Apostolic Signature upholds right of bishops to close any parish

WASHINGTON – Canon law – the legal rules that guide church operations and decision-making – allows a local bishop to close any parish as long as his decision is made with the best interests of the entire diocese in mind.

The responsibilities of a bishop regarding the opening or closing of a parish are covered in Canon 515, which was cited in a recent series of decrees issued by a panel of the Supreme Court of the Apostolic Signature, the church's highest court, in deciding the appeals of 10 closed parishes in the Archdiocese of Boston.

The court's ad hoc panel is made up of five cardinals and archbishops serving on the Apostolic Signature bench. Its decrees are final with no option of further appeal under canon law.

An English translation of the decree involving one of the parishes, St. James the Great in Wellesley, Mass., was provided to Catholic News Service by the Boston-based Council of Parishes, which was organized in 2004 to challenge the closing of parishes in the Boston Archdiocese.

Issued May 7 but not certified by church officials until July 1, the decrees said now-Cardinal Sean P. O'Malley of Boston followed the correct procedure under canon law for closing the Boston parishes.

"He himself considered not only the condition of the parish, the focus of this case, but in truth also the entire archdiocese, so that he could provide for the salvation of souls in the entire archdiocese in the best possible manner," the court panel said.

Two canon law experts told CNS the rulings essentially mean that a bishop can open or close parishes as he deems necessary for the good of the diocese as long as he consults with the local priests' council.

"(Canon 515) gives the local bishop almost unfettered discretion which parishes to erect, suppress (close) or change," explained Father John P. Beal, professor of canon

law at The Catholic University of America in Washington. “All that is required is that he consulted with the presbyteral council before he acts.”

“The bishop is the ultimate authority in his diocese. He’s the one who best judges how to best provide for the pastoral care of the people,” Father Beal added.

Father Kevin McKenna, pastor of Sacred Heart Cathedral in Rochester, N.Y., said Canon 515 gives a local bishop “quite a bit of leeway” when it comes to deciding the fate of parishes.

“It’s so wide because he has the authority to suppress, erect or alter parishes. That’s a pretty extensive responsibility entrusted to diocesan bishops,” he said.

Consulting with fellow priests is a vital part of determining a parish’s future, Father McKenna added.

“The purpose of the consultation would give him some feedback on what he has intended to do,” he said.

Parishioners in dioceses across the country awaiting decisions on their appeals of parish closings from the church’s high court likely will find little solace in the decisions by its ad hoc panel.

In Boston, Peter Borre of the Council of Parishes, told CNS that after consulting with a canonist in Rome, he believes the recent decrees essentially mean that “no parish is safe.”

“The decision means … now the center of gravity (in the church) becomes the diocese, not the parish,” he said. “The parishes become expendable.

“This is a powerful message for some of these parishes if they think (in their appeals) they can dodge bullets,” he said.

In Cleveland, where parishioners from five closed parishes recently learned that deadline for a decision on their appeals to the Apostolic Signature has been extended until Nov. 30, the decrees were met with a high degree of doubt that the Vatican court would side with them rather than Bishop Richard G. Lennon.

Bishop Lennon announced a massive reconfiguration plan in 2009 that resulted in the closing of 27 parishes – most in urban areas – and the merger of 41 others to form 18 new parishes. As a Boston auxiliary before he was named to head the Cleveland Diocese, he oversaw the archdiocese’s plan to close and merge parishes.

Bishop Lennon has said the closings and mergers were necessary because many of

the parishes had declining membership and faltering finances and Cleveland was experiencing a shortage of priests.

The decision of the Vatican high court's panel "doesn't seem to be anything different from what we've expected in Cleveland," said Robert Kloos, vice president of Endangered Catholics, an organization formed to oppose the closings and mergers.

"It's just so discouraging. It's like we are on our own fighting this battle," said a disappointed Nancy McGrath of Akron, Ohio, head of a group called Code Purple, which claims about 40 members from about 20 parishes and was formed in 2009 to fight the closings.

"It just feels like canon law can be tweaked or changed as necessary to benefit the (church) establishment. Forget canon law supporting the people. It's canon law supporting the hierarchy at any turn," she said.