

Book review of *Gli edifici di culto come beni culturali in Italia. Nuovi scenari per la gestione e il riuso delle chiese cattoliche tra diritto canonico e diritto statale*

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The book of Davide Dimodugno “*Gli edifici di culto come beni culturali in Italia. Nuovi scenari per la gestione e il riuso delle chiese cattoliche tra diritto canonico e diritto statale*” (New scenarios for the management and re-use of Catholic churches between canon law and state law), University of Turin, Turin, 2023, pp. 1-409, with an extensive bibliography, is largely the result of the author’s doctoral thesis and represents the most in-depth and up-to-date study **to date**, regarding the Italian situation, and from a legal point of view, of the phenomenon of decommissioning of churches that are no longer used for worship purposes. This appears to be on the increase throughout Europe, even more in Italy, where the largest and most significant church heritage is located.

As is well known, the main reasons for this phenomenon can be traced back to the process of secularisation, i.e. the decreasing participation of the faithful in public worship, which makes many churches, especially in the historical centres of some cities, no longer used for their original purpose, and to the ageing and progressive reduction in the number of clergy, which makes it increasingly difficult to ensure their opening to the public during the day for reasons of security and appropriate supervision.

The growing and onerous burdens of managing and preserving these buildings, which are large in volume and often represent assets of significant historical and artistic interest, also contribute to making their original use problematic. These burdens are mostly borne by the owner, i.e. the ecclesiastical body, most frequently a parish, **diocese or religious** institute.

In Italy, **the concordat legislation ensures with the system of the eight per thousand** an important source of public funding that allows for the planning of interventions for the conservation and also the renovation of churches in view of possible decommissioning processes that ensure a destination that is not undignified, as provided for by canon law, generally always at the service of the community (concert or conference halls, libraries, educational and welfare facilities, public offices), not for commercial or speculative purposes. Indeed, these are buildings that also hold significance for the civil community, as, beyond their meaning for the ecclesial community and their often highly relevant historical and cultural value, they are deeply integrated into the urban or rural landscape where they are located. They constitute essential and defining elements of the landscape, around which towns and city neighborhoods have often developed. Not to mention the tremendous tourist

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appeal that such buildings exert, and around which important tourist routes have also developed, representing significant economic sources for many areas and communities in our country.

Beyond their urban and landscape significance, these buildings – churches, sanctuaries, chapels, and oratories – have always played an important social role, as they represent primary places of gathering and socialization for people and families, especially in rural and mountainous areas, where they often serve as the last line of defense against the gradual depopulation of towns and villages.

Lastly, they serve as important places of memory, where for generations significant collective rituals and manifestations of people's lives have taken place (baptisms, communions, and other educational activities, weddings, funerals, musical choirs).

These events help to foster a strong sense of belonging to the territory and community identity, not only of faith but also of civic identity. This is evidenced, for example, by the strong mobilization of the population and public opinion in France – the most secular and laicized country in Europe – which has shown up on several occasions through significant fundraising campaigns to counteract the closure and decommissioning of churches initiated by some municipalities, the owners of these buildings, due to the heavy financial burdens involved in their maintenance.

For the ecclesial community, these buildings also represent a living historical testimony of the Christian faith lived by multiple generations, creating bonds and a sense of attachment that goes beyond the building's permanent function as a place of worship. This may cease if the building no longer meets the current needs of the population, but the building itself and its use – if only occasional – by the community remain.

That's why the volume by Dimodugno addresses a topic of growing importance across multiple academic fields (history, law, theology, spirituality, architecture, urban planning) and intersects with various ecclesial and civic interests and values. The analysis presented by the author, focusing on the Italian situation and the relevant regulatory framework, is particularly timely and significant. With its depth of analysis and critical reconstruction, it has become an invaluable, if not indispensable, resource for anyone interested in this subject. The structure of the book is comprehensive, as required by the complexity of the issues examined.

The first chapter, titled "*La gestione e il riuso degli edifici di culto: profili giuridici problematici*" (The Management and Reuse of Religious Buildings: Problematic Legal Profiles), is dedicated to analyzing the complex legal aspects – canonical, ecclesiastical, international, administrative, and fiscal – of the topic. It provides a reconstruction of the intricate regulatory framework that sets the subject, starting with the concept of sacred space in canon law, then moving on to the bishop's decree to reduce a church to secular use, and the jurisprudence of the Tribunal of the Apostolic Signatura on this matter. The chapter continues with an illustration of the constitutional principles within the Italian legal system that affect the reuse of religious buildings, balancing the protection of cultural heritage and the religious sentiments of the faithful. It also examines European Union law, international law, and the guidelines of the Council of Europe on the subject. The discussion further covers regulations regarding churches as cultural assets of religious interest in administrative law (Cultural Heritage Code) and concordat legislation, concluding with an examination of some problematic issues related to the reuse of churches in urban planning and civil law.

The second chapter, titled "*Il riuso degli edifici di culto nell'Arcidiocesi di Torino*" (The Reuse of Religious Buildings in the Archdiocese of Turin) focuses on a detailed and in-depth analysis of numerous practical cases of church reuse that occurred over the last forty years (1978-2019) within the Archdiocese of Turin. These cases are categorized based on their specific characteristics, with some additional cases from the Archdiocese of Milan included. This chapter represents the outcome of a thorough and well-researched study that, beyond providing a paradigmatic example for other regions, offers valuable insights into the local understanding of the phenomenon and contributes to the development of potential strategies to address it in the most effective way.

The third and final chapter "*Alla ricerca di soluzioni giuridiche per la gestione e il riuso degli edifici di culto*" (Searching for Legal Solutions for the Management and Reuse of Religious Buildings) is the one that presents the most original ideas. It is dedicated to illustrating possible legal solutions for the issue of managing and repurposing decommissioned religious buildings, based on a careful review of the extensive doctrinal debate already conducted on the topic. The author presents interesting

proposals specifically for the Italian context, taking into account the complex and delicate fiscal aspects involved.

Starting from the notion of “common goods,” as embraced by doctrine within studies concerning the reuse or regeneration of so-called “urban common goods,” the author applies this concept to religious buildings in order to highlight their social function. The author proposes a series of ideas for shared management of decommissioned religious buildings, in line with the principles of subsidiarity and participation, envisioning their reuse as a potential driver of urban regeneration processes. In this perspective, the tools offered by the Cultural Heritage Code are examined, including agreements for the enhancement of cultural assets and their sponsorship, the foundation for participation, and trusts (which require adequate project management and project financing), along with the associated tax profiles. Particular attention is given to the analysis of tax benefits for religious and **social-cultural** activities carried out by third-sector organizations, which could support the property owner and public entities in promoting and sustaining potential revitalization projects for some of these buildings.

Finally, in the Conclusions, the author outlines a series of strategic guidelines and practical suggestions – what he refers to as a “decalogue for reuse” – which he proposes for the attention of the academic community, ecclesiastical decision-makers, and political figures. Some of these suggestions might seem overly ambitious or difficult to apply, but they certainly help to capture the full complexity of the issues at hand.

Since this issue – the decommissioning and reuse of churches – is also relevant in many other countries with a Christian tradition, albeit on a smaller scale, a comparative approach would be quite useful. It could complement the analysis of the Italian situation with a brief overview of practices in other European countries and the Anglo-Saxon world, particularly the solutions adopted to address the problem. This is something the author himself mentions in the text as a goal for a forthcoming volume, which is hoped to be as valuable and significant as the one **already** published.

References

Dimodugno, D. (2023). *Gli edifici di culto come beni culturali in Italia. Nuovi scenari per la gestione e il riuso delle chiese cattoliche tra diritto canonico e diritto statale*. Torino: Università di Torino.