

COMPETITION OF IDEAS FOR THE PROJECT OF A MONUMENT TO FREEDOM OF EXPRESSION

TECHNICAL SPECIFICATIONS

The periods of freedom of expression enjoyed by Spaniards have been all too short. The laws against the press, or, as they said in the 19th century, against the "evils of printing", were more of a rule than an exception. Although the first law of freedom of press, equivalent to today's freedom of information, came early, in November 1810, at the threshold of the Constitution of Cadiz, which was to include this right in unequivocal terms, it only lasted a couple of years. Soon after the chains and laws of the old regime returned, giving the monarch authority over the publication of newspapers, books, and therefore, over the free circulation of ideas.

During the course of the 19th century there were few periods of freedom, even restricted freedom, and there was too much censorship, whether blatant or veiled through the many control mechanisms. Each government, especially all those with a reformation agenda, came with their own press law to enforce.

During the 20th century, freedom of press has been exceptional and the empire of censorship has been intense during many periods, especially during Franco's era. It was the Constitution of 1978 and the transition to democracy that finally brought the longest period of freedom of press for Spain.

Article 20 of the current Constitution of 1978, refers to the decree of 1810 and obeys the same liberal and democratic spirit. With the commemoration of the bicentenary of the decree IX of 1810 we wish to link the current era of freedom of expression with the enlightened ideas of the end of the 18th century, and, in some way, celebrate that right, warning ourselves that it is a fragile right, that is easily weakened and requires citizens to be alert, as it is, after all, a right that is useful precisely for the citizen, for his and her right to know and say.

Journalists are directly involved in the exercise of this right, that does not only belong to them; they are simply the administrators and instrument of the right, and they wish to emphasise their commitment to freedom, giving it a preferential and prominent place, in order to ensure that it is not forgotten.

FERNANDO GONZÁLEZ URBANEJA

Chairman of the Asociación de la Prensa de Madrid (Press Association of Madrid)



1. AIM AND SITE OF THE COMPETITION

- 1.1. The aim of the competition is the design of a **Monument to Freedom of Expression**, to be erected at the corner of the headquarters of the Press Association of Madrid, at the corner of Juan Bravo 6 and Claudio Coello.

2. PHYSICAL STRUCTURE AND CHARACTERISTICS OF PROJECT

- 2.1. The Monument will be placed at the corner of the building without any *a priori* restrictions with regard to the strict area that it should occupy, although the lines of design of the façade will be taken into account in analysing the most appropriate limits for the proposed work.
- 2.2. It will therefore be essentially an element annexed to the façade, which may have volume (that is, it may protrude from the façade). For guidance purposes, entrants can take as a reference the provisions established in the General Plan for Protruding Elements in Buildings (Article 6.6.19. Protrusions or overhangs on façades), where, by analogy with a look-out point, the elements can protrude from the façade up to seventy five (75) centimetres.
- 2.3. However, the building is catalogued by the General Plan as Level 1, with an Integral Protection Level. Being a protected building, it is subject to the conditions of the Institutional Commission for the Protection of Historic and Natural Heritage (CIPHAN in its Spanish acronym), which means that the licence for the execution of the winning piece should pass the relevant controls, and may be subject to changes arising from compliance with the indications given by the Commission.
- 2.4. By definition, this is a competition that is open to any artistic expression trend that is compatible with the place and building that will serve as its base, with an estimated maximum execution cost of approximately **60,000 euros**.

3. ORIGINAL TEXT OF THE DECLARATION OF 1810.

- 3.1. What follows is the original text of the Declaration whose bicentenary is commemorated with the monument subject of this competition. Entrants may use it freely, if they deem it necessary, for its reproduction on the piece they propose.

CORTES (PARLIAMENT) OF CÁDIZ
(CORTES GENERALES Y EXTRAORDINARIAS DE LA REAL ISLA DE LEÓN)
DECREE IX. OF NOVEMBER 10, 1810.

Political freedom of press.

The General and Extraordinary Cortes (Parliament), considering that the individual freedom of the citizens to publish their political thoughts and ideas is not only a check to the arbitrariness of those who govern them, but also a manner of enlightening the Nation in general, and the only way to gain knowledge of the true public opinion, decree the following:

ARTICLE I. *All private bodies and persons, whatever their condition and state, have the freedom to write, print and publish their ideas without need for licence, review or approval of any kind prior to publication, subject to the restrictions and responsibilities that are outlined in this decree.*

II. *Therefore the current Printing Press courts are hereby abolished, as is the censorship of political works prior to their printing.*

III. *The authors and printers will be responsible respectively for the abuse of this freedom.*

IV. *Writings that are libellous, calumnious, subversive towards the fundamental laws of the monarchy, licentious and contrary to public decency and good morals will be punished by law, in addition to those detailed below.*

V. *The respective judges and courts will carry out the investigation, qualification and punishment of the crimes committed related to abuse of the freedom of press, in accordance with the provisions of the laws and these regulations.*

VI. *All writings on religious matters will be subject to prior censorship by the clergy, in accordance with what is established in the Council of Trent.*

VII. *Authors, which include the editor or the person who has provided the original manuscript, are not obliged to state their names in the writings they publish, although this does not redeem them from said responsibility. Therefore, they must inform the printer of the name of the author or editor of the work. Should they not do so, the printer will be punished under the same terms as the author or editor would be if they were known.*

VIII. Printers are obliged to state their names and surnames and the place and year of print on all printed material, whatever the volume; hereby understanding that falsity in any of these requirements will be punished on the same terms as their omission.

IX. Authors or editors who, abusing the freedom of Press, fail to comply with these provisions, will not only suffer the punishment established by law according to the seriousness of the crime, but will also have the seriousness and punishment for the crime published along with their names in the Government gazette.

X. Printers of works or writings that are declared innocent or innocuous, will be punished with a fine of fifty ducats in case of omitting their names, or failing to comply with any other requisite detailed in article VIII.

XI. Printers of writings forbidden by virtue of article IV, who omit their name or any other requisite mentioned above, will suffer, in addition to the fine deemed appropriate, the same punishment as the authors of such writings.

XII. Printers of writings on religious issues without prior licence from the clergy, will suffer the monetary fine established, without prejudice to the punishments already established by law, depending on the seriousness of the case.

XIII. In order to guarantee freedom of Press, and contain the abuse thereof, the Cortes will appoint a High Board of Censorship, which should be based near the Government, formed by nine members, and, at their proposal, another similar board in each provincial capital, formed by five members.

XIV. Three of the members of the High Board of Censorship will be ecclesiastic, and two out of five members of the provincial Boards will be so too. The remaining members will be secular and in both cases educated, with sufficient virtue, probity and talent to undertake the serious responsibilities they are entrusted with.

XV. It will be the Boards' responsibility to examine the works that have been reported to the Executive Power or to the respective courts; should the censorship board deem, with justified reason, that they should be stopped, the judges will act accordingly and gather the copies sold for their confiscation.

XVI. The author or printer may request a copy of the censorship decision and appeal. If the Board were to ratify its first censorship decision, the interested party may demand that the case be remitted to the High Board.

XVII. The author or printer may request the High Board to examine their case once, and even twice, for which it will be

provided with all relevant documentary material. If the last censorship of the high board is against the work, it will be withdrawn from circulation without further examination; but if it rules in favour of the work, the case will be filed.

***XVIII.** Should the provincial or high Boards of censorship, in accordance with what has been established, declare that the work contains nothing more than libellous statements, the work will be withdrawn from circulation, and the damaged party may go to the corresponding court and request a trial for damages, in accordance with the law.*

***XIX.** Although religious books may not be printed without the licence from the clergy, the latter may not reject it without prior censorship and hearing of the interest party.*

***XX.** However, if the clergy insists in denying the licence, the interested party may appeal with a copy of the censorship to the High Board, which must examine the work, and if it deemed it worthy of approval, send its decision to the clergy, so that, with more information on the subject, the licence be granted, if deemed appropriate, in order to avoid further recourse.*

For the knowledge of the Regency Council, who will ensure this decree is printed, published and circulated.- Real Isla de Leon, 10th of November of 1810.- Luis del Monte, President.- Evaristo Pérez de Castro, Secretary.- Manuel Luxan, Secretary.- To the Regency Council.- Ref. Fol. 11-13.

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(Taken from the Collection of Decrees and Orders issued by the *Cortes* of Cádiz since its creation on 24th September, 1810, until the same date of 1811)