# Héctor Díaz

## Cultural critiques in Mexico

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# Art:
# The missing and urgent link in Ciudad Juárez

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Although freedom of expression guarantees the right to an opinion, the validity of an argument depends on its foundation, knowledge, and backing. When speaking of Ciudad Juárez, many have an opinion, but only juarenses truly know their city. Added to this, when it comes to art, very few of us can share an informed reflection.

I was born on this border misunderstood by Mexico and the world. After spending nearly twenty years away, I returned having become the first gallerist—founder and director of an international art gallery—that both the city and the state of Chihuahua have ever produced.

For my family, it is a source of pride that I am the first art dealer from such an imposing state; for me, it is a source of astonishment to discover myself as the only one in its history. This led me to question why we lack gallerists and art galleries in the region. Does our community simply not like art?

The reality is that neither in Ciudad Juárez nor in Chihuahua has there ever been a true art gallery; what there have been are stores. The difference is abysmal: a bookstore sells books, but it is not a publishing house; a music store sells records, but it is not a record label. In the same way, an art store sells paintings and sculptures, but it is not a gallery. Stores are not organizations that represent artists, forge their market, or build their legacy.

It is true that art stores predominate in the country; true galleries are scarce. This scarcity responds to multiple factors: stores offer decorative pieces at accessible prices, while galleries manage works with a superior patrimonial, historical, and aesthetic value. Furthermore, Mexico faces a deficit of collectors, and the operation of a gallery requires complex skills—such as maintaining successful representation over time and guaranteeing the artist's growth in the primary market—that few manage to sustain.

This orphanhood of infrastructure generates another equally serious problem: the asphyxiation of the creator. Without true galleries, artists lack the necessary platforms to develop professionally within their own region. They face absolute isolation and zero representation, preventing them from projecting their careers. Since there are no organizations to build and safeguard their long-term legacy within the primary market, talent is left adrift, condemned to anonymity, or forced to seek outside what their city denies them.

Juárez has never had an art museum of its own. Although the Ciudad Juárez Art Museum (MACJ) exists, it does not belong to the city or the state; it is part of the network of the National Institute of Fine Arts and Literature (INBAL). Its administration is centralized, which brings with it a silent but devastating problem for juarenses: the best exhibitions are decided and distributed in Mexico City, and our border does not figure into their priorities. As a result, local exhibitions have been of a very low cultural level for decades, as if our community should settle for the capital's leftovers. Thanks, but no.

The MACJ opened its doors in 1964 under the National Border Program (PRONAF), with the objective of creating cultural centers along the northern strip. Its building, designed by the renowned architect Pedro Ramírez Vázquez (author of the National Museum of Anthropology and the Azteca Stadium), is iconic and part of our identity. However, today its function is merely aesthetic, operating more as a monument—just like Sebastián's sculpture—than as a living cultural venue. I say this as a direct, honest criticism and, of course, with profound sadness.

Why don't juarenses visit art museums on weekends? For the simple reason that the offering is deplorable; a visit usually generates more disappointment than awe. Are we not worthy of high-value cultural exhibitions? We are, and we deserve it. We are a resilient community in the face of social adversity and violence, and we contribute enormously to the country. Perhaps juarenses have been culturally lagging for so long that they are unaware they have the right to demand first-world art in their city.

There are institutional efforts, such as those of the Museum of Archaeology and History of El Chamizal (MAHECH) and the Cultural Center of the Borders (CCF) of the UACJ, but they are overshadowed by a deficient artistic level. The main problem is the endogamy of our cultural ecosystem: people always see the same thing. An offering of national and international significance is urgently needed, but, unfortunately, the current administrations have not shown the capacity to manage it

The private sector has attempted to fill this void with spaces like the eclectic collection of the Laberinto del Quinto Sol (mistakenly called a gallery) or the recent Museum of Juarense Identities

(MIJ). Nevertheless, although the city has exhibition halls, it has lacked the vision to attract masterful exhibitions that integrate art into the daily lives of juarenses.
Added to this lack of vision is the role of the media. It is symptomatic that the most important newspaper in the region, El Diario, lacks a section dedicated to culture on its platform. This omission further deepens the neglect of art in our city; citizens are inundated daily with an avalanche of news, while culture is relegated or sadly substituted by entertainment gossip. When entertainment replaces the fine arts on the public agenda, society is denied the right to cultivate its sensitivity.

An alarming example of how spectacle usurps the place of culture is the recent decision by the municipality to authorize more than 70 million pesos for the Juan Gabriel museum. It is incomprehensible that such a quantity of public resources is allocated to private property, completely ignoring the artistic orphanhood the city suffers. If only the authorities had possessed the vision to invest that capital in true cultural development. As if that weren't enough, the cost of admission to this venue exceeds 350 pesos per person; not even the Louvre Museum imposes such fees on its residents. Far from being a project for social benefit, this more closely resembles a lucrative business subsidized by our taxes; a true outrage.

Added to this structural crisis is a harmful trend: the proliferation of conceptual art in museums and local spaces—also misnamed galleries—like Azul Arena, San Luis Contemporáneo, and the Edificio de los Sueños. This phenomenon is alarming. If the community already lacks artistic education, flooding the offering with empty art, assembled with scraps from vacant lots, is counterproductive. If the public previously felt disappointed, today they feel mocked.

The fine arts, founded on technical, pictorial, and sculptural mastery, can never be replaced by the simplism of conceptual art, where the idea attempts to justify the lack of craftsmanship.
It is absurd to go to the Ciudad Juárez Art Museum to contemplate broken plates or pieces of rope under the label of "art." And if the spectator does not connect with the work, they are accused of ignorance, when in reality it is an insult to their intellect. The level to which this venue has descended is lamentable.

I speak of Juárez because I am a juarense; I speak of art because I am a gallerist. And I raise my voice because I have an inescapable responsibility as a son of this border.
The absence of true galleries in our city is not a matter of chance, but the direct consequence of this backwardness. It is an inescapable premise: without culture, audiences are not formed; without audiences, galleries do not have an ecosystem in which to exist; and without galleries, artists are left without representation or a market to consolidate their careers. If citizens, tired of empty offerings and abandoned venues, refuse to attend public exhibitions, how can we expect them to cross the door of a gallery to start a collection and support a creator? It is a vicious circle

that has suffocated the entire sector. However, this reality is not an irreversible condemnation; it can be changed. If we raise the level and bring forth art with true mastery and historical value, I am convinced that the juarense community will respond, finally closing the gap between the public, the gallerist, and the artist.

As a gallerist, I commit to initiating part of my gallery's operations in Juárez. With this step, I seek to contribute my effort so that the world looks our way, not only as an industrial border but as a city from which great masters are represented and global collectors are forged.

We cannot allow ourselves to be a city orphaned of culture. I formally propose that the city build its own art museum, and I demand, as a juarense, a world-class cultural offering in our public spaces.

The missing, and urgent, link in Juárez is art.

**Héctor Díaz**
Founder and Director of **HECTOR DIAZ**

# HECTOR DIAZ


ARTÍCULO
ARTE: EL ESLABÓN PENDIENTE, Y URGENTE, DE CIUDAD JUÁREZ

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ARTE: EL ESLABÓN PENDIENTE, Y URGENTE,
DE CIUDAD JUÁREZ
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## Mexican art, afraid of international success

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Questioning the State's intervention in private artistic production, or whether private property should be shared with the nation, also leads us to consider the downside for Mexican art—and its collectors—in achieving international success.

The 1972 Federal Law on Archaeological, Artistic, and Historic Monuments and Zones establishes that the President of the Republic or the Ministry of Culture (through INBAL) can declare a creator, a part of their work, or their entire production an "Artistic Monument." This is undoubtedly a great cultural honor; however, for a collector, it is a true legal nightmare.

Being declared an Artistic Monument is a ticket to history backed and recognized by the government; however, this laurel comes with a package of State impositions for private collectors:

- The right of ownership ceases to be absolute.
- Registration of the artworks becomes mandatory.
- If a piece is sold, donated, or inherited, authorities must be notified.
- The owner is legally responsible for maintaining the artwork in good condition.
- It is strictly forbidden to alter, modify, or destroy the piece.
- An official permit, guaranteeing its return, is required to take the artwork abroad.
- Pieces declared a "monument" cannot leave the country permanently.
- In the event of a sale, the Mexican State reserves the "right of first refusal" (priority to purchase).

But that is not all. If a collector fails to register the piece or attempts to take the artwork out of the country without the corresponding permits, they face the confiscation of the work, substantial financial fines, and even prison sentences.

In short, if you own artwork by Mexican artists, you are subject to the creator being declared an Artistic Monument and, overnight, losing absolute freedom over your assets. That is, your pieces become part of the "cultural heritage of the nation," even if the State has not contributed a single penny towards their acquisition. For a collector, this is clearly interpreted as an attack on private property.

The criteria used by the Mexican State to declare an artist an Artistic Monument are:

- **Outstanding aesthetic value:** That the work possesses exceptional technical and creative quality that distinguishes it from the common production of its time.
- **Representativeness:** That it is a key piece for understanding an artistic movement or a stage of national culture.
- **Degree of innovation:** That the artist has contributed new elements or transformed the visual language of their time.
- **Importance in the social context:** The impact that the work or the author has had on Mexico's cultural identity.

In theory and academia, these criteria are noble; in practice, they are highly subjective. The undeniable reality is that artists who achieve international success immediately enter the State's radar.

The fact that artworks reach major auction houses with estimates in the thousands or millions of dollars is thanks to the galleries that represented the artist well; the collectors who, with their patronage, believed in them and acquired their work; museum exhibitions; editorial projects; the media that documented their career; and, above all, the artist's talent and fierce creative will.

Among the artists whose work has been declared an Artistic Monument are: José Clemente Orozco, Diego Rivera, Frida Kahlo, Dr. Atl (Gerardo Murillo), David Alfaro Siqueiros, Remedios Varo, María Izquierdo, Saturnino Herrán, and José María Velasco.

One might ask: How many works did the Mexican government acquire from these artists—during their lifetime—that are today worth fortunes in the international market? Outside of institutional muralism, the vast majority of easel works were discovered and acquired by private collectors.

It is true that the government offers grants (such as FONCA), museum spaces, and tax facilities (such as the SHCP's Payment in Kind Program), but the State is not the architect of an artist's career, nor the "rightful owner" of the works once worldwide recognition materializes.

**Legislation: Mexico vs. United States**

For many, this Law of general interest protects the country's artistic assets. However, there is a line the State crosses by imposing control over something that is not its own. This regulation should apply strictly to public collections (works the Nation acquires with its own resources), not to acquisitions made with private capital.

In the United States, the concept of an "Artistic Monument" applied to movable private property (such as a Mark Rothko painting) does not exist. In that country, the right to individual property prevails, and the government has no authority to force you to register your artwork on an official list, prevent you from taking it out of the country, require you to ask for permission to restore it, or prohibit you from selling it to a buyer anywhere in the world.

This freedom is precisely one of the reasons why the United States is the epicenter of the global art market: it offers total legal certainty regarding the ownership of the asset and its free mobility.

Regarding international law, an inevitable question arises: Can the Mexican State force a collector abroad to submit to its heritage laws? Take the case of Edgar Mendoza, considered one of the most prominent surrealist realist painters in contemporary Mexico, who has a considerable portion of his work in Spanish collections, both in museums (like the MEAM) and in private hands. If in the future the State decided to declare his work an Artistic Monument, would the Law apply to these institutions and collectors in Europe? The legal reality is that Mexican law is territorial and lacks jurisdiction to subjugate a foreign museum or individual over an artwork they acquired and imported legally. Ironically, this legal threat exclusively punishes the collector who decides to keep, invest in, and protect their artwork within Mexico.

This Law is, to a large extent, responsible for Mexico lagging in international collecting, with a share of barely 1% of global art sales. The country does not lack artists; it lacks collectors.

This Law is responsible for the fact that only a select few Mexican creators manage to be valued at major auction houses like Sotheby's and Christie's, which is seen from Mexico as an exceptional achievement rather than a natural consequence of the market.

This Law is responsible for the massive gap in initial valuations: while in Mexico the work of an emerging artist hovers around 10,000 MXN, in the United States a similar profile starts at 10,000

USD. Careers in the neighboring country take off thanks to the capital injection from collectors who invest with the legal certainty that their assets are protected and that no law forces them to share control of their property with the State.

What collector would want to aggressively invest in a Mexican artist if there is a latent risk of them being declared an Artistic Monument and, consequently, losing absolute freedom and ownership over their investment?

Through this Law, the Mexican government is fostering—perhaps inadvertently—the flight of artworks, the black market, and low investment in national art.

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El arte mexicano, con miedo al éxito internacional
Por
Héctor Díaz

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