



Ecce Homo

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“Ecce Homo” refers to a depiction of Jesus Christ prevalent in Western Christian art of the 15th to 17th century. Pontius Pilate uttered the phrase “ecce homo,” Latin for “Behold the Man,” at the trial of Christ. Paintings on this theme depict Christ wearing a crown of thorns and purple robes placed on him by Roman soldiers.¹

In 1930, Spanish artist Elías García Martínez (1858-1934) painted an ecce homo fresco on the wall of the Santuario de la Misericordia chapel in Borja, Spain.² García Martínez, whose family spent holidays in Borja,³ was a learned painter and a professor at the School of Art of Zaragoza. His ecce homo measured 50 centimeters by 40 centimeters and depicted Christ from the chest up, wearing the crown of thorns. (See Figure 1.) Over time, the painting suffered damage, leading to extensive speckling of the paint. (See Figure 2.)

In August 2012, the otherwise obscure painting became an Internet sensation after it was discovered that the painting had been radically altered. According to the BBC, the painting now resembled “a crayon sketch of a very hairy monkey in an ill-fitting tunic.”⁴ (See Figure 3.) What was originally suspected to be vandalism turned out to be a botched restoration by a local octogenarian, Cecilia Giménez, who claimed to have “restored” the painting with permission from the church’s priest.⁵ The descendants of García Martínez began exploring their legal options, and the cultural affairs council of Borja expressed its hope that the painting could be returned to its original state; otherwise, they said, it would be covered with a photograph of the original.⁶

Meanwhile, Giménez’s painting went viral on the Internet, inspiring a meme, a satirical Twitter handle, and a Tumblr (a short-form blog) devoted to photoshopping the fresco’s head on other masterpieces.⁷ Soon, thousands of tourists were flocking to Borja to see the painting, inspiring the chapel to charge one euro each to visitors. By August 2013, the chapel had already raised over 50,000 euros, all of which was donated to the Fundación Hospital Santi Spiritus.⁸

¹ <http://www.britannica.com/EBchecked/topic/177700/Ecce-Homo>

² http://elpais.com/elpais/2012/08/23/inenglish/1345732300_844688.html

³ <http://www.independent.co.uk/arts-entertainment/art/news/elderly-woman-destroys-19thcentury-spanish-fresco-by-elias-garcia-martinez-in-botched-restoration-8073267.html#>

⁴ <http://www.bbc.co.uk/news/world-europe-19349921>

⁵ <http://www.nytimes.com/2012/08/24/world/europe/botched-restoration-of-ecce-homo-fresco-shocks-spain.html>

⁶ <http://www.blouinartinfo.com/news/story/821028/spanish-octogenarians-disastrous-unauthorized-art-restoration>

⁷ <http://www.latimes.com/entertainment/arts/culture/la-et-cm-botched-art-restoration-earns-fans-20120827,0,2113759.story#axzz2pxB2bMNI>

⁸ http://latimesblogs.latimes.com/world_now/2012/09/spain-botched-fresco-moneymaker.html

Giménez demanded a share of those royalties, which she hoped to donate to charities supporting patients with muscular atrophy.⁹ The great grandchildren of Martínez continue to agitate for genuine restoration of the painting.

Figures¹⁰



Discussion Question: What should be the respective rights and obligations of the parties?

	Duty to Pay Damages	Right to Damages	Right to Injunctive Relief	Right to Admission Fees	Right to Tourism Revenues
Heirs of Garcia Martínez					
Giménez					
Santuario de la Misericordia					
Priest					
Borja					

⁹ <http://www.bbc.co.uk/news/world-europe-19674622>

¹⁰ Sources: <http://www.thehistoryblog.com/wp-content/uploads/2012/08/Ecce-Homo-Elias-Garcia-Martinez-10-years-ago-430x658.jpg>; <http://www.thehistoryblog.com/wp-content/uploads/2012/08/Ecce-Homo-Elias-Garcia-Martinez-damaged-430x649.jpg>; <http://www.thehistoryblog.com/wp-content/uploads/2012/08/Ecce-Homo-Cecilia-Gimenez-restoration-430x702.jpg>.