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### Works Cited

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### Who Owns Street Art?

Artlaw

#### SITE SPECIFICITY

A Banksy-style rat holding a sign asking 'Why?' was recently stencilled on the wall outside a London shop from which the Banksy-attributed mural *Slave Labour* had been hacked away a few weeks earlier. This is a typical Banksy-style epigrammatic question, suggesting several issues about the removed mural: who took it; was it stolen; who consigned it for public auction in Miami several days after its removal; why did the auction house withdraw it from sale at the last minute; where is it now; will it ever be resited? And, in a wider cultural context, who owns street art?

Unusually, *Slave Labour* was a mixed-media work: depicted in black stencil at the foot of the wall, a barefoot boy kneels over a sewing machine stitching together a streamer of Union Jack bunting; the flags were real, pinned to the wall under the boy's sewing hand, and dropping down in two streams -- one forking down and trailing along the pavement, the other up the wall and pinned at about 12ft. It was also site-specific: located on the outside wall of a Poundland shop at Whymark Avenue in Wood Green, Haringey. The Poundland chain-store had previously been linked with child labour sweatshops in India, although it subsequently stated that any such links have now been cut. *Slave Labour* was also time-based: appearing in May 2012, weeks before the Queen's Diamond Jubilee celebrations in early June and the start of the London Olympics in July.

The bunting was filched early on, but the remaining stencil was covered with perspex to preserve what became a significant cultural attraction for visitors -- local, national and international. Transport for London erected wayfinder signs to the work at local stations and stops. It was last

seen in situ on 15 February 2013. Its disappearance provoked immediate local public outrage, which soon attracted worldwide media interest when the piece was named the star lot at a public auction of modern, contemporary and street art in Miami, Florida. Fine Art Auctions estimated the lot would fetch between \$500,000 and \$700,000, but withdrew it from sale following sustained direct pressure from the general public, led by Haringey Borough Council. Claire Kober, the Council's leader, said: 'It was a true credit to the community that their campaigning seemed to have helped to stop the sale of this artwork from going ahead We will continue to explore all options to bring back Banksy to the community where it belongs.' But does it belong to Haringey's community?

Banksy makes no claim to physical ownership of his street artworks, which are executed on property owned by others. Poundland issued a public disclaimer: 'We would like to confirm that we are not responsible for either selling or removing the Banksy mural. We are currently investigating.' Poundland leases its building from owners Wood Green Investments Ltd whose solicitor said: 'If they [WGI Ltd] deny removing the mural they will become embroiled in an international criminal investigation, and if they admit to consenting to it, then they will become the target of abuse. The advice to my client has been to say nothing If it wasn't them, then somebody else did it, but my clients have not reported any theft to the police.'

It seems Wood Green Investments was the initial owner of the work located on a wall of its building. This was supported by Haringey Council's researcher who said: 'My private conversation with the owners has not brought clarity in terms of what their involvement has been. They accept that it was their wall and their property.' On questioning the auction house, Haringey was told that Wood Green Investments had sold Slave Labour to a private collector who, in turn, had consigned it for auction. After withdrawing the lot from its sale, Fine Art Auctions confirmed that the work 'is now back with the consignor' and that 'as an auction house, we want to be as uninvolved in this controversy as possible'.

The Metropolitan Police also considered the matter, and published its view that 'there is no suggestion of any crime being committed' and that it 'advised US authorities that there has not been a theft'. Currently it appears that an as-yet-unknown private collector owns the slab of wall on which the work (minus its original bunting) sits; its whereabouts is also unknown; but it has not been stolen. Does the unknown private collector own an asset that can be sold in the market place, or is its provenance so tainted that the market would regard it as being 'burned' and unsellable? Arguably the Miami auction house thought so, and perhaps future buyers, dealers and other auction houses would hold the same view. There is recent precedent.

In 2007 six Banksy-attributed artworks were stencilled on walls in the West Bank city of Bethlehem, including Wet Dog (also withdrawn from the Slave Labour Miami auction) and Stop and Search, each highlighting the Israeli/Palestinian conflict Of these works, Banksy reportedly said 'Because of the troubles, Bethlehem is no longer a top tourist destination, but it would be good if people came to see for themselves. If it is safe enough for a bunch of sissy artists, then it is safe enough for anyone.' Like Slave Labour, Wet Dog and Stop and Search were chiselled and removed from their respective sites within a year of their appearance, and bought in 2010 by

London's Bankrobber Gallery and New York's Keszler Gallery. In December 2012, they told the Art Newspaper. The guys who took them from their original sites were Palestinians. They tried to sell them on eBay for \$500,000 each. When they couldn't sell them, around four years ago they approached us.'

In late 2012, Bankrobber and Keszler galleries were publicly criticised by fellow art-market professionals and others for their unethical involvement in the removal of site-specific street artworks attributed to Banksy. This arose from their organisation of an exhibition at the Art Miami art fair, 'Banksy Out of Context', comprising the Bethlehem murals and others removed from their original sites in Los Angeles and the UK. The exhibition's stated key purpose was 'to continue the debate about whether a work of art is still valid outside its original context, which is why none of the works was offered for sale. The market for original murals, the galleries said, 'is a sort of Mexican stand-off. Banksy would never authenticate them, but we all know they are real Banksy murals are a sort of poisoned chalice We know that they are unsellable through the standard auction houses. Anyone buying them has to be in it for the long game.'

Museum and gallery collections, private and especially public, do not as a rule play the market Are they likely to acquire original street murals? Assuming that curators diligently check the provenance and prove such a work's legal ownership (and right to sell, donate or bequeath), the same ethical objection recently articulated by art-market professionals may arise: site-specificity.

Perhaps such interrelated ethical and market concerns will begin to deter would-be hackers from perpetrating such curious acts of vandalism and persuade the owner to arrange the return of Slave Labour to Wood Green. Haringey might provide some celebratory bunting.

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By HENRY LYDIATE

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