I beni culturali di fronte alla crisi economico-finanziaria e alla globalizzazione

The Protection of Abandoned Cultural Heritage in Spain

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Spain is a nation rich in art treasures, and the countryside is a treasure trove of cultural heritage; however, the Iberian nation has not taken measures to safeguard these items. As depopulation empties the countryside, property is abandoned and vulnerable to taking. Spain's art treasures are further harmed by the nation's lack of involvement in international treatises, leading to the international community's disinterest in the items. In addition, the State does not control much of its cultural heritage since the State wields little authority over the Church, and the vast majority of privately-held art belongs to the Church. In consideration of the highly publicized theft (and subsequent return) of the Codex Callixtus, this note sets forth recommendations for Spain to protect is patrimony, most importantly creating an extensive catalogue, encompassing both State and Church property.

1. Introduction

Spain has recently garnered a great deal of attention for problems related to art and cultural heritage theft. The Iberian nation is rich in art treasures: art ranging from religious works, modern paintings, ancient architecture, Roman ruins, and Visigoth remnants are densely scattered across cities and the countryside. The Spanish countryside is a treasure trove of cultural heritage property; however, the Spanish State has not enacted effective measures to safeguard these items. Whereas some of the art is world-renowned and protected, much of the art is still hidden away in insufficiently protected churches and in ghost towns, making the works vulnerable to theft and destruction. As depopulation empties the

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countryside, property is abandoned, vulnerable to taking, and unrecognized by the State and cultural ministries. The disregard for these objects deprives the nation of its cultural heritage. Spain's art treasures are further harmed by the nation's lack of involvement in international treatises, leading to the international community's disinterest in the items. In addition, the State does not exercise control over much of its cultural heritage since the State wields little authority over the Church, and the vast majority of privately-held art belongs to the Church. In consideration of the highly publicized theft (and subsequent return) of the Codex Calixtinus, this note sets forth recommendations for Spain to follow to protect is patrimony, most importantly the necessity of creating an extensive catalogue, encompassing both State and Church property.

2. Discussion

I. Cultural heritage misappropriation, particularly in depopulated towns, is on the rise in Spain

A. *Spanish art and cultural heritage have become the victims of theft*

Spain has recently received a great deal of unwanted attention for problems related to the destruction and disappearance of art and cultural heritage. Theft of Spanish cultural heritage, particularly church objects, is on the rise [1]. In 2011, there were 50 reported (the number of unrecorded thefts is unknown) church thefts, nearly one each week [2]. That year was witness to the theft of one of the country's most important cultural artifacts, the Codex Calixtinus [3]. The codex is a 12th-century illuminated manuscript, one of the world's most significant historical and artistic documents. The Medieval "travel guide" (the book provides information about locations along the pilgrimage route to Santiago de Compostela) [4] also holds significance for musicologists, as it was intended to be chanted, and it contains the first known composition for three voices [5]. The book was stolen from the shrine of the apostle Saint James the Great, in Santiago de Compostela, on July 3, 2011. (Fortunately in July 2012, law enforcement agents recovered the text [6].)

On December 28, 2011, another major theft was discovered in another northwestern town, Baños de Valderados, in Burgos, when locals realized that a fourth century Roman mosaic was damaged after thieves tore out three sections of it [7]. The mosaic was one of the best preserved Roman mosaics in Iberia [8]. In April 2012, two looted Roman statues were recovered before they were sold on the black market [9]. The list of stolen Spanish cultural heritage is extensive.

B. *The northwestern regions of Spain are targeted for thefts*

The Northwestern region of Spain is a major target of art crime for multiple reasons. This region is home to a treasure trove of religious art [10], the type of art that is particularly vulnerable to theft [11]. In particular, this type of art is not properly protected because there are insufficient security measures or because the works are unknown or unidentified. And within the northwestern provinces of Spain, one particular type of town is especially susceptible to crime—the abandoned towns.

II. Political and economic structures in Spain has led to vast depopulation in the Spanish countryside

A. *Spain's economic development has led to depopulation*

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During the first half of the last century, the Spanish economy was agriculturally based [12]. As the economy developed during the mid-twentieth century, farming became less profitable [13], and younger generations stopped entering the agricultural trade [14]. Simultaneously, the government focused its attention on the promotion of tourism. Spain is now one of the world's most popular travel destinations, and much of the Iberian nation's economy relies on the tourism industry. (According to the United Nation's World Tourism Organization, for many years, Spain has been one of the top-three countries attracting international tourists [15].) This dependence on tourism has contributed to the irrelevance of the agricultural sector in the Spanish way of life.

The changing economic landscape has redistributed the Spanish population. As younger generations gravitated away from agriculture, the population relocated with an exodus of inhabitants from smaller towns. In addition, younger generations with higher levels of education moved from rural villages to urban centers. Since younger generations left small villages *en masse* in the 1960s [16], rural towns have been dying. Thousands of Iberian villages are now populated by just a handful of older people [17], meaning that many will become ghost settlements within a decade [18]. People deserting their small villages abandon homes, art, and in some cases, cultural heritage property.

Population shifts have shaped the Spanish landscapes [19], as entire towns have been deserted. Astonishingly, these ghost towns were not all small communities; some of these towns once supported thousands of inhabitants, and the remnants of these bustling areas are abandoned homes, municipal buildings, historic sites, artwork, cultural heritage property, and churches. The towns are called "pueblos abandonados" ("abandoned towns") or "despoblados" ("depopulated towns"). A recent article estimates that 2800 towns in Spain have been abandoned, with the majority of them located in the northwest regions of Asturias and Galicia [20]. Two of every three abandoned towns are located in these regions [21]. In fact, abandonment predominantly plagues northern Spain [22]. However, the problem with depopulation is not unique to Spain; it is occurring throughout Europe [23].

B. *Political structures in Spain accelerate the depopulation of rural communities*

Spain's political structures have hastened the rate of depopulation. The Spanish Constitution of 1978 [24] established the Spanish territories into three levels of organization: municipalities, provinces, and autonomous regions, with municipalities being the subdivisions of provinces, and provinces being subdivisions of autonomies. The Spanish State is a regional, not a federal, government [25]. Citizens participate in public affairs through their municipalities, areas that have financial autonomy (municipalities formulate their own decisions regarding resource management) and financial self-sufficiency (resources necessary to exercise their competences) [26].

Currently there are 8,109 municipalities in Spain [27], with the vast majority (84%) having fewer than 5,000 inhabitants. Only 13% of Spain's population lives in these municipalities [28]. Northern Spain has a low population density and the greatest concentration of municipalities [29]. Municipalities operate by collecting their own tax revenue [30]. But without ample populations, there are insufficient funds to sustain communities. José Maria Area is a representative at the Ministry of Culture for the province of Burgos in Northern Spain. According to Area, there are "too many municipalities in northern Spain" [31]. For example, the province of Burgos which has an area of 14,300 km^2 contains 371 municipalities [32], many of which have fewer than 100 inhabitants [33]. Many of the municipalities have only a few dozen citizens [34]. With an excessive number of municipalities and insufficient resources, the towns do not function effectively, funds are not

used efficiently, duplicated resources create waste, and tax revenues cannot support the undersized communities [35].

There has been a controversial movement to reform and consolidate municipalities [36]. Pedro Arahuetes, Segovia's mayor and president of the finance commission for the association that represents Spain's municipalities and provinces, opines that the federal government should merge small communities to save on costs [37]. But locals do not want to merge with neighboring towns [38]. Consolidation efforts have been met with major resistance due to citizens' fear of losing control of their towns and surrendering their "identities" [39]. "The territorial distribution of towns in Spain is totally unsustainable and someone has to address this problem in a serious way" [40]. The absence of county-wide policies prevents the organization of macro areas [41], as each village functions as its own mini-republic. "This type of structure is killing the rural world" [42].

Desertion of towns compelled some municipalities to take extreme measures to halt the spread of desertion. For example, the town of Retortillo de Soria made international news in the spring of 2010 by attempting to repopulate [43]. The town's population decreased by about forty percent during the last century, and today's population density is comparable to the desert nation of Oman [44]. Retortillo's mayor won the 2007 election with her promise to increase the population of the town. The mayor invited Spaniards to relocate to the village, promising cheap housing with assistance from the municipality to parents with young children [45].

Abandoned towns are assessed at such low values that entire Spanish villages can be purchased for a couple hundred euros [46]. But these prices do not reflect the wealth found in these towns since some of these places contain valuable and historically significant objects. It is profitable to remove raw materials and "genuine antiques" (a piece of furniture or decorative object or the like produced in a former period and valued for its beauty or rarity) to sell or use them in new structures [47]. Individuals and companies now visit abandoned towns to gather free or nominally-priced raw materials.

III. There is a link between abandoned and depopulated towns and the misappropriation of cultural property

A. *Construction companies head to depopulated towns to seek materials from these areas*

According to the Burgos Ministry of Culture, Spanish citizens do not recognize the relationship between depopulation and the misappropriation of art and cultural property [48]. As stated by Area in the Burgos Ministry of Culture, "There is little money in the municipalities, and there is even less for artwork" [49]. Although depopulation has led to the demise of many small communities in Spain, some groups have benefitted from this trend. Construction companies descend upon deserted towns to procure building materials by dismantling structures for their centuries-old art, carvings, doors, portals, and tiles [50]. The companies are motivated by the robust market for these antiques; businesses around the world specialize in the sale of antiques destined for use in new construction [51]. Popular building pieces include structural elements of buildings, such as antique doors, Spanish tiles and carvings, coats-of-arms [52] and stone fountain pieces [53]. Some businesses sell the items as "reclaimed European building materials," implying that the pieces were saved from destruction and salvaged for sustainable use, not financial gain [54].

One such company, Antiqüedades Chelo, is located in the northwestern region of Galicia, an area hit by depopulation [55]. The company removes structural elements of buildings, often taking pieces from churches. A company representative stated that in order to take pieces from the churches, Antiqüedades Chelo receives permission from specific diocese [56]. The company has not faced any opposition in acquiring pieces from the diocese since pieces were removed from non-active churches scheduled to be demolished [57]. Instead of preserving of structures, the Church often decides to demolish the buildings.

B. Pillagers remove art, particularly religious works, from abandoned towns

Unfortunately not all artwork is removed with permission. According to the Senior Prosecutor of Galicia, there have been dozens of historical heritage lootings since the 1970s used to fund "networks of illegal traffic of religious objects" [58]. Miguel Angel González, a "delegado diocesano de Patrimonio" (diocesan delegate of patrimony) stated that thieves target objects with heritage value [59]. The stolen objects are intended for the black market, and they eventually appear at auction [60]. The problem is so acute that representatives of the bishopric attend auctions throughout Iberia to find missing pieces [61]. Yet identifying the missing pieces is extremely difficult since there is not a clear record of property (and this task becomes exceedingly difficult when pieces have been altered, repainted, or disfigured) [62]. Altarpieces and larger works may have even been dismantled and then sold in parts. Sometimes columns, niches, and chunks of altarpieces appear at auction, years after a theft or illegitimate sale. Yet, it is impossible to identify the works and to determine whether they were stolen, since they have been decontextualized [63].

IV. One of the major problem with protecting cultural heritage in Spain is that the national government does not properly protect cultural heritage by cataloguing or tracking cultural heritage objects

A. *Spain does not have a uniform cataloguing system for cultural heritage property*

Protecting Spain's vast array of art is difficult due to its lack of uniform cataloguing system [64]. Spain has a rich collection of art and cultural heritage property scattered throughout the country, in both large cities and in small towns [65]. Due to the economic climate in Spain, funding for cultural institutions is being cut [66]. This is particularly problematic for small towns, especially since art and cultural property records do not exist for many objects in these areas. Spain has not implemented a national cataloguing system; the national law protecting historical patrimony in Spain establishes that autonomous regions and municipalities are responsible for the objects within their borders [67]. Municipalities have a duty to protect cultural heritage objects, which includes art objects, churches, castles, and historic sites. However, the municipalities do not have ample resources to fulfill this responsibility. In addition, regions do not use a uniform catalogue system compiled by experts [68]. Rather the information in some of these registries are unreliable and offer poor data quality [69].

The Spanish State maintains that it is not accountable for cataloguing national cultural heritage, yet it insists that its municipalities catalogue and disclose these items within their territories [70]. At the same time, the State seeks to increase the coordination between these smaller areas and the State with the goal of protecting art [71]. The Spanish Ministry of Culture in Madrid provided information about this issue and Spain's efforts to safeguard cultural heritage. The nation merges municipal inventories with the State inventory and uses those records to track art's removal from its borders [72]. The merged catalogues will

also be used at auction. The state mandates that auctioneers examine a catalogue of national cultural heritage property objects before submitting items for auction [73].

Cataloguing art is expensive; however a national cataloguing system is feasible, as demonstrated by the Italian government, which has a national catalogue for cultural holdings [74]. The Italian catalogue may have imperfections, but it is superior to the current system in Spain [75]. The Italian catalogue is created by the Central Institute for Cataloguing and Documentation (Instituto Centrale per il Catalogo e la Documentazione, "ICCD"), a body within the Ministry for Cultural Heritage and Activities [76]. The CICD hires specialists and provides high-level training and research in order to compile accurate records. The institute defines cataloguing as the act of registering, describing and classifying all types of cultural heritage; it requires detailed descriptions of the works, including written descriptions, measurements, and photographs. Cataloguing standards consist of regulations, specific standards and support tools and a set of rules and guidelines [77]. After cataloguing, the Institute assigns numbers to items which compose the national archaeological, architectural, art history and demo-etnoanthropological heritage [78]. The process is time-consuming and arduous, but the CICD has undertaken this task in order to compile an extensive record. Although imperfect, the Italian Ministry of Culture has implemented a system to understand its nation's cultural heritage and monitor the movements of these objects.

The Italian national catalogue also includes Church holdings. The Church has a distinct database and software to record its holdings [79]. The Church database converges into a larger overarching government database [80]. Although the Church is independent from the State and owns its own property [81], the State has the authority to ensure that the nation's cultural heritage interest is guaranteed. When an exhibition wishes to borrow a cultural heritage object owned by the Church or located inside of a church, the museum must submit two requests: one to the Church and the second to the government through the Ministry of Culture (Ministero per i beni Culturali, "MiBAC") [82]. The government, through MiBAC, has the power to oversee the preservation of cultural heritage property [83]. Under Law N. 77/2006, the Directorate General of Management and Promotion of Cultural Heritage, under MiBAC is responsible for administering funds provided for the protection and use of the Italian sites of cultural, scenic and environmental interest, inserted in the List of World Heritage [84].

Whereas the Italian government has always devoted resources to the protection of national property [85], the Spanish government does not seem to adequately invest in that cause. Employees of the Spanish Ministry of Culture opine that the government does not have adequate resources to devote to cataloguing [86]. However, there are ways to make it economically feasible for the State to sponsor a national catalogue. Italy's ICCD raises funds from "both ordinary and extraordinary budgets; with proceeds derived from the development of its activities and the collaboration with other entities, both public and private; with the contributions from public administrations and bodies and private Italians, communities, as well as international organizations aimed at supporting the Institute's duties" [87].

The Spanish State should follow Italy's lead. Just as cataloguing has provided the Italian government with some level of control over national art and cultural heritage which increases tourism and revenue for the country, protecting Spanish art will bring tourism to abandoned areas that so desperately need tourism revenue. Furthermore, preserving and protecting art will ensure its survival for future generations, and will economically benefit the nation and enrich the country's cultural identity. Just as Italy's ICCD receives private

funding, the Spanish may find additional money from private donors, educational groups, or wealthy donors interested in protecting Spanish cultural arts.

B. *Spain's patrimony law does not effectively protect its cultural heritage because it does not capture property in abandoned towns*

Creating inventories helps to prevent theft of art and cultural property, yet there is conflict between the State and the municipal governments because municipalities do not have sufficient resources for this massive undertaking [88]. To protect its cultural patrimony, the Spanish State requires cataloguing, but does not provide ample economic support for this protective measure [89]. The State provides very minimal funding for cataloguing; municipalities receive only 1% of the money raised from State taxes for the protection (which includes cataloguing) and restoration of art within their boundaries. The Law of Historic Patrimony which provides funding is referred to as "1% Cultural."

The law states:

> La Ley de Patrimonio Histórico establece la obligación de destinar en los contratos de obras públicas una partida de al menos el 1% a trabajos de conservación o enriquecimiento del Patrimonio Histórico Español o al fomento de la creatividad artística, con preferencia en la propia obra o en su inmediato entorno.

> The Heritage Act establishes the obligation to spend on public works at least 1% to work in conservation and enrichment of Spanish Historical Heritage or the promotion of artistic creativity, preferably in the work itself or their immediate environment [90].

Fiscally weak municipalities are unable to devote resources to cataloguing property. José Maria Area, a representative from Burgos Ministry of Culture, opines "Municipalities are struggling overall. Forget about the art" [91]. Moreover, even after pieces are catalogued, they may not be protected. The only protected art are items granted protection as proclaimed by the regional government [92].

Another problem with Spain's system is that cataloguing does not capture data from abandoned towns because those towns do not receive funding for this process. Abandoned towns do not generate revenue; they do not collect tax funds, commercial revenues, or tourism spending. With zero revenue, there is zero funding for cataloguing. For that reason, abandoned towns are ignored during the inventory process, and objects in those areas are not included in cultural property catalogues. People are ignorant as to the wealth of objects in abandoned towns. The lack of information about objects within depopulated areas makes them defenseless targets for property theft [93].

In addition to the fact that property in abandoned areas is not catalogued, those unknown works are also viewed as low priority. Under the Patrimonio Historico (the Historic Patrimony Law), the Joint Commission considers various criteria in backing a patrimony project [94]. The law emphasizes the importance of public administration funding, that actions taken belong to the area of public works, and that the expenditure will contribute to the regional balance [95]. These criteria weigh heavily against the protection of abandoned property. First, the protection of materials in depopulated towns cannot be funded by public administrations because those regions have *de minimis* or non-existent revenues. Second, it is unlikely that the commission would find that an abandoned town contributes to the regional balance since the towns do not attract visitors or sustain communities, and their existence may be unknown to decision-makers. The Ministry allows only certain parties to

apply for the 1% funding; these parties are autonomous communities, municipalities, provincial councils and island councils, public universities, and the State [96]. Without knowledge of the abandoned art, the permitted parties will most likely not grant funding for the protection of property in depopulated areas.

For the most part, Spanish people do not recognize depopulation as an issue related to art and cultural heritage destruction. Ignorance concerning this problem has resulted in little initiative made to protect property within abandoned areas [97]. In fact, cultural ministry representatives claim that there is no problem with the destruction of art and property within these towns. Burgos Cultural Ministry representative José Maria Area claimed that there is no spoilage of art in abandoned towns. He stated that robberies occurred in the 1970s, but that it no longer occurs [98]. Cultural representatives state that removing art from abandoned towns is uncommon and not problematic. But the question remains: how can the State know whether art is being taken when the State and municipalities have no idea about the property within these towns?

V. Spain can protect its cultural heritage property by exercising some degree of control over Church property

A. *The Church owns the majority of Spain's cultural heritage*

The Iberian nation is in a unique position to protect its art because much of it can be secured by monitoring the Catholic Church. The Church plays a major role in preserving Spanish cultural patrimony because it owns the vast majority of privately-held cultural heritage property [99]. The church owns 70% of the historic centers of four of Spain's most culturally significant cities: Toledo, Avila, Burgos, and Santiago de Compostela [100]. And the church controls 80% of the national historic and artistic heritage of Spain, consisting of cathedrals, monasteries, and museums [101]. Records indicate that most cultural heritage offenses in Spain (at least in the northern regions) occur on church property [102].

The Church controls the property in its possession [103]. Yet since the church owns so much of Spain's cultural and artistic heritage, the State should ensure that the Church protects the pieces since they have historic and cultural value tied to the identity of Spain and its people. Churches should be protected by, and follow, the State's patrimony laws, especially since the Church receives funding through State tax subsidies [104]. The Spanish government formally separated from the Church under the 1978 Constitution [105], but the State continues to financially support the religious institution. An agreement with the Vatican permits taxpayers to contribute 0.52 percent of their income taxes to the Church [106]. Since 1989, however, the tax contributions have not matched Church spending, and the State has made up the difference with yearly lump sum payments [107]. In 2006, the government announced that the State would no longer be required to pay an annual allowance to the Church [108]. To compensate, the voluntary donation of taxable earnings rose from 0.52 percent to 0.7 percent, meaning that taxpayers may give 0.7 percent of their income tax to the Church rather than to the Tax Office [109]. Due to tax benefits and State funding, the State should require the Church to catalogue its holdings, preferably through a State-funded and State-appointed committee. In addition, the State must ensure that the Church does not divest objects of patrimonial significance.

One of Spain's major historic and religious centers is Toledo, the former capital of Spain, and region hailed for the richness of its religious art [110]. Although abandonment of churches in Toledo in uncommon, a representative of the Archdiocese in Toledo answered some questions related to church artwork. According to the Art Director of the Archdiocese

of Toledo, Father Pablo, individual churches sell items from their art troves [111]. But this should not be happening. Spanish patrimony laws establish that the Church is not permitted to sell art items. Churches receive funds from the State, thus churches fall under the State-imposed patrimony laws, and those laws prohibit the Church from selling cultural and historic pieces to raise funds. All pieces held within churches or that are part of the physical architecture of churches are subject to State inspection. Father Pablo opined that abandonment is not common in Toledo, but it is a problem for churches under the Archdiocese of Burgos, a region along one of the world's most significant pilgrimage routes [112], a course that crosses borders between Spain, Portugal, and France and ends in Santiago de Compostela.

The pilgrimage route meanders through regions in the Northwest of Spain [113], areas hardest hit by art pillaging and depopulation. The route is a journey through art history; unfortunately though, the Way of St. James also brings destruction to Iberian cultural heritage. Thefts occurring along the route are distressing, particularly since this region contains a treasure trove of noteworthy art, including some of the world's best known Romanesque art. The threat to this area is elevated by the fact that this area has been plagued by depopulation [114].

B. *Theft of religious property along pilgrimage routes in Spain are well-documented*

Thefts in the Spanish northwest are well-documented. The Guardia Civil of A Coruña in Galicia has spoken about the illicit commercial trafficking of religious objects from Galicia [115]. Over the past fifty years, there has been documentation of over 100 pieces of stolen objects from the Burgos region, which does not include undocumented thefts [116]. In the Office of Diocesan Delegate Equity is a bulging folder of papers and photographs with information about all types of works of art: sculptures, paintings, chalices, and altars [117]. These works have been stolen from religious sites during the past 50 years, the value of some of these, incalculable. Included in these cases are two especially painful disappearances: the blocks of Quintanilla de las Viñas [118] (the historically significant Visigothic segments were taken in 2004 from a chapel in Burgos), and the Virgen del Torreón [119] (a twelfth-century Romanesque sculpture plundered from the Church of Padilla de Abajo in 1992). Art thefts in Spain often coincide with religious holidays, events, and significant religious sites. In October 2010, a 17th-century painting of the Virgin was purportedly stolen during a sightseeing tour in the Collegiate Church of San Pedro de Lerma in Burgos [120]. (The piece is still missing.) And although policing helped to recover nearly all items taken, 2005 was a year marked by the most virulent and damaging waves of religious art theft [121]. Judging from the high number of robberies of religious art, it is evident that there is a market for religious cultural property.

In other regions, theft has been an even greater problem. 2011's theft of the Codex Calixtinus has brought international attention to the theft of church-owned treasures in Spain [122]. The book is a twelfth-century illuminated manuscript formerly attributed to Pope Calixtinus II. The codex is an anthology of background information and advice for pilgrims traveling along the Way of St. James, a pilgrimage route that ends at the shrine of St. James the Great in Santiago de Compostela, in Galicia [123]. The book includes sermons, reports of miracles, liturgical texts, polyphonic music pieces, descriptions of artwork, and information about local customs [124]. "It is one of the most important texts of the Middle Ages and of incalculable value," says Jesús Tanco, a St. James expert at the University of Navarra [125].

On July 5, 2011, the priceless tome was stolen. The Codex was reportedly removed from the cathedral archives on July 5, and reported missing the next day [126]. On July 7, 2011, church authorities in Santiago de Compostela confirmed that the manuscript was stolen from a safe in the cathedral vault [127]. (According to some sources, the keys to the safe were still hanging in the lock.) As in the rest of Spain, the cathedral was not protected by extensive security [128]. According to reports, none of the security cameras in the archive were focused on the vault housing the manuscript. Access to the codex was strictly controlled, but access to the chamber's keys was not [129]. "The church likes to operate under a principle of good faith," says Tanco, the president of the Navarra chapter of the Friends of St. James Pilgrimage. "We've been recommending for years that they improve their security measures" [130]. Unfortunately, the church also did not insure the work. The Cathedral Deacon José Maria Díaz confirmed that the piece was not specifically insured, and is unsure of whether the cathedral's general insurance would cover the book's theft [131]. Luckily for the art world, the codex was recovered a year after its theft [132]. But the piece should have never gone missing in the first place.

The theft brought the public's attention to Spain's religious art, and the awareness that there are thousands of pieces vulnerable to theft [133]. News sources have noted that art inventories are insufficient, and they do not include photographic evidence of items [134]. For this reason, police cannot identify missing pieces. For twelve years, Pope John Paul II advised churches to catalogue their holdings [135]. However the region of Galicia never followed this advice, even though art theft was on the rise [136]. Especially telling is that some investigators believe that the Codex theft was executed in order to embarrass church officials by drawing attention to the poor security devoted to priceless artifacts [137].

In some regions, art police patrol areas during times of great influx (such as Easter and Passover). Burgos and the northwest (such as Santiago de Compostela) attract pilgrims year-round; therefore, these regions are in constant need of protection, both by physical security and by cataloguing. Adding to the problem is that locals in these regions are under the false assumption that visitors to religious sites are "personas buenas" (good people) [138]. Based on the fact that tourists are attracted by religious sites, inhabitants naively believe that all visitors have noble intentions [139]. However, dozens of thefts a year are committed at religious sites and there is a growing market for these ill-gotten items [140].

3. Conclusion

The Church owns an overwhelming share of Spain's cultural patrimony; therefore, the Spanish State should maintain some degree of control over Church holdings. Laws do not forbid the Church from selling its property, but since the nation's cultural and political past is so intimately intertwined with the Church, the State should be able to oversee Church art sales. Furthermore, since the national tax scheme helps fund the religious institution, the State should wield some degree of control over the cultural patrimony in the Church's possession. Overseeing the Church's actions will allow the State to more effectively protect its cultural patrimony. Although the Church is prohibited from selling its cultural property, the State does virtually nothing to regulate these actions, monitor sales, compile and inspect church inventories, or prevent property destruction. The only way to monitor the Church's property is for the State to gather information about the Church's holdings, and that can only be done with a comprehensive cataloguing system. The catalogue should be compiled by an impartial board in order to accurately document national holdings.

To salvage cultural objects in depopulated towns, the State's control of the Church's divestments will secure property and potentially limit the sale of materials to companies

looking to dismantle culturally significant pieces. For objects not under the Church's power, the State should sponsor protection of objects in abandoned areas. For the State to effectively protect its holdings, a catalogue must include objects in abandoned areas. The essential first step is to identify the nation's treasures by visiting abandoned areas and churches and by compiling an extensive inventory of Spain's overlooked cultural heritage property. Only through cooperation with the church, municipalities, and the national government will the Spanish nation be able to properly protect its cultural treasures.

Note

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