms, dramatic gestures, and flowing garments, as if they are in motion, adding to the drama and realism of the saint's depiction.

## *2. Differences*

- 1) The size and proportion of these plinths vary considerably from example to example. Object B has the largest and most imposing plinth, and the largest relic of the five examples.
- 2) In comparison with the other two sets of 18<sup>th</sup> century Italian reliquary statuettes, Object B seems at once newer (perhaps 19<sup>th</sup> century, rather than 18<sup>th</sup>?) and slightly more clumsily executed.

## *3. Features on which I am Unable to Comment:*

- 1) Because Figures 30 and 31 were found in a scholarly journal, I was unable to achieve a 365 degree view of them, and therefore cannot compare either the back or side views of these reliquaries to those of Object B.
- 2) For the same reason, I was unable to examine their security apparatus (e.g. their red, sealed wax or cords), or their certification.
- 3) Finally, because in one case both the relics and their labels have been removed (Figure 31) and because in the other both the relics and their labels they are too small to be able

to easily discern, I am unable to make comparisons about how they are displayed and labelled.

## C) OBJECT C

### *(a) General Description*

65. Object C is the most modern and, in many ways, the most unusual of the three objects under consideration in this report. It is much less visually ornate than the other two, being made entirely of glass. Unlike Objects A and B, it does not feature gilding and has only minimal decoration, in the form of the textured, ornate gold and white cloth on which the labelled relic of Saint Nicholas is displayed in the lower of the reliquary's two chambers. Other than that, its elaborate traditional security protocol, composed of multiple red wax seals and strings, provide the only touches of colour and decoration.



**Top row, left to right: Figure 32: front of Object C, Figure 33, Close-up of larger bone chamber of Object C. Second row, left to right: Figure 34, close-up of smaller chamber of Object C, Figure 35: bottom of Object C, Figure 36: side of Object C with an episcopal seal. All photos by Border Services.**

66. Measuring 10 cms high, the object features two glass compartments. The lower one is shaped like a tube, and the upper one like a round medallion. The bottom chamber contains a labelled piece of

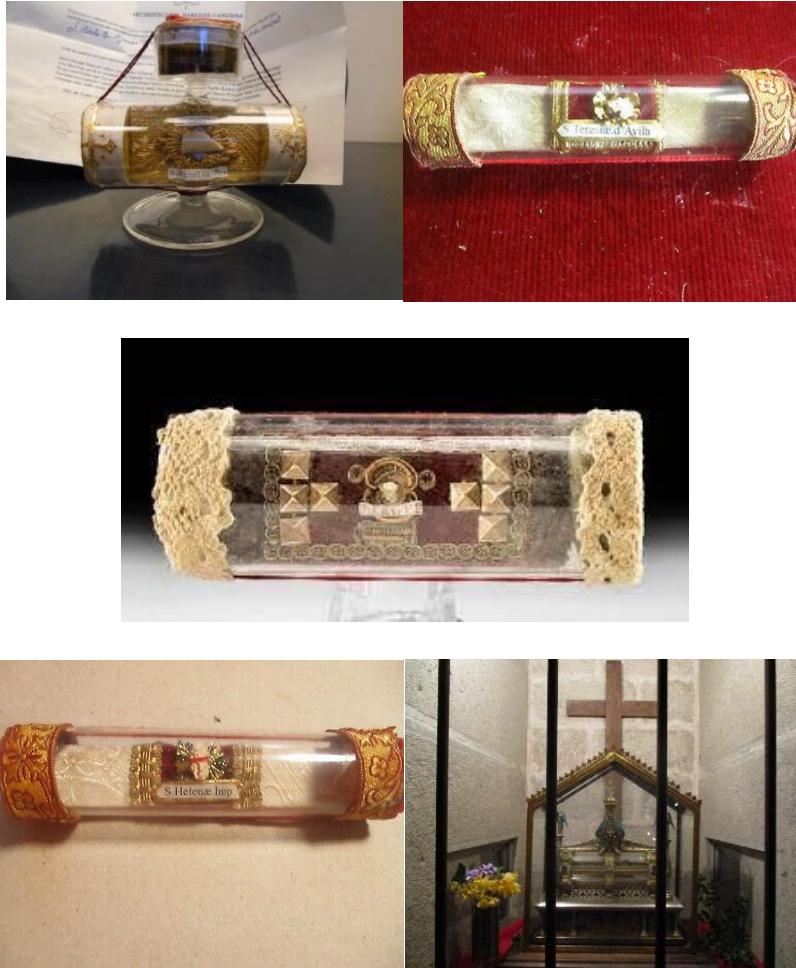
bone displayed on a backdrop of lavish, textured gold cloth. The typewritten label is entirely consistent, in terms of the timeframe in which it was created, with its documentation, which states that the reliquary was sealed in 1968. The upper glass chamber contains pieces of wood neatly tied together with a golden ribbon to form a bundle. The label above these small brown sticks states: “ex arca sep. S. Nicoli Ep.” The supporting certificate authenticating the relics, created by Enrico Nicodemo, the bishop of Bari-Canosa in 1968 (so in the very diocese where the largest cache of Saint Nicolas’s relics are located) identifies these materials as wood from the “Sepulchral Ark” (e.g. the coffin) of Saint Nicholas (see Appendix A for the certificate and its official translation).

67. The object features a round glass support base not unlike that of a wine glass. The fact that the object was designed so that each of the items it contains within its two chambers are presented so as to make them readily visible suggests that this object was designed for public display, likely in a church or church “treasury” (a special, secure room in which its greatest treasures, often including relics in reliquaries, are securely stored and displayed).
68. Object C is the best attested of the three objects under consideration, because it has (copius!) red wax and red strings on all of its apertures, as well as the certificate referred to above. This is not surprising, given its fairly recent provenance. By contrast, Object A has the certificate without the wax and the stamps, and Object B has the wax and stamps without a certificate.
69. Both because of its modernity and its unique, double decker design, this was the most difficult of the three objects under consideration to compare and contrast with other reliquaries. For, while the conservation and display of longer bones (generally those of the arms and the legs) in single glass tubes is quite common, the creation of a multi-chamber, double-decker reliquary is much more unusual.

***(b) Indications of Damage or Adaptation***

70. There are no such indications (likely because of the recent provenance of the reliquary).

*(c) A Comparison of Object C with Other Reliquaries:*



*Figure 37 (Object C), front view, Figures 38, 39, 40, and 41.*

*1. Similarities*

71. The similarities between Artifact C and the figures above are immediately evident:

- 1) The lower chamber of this double-decker reliquary is virtually identical the three reliquary vials.

2) All the relics shown above are, like Object C, centrally displayed on luxurious fabric and framed on either side by embossed, coloured, or gilded ribbons or lace is also very similar.

3) All the relics shown above, like Object C, are clearly labeled.

## 2. *Differences*

1) Object C is the only one shown that has a second chamber.

2) Object C is the only one with a glass base.

3) Object C is the only reliquary to display something in addition to a piece of (purportedly) human bone (that is, it displays what is identified as fragments of wood from Saint Nicholas's coffin).

## 3. *Features on which I am Unable to Comment:*

72. Unfortunately, as the photos I was able to obtain of the other tube reliquaries only show them from the front, I was unable to compare their security apparatus with that of Object C.

## **10. In your professional opinion, are these objects Catholic relics?**

73. Following a thorough analysis of the three objects and their supporting documentation, including:

1) a detailed (virtual) visual investigation

2) the commissioning of supplemental detailed photographs (including the use of a specialized microscope camera supplied by Canada Border Services Agency) and

3) the detailed visual comparison of these three objects with a variety of attested Catholic reliquaries in terms of materials used, style of presentation, and decorative elements, in my professional opinion these three objects are indeed authentic Catholic reliquaries (in the sense discussed on pages 5-10 of this report). They show every evidence of having been created to house relics that the Catholic hierarchy fully believed to be authentic, on the basis of

- 1) the lavish way in which they are displayed for public veneration

- 2) the careful way in which they have been protected, and

- 3) the assiduous manner in which they are attested to and authenticated by two Italian bishops in the two certificates that are extant (for Objects A and C).

74. Moreover, all three objects contain what appear to be human bone fragments (e.g. they are not empty), and conform to the traditional aesthetic conventions developed by the Catholic Church over the centuries. Taken together, they represent three different styles of reliquary display:

- 1) the medallion/monstrance style

- 2) the reliquary statuette, and

- 3) the tube or vial style reliquary.

75. All three objects feature entirely conventional materials (such as gessoed wood, metal, glass, rich fabrics, and decorative items such as ribbons or jewels) and, as shown in the comparative visual analysis above, strongly resemble other reliquaries displayed in churches, shrines, and museums in Europe and North America. On this basis, I take them to be authentic Catholic reliquaries.

## ENDNOTES

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<sup>1</sup> Catholics are not unique in holding the earthly remains of their holy heroes to be special and worthy of veneration: there are many examples of relic veneration in other world religions. Buddhists (particularly Mahayana Buddhists), venerate the teeth of the Buddha, as well as the fragments of his crystallized bones produced in his cremation fire, and Muslims (particularly the Sh'ia) venerate the relics of important heroes of their faith, such as prophets and saints, with one shrine in Kashmir displaying several strands of the Prophet Mohammad's hair.

<sup>2</sup> For more on this, see Freeman, Charles. *Holy Bones, Holy Dust: How Relics Shaped the History of Medieval Europe*. New Haven, CT: Yale University Press, 2012, p. 13-14.

<sup>3</sup> The degree of difficulty posed in accurately identifying the relics of a particular saint is, of course, related to the age of the remains. Relatively recent saints (those who died within the last couple of centuries, for whom there is generally extensive and reliable data regarding their place of burial, such as Berndette of Lourdes or Thérèse of Lisieux) there are few problems in stating definitively that the remains are definitely those of the saint in question. This, theoretically, would also make it possible to verify the authenticity of small relics purporting to be those of these saints scientifically, because these bone fragments could easily be tested against the verified skeletal remains to determine their authenticity. On the other hand, it is far more difficult to say for certain whether the relics of more ancient saints are "really them," because the much longer passage of time permits alternative (and sometimes contradictory) claims, traditions, and legends about a saint's relics to emerge. Without the reliable, authenticated cache of remains typical of more recent saints, there is no reliable "control" against which other relics can be tested. To further complicate matters, in the cases of particularly popular saints there are sometimes competing sites that claim to have the "authentic" relics of a saint (or, indeed, to possess the same relic). Thus, if the relics of particularly popular saints were brought together, the resulting bodies would thus more closely resemble the fantastical multi-armed, multi-legged gods and goddesses of the Hindu tradition than actual historical human beings. Although the Catholic Church did speak to such flagrant discrepancies, its weak explanations tended to support the free-wheeling status quo. One popular argument stated that relics could miraculously reproduce themselves in order to fulfill the holy demand for their presence. Another suggested that a saint might justly condescend to work miracles even though false relics, if the faith and belief demonstrated in these false relics was, in itself pure and genuine.

<sup>4</sup> Preliminary testing conducted by scientists from the University of Bari on one of Saint Nicholas's relics from the (alleged) primary cache of his relics in Bari, Italy in 1953 concluded that the remains were those of a human male who had died in his 70s. Perhaps because radiocarbon dating was then in its infancy, it was not used at that time. More recently, another alleged relic of Saint Nicolas in Morton Grove, Indiana (itself supposedly taken from the Bari cache) was radiocarbon dated by the Oxford Relics Cluster of Keble College Advanced Studies Centre. Their findings indicated that the remains did date from the 4<sup>th</sup> century CE, the time in which Saint Nicholas lived. However, although the Oxford investigators signaled their plans to test a bone from the Bari cache to see whether they belong to the same man whose remains they tested in Morton Grove, this has not yet happened (see The Saint Nicholas Centre, "Examination of a Relic," [stnicholascenter.org](http://stnicholascenter.org); Hintz). Recent claims have been made that the Bari relics may not even be the authentic remains of the saint (which, this new theory attests, actually never left Myra). If true, this renders the matter even more complex. Theoretically, even if

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both sets of bones (those in Myra and those in Bari) were both examined by forensic anthropologists and carbon dated, there is still the prospect that *both* would be found to be the remains of fourth century human males. If neither of the rival remains were eliminated on the basis of being the wrong sex or the wrong age (“age” either in the sense of the human being’s correct age at death or “age” in terms of the age of the remains dating to the correct century) then *both* sets of remains would fit the profile of the erstwhile saint, thus making it impossible to determine conclusively which remains (if either) are those of Saint Nicholas.

<sup>5</sup> However, over time, due to damage, breakage, translation, or even changes in ecclesial style, a single relic, over the course of its existence, may be displayed in several different reliquaries.

<sup>6</sup> The certificate for Object C, on the other hand, is much more vague, stating only that the reliquary in question is a “crystal case” (see Appendix A).

<sup>7</sup> However, should the certificate somehow become lost, destroyed, or separated from its relic, the episcopal seals on the reliquary itself act as a sort of secondary attestation of the relic’s authenticity.

<sup>8</sup> Lutherans and Anglicans do venerate saints to some extent. Saint Nicholas was actually the Lutheran patron saint of the short-lived Dutch colony of New Amsterdam (now New York City). However, the city’s one relic of Saint Nicholas was lost on 9/11, when the church in which it was exposed was badly damaged during the fall of the twin towers.

<sup>9</sup> They have a valid point. The removal of Saint Nicholas’s bones from their ancient resting place in Myra does fit with a wide-spread pattern of relic looting in Eastern (Orthodox) churches by Western (Catholic) agents after the Great Schism of 1054, which effectively separated a formerly united church into two separate factions. Memorably, *The Guardian*, in “Bones of Contention” (Dec 22, 2000) presents the translation as a cynical theft, arguing that the sailors “nicked Nick.” Müller (2020, p. 134) concurs. Calia 2012, p. 272 argues much the same, as does Dawn Marie Hayes, in her article “The Cult of Saint Nicholas of Myra in Norman Bari, 1071-1111,” *The Journal of Ecclesiastical History*, Vol. 67, Issue 3, July 2016, p. 492-512, though she contextualizes this as being a partial result of Bari’s longstanding rivalry with Venice. Hayes also notes the medieval belief that, had Saint Nicholas not wanted his relics moved, that would have proved impossible. These and other beliefs about relic translation are explored in depth in Patrick Geary’s book *Furta Sacra: Thefts of Relics in the Central Middle Ages*. Princeton University Press, 1978. This work also features a lengthy scholarly analysis of the translation in its historical context (on pages 87, 88, 94-103, 117, and 154).

<sup>10</sup> The sailors’ triumphant translation of the bones 934 years ago, is faithfully re-enacted in Bari every May (*The Guardian*, “Bones”; Paolo 2012; Garipzanov 2010).

<sup>11</sup> In her article “Visual Syntax in the Iconography of Saint Nicholas,” Malgorzata Haladewicz-Grzelak in *Semiotica*, Vol. 2009, Issue 176, p. 131-164 identifies Saint Nicholas’s bishop’s miter, crozier, and bible as central elements of his iconography.