

Appeals to reopen closed US parishes see partial victories

Jerry Filteau | Mar. 14, 2011



Members of St. Francis of Assisi Catholic Parish in Minersville, Pa., stand in front of the closed church Jan. 25. (AP/Rick Smith)

Catholic parishioners in nearly a dozen Pennsylvania and Massachusetts churches that were closed by their local bishop have won partial victories early this year in appeals to the Vatican Congregation for the Clergy, said Peter Borre, a Boston Catholic actively engaged in fighting such closings in several dioceses.

Nicholas P. Cafardi, dean emeritus and professor of law at Duquesne University in Pittsburgh, called the Vatican decisions a landmark.

"The landmark is the recognition of the rights of the faithful in a particular church," Cafardi, an expert in church and civil law, said in an e-mail to *NCR*.

In one of the cases, in Minersville, Pa., the Vatican congregation ruled that the bishop of Allentown was correct procedurally (*de procedendo* in Latin) in closing St. Francis of Assisi Parish.

But it said that *de decernendo* (in his actual decision), he failed to make the case of grave causes (*graves causae* in Canon 1222 of the Code of Canon Law) as to why "a church cannot be used in any way for divine worship and there is no possibility of repairing it" -- a condition that in canon law would permit the local bishop to relegate the church in question to "profane but not sordid use."

In other words, the parish could be closed or merged, but there was no substantive reason given to close the church itself or convert it to nonreligious use.

Cafardi pointed to the second paragraph of Canon 1222, which says the bishop, after consulting with his priests' council, "can relegate it [a church] to profane but not sordid use, with the consent of those who legitimately claim rights for themselves in the church and provided that the good of souls suffers no detriment thereby."

"Canon 1222 requires the consent of those with rights in the church," Cafardi said.

"This is a substantive and not a procedural right," he added. "Procedure cannot trump substantive rights."

A key element in the cases brought to Rome, Borre said, has been successful appeals to avoid turning sacred buildings into what canon law calls profane use -- any form of nonreligious use, ranging from business offices to condominiums, apartments, shopping centers or art galleries.

Borre said that church closings in at least seven U.S. dioceses -- the Boston archdiocese and the dioceses of Springfield and Worcester, Mass.; Allentown and Scranton, Pa.; Cleveland; and Syracuse, N.Y. -- have been appealed to the clergy congregation

That congregation oversees numerous areas of local parish life and also oversees the substantive and procedural aspects of bishops' decisions to close a parish or convert the property to nonreligious use.

Borre, contacted March 8 in Rome, said details of how the churches might be reopened would still have to be worked out and the bishops still have the option of recourse to the Apostolic Signatura, the supreme court of the Holy See, to seek reversal of the clergy congregation's rulings.

If, in fact, the parishioners prevail, he said, among the options for reopening is designating the churches as missions, chapels or oratories: The main point would be that they still must be available for use as places of Catholic worship.

Borre told *NCR* that many previous appeals from various U.S. parishes to Rome -- including his own St. Catherine of Siena Parish in the northern Charlestown neighborhood of Boston -- against the closing or merger of parishes had largely failed, with the exception of a Chicago case several years ago.

In the Chicago decision, he said, the Apostolic Signatura ruled against a church closing decision by the late Cardinal Joseph L. Bernardin on procedural grounds that the Chicago cardinal had not consulted adequately with his presbyterate.

The recent clergy congregation decisions represent a new phase, Borre said: namely that decisions to close parishes by bishops in several dioceses have led to Vatican rulings that those decisions do not necessarily involve also closing the churches of the merged parishes, and parishioners have a right in church law to make recourse to keep their churches open for worship.

Even if the parish merger accords with church law, the closure of one or more of the churches involved in the merger must be held to a stricter rule of church law requiring a grave reason for permitting the conversion of the church to some nonreligious use, he said.

Cafardi's comments interjected another major element, that the new series of Vatican rulings affirms a right of parishioners -- a right explicitly vested in the new Code of Canon Law -- to contest the loss of continued use of a church for religious purposes even if the parish that the church serves is suppressed for legitimate pastoral reasons.

In another Vatican decree that Borre e-mailed to *NCR*, the Congregation for the Clergy said that St. Stanislaus Kostka Church in Adams, Mass., in the Springfield diocese, must remain open even though the parish was legitimately suppressed.

"The necessary grave motivations for the decision to close the church itself and reduce it to secular use are not provided in the acts of the diocesan decision to suppress the parish and close the church, the Vatican agency said.

Borre said Vatican decrees essentially similar to the Minersville ruling in the Allentown diocese -- accepting the

suppression of the parish but ordering the reopening of the church -- occurred in January for St. Joseph in Bethlehem, St. Canicus in Mahanoy City, Our Lady of Mount Carmel in Nesquehoning, Mary Queen of Peace in Pottsville, Immaculate Conception in St. Clair, St. Michael in Tresckow and St. Roch in West Bangor.

A series of similar decrees affecting church closings in the Springfield diocese were sent out in February.

There, Borre said, in addition to St. Stanislaus Kostka, St. Patrick and St. George in Chicopee, Mass., were ordered to reopen. "Two other groups were turned down flat," he said.

Of 19 Vatican decrees in Allentown and Springfield this January and February, Borre said, "11 have produced split verdicts" that the parish can be suppressed "but the churches must reopen." The other eight upheld the local bishop's ruling both on suppression of the parish and the closing of the church, he said.

[Jerry Filteau is *NCR* Washington correspondent.]

Source URL (retrieved on 05/25/2017 - 13:35): <https://www.ncronline.org/news/faith-parish/appeals-reopen-closed-us-parishes-see-partial-victories>