

For the attention of the 'Supremum Signaturae Apostolicae Tribunal' in Vatican City

Notice of appeal

against the decree of the 'Congregatio pro Clericis' of 10 August 2021 (Prot. N. 2021 3173),
received in Ravenstein (NL) on 24 August 2021

1. prof. dr. M.J.A. van Mourik, residing in Ravenstein (The Netherlands)*,

(Martin J.A. Van Mourik is emeritus professor of law at Radboud University Nijmegen
(formerly Catholic University of Nijmegen) and former civil-law notary practising at
Nijmegen.)*

and

2. dr. C.G.M. Verhoeckx, residing in Ravenstein (The Netherlands)*

(Cees G.M. Verhoeckx studied history at the Catholic University of Nijmegen (at present
Radboud University Nijmegen). He was a secondary school teacher of history and religion,
and an entrepreneur in the healthcare sector.)*

acting

A. in their private capacity, and

**B. in their capacity of chairman and secretary of the foundation incorporated under
Dutch law**

Stichting Loterijfonds Ravenstein, with its seat in Ravenstein (The Netherlands)*

(This foundation has its origin as a lottery fund and was created in 1729. From the
proceeds of a lottery, the construction of the St. Lucia Church in Ravenstein was financed.
The church was completed in 1735. Nowadays, the main objective of the foundation is to look
after the sociocultural interests of the parishioners of the former St. Lucia's parish in
Ravenstein.)*

have taken due note of:

- the decree issued by Dr. *Gerardus Johannes de Korte*, bishop of 's-Hertogenbosch (Dutch diocese) on 5 June 2020, in which the decision was given that the *Roman Catholic Church of Saint Lucia with altars*, located at Sint Luciastraat 1 in Ravenstein, was to be deconsecrated so that it could no longer be used for divine worship,
- the decree issued by the *Congregatio pro Clericis* of 17 July 2021 (Prot. N. 2021 2639) in which the appeal against the decree of the bishop was rejected,

appeal against (regarding can. 1481 CIC):

the decree of the aforementioned Congregation,

whereas:

Introduction

This document is an appeal against the decree of the Congregation for the Clergy. In this decree, the appeal of the appellants against the decree of Bishop G.J. De Korte of 20 July 2020 was dismissed. Initially, the decree of the Congregation had been issued on 17 July 2021; however, it was revoked by decree of 10 August 2021. On this date, a new decree was issued because the decree of 17 July 2021 contained several serious errors.

The appellants hereby request that the contents of their objection submitted on 28 June 2020 as well as the appeal submitted on 11 August 2020 be considered to be repeated and incorporated herein.

By decree of 5 June 2020, the St. Lucia's Church was deconsecrated so that it could no longer be used for divine worship. The objection/appeal is directed against this deconsecration.

The appellants appeal *pro se* and in their capacity of board members of the foundation "Stichting Loterijfonds Ravenstein" (hereinafter referred to as "the Loterijfonds"). This foundation was created in 1729. In that year, its ruler, Karl Philipp Theodor, Elector of Pfalz-Neuburg and Lord of Land van Ravenstein, granted the Loterijfonds a concession to organize a lottery. The lottery was intended as a means to raise money that would be used to build a new catholic church in Ravenstein. Ravenstein was the capital of Land van Ravenstein.

The lottery was a big success. The church was completed as early as 1735 and consecrated in October of that year. From the very beginning, the church was a symbol of religious freedom, because at the time, in the Low Countries under the control of Holland, there was no freedom of religion. Calvinism was the official state religion; Catholics were not allowed to hold public offices and could not be an army officer, civil-law notary, lawyer, or physician. Furthermore, the church is special from an architectural-historical point of view. It is one of the few German baroque churches in the Netherlands, if not the only one.

This already evidences that there is a special connection between the foundation and the St. Lucia's Church. This close connection existed not only at the time of the construction and inauguration of the Church, but also during the almost 300 years that have gone by since then. Time and again, the Loterijfonds contributed to the maintenance of the Church and the parsonage, and the support of the priests of the parish.

To substantiate the appeal, we point to the following.

I. With regard to proper procedure

1. The way in which the objections and the arguments put forward were dealt with justifies the conclusion that no proper procedure was followed and that there has been no 'correct administration of justice' (Can. 1445 CIC). On the contrary, the procedure followed was anything but proper and careful. For this reason alone, the decree of the Congregation should be set aside. This will be further substantiated in this notice of appeal.

2. The Congregation adopted the assertions and arguments put forward by the Bishop of 's-Hertogenbosch indiscriminately, without any investigation, even though the appellants contested them with reasons. There is no evidence of a critical attitude with regard to the information submitted and no effort to establish the truth. This point will be explained below.

3. The initial decision of the Congregation (paragraph 14) of 17 July 2021, in which it is stated that the decree of the 'Archbishop of Utrecht' is upheld, with reference to this Archbishop earlier in the decree (paragraph 13), even though this Archbishop is not involved in the proceedings in any way, is typical of the lack of due care.

4. Even though the Bishop of 's-Hertogenbosch has to rely on the information provided by the Priest to a considerable extent, it is his duty to weigh that information and, where necessary, to verify it, especially when that information of the Priest is contested with reasons. This is all the more, so given the incomplete and imbalanced composition of the parochial church council. Only four people hold a seat on the council, one of them being the Priest, instead of the prescribed number of five, and no parishioner from the former St. Lucia's Parish holds a seat on the council.

5. The bishop is aware of the fact that the Priest lacks elementary social skills, as a result of which there is no vital parochial cooperation since 2015, of which Ravenstein is now a victim. The Priest was not willing to talk with the Loterijfonds about the existing disputes.¹

II. With regard to hearing the parishioners and the local community:

6. In general, it is accepted in the Dutch dioceses that the deconsecration of a parish church requires a *careful, proper procedure*. According to the expert of canon law, *mgr. dr. J. Hendriks*, the hearing of 'the' parishioners and the drafting of written reports of those meetings form a part of that procedure. Can. 50 CIC prescribes that those whose rights can be injured by the decree must be heard. Naturally, this includes the parishioners of a parish, whose church is threatened to be deconsecrated. The Priest should have heard the parishioners and should have attached the reports of these hearings to the request to the Bishop to deconsecrate the church.² He failed to hear the parishioners, even though it was possible to hear them.

7. If a procedure is characterized by a lack of due care, the administration of justice comes under severe pressure. It is true that the fact whether parishioners have been properly heard or not *as such* does not preclude the validity of the deconsecration decree. But in that case, there is no *careful, proper procedure* if there are no reasonable arguments for not consulting the parishioners (and the local community).

With regard to this, the Congregation states that "Die anhörung betroffener personen ist relevant, jedoch keine bedingung für die Gültigkeit der Verwaltungsaktes", but this is contrary to Can. 50 CIC. After all, there is no evidence whatsoever that it was impossible to hear the parishioners. On the contrary: parishioners have insisted on communication, however

¹ In 2015, St. Lucia's Parish of Ravenstein was incorporated into the St. John the Baptist's Parish of Schaijk. In the merger plan, the St. Lucia's Church was designated as one of the three 'principal churches' with regard to which *'every effort'* would be made to keep them open. As early as 2016, the church was closed for contested reasons. Now, as the first of the ten churches in the parish, the St. Lucia's Church is threatened to be deconsecrated and can no longer be used for divine worship.

² According to Mgr. Dr. J. Hendriks, at present Bishop of Haarlem-Amsterdam, website Arsacal, 23 April 2016. See for instance also 'step 4' of the 'Procedure in the Archdiocese of Utrecht'.

in vain. This means that the decree must be set aside because of the failure to comply with the obligation to hear the parishioners.

8. The hearing of parishioners and the local community is of vital importance. After all, the sacred use of the building and its future use are at stake. The 'grave causes' given for the deconsecration, to what extent are they valid? Have all the consequences for the local parishioners and the local community been properly commented on? Are there perhaps sound alternatives, such as *dignified other uses* which are not contrary to the holiness of the place (Can. 1210 CIC, second sentence)?

9. In this connection, the bishop and the Congregation refer to a

'list of many moments of contact and consultation with the location council, parishioners, interested parties, government, experts and the diocese.'

Neither the Priest, nor the Bishop in the objection proceedings, nor the Congregation in the appeal proceedings were willing to allow inspection of that list, without giving any reason, let alone a valid reason. The Congregation is of the opinion that access to that list is not necessary and, from a procedural point of view, not required. With that, the Congregation disqualifies itself. It has already been demonstrated above that with this, it acts contrary to canon law.

The procedural position of the appellants requires that they can form an opinion on this list. All the more so given that there are serious doubts about the realistic nature and meaning of it.

10. It is therefore extremely important in the appeal proceedings to assess if a careful, proper procedure and the proper administration of justice require that the appellants are allowed to inspect the list. The decisions of the Bishop and the Congregation were given in part based on documents that the appellants were deliberately not allowed to inspect, despite their various requests to that end. By denying the appellants access to documents, the general legal principle of "equality of arms", which also applies in canon law, is violated, which should result in the decree being set aside.

11. With regard to the list referred to in 9, which was provided by the Bishop at the eleventh hour (August 2021), the following can be pointed out:³

(1) The location council (*locatieraad*) is mentioned but was asked by the parochial church council to 'stay out of this highly complex and also emotional discussion'.⁴ The location council strictly complied with this, which gives rise to the question if it did not neglect its parochial responsibility. The parish and the location council *never* discussed the deconsecration with the parishioners.

(2) As already mentioned, 'the' parishioners were never invited to give their vision on the plans to deconsecrate the St. Lucia's Church. In December 2016, the church was closed all of a sudden, for debatable reasons. On 13 February 2019, *at the initiative of a few parishioners*, joined in by the location council, a meeting was organized at which the structural condition

³ Only after being urged repeatedly, the Diocese sent a list to the Loterijfonds on 17 August 2021. It confirmed what was already assumed. The parishioners were not consulted about the deconsecration. It consists of a mishmash of communications and contacts. Upon verification, it is evident that several dates are incorrect and that the list contains untruths.

⁴ Email of 24 October 2019, 9:19 hours

and the possible uses of the church building were on the agenda, but maintaining the sacred function was not discussed on that occasion.

(3) The 'interested parties' mentioned on the list are the prospective buyers of the church and parsonage, property developers and politicians. Why are they on the list?

(4) Representatives of the Municipality of Oss, of which Ravenstein forms a part, and the so-called local *Dorpsraad* (Village Council) of Ravenstein can be classified as 'government'. There is nothing known about the contents of those meetings, except that the chairman of the Village Council has assured us that the deconsecration was *never* discussed. In fact, the Municipality of Oss and the Village Council should not concern themselves in any way with the sacred use of St. Lucia's Church.

(5) Those 'experts' are a few restoration and renovation experts as well as affiliated contractors. They also have nothing to do with the decision on the sacred use.

(6) The employees of the Diocese will no doubt have been consulted, if only to discuss the strategy to be followed. Although the St. Lucia's Church is the most valuable church of the parish (and the municipality) from a cultural-historic point of view, it nevertheless is the first church that the parish wants to close. That requires consultation and legal assistance, but also says something about the role of the Diocese in the process. But it cannot be explained as 'the hearing of parishioners'.

(7) Naturally, the *secret* consultations about the sale of the parsonage and the church cannot be regarded as 'the hearing of parishioners', leaving aside the fact that the prospective buyers cannot in any way be considered as parishioners.

(8) It is distressing that meetings with the Loterijfonds are also mentioned, while it is an established fact that the deconsecration of the church and its consequences were *never* discussed. It was presented as a fact.

12. The conduct of the Bishop of 's-Hertogenbosch is in flagrant contradiction to his 'policy plan' titled '*Samen bouwen in vertrouwen*' (*Building together in trust*), dated 8 October 2016. In it, Bishop De Korte states:

'A process-based consideration of the closure of churches is of the utmost importance. After all, as many parishioners as possible must be included in the process. When an open and communicative policy is pursued, the damage as the result of the closure of a church will be reduced to a minimum. Clear information is crucial.'

Obviously, these are empty words. This is a very depressing observation that seriously harms the reputation of the Church.

13. To further substantiate and explain the lack of due care in the course of the procedure, the following must be pointed out:

(a) On 9 August 2019, the Loterijfonds and the parish signed a *letter of intent* with the consent of the Diocese, which provided for the submission by the parish of an application for a special government grant (€2.4 million) and the sale of the church to the Loterijfonds. The grant related to the restoration *and innovation*. The primary restoration costs were estimated at approximately €1 million. After the transfer of title, the Loterijfonds would take over the

grant application. On 2 September 2019, this letter of intent was broken *unilaterally and with a lie* by the parish.⁵

(b) It became clear that as of February 2019, therefore before the letter of intent referred to above was signed, the parochial church council had been negotiating, in all secrecy, with two entrepreneurs who do not have any ties with the Catholic church. These entrepreneurs were interested in the *parsonage with garden* adjacent to the church. In it, they can continue their business. In connection with those negotiations, in the summer of 2019 it became important that the entrepreneurs – for reasons that are not totally clear – not only bought the parsonage, but *also the church*. After all, the parochial church council always insisted on the sale of the church and parsonage as a 'package deal'. The sale of the package is concluded on 9 July 2020.⁶

(c) The foregoing explains why the parochial church council breaks the letter of intent all of a sudden on 5 September 2019 and why there has been *no consultation whatsoever* with the parishioners about the future of the St. Lucia's Church between February 2019 and July 2020. This course of events cannot be regarded as a careful and proper procedure, all the more so since the Loterijfonds was marginalized with a lie on 2 September 2019. It is unacceptable that the parochial church council acted contrary to the letter of intent that it signed with the Loterijfonds and broke the letter of intent just when it was no longer possible for the Loterijfonds to apply for a grant for the restoration of the St. Lucia's Church. The parish church council deliberately acted contrary to the agreements made with the Loterijfonds, perhaps motivated by financial gain!

(d) The fact that the church was cleared from its sacred objects *during* the objection and appeal proceedings is appalling. Shocking photographs of this vulgarity were attached to the appeal submitted to the Congregation so you may be familiar with them.

(e) It is also very disappointing that neither the Bishop nor the Congregation have deigned to express any appreciation for the legal and emotional involvement of the parishioners and the Loterijfonds.

III. Regarding the 'grave causes' (*graves causae*) that 'suggest' that the St. Lucia's Church no longer be used for divine worship (Can. 1222 CIC)

A. The church as a building

14. The Congregation wrongfully assumes that the church is 'baufällig' (dilapidated). It also does not mention the basis of this assumption. Even the parochial church council does not argue that the church is in a dilapidated state. In this connection, the distinction between restoration and renovation is, wrongfully, not made. According to an expert opinion⁷, to open the church safely approximately € 1 million is needed instead of € 2.7 million, which amount

⁵ When the parish claimed that the grant application could not go through because there was no funding for the missing €600,000.-, this was a lie. The Loterijfonds was never asked. And the amount mentioned above could easily have been financed with the proceeds from the sale of the parsonage. A dirty game was played.

⁶ The purchase price was €750,000.-, so that having regard to the value of the parsonage, it can be assumed that approximately €600,000.- was allocated to overdue maintenance of the church. It is not clear if the buyers are obliged to actually use that amount for the restoration/renovation of the church and who will be verifying that.

⁷ Expert report RASP 2 May 2018, p. 30

relates to the renovation of the building, in particular to making it more sustainable.⁸ Having regard to the grant opportunities for monuments in the Netherlands, the restoration of the St. Lucia's Church and its reopening are feasible in the near future.

15. It is wrongly argued that in the merger in 2015, the church community of Ravenstein contributed 'apart from leased land, only approximately €320,000 to the new parish.' The parsonage of Ravenstein with garden – publicly offered for sale in 2019 at € 1,400,000.- – is conveniently not taken into account. This is unseemly.

16. It is even worse that the Congregation fully disregards that as a result of the transfer of title to the building to, for instance, the Loterijfonds, the parish would be relieved from all future costs and concerns regarding the maintenance, restoration, and renovation of the building. It is therefore incorrect to argue the contrary as a 'grave cause'. It is generally accepted that a sacred church building does not necessarily have to be the property of the parish.⁹

17. Moreover, in 2015 the promise was made in the merger document that '*every effort*' would be made to keep the St. Lucia's Church open as one of the three main churches of the new parish. The abrupt closure of the church in 2016 – for highly controversial constructional reasons – and thereupon its sudden de consecration by decree as of 1 July 2020, after secret negotiations and without having consulted the parishioners, are not in line with that promise. Both the parish and the Bishop violate the standards of decency and the rules applicable to it/him.

B. The commitment of the community of Ravenstein to the St. Lucia's Church

18. The large demonstration on 14 September 2019¹⁰ clearly indicates that the community of Ravenstein is highly committed to the St. Lucia's Church. As with all church communities in the parish, this is no longer reflected in high numbers of Mass attendees or the financial contributions. Most people's faith is dormant. The social skills of the Priest, which leave much to be desired, and the closure of the church do not contribute to a new impetus, for that matter. However, by de consecrating the church so it can no longer be used for divine worship, any new course towards revitalizing the Catholic community in Ravenstein is blocked and at a dead end.

19. The mere fact that not many parishioners attend Mass is not sufficient reason to de consecrate a church. It is highly likely that until its abrupt closure, Masses at St. Lucia's Church were as well-attended as those in other churches within the parish. This is in line with the general experience that it is an illusion to hope that the Catholics of Ravenstein will form a community around a church in the vicinity. As a matter of fact, the continued existence of those churches is highly uncertain. The degree of participation of the faithful is not higher than in Ravenstein.

⁸ In the merger document of 2015, it is mentioned that the costs of renovation of 'St. Lucia's Church, parsonage and chapel' are estimated at approximately €1.5 million. Mind you: of the *church, parsonage, and chapel!*

⁹ See the 'Procedural Guidelines' of the Congregation for worship and the sacraments of 30 April 2013.

¹⁰ See the image that was attached to the notice of appeal addressed to the Congregation.

C. The 'good of souls' of the faithful (Can. 1222(2) last sentence CIC)

20. Can. 1222 CIC requires that the good of souls suffers '*no detriment*' if a church can no longer be used for divine worship. Thus, '*no detriment*'. If the parishioners of Ravenstein are hindered in the practice of their religion, in particular in the celebration of the Eucharist, the good of their souls is at stake. In that case, the Bishop cannot issue a deconsecration decree.

21. Any reference to churches in the vicinity, that are still open at present, disregards the importance of the local parish church. This is all the more so given that in 2015, the St. Lucia's Church was designated as one of the three main churches of the Parish of St John the Baptist with its seat in Schaijk. This designation was probably also based on the important cultural-historic position of the church and its baroque architecture and interior. Anyway, the existence of the churches in the vicinity of Ravenstein are already at stake.

22. The Congregation refers the parishioners to the St. Joseph's Chapel and the Garrison Church, both located in Ravenstein. That cannot be taken seriously. The Garrison Church is a former protestant church that is the property of the municipality of Oss, with no cross to be seen. It is mostly used for concerts and expositions.

As for the St. Joseph's Chapel, in April 2017 the location council declared that it was 'unsuitable for Sunday services'! Moreover, the location council stated that it 'is not big enough for services that many parishioners want to attend'.¹¹

D. New uses/joint use

23. The deconsecration of a church, after which it can no longer be used for divine worship, preferably is to take place if it is established that the church can be relegated to 'profane but not sordid use'. With regard to that, the Congregation, without any question whatsoever, follows the Bishop who argues:

'A profane but not sordid use is achievable, maintaining the building for the community for cultural and social purposes.'

24. From the recently published 'policy plan' (with budget) of the entrepreneurs who purchased the church and are now behind the foundation 'Stichting Erfgoed Lucia', it is crystal clear that the objectives pursued are mostly of a *commercial* nature that cannot be regarded as 'cultural and social' purposes as referred to above. What guarantees are there *in practice* for a 'not sordid use', *also in the long term*?

25. The fact that commercial objectives are pursued is evident from the policy plan and, for instance, from the images published by the buyers on a website of a dining room (in the church), the installation of a large platform on the former chancel, and the intention to convert the sacristy into a kitchen. This while many people, including children, are buried beneath the church floor.

26. In August 2019, the Loterijfonds submitted a conversion plan to the parish. This plan provides for a cultural and social use as reasonably envisaged by the Code and the Bishop. It is distressing that this plan was brushed aside by the breaking mentioned above of the letter of

¹¹ Circular letter of April 2017, distributed by the location council of Ravenstein and surroundings on the stationery of the Parish of St. John the Baptist.

intent (see no. 11). The Loterijfonds as such – having regard to the object of this fund – *by definition* warrants that primarily cultural and social objectives will be pursued in the spirit of the Catholic Church. Why is this fact disregarded?¹²

27. Since the parish evaded every possibility of consultation with the parishioners and the Loterijfonds about the sacred use of the church, the possibility of combining the sacred use with a *profane but not sordid use* was never explored, even though a reasonable application of Can. 1210 CIC would make this possible. And why would a Bishop of the Roman Catholic Church, who serves the interest of the church, be against that if the sacred status of the building is warranted? The answer to this question is also highly relevant but not given till now.

28. Superfluously, it is established that the lack of priests cannot be an argument to deconsecrate a church. Moreover, other churches in the parish would sooner be eligible for deconsecration.

IV. Regarding the cultural-historical and art-historical aspects

29. Under canon law, the cultural- and art-historical value of a church and its inventory is not considered as an aspect that precludes the closure of a church. However, this does not mean that these values can be brushed aside with indifference. In a proper and careful procedure, they are taken into account; there is no evidence whatsoever that this was done in this case.

30. On the occasion of the merger in 2015, the closure of 7 of the 10 churches was considered. One of the three churches with regard to which '*every effort*' would be made to keep it open was the St. Lucia's Church (which goes back to 1735), a church that is considered to be a symbol of religious freedom in a hostile eighteenth-century Calvinist Dutch environment. Can that promise be broken with impunity?

31. Considering these facts, it is therefore improper and careless if the cultural- and art-historical aspect is not taken into account in the decision to deconsecrate the church.¹³

V. Conclusion

32. Having regard to the above, your decision cannot be but that the objection/appeal are well-founded and that the decree of the Congregation for the Clergy of 10 August 2021 – and consequently the decree of Bishop De Korte of the Diocese of 's-Hertogenbosch of 5 June 2020 – must be set aside, in particular based on the following grounds:

(1) The decree was given with disregard for the elementary principles of procedural care and proper administration of justice.

(2) The decree is based on non-existing and incorrect 'grave causes'.

(3) The decree fails to acknowledge the inestimable value of the St. Lucia's Church as a sacred stronghold in the current and future world that is searching for answers to life's questions and wrongfully subjects the building to 'the humiliation of pure utilitarianism'¹⁴.

¹² See attachment for a recent ppt-presentation about the conversionplan of the Loterijfonds.

¹³ In this connection, attention can be drawn to the religious-touristic aspect. The city of Ravenstein (which goes back to 1360), offers beautiful opportunities to present the Catholic message to a broad public in a new era.

¹⁴ Prof. Dr. Rik Torfs, *De kerk is fantastisch*, Utrecht 2020, p. 29.

33. The appellants would be pleased to provide you with any further oral or written information. They offer – but only in so far as the burden of proof rests on them – proof of all their assertions.

Ravenstein (NL), 1 oktober 2021

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