

# Spanish artist sued for insulting fascist dictator Franco

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Spanish artist Eugenio Merino is being sued by the foundation dedicated to “disseminating the memory and work” of the dictator General Francisco Franco who ruled the country, and murdered hundreds of thousands of political opponents, from 1938 until his death in 1975.

The National Francisco Franco Foundation (FNFF), headed by Franco’s 87-year-old daughter Maria del Carmen Franco Polo, is suing Merino for €12,000 [US\$16,000] in damages, plus legal costs, for offending the honour of the dictator and the foundation by his “grotesque and offensive” sculpture, “Punching Franco.”

The work, which consists of a punchball in the shape of a hyper-real silicone head of Franco’s head wearing sunglasses, was on show last year at the “Days Against Franco” exhibition in Madrid. The exhibition was organised by some of Spain’s leading artists involved in the Anti-Fascist Artists’ Platform in support of Merino, who was being sued by the FNFF for a previous work.

That work, “Always Franco,” was on display at Spain’s foremost contemporary art fair, ARCO, in 2012 and shows Franco in military uniform and sunglasses crouching inside a glass-door fridge that resembles a Coca-Cola drinks dispenser. The vice president of the Franco foundation, Jaime Alonso, declared, “The work generates hate and confrontation. This is a serious offence against the former head of state. It is turning him into a caricature, a puppet.”

The judge dismissed the case saying Franco’s reputation was not injured and that Merino was protected by the constitutional right to artistic expression.

Insulting the head of state is still illegal in Spain under *lèse-majesté* (injured majesty) laws. In 2005, the

Spanish Supreme Court sentenced Arnaldo Otegi, spokesman for the outlawed Basque party Batasuna, to 12 months in jail for slandering King Juan Carlos, and in 2007 the Spanish satirical magazine *El Jueves* was fined for publishing a cover with a cartoon of the king’s daughter having sex with her husband, the Prince of Asturias.

Merino’s life-like sculptures have been the subject of controversy in the past. At ARCO in 2009 he exhibited a sculpture, “For the Love of Gold,” parodying the British artist Damien Hirst—who had just produced a diamond-encrusted human skull entitled, “For the Love of God.” A kneeling Hirst is displayed in a glass case holding a gun to his head. Merino explained, “I thought that, given that he thinks so much about money, his next work could be that he shot himself. Like that the value of his work would increase dramatically.”

In 2010, another sculpture, “Stairway to Heaven,” provoked criticism from the Israeli Embassy in Madrid. It shows a rabbi holding the Koran, standing on a priest clasp the Torah, who is kneeling on a prostrate mullah with the Bible.

Merino spoke to the *World Socialist Web Site*. Paul Mitchell: Can you tell me about the court case?

Eugenio Merino: I was due to attend the first hearing on January 23, but it has been postponed. The foundation, which receives a public subsidy, said “Punching Franco” offended the “Head of State of Spain” and them. But I have not mentioned them in any works. As for Franco, the judge in the previous case said my freedom of expression is a civil right.

PM: Why did you make the two works?

EM: Both were made in 2012, as part of the same project and were a cathartic response to the transition [to bourgeois democracy following the end of the dictatorship]. It was a way to get back at the

dictatorship ... to punch Franco in the face. It was a metaphoric and artistic punch, not a call to the streets.

In my work, I try and explain something about my life and the world. In this case, to examine what is happening in Spain. I put Franco in a fridge to express that it's nearly 40 years after the dictatorship and he still lives in our society. Every month there is something in the press about Franco. In 2012, Judge [Baltasar] Garzón was disbarred for investigating the Franco dictatorship and his victims. Now the government is trying to stop the extradition of two former policemen [accused of torture during the dictatorship] to Argentina.

The ruling Popular Party has a direct link with the dictatorship. The founder of the party [Manuel Fraga] was a minister in the Franco government. If you look closely, it really is the same people ruling today and the same companies. Nothing much has changed. There is not much difference between the PP and the PSOE [opposition Socialist Workers Party].

We also have the 1977 amnesty law [which absolved the Franco-era crimes], which no one wants to amend and prevents discussion of what happened. All the Franco people should have been imprisoned, but these laws stopped it. We shouldn't still be having people trying to find their missing relatives.

PM: Can you tell me about "Stairway to Heaven"?

EM: My work is about humour and irony. It was a comment about three religions trying to reach one God. You have one religious leader on top of the other and accepting each other.

I really like to talk about religion, which is very important here in Spain. The Catholic Church is very present and many government ministers are from Opus Dei. I am not against people practicing religion, but against religion being mixed with politics. Why should we accept morality based on religion? It should not be compulsory in schools.

An artist should really address these issues. Some found the work offensive, and I received many death threats after I made it.

PM: What do you see as your future?

EM: It is difficult for artists, really impossible. The market is not the place to work. Each of my works costs about 3,000 euros [\$US 4,113]—half is my money and half from my dealer. I have managed to live the last six or seven years from my work, but I might have to

get a job. I am now collaborating with the new satirical magazine *Mongolia*.

I want to be more independent and criticise everything. I think my works are able to make people understand the world in a humorous way. There have been a lot of political artists producing works, but now they are getting absorbed into the establishment and deactivated. They are no longer able to communicate.

Art is not about making money. It is about making works that reach and impact the minds of the people. But that also needs a strategy. Sure, Damien Hirst is an idiot and, sure, his works deal with the surface...but he had some interesting works in the 1990s. He is a businessman like Jeff Koons or [Takashi] Murakami.



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