

A Memorandum on the disposal of objects from churches

There may be various situations in which it is proposed to sell objects from churches.

- a. It may be seen as a way of raising funds for some project.
- b. It may be felt that unused objects are too expensive to store and insure, and are not 'earning their keep'.
- c. If a church or religious institution is closed down or demolished it may be necessary to find new homes for objects.

These situations are obviously radically different. The purpose of this memorandum is to provide assistance for those who, as in the third case, are forced to dispose of objects; it is also hoped to dissuade those responsible from selling objects when this is not in fact inevitable.

Churches and their contents are an inheritance from the past of which we are merely the temporary custodians. We are indebted for them to past generations of the faithful who have dedicated them to God's service. We need to be very sure of our ground before we alienate them once and for all from that service. A less than responsible attitude towards our patrimony has within recent years become more widespread than ever, and the Church will be seen as behaving irresponsibly if it ignores it.

The sale of objects to raise funds may, in certain circumstances, be justifiable. However, it has to be remembered that once the object is sold it is gone for good, and it will probably be impossible ever to recover it. There will probably be many other ways in which the money can be raised. Furthermore, feelings of guilt on the part of vendors too often cause them to sell objects in a manner which means that the best price will not be obtained.

Only too often parishioners are not consulted, or even informed; this leads to understandable resentment, especially when the donor or person commemorated is still remembered.

The problem of objects that are not used and are expensive to store and insure is often comparatively easy to solve. The Circular Letter from the Sacred Congregation for the Clergy to the Presidents of the Episcopal Conferences, *The Care of the Historical and Artistic Patrimony of the Church* (1971), stated, 'In the event that works of art and artistic treasures passed down to us from previous centuries are no longer considered in any way suitable for divine worship, they must never be relegated to profane use. They are to be kept in a fitting place, such as a diocesan or interdiocesan museum to which all who wish to view them can have access.' So far the only such museums in England and Wales are those at old-established institutions such as Saint Edmund's, Ware; Ushaw; Oscott and Stonyhurst. Some cathedrals, university chaplaincies etc. possess collections of miscellaneous items, despite the lack of facilities for their display. There is no reason why objects from Catholic churches should not be loaned to the treasuries which have been set up, with the aid of the Goldsmiths' Company, in several Anglican cathedrals. In fact the treasuries at Durham, York, Lincoln, Winchester, Gloucester and Canterbury are already showing Roman Catholic plate. Churches lending plate may borrow it back whenever they wish. It is equally possible for a wider range of objects to be loaned to local art galleries and museums: those already showing Roman Catholic objects include the Victoria and Albert Museum; the National Portrait Gallery; the Birmingham City Art Gallery; the Ely Cathedral Stained Glass Museum; the Watford Museum; and the

Bowes Museum.

Even objects of no intrinsic value, whether monetary or artistic, may have a strong claim to be retained, on the grounds of historical interest and educational value. The Challoner bicentenary exhibition at Westminster in 1981 demonstrated how effective even trivial objects can be in recreating the atmosphere of a past age of religion. A plaster Pieta with bleeding wounds can tell us more about a certain type of Catholic piety than any number of words.

It has been accepted that there will be cases in which objects from churches will have to be found new homes. In the first place, every effort should be made to relocate them in other churches or religious institutions, whether by gift, loan, or sale. There is as yet no machinery within the Catholic Church in England and Wales for this; (for the Church of England scheme, see the notes which follow). However, notices can be inserted in the Catholic press, with encouragement from diocesan liturgy commissions. Temporary storage, especially for larger objects, is a problem for which various solutions may be available (e.g. cathedral crypts).

Despite the foregoing, cases are bound to arise where it is decided that objects should be sold. The first question to be considered is that of ownership. It is widely held that the contents of parish churches and cathedrals are the property of the diocesan trustees, and that permission from the Vicar General is all that is needed for their sale. However, the 1983 Code of Canon Law states that 'under the supreme authority of the Roman Pontiff, ownership of goods belongs to that juridical person which has lawfully acquired them'. (Canon 1256)

One of the consultors for the recent revision of Canon Law comments: 'Since the "Catholic Church" has no legal existence under English Law as an owner of property, all our property has to be vested for legal purposes in some form of trust, and it is usual for all the property in a diocese, other than that of Religious, to be vested in a diocesan trust. The clergy get used to regarding the diocese as in some sense the owner or overlord, because all alienations of any substance have to be referred to the Bishop or Vicar General; but the real owner remains the canonical owner; and so, for example, the real owner of all the property of a parish is neither the parishioners nor the Parish Priest, but the juridical person of the parish. Every diocese and every parish in it is a distinct juridical person with the capacity and right to acquire and possess property in its own name. A parish priest is simply the "guardian" of the rights of his parish which he must safeguard in accordance with canon law.' Furthermore, Canon 1292 §2 states that 'the permission of the Holy See also is required for the valid alienation of goods whose value exceeds the maximum sum, or if it is a question of the alienation of something given to the Church by reason of a vow, or of objects which are precious by reason of their artistic or historical significance'. Canon 1291, on the leave required for valid alienation, limits the requirements to 'goods which, by lawful assignment, constitute the stable patrimony of a public juridical person whenever their value exceeds the sum determined by law'. (All parishes and dioceses are public juridical persons. Canon 515 §3 and Canon 372 §1 and Canon 373)

Canon 1293 ~ 1 lays down the basic requirements for alienation, viz. '1. a just reason, such as urgent necessity, evident advantage, or a religious, charitable or other grave pastoral reason; 2. a written expert valuation of the goods to be alienated,' and §2 states that 'to avoid harm to the Church, any other precautions drawn up by lawful authority are also to be followed'.

It would appear, in view of the above, that, while in certain circumstances the permission of the Holy See is required for alienation, in all circumstances it is proper

to obtain the agreement of the diocesan authorities, the Parish Priest, *and* the parishioners.

Once all the necessary permissions and agreements have been obtained, the question arises of how best to sell objects. One possibility is to make use of the system operated by the Church of England, which the Church Commissioners have generously agreed to make available (see the notes). It is recommended that in all circumstances those responsible should consult the Diocesan Liturgy Commission. Expert opinion must be obtained (see above). If there are no suitable qualified experts known to members of the Diocesan Liturgy Commission, the Art and Architecture Committee of the Bishops' Conference could recommend names. These should be art historians or curators rather than dealers or auctioneers. In the case of objects of particular value, whether intrinsic (e.g. gold and silver plate) or artistic (e.g. objects designed by architects, original works of art), the opinion of experts should always be sought. They should be asked to give, first, their opinion on the provenance, history, and the artistic value of each object, and, second, their advice on how each object can be best disposed of.

The Code (Canon 1283) requires that every parish church should keep a proper inventory of its possessions. In practice, this rarely occurs. The National Association of Decorative and Fine Arts Societies has Church Recorders Groups throughout the country. They may be willing to make

Notes

1. The Church Commissioners of the Church of England have established a system for disposing of the contents of redundant churches, or of superfluous contents from churches in use. They have generously agreed that it would be in the interests of all if the Church of England and the Roman Catholic Church could benefit from a common system.
2. In the Church of England the disposal of furnishings from redundant churches is in the first instance the responsibility of each diocese. Each Anglican diocese has appointed a Furnishings Officer to look after this work. Most officers are successful in disposing of contents without the assistance of the Commissioners. It is suggested that Roman Catholic dioceses might usefully establish contact with the officers of their Anglican counterparts.
3. The Church Commissioners circulate a 'Central Contents Register', listing items that cannot be disposed of locally. This is sent every two or three months to each diocese, as well as to certain individuals and organizations who have requested a copy. They also include requests received for particular items. Alongside each item is listed the name and address of the person with or requiring an article and it is asked that the person be contacted directly. The Commissioners do not themselves deal with the sale and purchase but leave it to the parties concerned. They do not repeat requests, unless specifically asked to do so, and they do not handle stained glass.
4. The Church Commissioners have kindly agreed that these lists should be circulated also to Roman Catholic dioceses, and they will include Roman Catholic items. Those wanting items included should contact the Church Commissioners Office (1 Millbank, London, SW1P 3JZ).