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DP&E Essay

Is it Ethical to steal street art?

On the 22nd of December 2023, The Guardian read: *'An artwork created by Banksy has been removed from a south London street less than an hour after it was confirmed to be a genuine installation. Two men were seen taking down the sign at the intersection of Southampton Way and Commercial Way in Peckham.'* (Vinter, 2023)

Officially 'untitled', the art piece depicted 3 military air strike drones on a pre-existing 'Stop' road sign in Peckham (51.47608, -0.07860845) . It has been predicted to be a Pro Palestine/ anti-war art work, which when considering Banksy's body of work surrounding the subject, seems like a probable theory.

The thievery of street art is somewhat of a grey area. Where two illegal activities meet. A beautiful harmony of crime.

For this essay, I have chosen to focus on the artist Banksy, situating both the artist and his work in the current world as a global system. Banksy's street art is a constant commentary on not only the absurdity of the art world, but also the social, economical and political issues engulfing the world globally. Banksy especially focuses on the West Bank conflict, after a trip to Gaza in 2005, where he did a series of symbolic street art murals, exploring the oppression and control seen around the area. The highly political context and content of this work is relevant and later mentioned in this essay.

Additionally, I feel it important to point out, I will be referring to Banksy as 'he/him' throughout the essay, as that is how the artist is referred to by others throughout my research and references. Therefore I felt it fit to carry that on.

Throughout this essay I will often purposefully neglect the contents of the art pieces. Why? Although occasionally situationally relevant, the focus of this essay is to look at the way the stakeholders, those who interact with Banksy's work do so, and the wider implications of these reactions/ interactions.

It's important to identify what street art is and its origin.

Almost all street art shares 3 common factors, and as Peter N. Salib described perfectly in his paper titled 'The Law of Banksy: Who Owns Street Art?',

'street art is generally produced in urban settings, placed on property without the property owner's permission, and displayed where the public can see it.' (N. Salib) I would also add, what I believe street art is; illustrated, using imagery primarily, opposed to its close relative and predecessor 'Graffiti', which relies more on names, typography and 'scale.'

These terms are never nice to define, nor may these definitions be universally agreed upon, but I feel for the essay, it is necessary to try.

Street art derived from graffiti, with pioneers such as Keith Haring and Jean-Michel Basquiat, painting the New York streets over the 70s and 80s. Street art has always had a political tone, the simple act of painting on a wall, for all to see, is the clearest contrast to more formal, contemporary ways of viewing art. Art often produced on pristine canvases, hosted by equally pristine frames hung in an overwhelmingly pristine gallery.

Banksy, however, is undoubtably more than just a 'street artist'. Banksy positions himself as an anti-art-artist. He himself in his most recent documentary describes the art world as *'the biggest joke going, its a rest home for the over privileged, the pretentious and the weak, and modern art is a disgrace. Still it's probably the easiest business in the world to walk into with no talent, and make a few bucks.'* Banksy - *Banksy from The Rise of Outlaw Art. 1:02:42.*

This attitude is a theme throughout his work, seen at his unconventional art shows, painting animals and humorously adapting pre-existing art works. His most undeniable f*ck you to the art world was during the auction of 'Girl with Balloon', using a hidden shredder to 'Destroy' the piece just moments after it was sold for \$1.4 million at Sotheby's auction house. Ironically sky rocketing its value. (Jacob, 2018)

Banksy's art simultaneously exposes and dismantles an invisible 'intellectual' barrier that often comes with art. Instead of something that is questioned for its orientation, or for its technical beauty and brush work to be gawked at, he conveys emotion. Easily understood, his art is relatable, often using a mixture of irony and humour to explain/question/enlighten the darker corners of societies. Reminding people to question, and break away from the engrained societal routine.

This accessibility is why Banksy is so loved, and has such influence.

This is also why, people want to steal his art, ripping it from the streets.

Banksy has a long history of his public street art being stolen, often for individual resell.

This is a key factor within this argument. The intent behind the act. Manslaughter Vs Murder.

Banksy does not want people removing his street art. Because of this, he will NOT serve a CoA (Certificate of Authenticity) to anyone who has acquired his art illegally. I feel that the specificity of the area/ surroundings in which he chooses to place his street art, is more important than the physical work itself. And to de-locate a Banksy from its original, intended situation, is to dilute and disrupt its intent and meaning. (Pest Control Office)

However, due to street art being an illegal activity, often being painted on someone else's property without permission, this question of ownership can become more blurred. There are most commonly three main parties involved.

1. The artist.

2. The property owner.

3. The 'finder'.

Some artists may feel inclined to take ownership of there work through intellectual property laws, however *'because street artists generally break the law to produce their art, such subsequent appearances to take ownership of and, therefore, responsibility for such art will be rare.'* - (Peter N. Salib P.g 3)

An example where all 3 parties have been involved, is one spoken about by Peter N. Salib in the essay 'The Law of Banksy: Who Owns Street Art'. The piece 'Mobile Lovers', was found in April of 2014, by Dennis Stinchcombe who recognised it as a Banksy. Stinchcombe proceeded to remove the ply wood hosting the art, from the door it was attached to.

His intent was to auction it off to raise money for the 'the Broad Plain Boys' which was a community after school club, that he had been running in Bristol for over 120 years, but was facing financial hard trouble at the time. As soon as Stinmchombe possession of this art piece was made public, Bristol council felt it their obligation to remove 'Mobile Lovers' from his possession, on the grounds that it was painted onto 'public' city property, and therefore was housed best in a museum.

Artist of the piece Banksy, felt it necessary to intervene, as he rarely does, and proceeded to write a letter to Stinmchombe, stating that he'd gifted the art work to The Boys Club, putting them in ownership, resolving this issue.

Stinmchombe intention here, was clearly selflessness, and in this case, I feel that the finder had deserved ownership. Banksy, famously keeping themselves anonymous for there entire career, has consequently put themselves in a position where they can claim art, regardless of illegality.

He used this power, in this case, to claim back and re-gift ownership from Bristol City Council, the property owner, to Stinmchombe, the 'finder'.

The 'finder' isn't always an individual. Nor do the finder(s) always want to rip the art from its intended home. In the example of Banksy's 'Slave Labour' piece, painted on the side of a bargain store in Haringey, London. The shop owner intended to remove the art work, and had it set to be auctioned off in Miami. However, the community of Haringey managed to block the auction, meaning it stayed longer in their local area. It was eventually sold at a later auction.

A lot of communities feel very proud to have public Banksy in their area. Banksy is one of Bristols largest icons and can be seen plastered all over.

Banksy has made multiple attempts at reducing the power that the art world/ market has on his art in particular. Decentralising the wealth from art market and art collectors. Putting it back into individuals hands.

The first being '*Pest Control*' and online authentication process set up by Banksy, which will grant art works with a CoA (Certificate of Authenticity) if the art work is authentic, and is not '*things like stickers, posters, defaced currency or anything which wasn't originally intended as a 'work of art'.* And we certainly don't issue them for anything committed illegally, because we have a lawyer.'

(Pest Control Office)

A second example was Banksy's 'GROSS DOMESTIC PRODUCT' shop. In 2019 Autumn, a shop in Croydon, London, was filled with 'products' created by Banksy, that would be for sale. The shop front would guide you to his online shop, where you'd have to answer the question 'why does art matter?'. The answers were then judged by Adam Bloom, and if deemed 'good' enough you'd be entered a lottery to win the 1 item you had chosen.

(GrossDomesticProducts)

Banksy asks people to "refrain from registering at this time if you are a wealthy art collector," demanded Banksy. Prices have also been fixed on the first releases "for lower income patrons." (Banksy's online 'shop' vets potential buyers with one simple question)

These barriers to entry were designed to keep out the art world. For once, art work can not just be bought through financial means.

Lastly, *B-Bay*, "Your first choice destination to trade in secondhand work by a third-rate artist" - (Banksy, Baby website) A work in progress project of which Banksy is created a platform to buy, sell and exchange his art, separate from the conventional 'art world'.

(*BBay*.)

It is clear that Banksy sees the art world as an enemy, or something to exploit and toy with. It could be argued that the art industry and its general conservatism, is the reason that Banksy's art ever finds itself ripped from its intended context of the street, and unwillingly hung on the wall of an institution, purpose built for that exact act. That art of any expense, popularity, or greatness should really live inside one of these purpose built institution.

I do question, the efforts of Banksy. As someone with immense influence and power on the art market, in particular the marketing of his own art, it seems that he has access to all he would need for some radical movement and disruption.

Designed Action:

My initial idea, which I later dismissed, was to 'overwhelm the art market' with Banksy originals. Apply and adapt the ideology of hyperinflation, where supply massively surpasses demand, with Banksy's. This would bring down the price and demand for Banksy's in the art market, reducing the compulsion to rip them from the street. However, I realised that this is something only Banksy himself can do, to achieve authenticity. The stunt in its self is very Banksy-esk, a sort of controlled 'sell out', instead, doing so not for personal financial gain but the opposite. An act of kamikaze to bring down the art world from within.

But I'm not Banksy...well...I'd say that even if I was.

My alternative designed action, one I feel would be plausible to carry out, is to apply an 'if everyone can't enjoy it, then none can' attitude to his street art.

The physical act of protest would be in the form of painting over all current street art by Banksy.

A black box shape, in order to cover all work with the text 'A BANKSY WAS HERE' or 'IF EVERYONE CANT HAVE IT, NONE CAN' or 'CENSORED'. This action, opposing the earlier idea of overwhelming the art market, is set out to achieve the same purpose. Of his existing stolen street art being returned to the rightful 'owner' or intend situation/location.

The only alternative. To remove its physical existence altogether.

Consequences.

One possible consequence of this may be that Banksy's existing art, owned by collectors, galleries, friends will increase in price. This contrasts with Banksy's main agenda, of decentralising the art market. Reducing the financial elitism within the art world. These people would then have all control.

An additional consequence could be that these new 'censored' Banksy's may become/ be considered an art piece in itself. Comparable to the artwork 'Erased de Kooning Drawing', by Robert Rauschenberg, who approached de Kooning about the idea, requesting a sketch, with intent of erasing it. Rauschenberg stressed the difference between destruction and alteration during this process, of which took 2 months to complete. The resulting art work was a framed piece of blank paper, featuring a few smudges, and a caption below reading 'ERASED de KOONING DRAWING ROBERT RAUSCHENBERG 1953'. (Why robert rauschenberg erased a de kooning | artsy.)

This idea of alteration, removing what was once there is an ideology explored largely through art.

The current absence highlights it's once presence. The black box suggesting an evidence of absence. A theme Rauschenberg also experimented with the the use of white paint on white canvas. This idea of covering up artwork, is somewhat magical. Knowing something has or continues to live on, yet being invisible. A somewhat biblical feeling, perhaps similar to a feeling felt when a friend or loved one passes. A feeling of an alternative eternal presence through physical absence.

Banksy himself both tried and 'failed' to alter his own art, early mentioned through his 'Shredded-Girl with Balloon'. I'd like to think he'd somewhat be in support of my proposed action.

The ethics behind the act can change depending on what specific street art is being painted over. Due to its intent, and purpose. Both things Banksy calculates very meticulously.

To fulfil this action, all street art/ murals must be covered. Including those painted in and around the West Bank. This could be seen as an act of propaganda. Deleting these murals, painted as an act of hope and positivity, using specific imagery and colour, is seemingly an unethical act.

However, during one of Banksy's early trips c.2005, a local man dressed him about the wall art, who *"acknowledged both the beauty and irony of Banksy's work, telling him: "We don't want this wall to be beautiful. We hate it. Go home."* (Adamolekun, 2022)

This shows that the act of painting the wall alone can become an ethical dilemma. To even see the wall as a canvas, or as anything other than oppression and a representation of historical horror, is a privilege in itself. One the locals are more critical of. *"we don't have the privilege of writing on the wall, and then going home and never having to see this wall again. We are forced to see it every day."* - Jerusalem-based Palestinian Activist Amany Khalifa (Adamolekun, 2022)

This privilege, evidently, is often one unconsidered by many street artists, who have proceeded to mark the wall, with 'easy for you to say', images of hope.

Sadly, those on the West Bank do not have the power, access or privilege to have an active say in their active oppression. However, in the UK, we are privileged enough to protest. Perhaps Banksy's propaganda is best housed on UK streets, in areas of the world who do hold this privilege to engage in political activism to try and reduce this oppressions.

It's because of this, that I feel the stealing of recent Banksy in Peckham (51.47608, -0.07860845) to be an unethical act. An act of ill intent.

An act, carried out in £490 shoes... (Maison Margiela Men's Replica Trainers - Black)

An irony, I'm sure Banksy would appreciate.

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