

SOME THINGS TO KNOW ABOUT CANON LAW AND PARISH MERGERS

1. Parishes and churches are distinct: A *parish* is a certain group of the Christian Faithful in a diocese (or something equivalent to a diocese), which is stably constituted and in the care of a pastor (c. 515 §1; see Figure 1). A *church* is a sacred building, intended for acts of divine worship, to which all the baptized have right of access (c. 1214; see Figure 2). While a parish usually has a church (cc. 857 §2; 934 §1, 1°; 1118 §1; 1177 §1; 1217 §2 etc. etc....), it does not have to. Likewise, though a church almost invariably belongs to a parish in our experience, it can, in fact, be entirely distinct from a parish (c. 556), or be transferred from one parish to another.

2. Parishes are public juridic persons (c. 515 §3): Public juridic persons are like corporations. Public juridic persons possess rights, money, and property, act through representatives (the pastor represents the parish c. 532), take on debts or other obligations, and are defined through laws and legal instruments. They can, at times, exist entirely on paper, apart from any visible reality.

3. Before merging two or more parishes, the Diocesan Bishop must consult the Presbyteral Council (c. 515 §2): As canonical procedures go, this is very short, but very necessary.

4. When parishes cease to exist, the Diocesan Bishop can reallocate all of the rights, obligations, money, property, and debts of the former parishes as the Diocesan Bishop sees fit, but Rome has said the money should follow the people: The authority overseeing the merger of any two or more public juridic persons usually combines the goods and debts of the former juridic persons in the one, new juridic person (c. 121), subject to statutes, acquired rights, and the intentions of the founders. When a public juridic person is entirely extinguished, however, its assets would normally be given to its hierarchical superior – for a parish, that would be the diocese (c. 123). In the case of parishes being extinguished, Rome wants the liquid assets to follow the former parishioners and may overturn the bishop's decree if they don't. Churches, however, are harder to move, and will likely belong to the parish that governs the territory in which they stand.

5. While churches can be closed temporarily for a just cause -remodeling, public safety- they cannot be permanently closed without being rendered to secular but not unbecoming use: Outside of those situations where a church has already been effectively destroyed, the Diocesan Bishop can render it to secular but non unbecoming use only after having consulted the Presbyteral Council AND obtaining the consent of those who lawfully have rights over the church AND providing that the good of souls would not be harmed (c. 1222 §2).

