

DIO NON ABITA PIÙ QUI ?

Dismissioni di luoghi di culto e gestione
integrata dei beni culturali ecclesiastici

DOESN'T GOD DWELL HERE ANYMORE ?

Decommissioning places of worship and integrated
management of ecclesiastical cultural heritage



DIO NON ABITA PIÙ QUI? / DOESN'T GOD DWELL HERE ANYMORE?



PONTIFICIUM CONSILIO
DE CULTURA



*Ufficio Nazionale
per i beni culturali ecclesiastici
e l'edilizia di culto*



PONTIFICIA
UNIVERSITÀ
GREGORIANA

Facoltà di Storia e
Beni Culturali della Chiesa
Dipartimento dei Beni Culturali della Chiesa

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a cura di /edited by

Fabrizio Capanni



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- INTERNATIONAL CONFERENCE -

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INTRODUZIONE GENERALE / GENERAL INTRODUCTION

Carlos A. Moreira Azevedo

Nell'anno europeo del patrimonio culturale, il dipartimento dei beni culturali del Pontificio Consiglio della Cultura, in collaborazione con l'Ufficio Nazionale per i beni culturali ecclesiastici e l'edilizia di culto della Conferenza Episcopale Italiana e la Facoltà di Storia e Beni Culturali della Chiesa della Pontificia Università Gregoriana, ha voluto convocare un Convegno con due tematiche attuali e ampiamente discusse: la dismissione di chiese e la gestione integrata dei beni culturali.

Dopo la pubblicazione dei documenti essenziali relativi alle biblioteche, agli archivi, ai musei e all'inventariazione e catalogazione del patrimonio culturale ecclesiastico da parte della Pontificia Commissione per i Beni Culturali della Chiesa, il Pontificio Consiglio della Cultura, che dal 2012 ne ha ereditato la missione, ha avvertito la necessità di riportare l'attenzione su nuovi problemi. Fra questi emergeva, con la crescente secolarizzazione della società occidentale, il relativo calo della pratica liturgica e la scarsità di vocazioni sacerdotali, la questione della chiusura di chiese al culto, sia in ambiente urbano per l'abbondanza di edifici, sia in ambiente rurale per lo spopolamento delle campagne e la carenza di presbiteri stabili. Che fare? Come procedere?

Puntare l'attenzione sul fenomeno della nuova destinazione d'uso di antichi luoghi di culto si inserisce nella questione della gestione integrata dei beni culturali della Chiesa. L'ampia proporzione del problema è trasversale e sensibilizza non soltanto le comunità cristiane, ma anche l'opinione pubblica, in virtù della valenza simbolica e rappresentativa delle chiese nel tessuto urbano e paesaggistico.

Per studiare le diverse prospettive è stato formato un Comitato scientifico costituito da me, come responsabile del Dipartimento dei beni culturali e da Mons. Fabrizio Capanni (Pontificio Consiglio della Cultura); da Don Valerio Pennasso (Conferenza Episcopale Italiana); dal Prof. Ottavio Bucarelli e dalla Prof.ssa Lydia Salviucci Insolera (Pontificia Università Gregoriana); dal Prof. Andrea Longhi (Politecnico di Torino) e da Mons. Paweł Malecha (Supremo Tribunale della Segnatura Apostolica).

In diverse riunioni è stato elaborato il programma del Convegno che tenesse conto della complessità degli argomenti in gioco: sociologico (per inquadrare adeguatamente il fenomeno), giuridico (per valutare i limiti posti della legislazione canonica e civile); tecnico-patrimoniale (per le nuove possibilità della progettazione architettonica e di soluzioni congrue per i beni mobili) e pastorale.

Sono state coinvolte le conferenze episcopali d'Europa, America settentrionale e Oceania, nella fase preparatoria delle "linee guida" e nella loro approvazione al termine del convegno, affinché fossero il risultato della riflessione prodotta e indicassero un percorso da seguire in futuro in ordine alla programmazione di tali interventi, a un maggiore coinvolgimento delle comunità cristiane, a una attenzione alla ricerca di un'intesa con le autorità civili e al quadro normativo internazionale nei confronti della specificità del patrimonio religioso.

Hanno voluto intervenire nella discussione pomeridiana i delegati di: Australia, Austria, Belgio, Canada, Inghilterra e Galles, Lituania, Polonia, Repubblica Ceca, Romania, Kosovo-Macedonia-Montenegro-Serbia, Slovenia, Svizzera e Turchia. Oltre questi erano presenti i delegati di: Francia, Germania, Irlanda, Italia, Lussemburgo, Lituania, Portogallo, Spagna, Stati Uniti d'America, Ucraina, Ungheria.

Nella mattinata il Convegno era aperto a tutti gli iscritti (circa 300). Le relazioni, oltre alla riflessione più teorica, hanno offerto esempi internazionali significativi, in cui la gestione dei beni culturali – non solo la dismissione di chiese – è inserita in una programmazione pastorale. Concretamente si cerca di dimostrare come il patrimonio sia ancora in grado di veicolare una cultura cristiana e un servizio alla evangelizzazione e non debba essere soltanto considerato un peso. Una dimensione fondamentale punta sulla formazione di operatori tecnicamente abili e culturalmente motivati.

Sotto la guida dal Prof. Andrea Longhi, un team di esperti ha condotto una "Call for posters and papers", destinata a ricercatori e centri accademici. Le migliori ricerche sono state presentate in una mostra durante il convegno e sono qui pubblicate. Non si è voluto infine trascurare i *social media*: è stato infatti lanciato un *contest* fotografico su "Instagram", finalizzato a documentare il riuso di chiese. I migliori scatti, in mostra durante il convegno, si possono vedere in questo volume.

Gli atti del Convegno si aprono con i saluti istituzionali: del Prof. Nuno Gonçalves, Magnifico Rettore della Università Gregoriana, che con generosità ci ha accolto in queste giornate; di Sua Eccellenza Mons. Stefano Russo, Segretario Generale della Conferenza Episcopale Italiana, istituzione che ha sostenuto questo convegno e che tanto ringrazio; di Sua Eminenza il cardinale Angelo Bagnasco, Presidente del Consiglio delle Conferenze Episcopali Europee. Alla fine di questo momento introduttivo, ha preso la parola il Presidente del Pontificio Consiglio della Cultura, Sua Eminenza il cardinale Gianfranco Ravasi, che ha letto il messaggio, molto articolato, di Papa Francesco. Anche il Ministro italiano per i beni e le attività culturali, Dott. Alberto Bonisoli, nel secondo giorno, ha voluto salutare i presenti per sottolineare la sinergia fra istituzioni laiche ed ecclesiastiche.

E stato infine un onore avere presenti il Presidente del Consiglio delle Conferenze Episcopali della Comunità Europea, Sua Eccellenza Mons. Jean-Claude

Hollerich; Mons. Maurizio Bravi, Osservatore permanente presso l'Organizzazione Mondiale del Turismo; l'On. Silvia Costa, Presidente della Commissione Cultura del Parlamento Europeo e il Dott. Andrea Nardi; S. E. Mons. Joel Mercier, Segretario della Congregazione per il Clero e una nutrita rappresentanza del corpo diplomatico.

Questo Convegno e la ricezione delle linee guida dimostra che la tematica scelta era opportuna. Dovremmo sapere unire bellezza, bene e verità per dire che Dio c'è: Dio abita nelle mani degli artisti, nel cuore dei pensatori, nella trasmissione dei valori del bene comune.

Credo che Dio abiterà nei lettori di questi atti per fare del patrimonio culturale una porta per la gioia di vivere, un'apertura per l'incarnazione dell'amore e per offrire all'umanità luoghi per vivere la salvezza, oggi.



In the European Year of Cultural Heritage, the Department for Cultural Heritage of the Pontifical Council for Culture, in collaboration with the National Office for Ecclesiastical Cultural Heritage and Religious Buildings of the Italian Episcopal Conference and the Faculty of History and Cultural Heritage of the Pontifical Gregorian University, convened an International Conference to focus on two current and widely discussed themes: the decommissioning of churches and the integral management of cultural assets.

After the publication by the Pontifical Commission for the Cultural Heritage of the Church of essential documents relating to libraries, archives, museums, inventories and catalogues of ecclesiastical cultural heritage, the Pontifical Council for Culture, which since 2012 has inherited the mission, felt the need to consider new problems. Among these, with the growing secularization of Western society, the relative decline in liturgical practice and the scarcity of priestly vocations, the issue of the closure of churches to worship emerged, both in the urban environment due to the abundance of space, and in the rural environment due to the depopulation of the countryside and the lack of resident clergy. What to do? How to proceed?

Drawing attention to the phenomenon of the new use of ancient places of worship is part of the question of the integrated management of the Church's cultural heritage. A large proportion of the problem is transversal and sensitizes not only the Christian communities, but also public opinion, by virtue of the symbolic and representative value of the churches in the urban landscape.

In order to study the different perspectives, a scientific committee was formed. Leading the commission as head of the Department of Cultural Heritage, I was joined by Mons. Fabrizio Capanni (Pontifical Council for Culture); Don Valerio

Pennasso (Italian Episcopal Conference); Prof. Ottavio Bucarelli and Prof. Lydia Salviucci Insolera (Pontifical Gregorian University); Prof. Andrea Longhi (Polytechnic of Turin) and Mons. Paweł Malecha (Supreme Tribunal of the Apostolic Signatura).

The program of the Conference was prepared with a view to take into consideration the complexity of the issues at stake: sociological (to properly frame the phenomenon), legal (to assess the limits of canonical and civil legislation), technical and patrimonial (for the new possibilities of architectural design and appropriate solutions for movable assets) and pastoral.

The episcopal conferences of Europe, North America and Oceania were involved in preparing the “guidelines” and in their approval at the end of the conference, so they are the result of the reflection and indicate a path to follow in the future with regard to the planning of such interventions, a greater involvement of Christian communities, attention to the search for an understanding with civil authorities and the international regulatory framework with regard to the specificity of the religious heritage.

Participants in the afternoon discussions included delegates from Australia, Austria, Belgium, Canada, England and Wales, Lithuania, Poland, Czech Republic, Romania, Kosovo-Macedonia-Montenegro-Serbia, Slovenia, Switzerland and Turkey. Also present were delegates from France, Germany, Hungary, Ireland, Italy, Luxembourg, Lithuania, Portugal, Spain, Ukraine, United States of America.

In the morning the conference was open to all members (about 300). The reports, in addition to more theoretical reflection, offered significant international examples in which the management of cultural assets – not only the decommissioning of churches – is part of a pastoral program. Concretely, they sought to demonstrate how heritage is still able to convey a Christian culture and a service to evangelization and should not only be considered a burden. A fundamental dimension is the training of technically skilled and culturally motivated operators.

Under the guidance of Prof. Andrea Longhi, a team of experts conducted a “Call for posters and papers” for researchers and academic centers. The best research was presented in an exhibition during the conference and is published here. Finally, social media was not neglected: in fact, a photographic competition was launched on Instagram, aimed at documenting the reuse of churches. The best shots, on display during the conference, can be seen in this volume.

The proceedings of the Conference open with institutional greetings: from Prof. Nuno Gonçalves, Magnificent Rector of the Gregorian University, who generously welcomed us during these days; from His Excellency Mons. Stefano Russo, Secretary General of the Italian Episcopal Conference, an institution that supported this conference and that I thank so much; from His Eminence Cardinal Angelo Bagnasco, President of the Council of European Episcopal Con-

ferences. At the end of this introductory moment, the President of the Pontifical Council for Culture, His Eminence Cardinal Gianfranco Ravasi, took the floor and read the articulated message of Pope Francis. The Italian Minister for Cultural Heritage and Activities, Dr. Alberto Bonisoli, on the second day, also greeted those present to underline the synergy between secular and ecclesiastical institutions.

Finally, it was an honor to have the President of the Council of Episcopal Conferences of the European Community, His Excellency Mons. Jean-Claude Hollerich; Mons. Maurizio Bravi, Permanent Observer at the World Tourism Organization; Silvia Costa, President of the Cultural Commission of the European Parliament and Dr. Andrea Nardi; H.E. Mons. Joel Mercier, Secretary of the Congregation for the Clergy and a large representation of the diplomatic corps.

This Conference and the interest in the guidelines shows that the theme chosen was appropriate. We need to know how to combine beauty, the good and the truth to say that God is there: God lives in the hands of artists, in the hearts of thinkers, in the transmission of the values of the common good.

I believe that God will live in the readers of these acts to make the cultural heritage a door to the joy of living, an opening for the incarnation of love and to offer humanity places to live salvation today.

REUSING LANDHOLDINGS OF THE ARCHDIOCESE OF NEW YORK FOR LOW-INCOME HOUSING

Rebecca Amato

Dorothy Day first encountered the Lower East Side of Manhattan during the summer of 1916 when she was eighteen years old. As a politically curious, keen observer of urban life, she knew the neighborhood would be a satiating haven for her desire to live and learn as fully as possible. The Lower East Side was famous for its “colonies” of immigrants and migrants, poverty and resilience, political activism and cultural diversity. She soon found a home and a job there writing for the socialist daily newspaper, *The Call*, and began reporting on child labor, the rise of revolution in Russia, and peace rallies in the midst of the brutal First World War. But what Day experienced on the Lower East Side was more than journalistic, cultural or political education. In ways she often recounted, the Lower East Side, with its entrenched poverty and desperate but determined residents, presented itself to her as a constitutive element of the spiritual meaning she had long sought. “As I walked these streets back in 1917” she wrote, “I wanted to go and live among these surroundings; in some mysterious way I felt that I would never be freed from this burden of loneliness and sorrow unless I did”. Although she strayed from the neighborhood from time to time in the following decades, she always returned, making her home there for most of her last 44 years. Most importantly, she founded The Catholic Worker movement on the Lower East Side in 1933 alongside her collaborator Peter Maurin, and regularly attended mass at the Church of the Nativity at 42-46 Second Avenue. Through the movement, Day committed her life to the oppressed, vulnerable and poor who were often left downtrodden by the greedy and powerful. With Maurin, she opened “Houses of Hospitality” to feed, clothe and shelter those in need. The loneliness and sorrow that had haunted her earlier years were – as she once sensed they would be – repaired amidst the ubiquitous tenements of the neighborhood¹.

The Church of the Nativity, so critical to Day’s faith and social philosophy, is now slated to be demolished and its land sold for the development of high-rise luxury housing. In the following pages, I explore other uses for this land that would better preserve the legacy of Dorothy Day. Such uses would also remain consistent with the documented history and contemporary needs of the Lower East Side, Christian theology, and papal writings regarding land, economic

¹ Day 2009.

justice, and the proper use of deconsecrated church properties. Most scholars agree that luxury residential development is one of the primary engines of the displacement of low-income people of color from New York and similar cities². The Archdiocese of New York, which stewards the land on which the Church of the Nativity sits, has realistic alternatives that are grounded both in practicality and Catholic doctrine, and I will outline these in the conclusion of the essay.

THE CHURCH OF THE NATIVITY: ITS PAST AND PRESENT IN A CHANGING NEIGHBORHOOD

In the 1840s, when the Church of the Nativity, then called Nativity of Our Lord, was established, the Lower East Side's residents were predominantly Irish and German immigrants to the United States, many of whom were Catholic. Nativity was founded in 1842 to serve this growing population. The building was purchased at auction from the Second Avenue Presbyterian Church by Nativity's first pastor, Father Andrew Byrne, and title for the land and property was transferred to Bishop John Hughes (later New York's first Archbishop) on 30 November 30 1842³. Both Byrne and Hughes were also Irish immigrants.

The poverty and diversity of the Lower East Side often earned it the label of "slum" by anti-Catholic and anti-immigrant New Yorkers in the mid-nineteenth century. Churches like Nativity served as critical social and spiritual centers for Lower East Siders of faith and they continued to do so for subsequent generations of newcomers. By the 1910s when Dorothy Day arrived in the neighborhood, the Catholic population there was mostly German and Italian. By 1966, when the original church building was closed and then demolished due to irreparable structural failings, the congregation was a mixture of Italian and Puerto Rican residents, first and second-generation, low-income immigrants and migrants who described themselves as "a strong people with a living tradition and a justifiable pride". In 1969, the church's Parish Council and their pastor, Father William P. Pickett, pled with the Archdiocese to keep the parish open. Chiefly through their own efforts of fundraising and a short reprieve from the Archdiocese, they were able to build a new church, which was dedicated in 1970. In the council's words, "What we want is the opportunity to do something significant for ourselves, for our parish, for the greater glory of God". It was this church building that Day visited in the last years of her life and where her funeral was held on 2 December 1980.

Today, the Church of the Nativity comprises three parcels located at 42-46

² Among these scholars is Molotch 1976; Smith 1996; Zukin 1993; Hackworth 2006; Marcuse, Madden 2012; Stein 2019.

³ Dunlap 2004; *Church of the Nativity* 1971; Greenleaf 1846; Index of Conveyances Recorded in the Office of the Register of the City and County of New York, 1654-1857, Milstein Division, New York Public Library, New York, NY.

Second Avenue in Manhattan, totaling 10,794 square feet of area. Zoning regulation will allow approximately 77,716 square feet to be developed for residential, commercial, and community uses. The Archdiocese hopes to sell the lots for a reported \$45 million, which only a handful of developers, most of whom are responsible for luxury residential construction, can afford. While information on the plan for development is not yet public, the outcomes of past sales in the area may provide a template for what can be expected. On or near the Lower East Side, several church-owned properties have been closed or sold in recent years. These include: Mary Help of Christians (440 E. 12th Street), which sold for \$41 million in 2007 and is now being marketed as “*Steiner East Village*, a private retreat with more than 16,000 square feet of amenities”; The Church of St. Ann (110-20 E. 12th Street), which was sold to New York University for just over \$15 million in 2004 and is now a college dormitory; and the Church of San Lorenzo Ortiz (378 Broome Street), which sold for \$7.3 million in 2017, is now being replaced with high-end residential construction. St. Emeric Church (740 E. 13th Street) was closed in 2010 after Superstorm Sandy and is now facing demolition and redevelopment, as is the 163-year-old St. Brigid School (185 E. 7th Street), closure of which was announced early in 2019⁴. That so many landmarks of faith are being erased from the fabric of the community is devastating to Lower East Siders. More troubling, however, is the impact the replacement of such properties with luxury development will have on this historically – and currently – working poor



Fig. 1. Photograph of Dorothy Day. Dorothy Day, co-founder of the Catholic Worker movement and parishioner at the Church of the Nativity on Manhattan's Lower East Side. The church site is about to be sold by the Archdiocese of New York for luxury residential development.

⁴ All of these sales can be traced through the New York City Office of the City Registrar, Department of Finance. The St. Emeric site allows for 300,000 square feet of developable area. The Archdiocese of New York has promised to work with Catholic Charities to create 100,000 square feet of affordable housing on the site. However, that leaves 200,000 square feet for market-rate development, which is out of reach for most current Lower East Side residents.

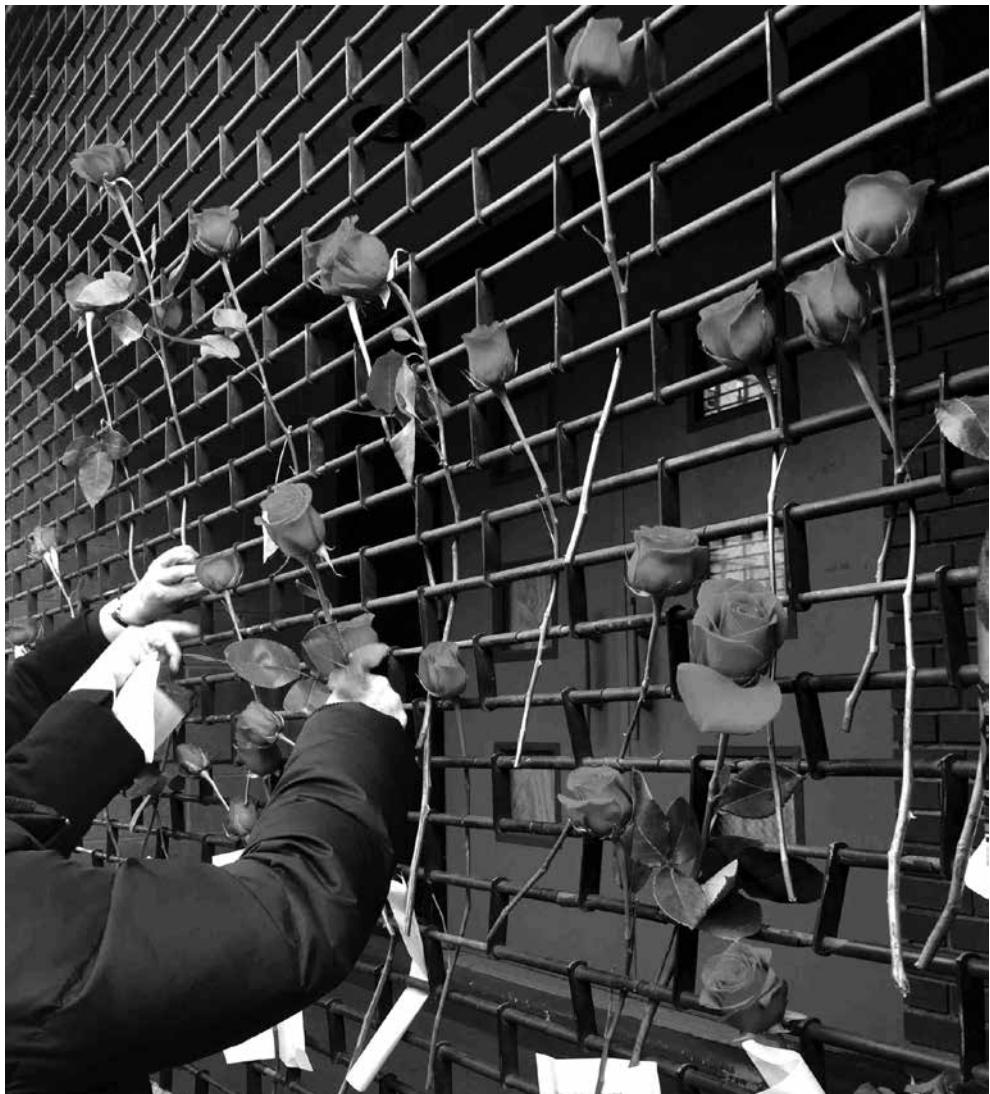


Fig. 2. Photograph of parishioners outside the Church of the Nativity. In November 2017, former parishioners and neighbors prayed for low-income housing at the Church of the Nativity site and left roses at the locked gate of the church on the anniversary of Dorothy Day's death in 1980 (Courtesy Arielle Hersh).

population. Writing about the Lower East Side specifically, legal scholar Bethany Li argues, "Although cities can directly displace low-income residents by demolishing low-income housing, zoning policies that promote luxury development often cause indirect displacement by spiking the neighborhood's rental and home sale prices. This potential for higher profit margins in gentrifying neighborhoods

results in secondary displacement pressures, including high rent, rising evictions, tenant harassment, excessive housing code enforcement, increased policing, and loss of small businesses⁵. In other words, luxury development in the pursuit of “higher profit margins” is a documented cause of secondary displacement.

Many of these impacts are already visible as the neighborhood faces extreme displacement pressures. According to New York University’s Furman Center, the Lower East Side was the third most rapidly gentrifying neighborhood in New York City by 2016⁶. Still, 34.5% of the population is currently foreign-born, 15.4% are seniors (65+), 18% live in poverty, and 38.2% are rent burdened. The community board for the area has identified affordable housing, senior services, and homeless services as its most pressing priorities for fiscal year 2019⁷. The latter is a response to the effects of displacement and the city’s 82% increase in homelessness (mostly families) in the last decade⁸ (Fig. 3).

Among the reasons why affordable housing is disappearing in neighborhoods like the Lower East Side is the deregulation of rent stabilized apartments. Such apartments, which keep rent reasonably low for those who cannot afford the market rate, are usually lost when a building is demolished or tenants are harassed out of their homes by landlords. Harassment can range from threats and intimidation to the denial of heat in the winter to the refusal to make critical repairs⁹. In a single month, December 2018, the Association for Neighborhood and Housing Development (ANHD) in New York placed nearly 100 individual Lower East buildings on its “displacement alert” list¹⁰. This includes rent stabilized buildings that submitted ten or more landlord harassment complaints to the city just that month. ANHD reports that, between 2007 and 2016, 149 rent stabilized units were lost on just one block – the block on which the Church

⁵ Li 2016, p. 1208.

⁶ NYU Furman Center, *Focus on Gentrification*, in “State of New York City’s Housing and Neighborhoods in 2016”, January 2016, p. 6 (<https://furmancenter.org/thestoop/entry/the-state-of-new-york-citys-housing-and-neighborhoods-in-2016>: Accessed May 29, 2019).

⁷ New York City Department of City Planning, *Community Board 3, Manhattan: Community District Profile*, (<https://communityprofiles.planning.nyc.gov/>: Accessed May 29, 2019). See also Manhattan Community Board 3, *Statement of Community District Needs, Fiscal Year 2019* (https://www1.nyc.gov/html/mancb10/downloads/pdf/district_needs_statement_2019.pdf: Accessed May 29, 2019).

⁸ *Coalition for the Homeless, State of the Homeless 2018 Report*, by Giselle Routhier (March 2018), p. 1 (<https://www.coalitionforthehomeless.org/wp-content/uploads/2018/03/CFHState-oftheHomeless2018.pdf>: Accessed May 28, 2019).

⁹ New York City Department of Housing Preservation & Development, *Tenant Harassment* (<https://www1.nyc.gov/site/hpd/renters/harassment.page>: Accessed January 28, 2019).

¹⁰ Association for Neighborhood and Housing Development, *Displacement Alert Project: District Report for Community Board 3, Manhattan*, December 2018 (<https://www.displacementalert.org/>: Accessed June 11, 2019).

of the Nativity stands – and would not be replaced by the Archdiocese's plan¹¹. Displacement at this scale is not inevitable. It simply takes courage either from the state or from private owners to prioritize people over profit.

ON THE SOCIAL VALUE OF PROPERTY

For anyone who has studied Dorothy Day's biography or her journey from a mostly secular, politically radical education to a devout Catholic faith that illuminated the very innate radicalism of love and charity upon which Christianity was founded, the concept of applying social value to an interpretation of material goods is familiar. Day, like Maurin and many Christian theologians before her, argued that property, even if held in private hands, ought to be universally available and valued for the quality of life it brings to everyone. As she explained, "I still believe that our social order must be changed, that it is not right for property to be concentrated in the hands of the few. But I believe now with St. Thomas Aquinas that a certain amount of property is necessary for a man to lead a good life. I believe that we should work to restore the communal aspects of Christianity as well as some measure of private property for all"¹².

Aquinas, indeed, wrote at length about the correct uses of private property. A strong believer in the social value of property ownership as an opportunity for humankind to accept stewardship of God's earth, Aquinas wrote in *On Law, Morality, and Politics* that,

the *use* [emphasis mine] of external goods is the second thing that belongs to human beings regarding goods. And human beings in that regard should not possess external goods as their own but as common possessions, namely, in such a way that they readily share the goods when others are in need. And so the Apostle says in 1 Tim 6:17-8: 'Teach the rich of this world to distribute and share readily'¹³.

In other words, Aquinas suggested that the use of a privately-owned property must have a social value appended to it that is calculated by the needs of the community, particularly those without wealth. Such sentiment is echoed in the Church Fathers, particularly St. Ambrose and St. Augustine, both of whom Aquinas often cites. Augustine surmised that "in all probability whatever you possess you have acquired through unrighteousness. And all your possessions are wicked, because you have something while the other has nothing – because you

¹¹ Association for Neighborhood and Housing Development, *Displacement Alert Map* (<https://map.displacementalert.org/#close>: Accessed January 28, 2019).

¹² Day 2006, pp. 147-155.

¹³ Thomas Aquinas (St.) 2002, p. 133. Such analysis was repeated by Pope Leo XIII in *Rerum Novarum* (1891) and forty years later by Pope Pius XI in *Quadragesimo Anno* (1931). Pope Leo XIII was a particular influence on Dorothy Day's thinking.



Fig. 3. Photograph of Lower East Side housing activists. Lower East Side residents have been fighting gentrification for decades. Real estate speculation has been responsible for the displacement of thousands of working-class people of color in the neighborhood, as well as the crucial institutions that served them, such as independent groceries, local banks, and churches (Courtesy of the Cooper Square Committee).

live in plenty and the other lives in want”¹⁴. He advised the faithful to “be one with others by not defrauding them”. Similarly, Ambrose argued, “God ordained that everything should be arranged in a manner that...it could be shared by all, and that the earth belong to all in common possession. Hence nature is actually the basis of the principle of solidarity, while individual usurpation is the root of all private law”¹⁵. Although Ambrose and Augustine were perhaps more strict than Aquinas – or Day – in this way, they shared the idea that the earth belonged to God and that natural law (that is, God’s law) determined all people to be equally entitled to the earth. Pope Francis made a similar point when he quoted Leviticus 25:23 in *Laudato si’* (2015), “The land shall not be sold in perpetuity, for the land is mine [the Lord’s]; for you are strangers and sojourners with me”. If private property is, as Aquinas confirmed, an invitation to steward the earth, and if the earth, as Pope Francis reminds us, is the creation and possession of

¹⁴ St. Augustine, *Enarratio in psalmum 48, sermo I, 12*, in Augustine (St.) 1888.

¹⁵ St. Ambrose, *Homilia in illud dictum evangelii secundum Lucam: Destrueram horrea mea 7* (PG 31, 275-276). Quoted in Chroust, Affeldt 1950-1951, pp. 173-174.

God, then it is, as Dorothy Day gleaned from her readings of Augustine, a call to service and the just distribution of resources. “I believe with St. Augustine”, she avowed, “that we are all members or potential members of the Mystical Body of Christ. In other words, that we are members of one another, and that if the health of one member suffers, the health of the whole body is lowered”¹⁶. The value of property, therefore, is a social one, determined in concert with one another and with deep respect for the land which God has asked humanity to tend.

A WAY FORWARD

By most measures, the 1970 Church of the Nativity building is not historically significant and may, according to Can. 1222 §1 and 2, be relegated to profane use. This, in fact, occurred on 30 June 2017¹⁷. But parishioners and community members agree that the sacred land on which it stands must not be made sordid by the pursuit of *aischraischrokerdos*, or “dishonorable gain”. Nor should either the building or the land be evaluated solely as a transactional commodity. As Pope Francis acknowledged in his 29 November 2018, message to the participants of the conference titled “Doesn’t God Dwell Here Anymore?”, “Even the building of a church or its new use are not operations that can be treated only in terms of their technical or economic profile, but which must be evaluated according to the spirit of prophecy: indeed, through these there is channeled the witness of the faith of the Church, who welcomes and values the presence of her Lord in history”¹⁸. The Archdiocese of New York has been called upon to accept the stewardship of the three parcels of land that constitute the Church of the Nativity and to honor the faith of those it has served for more than 150 years, including Dorothy Day. It is possible to do this, with tremendous community support, through the construction of low-income and senior housing on the site¹⁹.

One way to accomplish this objective and insure that the land on which the housing stands will be free for generations from “sordid use”, is to establish or partner with an existing community land trust. Community land trusts (CLTs)

¹⁶ Ellsberg 2008, p. 567.

¹⁷ Timothy Michael Dolan, Archbishop of New York, *Decree on the Relegation of the Church of the Nativity in the Parish of Most Holy Redeemer-Nativity, New York*, 30 June 2017. Note that the Church of the Nativity was merged with Most Holy Redeemer on 2 November 2014. The Church of the Nativity had no debt at the time of merger.

¹⁸ Francis 2018.

¹⁹ The neighborhood’s community board made its support of such a plan clear in April 2018: “THEREFORE BE RESOLVED, Community Board 3 urges the New York Archdiocese to enter into serious negotiations with the Cooper Square Community Land Trust for the redevelopment of the former Nativity Church and Rectory at 42-46 Second Avenue, in accordance with the Preliminary Proposal 8 submitted to the Archdiocese on February 12, 2018, in full harmony with the principles of Dorothy Day and the urgent needs of our Lower East Side community”. Manhattan Community Board 3, *April 2018 Full Board Minutes*, 24 April 2018.

COOPER SQUARE COMMUNITY LAND TRUST

COOPERATIVELY OWNED HOUSING

COMMUNITY OWNED LAND

BALANCE OF POWER

= PERMANENT
AFFORABILITY

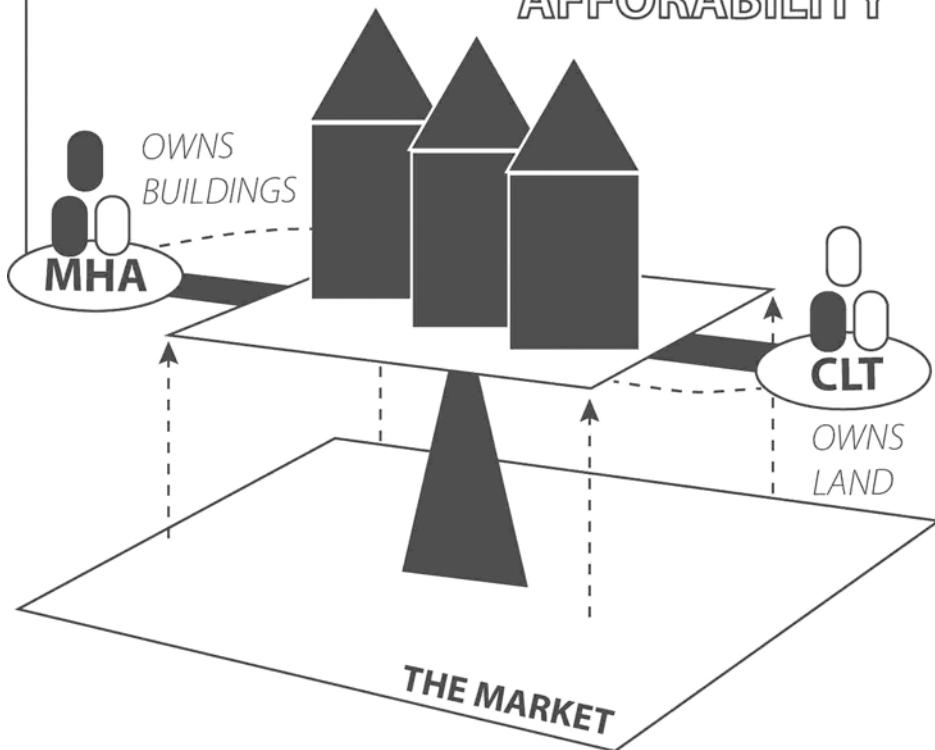


Fig. 4. How a community land trust works. The community land trust model might help protect the landholdings of the Roman Catholic Church worldwide from the danger of “sordid use.” On the Lower East Side, the Cooper Square Community Land Trust uses a model in which the “land trusts owns” the land under nearly two dozen buildings that are managed by a mutual housing association (MHA). This allows for cooperation and values-driven decision-making that protects the affordability of housing in this rapidly gentrifying neighborhood (Courtesy of the Cooper Square Committee).

allow not-for-profit entities to cooperatively and affordably maintain housing, gardens, and other properties by owning the land underneath them. Such trusts have already existed and succeeded on the Lower East Side. Rehab in Action to Improve Neighborhoods (RAIN), which thrived from 1987 to 1993 was funded by the Lower East Side Catholic Areas Conference, which was, in turn, financed by Catholic Charities, an agency of the Archdiocese of New York²⁰. The Cooper Square Community Land Trust has owned land under more than 21 buildings since 1994 and has been able to consistently operate affordable housing for families of four earning less than \$36,880 per year – a level that is considered “very low income” according to New York’s Area Median Income calculations²¹. United States-based community land trusts with Catholic ties also exist in Albany, New York; Los Angeles, California; Dover, Delaware; and Baltimore, Maryland.

The community land trust model is not the only solution, however. By its own admission, the Archdiocese of New York is skilled at building low-income and affordable housing even in an inflamed market like that of New York City. The Association of New York Catholic Homes is a not-for-profit organization that operates within the Archdiocese of New York and manages more than 2,200 low-income housing units owned by twelve different Archdiocesan housing corporations that receive tax reductions through the city’s Housing Development Fund Corporation (HDFC) program. Another 1,000 units of senior and low-income family housing are also in development under the purview of the Archdiocese’s own New York Institute for Human Development, almost all of which will be built in the Bronx using a city tax incentive program called ELLA, or Extremely Low & Low-Income Affordability. The published mission of the New York Institute for Human Development includes the “development of new affordable housing units on vacant or underutilized parish-owned properties and refinancing of existing debt obligations”²². Thus, using its own resources and income from the recent sales of other Lower East Side churches, as well as the aid of city and state financing programs, the Archdiocese of New York is logically well equipped to build low-income, supportive, and senior housing – in a variety of combinations – for Lower East Side residents.

It is also financially capable of making this commitment to a neighborhood that not only has quantifiable need, but also demonstrable dedication to its faith. The Archdiocese of New York officially owns 1,398,195 square feet of property

²⁰ Starecheski 2016, p. 126.

²¹ New York City Department of Housing Preservation & Development, *Area Median Income* (<https://www1.nyc.gov/site/hpd/renters/area-median-income.page>: Accessed January 28, 2019).

²² United State Department of the Treasury, Internal Revenue Service, *Return of Organization Exempt from Income Tax: New York Institute for Human Development, Inc.* (2015 Tax Return)

valued at \$2.1 billion²³. However, because most of its landholdings are concealed under Limited Liability Companies, an aggregation of public data alone lacks accuracy. It is commonly assumed that the Archdiocese, in fact, owns far more property than is readily identifiable. According to a 2012 article from *The Economist*, “Timothy Dolan, the president of the United States Conference of Catholic Bishops (USCCB) and Cardinal-Archbishop of New York (a ‘corporation sole’, meaning a legal entity consisting of a single incorporated office, occupied by a single person), is believed to be Manhattan’s largest landowner, if one includes the parishes and organisations that come under his jurisdiction”²⁴.

Given its prominence, resources, assets, skill, and moral leadership, the Archdiocese of New York and its agencies must operate according to a moral economy rooted in the social value of property and the fundamental teachings of the Catholic Church. This is particularly so in a city being depleted of its working poor, many of whom are dedicated Catholic churchgoers. In that moral economy, land is more than a wealth generator. It is God’s bequest on which we merely sojourn. Now is the time and Dorothy Day’s church is the site for the Archdiocese of New York to forge a new, just, and divine path.

²³ Aleksey Bilogur, Raw Data for *Who Are the Biggest Landowners in New York City?* (<https://gist.github.com/ResidentMario/176f203ec75956649277a94c0aa3efb6>; Accessed January 28, 2019).

²⁴ Staff Writers, “Earthly Concerns,” *The Economist* (18 August 2012). A 7 February 2017 article from the *New York Times* titled “Cardinal Dolan, Fuming Over Archdiocese’s ‘Rich’ Image, Vacations at Mansion,” also indicates that the entity may have more financial resources than it claims. In this regard, see the research project GoodLands run by Molly Burhans: <http://www.goodlandproject.org/>; Accessed June 11, 2019).

"Nell'anno europeo del patrimonio culturale, il dipartimento dei beni culturali del Pontificio Consiglio della Cultura, in collaborazione con l'Ufficio Nazionale per i beni culturali ecclesiastici e l'edilizia di culto della Conferenza Episcopale Italiana e la Facoltà di Storia e Beni Culturali della Chiesa della Pontificia Università Gregoriana, ha voluto convocare un Convegno con due tematiche attuali e ampiamente discusse: la dismissione di chiese e la gestione integrata dei beni culturali."

"Puntare l'attenzione sul fenomeno della nuova destinazione d'uso di antichi luoghi di culto si inserisce nella questione della gestione integrata dei beni culturali della Chiesa. L'ampia proporzione del problema è trasversale e sensibilizza non soltanto le comunità cristiane, ma anche l'opinione pubblica, in virtù della valenza simbolica e rappresentativa delle chiese nel tessuto urbano e paesaggistico."

Dall'Introduzione generale

"In the European Year of Cultural Heritage, the Department for Cultural Heritage of the Pontifical Council for Culture, in collaboration with the National Office for Ecclesiastical Cultural Heritage and Religious Buildings of the Italian Episcopal Conference and the Faculty of History and Cultural Heritage of the Pontifical Gregorian University, convened an International Conference to focus on two current and widely discussed themes: the decommissioning of churches and the integral management of cultural assets."

"Drawing attention to the phenomenon of the new use of ancient places of worship is part of the question of the integrated management of the Church's cultural heritage. A large proportion of the problem is transversal and sensitizes not only the Christian communities, but also public opinion, by virtue of the symbolic and representative value of the churches in the urban landscape."

From General Introduction

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