



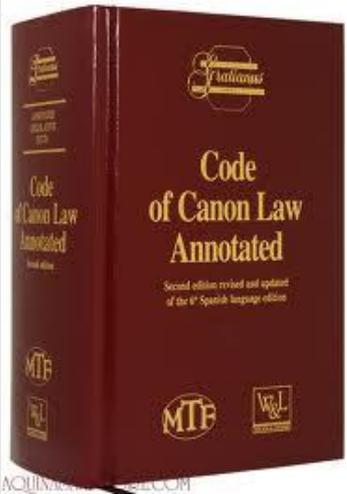
*Manhattan Borough President's Religious  
Facilities Task force*

*Dr. J. Michael Ritty, PhD, JCL*

*Canon Law Professionals, LLC*

November 15, 2019

*Canon Law vs Civil Law*



IN AMERICAN  
LAW  
THE GOAL  
IS  
JUSTICE



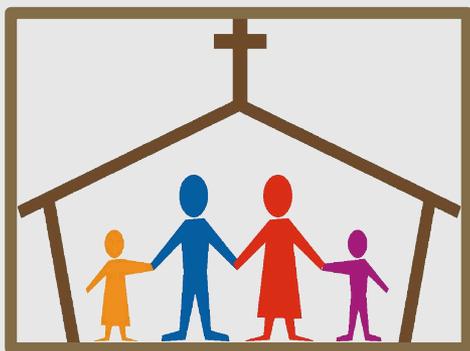
IN  
CANON LAW  
THE GOAL  
IS  
TRUTH



## *Definitions*

- The *parish* is the people
- The *church* building is the place where worship takes place.
- The *Church* (in contrast to the *church*) is the People of God, the Community of Disciples of Jesus Christ, the Mystical Body of Christ.

# *Definitions - Parish*



# *What is a parish?*

Canon 515, §1. A parish is a certain community of Christian faithful stably constituted in a particular Church, whose pastoral care is entrusted to a pastor (*parochus*) as its proper pastor (*pastor*) under the authority of the diocesan Bishop.

§2. It is only for the diocesan bishop to erect, suppress, or alter parishes. He is neither to erect, suppress, nor alter notably parishes, unless he has heard the presbyteral council.

§3. A legitimately erected parish possesses juridic personality by the law itself.

*Parish*



Juridic Personality



*WHAT IS A CHURCH BUILDING?*



# CHURCH BUILDING

## CANON 1214

# *Church Building*

Canon 1214. By the term church is understood a sacred building designated for divine worship to which the faithful have the right of entry for the exercise, especially the public exercise, of divine worship.



## ORATORY CANON 1223

[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)

# *Oratory*

Canon 1223. By the term oratory is understood a place for divine worship designated by permission of the ordinary for the benefit of some community or group of the faithful who gather in it and to which other members of the faithful can also come with the consent of the competent superior.



**PRIVATE CHAPEL**  
CANON 1226

# *Private Chapel*

Canon 1226. By the term private chapel is understood a place for divine worship designated by permission of the local ordinary for the benefit of one or more physical persons.



**SHRINE**  
CANON 1230

# *Shrine*

Canon 1230. By the term shrine is understood a church or other sacred place to which numerous members of the faithful make pilgrimage for a special reason of piety, with the approval of the local ordinary.



SUPPRESSION OF A PARISH-

The parish is being suppressed – this means that the parish is completely and totally going out of existence. This is usually not the case. Rather, the parish is often being altered in some manner.



**SUPPRESSION OF A PARISH-**  
*NOT ALWAYS THE CASE!!*

The parish or portions of it are being merged with other surrounding parishes – this means that the boundaries of the parish in question are being altered in some manner.

The parish in question will be encompassed by one or more surrounding parishes. It is possible that the “new” parish will be renamed or it is possible that the “old” name will remain.



**STEPS IN CLOSING A CHURCH  
CANON 1222**

Canon 1222 §1. If a church cannot be used in any way for divine worship and there is no possibility of repairing it, the diocesan bishop can relegate it to profane but not sordid use.

§2. Where other grave causes suggest that a church no longer be used for divine worship, the diocesan bishop, after having heard the presbyteral council, can relegate it 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.

## *Checklist for Diocesan Authorities In Closing a Church*



1. Is there a sufficient reason for closing this church
2. Have the people affected had the opportunity to participate in an appropriate way
3. Has the Church official responsible for the church been heard
4. Has the bishop attended to the intentions of any benefactors
5. Has the bishop obtained the consent of any who can claim legitimate rights
6. Was the presbyteral council authentically consulted

## *Additional Concerns*



1. What happens to the assets?
2. The right to know about the Finances
3. Donors, Benefactors, Founders and their Intentions
4. Acquired Rights



*Checklist for those Seeking to Overturn a Decision to Close A Church*



- Can you show that there was a violation of the canonical process by Church authorities
- Can you show that the bishop's reasons for making the decision are insufficient
- Can you show that the impact of the bishop's decision will have a deleterious effect
- Can you show that there will be a grave harm to the good of souls.

*Dr. J. Michael Ritty, PhD, JCL*  
*Canon Law Professionals, LLC*  
*29 Lower Copeland Hill Road*  
*Feura Bush, NY 12067*

*518-768-2507*

*[www.canonlawprofessionals.com](http://www.canonlawprofessionals.com)*