

Official Documents of the Holy See: Letter from the Congregation for the Clergy and Procedural Guidelines for the Modification of Parishes and the Closure, Relegation and Alienation of Churches*

Vatican City, 30 April 2013

Prot. No. 20131348

To the Eminent, Most Excellent,
and Reverend Ordinaries at their Sees

Your Eminence, Your Excellency,

The Congregation for the Clergy is aware of the significant care and pastoral solicitude with which Bishops have approached the modification of parishes (cf. can. 515 §2) and the relegation to profane use or even the simple closure of churches (cf. can. 1222 §2). Despite their best efforts, however, various difficulties concerning these questions have arisen in recent years, both for Bishops and for the faithful. In an effort to provide helpful guidance and thereby to prevent many of the difficulties heretofore experi-

* The letter of the Congregation for the Clergy (Prot. No. 20131348) and the Procedural Guidelines for the Modification of Parishes, the Closure or Relegation of Churches to Profane but not Sordid Use, and the Alienation of the Same are published in *The Jurist* with the express permission of Msgr. Antonio Neri, Undersecretary of the Congregation for the Clergy. The permission was granted by letter of May 23, 2013 (Prot. No. 20131618).

enced, this Dicastery presents the attached descriptions of the canonical procedures and jurisprudence concerning the above-mentioned processes.

Before proceeding to more specific information, some preliminary observations will prove helpful. First, it is necessary to distinguish clearly between three separate and distinct canonical processes: (1) the modification of parishes, (2) the relegation to profane use and/or the permanent closure of churches, and (3) the alienation of current or former sacred edifices. Each process has its own procedures, and each must be followed carefully and correctly. It should be noted that no process at all is required to close a church temporarily, such as for repairs. The same is true for restricting its use by such things as eliminating the celebration of Sunday Mass, provided that the church remain open for the access of the faithful (cf. can. 1214).

Secondly, when treating the modification of parishes and the relegation or closure of churches, there is a need for much greater clarity in distinguishing the juridic person of a diocese from the juridic person of a parish. Nowhere is this more apparent than in questions concerning the ownership of churches, and who is responsible for their upkeep. Likewise, it should be noted that some commonly-used terms in these processes, e.g., "suppression", have both a broad non-technical meaning as well as a precise canonical meaning. In order to avoid unnecessary confusion, it is best in canonical documents to avoid the non-technical use of such terms.

In determining whether or not the required just cause is present in the case of a proposed parish modification (cf. can. 515 §2) or the required grave cause in the case of church closure and relegation (cf. can. 1222 §2), each case must be considered separately. Although the Bishop may take into consideration the needs of surrounding parishes or even that of the diocese as a whole, he must always motivate his decree with a cause that is specific, i.e., *ad rem*, to the individual parish or church under consideration.

Lastly, each administrative decision must be enacted by a separate written decree, issued and lawfully communicated at the time that the decision is given. Because the just cause for a parish modification and the grave cause for the relegation or closure of a church are not the same, decisions regarding these processes should be issued in separate decrees.

In a spirit of fraternal collaboration, keeping in mind the responsibilities incumbent upon every Diocesan Bishop, and desiring always the good of the Church, I take this opportunity to renew my sentiments of esteem and collegial affection, and I remain

Sincerely yours in Christ,

Mauro Cardinal Piacenza

Prefect

✠ Celso Morga Iruzubieta

Titular Archbishop of Alba marittima

Secretary

with Enclosure

**Procedural Guidelines for the Modification of Parishes,
the Closure or Relegation of Churches to Profane but not Sordid Use,
and the Alienation of the Same**

1. Modification of Parishes

- a) The relevant canons are chiefly can. 515, and also cann. 50, 51, 120, 121, 122, 123, 127, and 166.
- b) A parish is a community of the faithful which, being a juridic person *ipso iure*, is perpetual by its nature (cf. can. 120 §1, and can. 515 §§1, 3). It cannot be extinguished or even notably altered without just cause.
- c) There are four possible types of parish modifications. They are known by a variety of terms, sometimes interchangeably, in the various languages, leading to imprecision in decrees and other canonical documents. Such documents, however, cannot allow for imprecision. As an example, all four of these types of modifications are occasionally referred to as “suppressions”, but it is clearly best to limit the use of that term in canonical documents to the fourth type, so as to avoid confusion. Likewise, the type of extinctive union intended should be clearly indicated in a decree. The four types of modifications are:
 - i. *extinctive union*: (sometimes known as merger)
A and B unite to form C, only C remains (cf. can. 121)
 - ii. *extinctive union*: (sometimes also known as merger, or as amalgamation)
A is subsumed into B, only B remains (by analogy to can. 121)
 - iii. *total division*:
A is divided into B and C, only B and C remain (cf. can. 122)
 - iv. *suppression*:
A is extinguished . . . nothing remains (cf. can. 123)
- d) Since parishes are communities of the faithful, territorial parishes as a general rule can only be united or divided (cf. cann. 121 and 122). Although sometimes personal parishes are truly suppressed (cf. can. 123), they are ordinarily united or divided, either in connection to another personal parish or even to a territorial parish.

- e) The authority competent to erect, suppress, or notably alter parishes is the diocesan Bishop or those equivalent to him in law (cf. cann. 381§2, 368, and 515 §2). He is competent to judge the existence of the required just cause, but his judgment must conform to ecclesiastical jurisprudence.
- f) According to this jurisprudence, the principal motivation for modifying a parish is a concern for souls (*Christus Dominus* no. 32) and this modification should be undertaken when the good of the faithful requires it (*Apostolorum Successores*, no. 214, which is listed as no. 215 in the Italian text).
- g) Jurisprudence indicates that an extinctive union or suppression should be the last choice when dealing with various problems affecting parochial life, insofar as other possible remedies should have been at least considered beforehand and ruled out.
- h) Furthermore, jurisprudence acknowledges that the diocesan Bishop can and sometimes should consider the good of the whole diocese in making his decision. Nonetheless, the reason(s) for modifying a particular parish must be relevant to that individual parish, i.e., the cause must be *ad rem*. Generalized or diocesan motivations alone cannot justify the modification of a specific parish.
- i) Before rendering his decision, the Bishop must seek out the necessary information and, insofar as possible, hear those whose rights could be injured (cf. can. 50). Before consulting the members of the Presbyteral Council, which is required for validity, he must first provide them with all relevant information, lawfully convoke the Council (cf. cann. 127 and 166), and then he himself must consult the members regarding each individual parish modification which has been proposed. The consultation must be genuine, and should consider relevant arguments both for and against the proposed modifications.
- j) Any decree modifying a parish must be issued in writing at the time that the decision is given and then lawfully communicated without delay. The period of time during which hierarchical recourse may be presented begins with the lawful notification of the decree (cf. can. 1734 §2). In addition, the decree must mention at least in summary form the just cause(s) for the decision (cf. can. 51).

- k) The decree must clearly define the criteria for membership in all parishes affected by the modification.
- l) The decree must likewise provide for the disposition of temporal goods in accord with law, and must respect the intentions of donors (cf. cann. 121, 122, and 123). Jurisprudence has clearly established that when parishes are modified, the temporal goods are to follow the people.

2. Closure of Churches / Relegation of Churches to Profane but Not Sordid Use

- a) The relevant canons are chiefly cann. 1214 and 1222, and also cann. 50, 51, 127, and 166.
- b) Regardless of which juridic person owns a sacred edifice, or of the extent to which it is open, or of the popular designation by which it is called, e.g. a "mission", "chapel of devotion", "oratory", or "worship site", the law understands a church to be any sacred edifice designated for divine worship to which the faithful have the right of entry for the exercise of divine worship, especially public worship (cf. can. 1214).
- c) There is a clear disposition both in law and in tradition that a sacred edifice which has been given over perpetually for divine worship should retain that sacred character if at all possible, and only a grave reason to the contrary is sufficient to justify relegating a church to profane but not sordid use (cf. can. 1222 §2). Even more so, altars do not lose their dedication or blessing when the church does, and can never be turned over to profane use for any reason (cf. cann. 1212 and 1238).
- d) It is well established in ecclesiastical jurisprudence that merely to close a church permanently, even without any intention to turn it over to profane use, is juridically equivalent to relegating it to profane use. Consequently, one cannot lawfully permanently close a church without first employing the provisions of can. 1222 §2, with the corollary that in the absence of applying the provisions of can. 1222 §2, the church is to remain open.
- e) The authority competent to relegate a church to profane but not sordid use according to the norm of can. 1222 §2 is the diocesan

Bishop or those equivalent to him in law (cf. cann. 381§2, 368, and 515 §2). He is competent to judge the existence of the required grave cause, but his judgment must conform to ecclesiastical jurisprudence.

- f) To assess the gravity of a cause, each case must be considered individually, weighing the whole context of the situation. At times, the gravity of a cause will arise only from a combination of just causes, each insufficient in itself, but which together manifest the seriousness of the situation.
- g) When considering questions of finances, the relevant financial need is that of the juridic person which owns the church and is therefore responsible for it. Furthermore, it must be demonstrated that other reasonable sources of funding or assistance have been considered and found lacking or inadequate.
- h) Because churches can remain sacred edifices even though they are only occasionally or even rarely used, jurisprudence has established that the following reasons in themselves do not constitute grave cause:
 - i. a general plan of the diocese to reduce the number of churches
 - ii. the church is no longer needed
 - iii. the parish has been suppressed
 - iv. the number of parishioners has decreased
 - v. closure will not harm the good of souls
 - vi. a desire to promote the unity of the parish
 - vii. some potential future cause that has not actually happened yet
- i) Before rendering his decision, the Bishop must seek out the necessary proofs and, insofar as possible, hear those whose rights could be injured (cf. can. 50). In addition, before consulting the members of the Presbyteral Council, which is required for validity, he must first provide them with all relevant information, lawfully convoke the Council (cf. cann. 127 and 166), and then he himself must consult the members regarding each individual relegation which has been proposed. The consultation must be genuine, and should consider relevant arguments both for and against the proposed rel-

egation. He must also obtain the consent of those who claim legitimate rights in the edifice (cf. cann. 1222 §2 and 127) and verify that the good of souls will suffer no harm (cf. can. 1222 §2).

- j) The Bishop must give his decision by means of a written decree issued in writing at the time when the decision is given and then lawfully communicated without delay. The period of time during which hierarchical recourse may be presented begins with the lawful notification of the decree (cf. can. 1734 §2). In addition, the decree must mention at least in summary form the grave cause(s) for the decision (cf. can. 51).

3. Alienation of Churches

- a) The relevant canons are chiefly cann. 1291–1298, and also cann. 50, 51, 127, and 166.
- b) The canons on alienation apply not only to the actual sale of an edifice, but also to other transactions which could harm the stable patrimony of the juridic person which owns it (cf. can. 1295).
- c) If after it is alienated, a church will remain in use as a Catholic place for divine worship to which the faithful have a continued right of access, e.g., by sale to a different Ritual Church *sui iuris*, it should not be relegated to profane use prior to the alienation. In all other situations, however, it must be relegated to profane but not sordid use prior to being alienated.
- d) If it becomes necessary to alienate the edifice, various options, listed in decreasing order of preference are:
- i. for continued use as a place of Catholic worship (non-relegated)
 - ii. for use as a place for the exercise of other Catholic apostolates or ministries
 - iii. for profane but not sordid use in keeping with the dignity of the edifice as a former church
 - iv. demolition of the edifice, recovering the land
- e) Under no circumstances can the edifice be alienated for use inconsistent with its inherent dignity as a former church. Contractual agreements are to be put in place to safeguard this point in civil law as well as canonically.

- f) Furthermore, the competent authority must assure that there is no reasonable possibility of scandal or loss of the faithful which will result from the proposed alienation.
- g) Prior to alienation, all sacred objects, relics, sacred furnishings, stained-glass windows, bells, confessionals, altars, etc. are to be removed for use in other sacred edifices or to be stored in ecclesiastical custody. Because altars can never be turned over to profane use, if they cannot be removed, they must be destroyed (cf. cann. 1212 and 1238).
- h) Regarding the procedures for alienation:
 - i. When the value of the edifice lies beneath the minimum amount established by the Episcopal Conference, the competent authority is the pastor or that defined by the statutes, unless particular law determines otherwise. That authority must have at least a just cause to alienate the edifice.
 - ii. When the value of the edifice lies between minimum and maximum amounts, the competent authority must have a just cause for alienation, together with written appraisal by experts (cf. can. 1293). For juridic persons which are not subject to the Bishop, the competent authority is identified by the statutes. In all other cases, it is the diocesan Bishop, who must also have the consent of the diocesan Finance Council, the consent of the College of Consultors, and the consent of interested parties (cf. cann. 1292 §1, 127, and 166).
 - iii. When value of the edifice exceeds the maximum amount established by the Episcopal Conference, or if the edifice was given by vow, or is precious for artistic or historical reasons, then the competent authority, either that identified by the statutes or the diocesan Bishop, must also have the consent of the Holy See (cf. can. 1292 §2).

