

Case 2 “Street Art”: Vandalism or Philanthropy?

In the art world, people get their start in some surprising places. In 2008 Shepard Fairey produced a stylized image of Barack Obama underscored with the word ‘HOPE.’ This image became an iconic symbol of Obama’s presidential campaign. Though this image made Fairey a household name, his work had already been seen by many in graffiti and stickers affixed to buildings, street signs, park benches, etc. Despite his work’s notoriety, Fairey remained relatively underground (as part of the counter culture) until 2008 in part because his art—tagging, street art, or graffiti—exists in what he describes as a “legal grey area.”¹ Fairey, like many street artists, has been arrested numerous times.

Opponents of graffiti argue that “Graffiti is ugly...Graffiti is an eyesore that decreases property values, is a drain on tax dollars and makes residents feel unsafe.”² Some reports indicate that Graffiti clean-up costs each taxpayer between one and three dollars annually. In most places there is legislation that addresses graffiti with specific definitions and penalties. For instance, according to Florida statutes graffiti resulting in less than \$1,000 in damage is a misdemeanor offense with subsequent infractions constituting a third degree felony.³

Free speech advocates argue that graffiti is a legitimate form of artistic self-expression and that the costs associated with graffiti removal and decreased property values are the product of social prejudice. One such advocate describes graffiti artists as painting “murals in celebration of line, color, and the beauty of life on a dull gray train trestle for the viewing pleasure of people on their way to work, all without demanding a cent for the service.”⁴ Some emphasize that graffiti is supposed to be troubling and is disliked because of the political and social messages it conveys. Others highlight the fact that graffiti competes for expressive space with messages delivered in traditional commercial and political advertising and argue that graffiti gives a voice to someone other than marketers and politicians in public spaces.

One widely proposed resolution to the spread of graffiti is the production of public mural walls, or the designation of certain walls as “legal” walls or walls open to public art. Legal walls are popular in many cities, but graffiti artists sometimes reject legal walls in favor of walls with better placement in terms of viewership, artistic context, surface characteristics, permanence, etc. Also, critics of legal walls argue that legal graffiti walls encourage the development and spread of graffiti and are thus counterproductive “oozing” into adjacent areas.⁵

Recently a painting by renowned British street-artist Banksy was discovered on the wall of an abandoned Packard plant in Detroit. Within days a local gallery had gathered the resources necessary to cut away the Banksy portion of the block wall, crate the wall and move it to their Gallery near I-75. The owner of the Packard plant filed suit, alleging that the gallery had stolen a

¹ Banksy, Rhys Ifans, and Shepard Fairey. 2010. *Exit through the gift shop*. [United States]: Mongrel.

² City of San Antonio Official Website: Code Enforcement Division, Graffiti.
<http://www.sanantonio.gov/ces/graffiti.aspx/thefacts.asp>.

³ Florida Statute § 806.13 (2012).

⁴ Caleb Neelson “Critical terms for Graffiti study,” 2003, http://www.graffiti.org/faq/critical_terms_sonik.html.

⁵ “Graffiti “Free” or “Sanctioned” Walls Vignettes from All Over,” <http://www.nograffiti.com/files/freewalls.htm>.

work of art worth in the area of \$100,000.⁶ Some in the art community maintain that the piece has no value once removed from its street context, but recent gallery shows reveal that the work of prominent street artists can be very valuable. This gathering commercial value may raise a new challenge to restrictions on graffiti and ironically may limit the artistic value of the work.

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⁶ Jamie Wetherbe, "Salvaged Banksy artwork goes on display in Detroit" *Los Angeles Times*, April 27, 2012, <http://articles.latimes.com/2012/apr/27/entertainment/la-et-cm-banksy-mural-debuts-in-detroit-gallery-20120426>.

