

## Spain

# Battle rages on over ownership of a group of church objects

*Civil and ecclesiastical courts to decide if the works should be transferred from Catalonia to Aragon*

ARAGON. A long-running dispute over the ownership of 112 church objects in the museum of Lleida has flared up in a set of acrimonious legal cases in the civil and ecclesiastical courts, entangling the governments of two Spanish principalities, two dioceses and even the Vatican. In June, the government of Aragon and the Aragonese diocese of Barbastro-Monzón jointly filed a lawsuit in the civil Court of First Instance of Barbastro, demanding that the Catalanian government and the diocese of Lleida return the objects—in line with a number of previous rulings by the Vatican Court.

The dispute centres on ecclesiastical objects such as paintings and books dating from the 13th to the 18th centuries that were accumulated at the end of the 19th century by Joseph Meseguer, then bishop of Lleida, purportedly for conservation. They were later deposited in the Museo Diocesano de Lleida, where they remained until 2007, when a new Museu de Lleida Diocesà i Comarcal was inaugurated and where the objects are now on display.

The problem has stemmed from the fact that, in the 19th cen-

tury, although the city of Lleida was inside Catalonia's borders, the Lleida diocese included numerous Aragonese parishes. In 1995, the Vatican Congregation of Bishops redrew the diocesan boundaries to match the political boundaries. One hundred-and-eleven parishes were transferred from Lleida in Catalonia to Barbastro-Monzón in Aragon.

According to Father José Mora, a canon lawyer for Barbastro-Monzón, the Vatican also "mandated that all goods and properties should be returned to the parishes of origin. However, the Bishop of Lleida argued that this did not apply to the objects in the Lleida museum. He began litigation [through the ecclesiastical courts] which finally ended in April 2007 when the Vatican high court ruled that Lleida had to return the objects within the space of a month." Since then the Bishop of Lleida has been chastised by both the Italian Cardinal Re, prefect of the Congregation of Bishops, and Monsignor Lajos Kada, the Papal Nuncio to Spain, for failing to comply with the ruling.

The Bishop of Lleida was not available for comment, but Father Antonio Agelet, his



In dispute: a 13th-century relief from the facade of St Vicente

spokesman and a canon lawyer for Lleida, says the situation is more complicated than it first appears. The Catalan government claims that the objects belong to Catalonia, and is unwilling to accept ecclesiastical law over its own civil proceedings. "[The bishop] was reminded by Joan Manuel Tresserras [the Catalan minister of culture] in a published letter that the works have been catalogued by the Catalan government and are bound by its laws

on cultural heritage." *El País* also reports that the Bishop of Lleida has tried to persuade the Catalan government to reach a compromise with Barbastro-Monzón. He has also made it clear that the works are ecclesiastical goods and "not the museum's goods nor the property of the Catalan government. They belong to the church."

But, Dani Hernandez, a spokesman for the Catalan ministry of culture, disagrees and argues that any transfer of the

goods from Catalonia to Aragon is legally problematic. "There are two laws here that prohibit the return of works to Barbastro: the first is our laws on cultural heritage, which prevents national treasures being sold or given away. The second is the civil law regarding ownership." Mr Hernandez argues that in the latter case, there is "documentation proving the works were purchased" at the end of the 19th century by the Bishop of Lleida. This documentation includes, he says, written receipts, signed and sealed when the items were transferred from the parishes.

However, Jorge Español, a Madrid-based lawyer who has taken a civil case to the Catalan high court as a private citizen, and born in Aragon, argues that this reading of the legal situation is debatable. He believes that the disputed objects are *res pretiosae*, and that sale would not have been legal without the agreement of the Holy See. The Vatican agrees, and says no permission for sale was given in the 19th century. Further, it argues that the monies exchanged did not reflect fair market values. It says that these factors, and the published statements of the late

Bishop Meseguer, make it clear the objects were only on loan to Lleida. In May, the Catalan Supreme Court ruled that the case must be decided by the civil courts and ruled in favour of the Catalan government. Mr Español decided to appeal and is taking his fight all the way to the Supreme Court of Spain.

Meanwhile, a spokeswoman for the Aragonese government told *The Art Newspaper*: "We [the Aragonese government] insist that these are church goods and that it is therefore the ecclesiastical court which has the authority to resolve where the goods belong." The current lawsuit also says that if the Diocese of Lleida is unable to "return the goods to their legitimate owner, that they must explain the causes which impede the return, specifying the persons or institutions resisting the immediate reintegration".

Meanwhile, Judge Eduardo José Bernues from the Court of First Instance has decided that the Bishop of Lleida, Joan Piris, will be required to present himself in Barbastro within 30 days, and that all parties will be expected to present their cases over a period of nine days. **Matt Elmore**

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