

Street Art and Consent

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Street Art

Graffiti and tagging are pervasive and ubiquitous, and just about everyone has something (usually negative) to say about them. Except philosophers of art, who have been strangely silent. This comes as no surprise – historically, few aestheticians have bothered to explore the art status or aesthetic merits of graffiti and tagging.¹

Recently, however, a new movement in the streets has emerged: moving beyond mere territorial markings, so-called street art is beautiful, clever, and inspiring. Street art straddles two radically different kinds of mark-making practices in public spaces, falling somewhere between bona fide institutionally supported public art on the one hand, and illegal, childish scribbles on private property on the other. Where before the lines between public art and graffiti were once clear and obvious, street art occupies a space in between, raising questions about how we distinguish among these three different practices.

The goal of this paper is to explore the nature of this emerging art form known as ‘street art,’ and in doing so, draw out some of the differences between street art, public art and ‘mere’ graffiti. Making these distinctions will highlight two central features of street art: street art is (1) aconsensually produced (made without the consent of the property owner on whose property the work exists), in a way that (2) constitutes an act of defiant activism designed to challenge (and change) the viewer’s experience of his or her environment. This paper advances these two conditions as necessary for a work to count as street art. The first section of the paper will present some paradigmatic examples of street art, and distinguish them from cases of public art on the one hand, and from graffiti and tagging on the other. The second section considers Riggle’s account of street art, and why it is problematic. The third and fourth sections defend the

• ¹ That’s not to say that academics outside philosophy have not taken a keen interest in graffiti and tagging, but they often do so from the perspective of sociology, criminology, and other fields of social studies. See, for example, Alison Young’s excellent *Street Art, Public City: Law, Crime and the Urban Imagination*, Routledge, 2013, or Anna Waclawik’s *Street Art and Graffiti*, Thames & Hudson, 2011.

role of aconsensuality in street art (which distinguishes street art from public art), and explain how aconsensuality is used for a particular, defiant and activist purpose, viz., to challenge (and change) the viewer's experience of the space (which distinguishes street art from graffiti and tagging).

SECTION 1: EXAMPLES OF STREET ART, IN CONTRAST TO PUBLIC ART AND GRAFFITI

French street artist JR pastes oversized portraits of the world's disenfranchised and forgotten victims of poverty, war and violence in very public, very visible places. These victims' enormous and larger-than-life portraits are impossible to ignore as you go about your daily life, bringing their plight into the forefront of your thoughts as you walk through the street, and raising awareness about one's own role in their situation.

Mademoiselle Maurice's origami works are delicately pasted onto walls, small and dainty, but when seen en masse, reflect power in numbers. Brightly coloured, these masses of butterflies swarm the walls, a swathe of nature overtaking the monotonous concrete cityscape. Over time, the delicate butterflies lose their battle against the elements, slowly disintegrating – a literal demonstration of nature's struggle against the urban jungle, reminding us that neglect for one's immediate environment can lead to disastrous consequences for everyone – the origami, the cityscape, and its inhabitants.

JR and Mademoiselle Maurice are typical street artists who create art out of all sorts of different and unexpected artistic tools in order to advance their own socio-political agendas in the streets. Guerilla knitters² make colourful and elaborate "outfits" that they affix (usually using

² Guerilla knitting is sometimes also referred to as 'yarn bombing.' I refrain from using this term, because some graffiti writers object to its appropriation. Graffiti writers compare the way they might tag a city to the way an army might bomb one – quickly, without warning, and with a great impact on the community in question. It is sometimes objected that knitting is by its very nature slow (though perhaps the installation of the knitted object is quick, even if creating the knitted object is not), and often knitters do not have an intention to target a wide space (though there is no in principle reason why they cannot have such an intention).

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3 a very easy knitting stitch that facilitates the work's quick and surreptitious installation) to ugly,
4 urban structures like fire hydrants and fences, to literally blanket the world in soft textiles and
5 fabrics.³ Even more radical guerrilla knitters knit over the guns displayed on the public
6 sculptures of war veterans, wrapping the representations of their guns with "gun cozies" in
7 Indonesia (Magda Sayeg⁴), or even more extreme, have "bombed" an entire World War II tank
8 in disarmingly delicate pink crochet to oppose involvement in the war in Iraq (organized by
9 Danish artist Marianne Joergensen⁵)! Guerilla knitters rethink the function and purpose of
10 domestic craft arts, by bringing them out into public view to assert their own political and social
11 agenda.

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Clean taggers⁶ make art by cleaning dirt from walls, so that the dirt constitutes the
background or canvas of the work, and the clean parts constitute the art itself. The result is art
with an environmental bonus: eliminating the dirt and grime of the city. Guerrilla gardeners also
have an environmental line, taking over abandoned property to create bountiful gardens, and
audaciously removing the grass in the tiniest of public spaces next to footpaths and at road
intersections in order to make way for productive gardens that feed those who cannot afford to
feed themselves.⁷ These works raise awareness about how public property – land that everyone
ought to care for and value – is ironically the very land that nobody in fact cares for or values.
These works also tacitly criticize governments for not taking advantage of public green areas to
grow food as a way of fighting poverty and hunger in the city. Brandalists operate with similar
goals in mind: objecting to the corporate takeover of our visual environment, brandalists deface

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³ For a striking display of guerrilla knitting feats, see *Time's* photo exhibition at:
http://content.time.com/time/photogallery/0,29307,2077071_2283023,00.html (accessed 4 June 2014).

⁴ For information on this gun cozy, as well as many of Sayeg's other works, see
<http://www.wsj.com/articles/SB10001424052970204903804577081352661575564> (accessed 10 March 2015)

⁵ See her website for information on this collaborative protest piece at: <http://www.marianneart.dk/>
(accessed 10 March 2015).

⁶ Sometimes referred to as reverse graffiti artists.

⁷ For information on this worldwide movement, see <http://www.guerrillagardening.org/ggtroopdigs.html>
(accessed 4 June 2014).

advertisements in humorous ways, like Ji Lee's clownify stickers - clown nose stickers to affix on the faces in advertisements⁸. Other campaigns include anti-consumerist advertisements that 'advertise' non-commercial goods and values, like appreciating life, being happy, or simply enjoying non-branded space. Brandalists' works also criticize the government, shaming public officials for ignoring the public's interests. They also protest the privatization of our 'public' spaces, as highlighted by private organizations maintaining public land, usually in exchange for the right to advertise their companies.

Street artists present an alternative way of experiencing the space around us, and conceptualising the role of public space. Rather than a purely utilitarian space through which one is forced to trudge to get from one activity to another, a bleak and impersonal environment devoid of meaning that is completely unrelated to one's own world, these artists re-conceive the public realm as one that is itself worthy of inhabiting, experiencing and enjoying.

Having surveyed a representative sample of street art, we are now in a position to reflect on how works of street art differ from works of graffiti on the one hand, and works of public art on the other.

Obviously, these works of street art are a far cry from what we might call 'mere graffiti' – the gang-related territory marking that is often associated with urban blight.⁹ Since territorial marking is a primary motivation for graffiti artists, their writing is often directed at a specific group (e.g., another gang), and intended to assert one's presence to those within the graffiti community (e.g., this space belongs to me). The goal for most graffiti writers is to gain as much notoriety within the graffiti community as possible. This is done with a variety of types of works. On one end of the spectrum are tags: simple, quick, easy-to-produce writings of one's

⁸ Ji Lee's works can be found at his website, <http://pleaseenjoy.com/about/> (accessed 10 March 2015).

⁹ Graffitiactionhero.org has a terrific set of slogans by which to distinguish graffiti from street art, among them: "5. Street Art says "Have you thought about this?", Graffiti Tagging says "I tag, therefore I exist". 6. Street Art was done with a smile, Graffiti Tagging was done with a scowl." (accessed 4 June 2014).

pseudonym in a unique and distinctive style that is easily recognizable. Tagging is a way of spreading one's name throughout a broad geographical area very quickly. At the other end of the spectrum, graffiti writers also spend a lot of time and energy creating what they term 'masterpieces' - highly embellished, ornate and decorative ways of writing their pseudonyms. Because these take more time, there are fewer of them, and they are typically used to establish one's status and reputation as a skilled artist within the graffiti community, rather than to establish the range one's presence.

Graffiti writers differ from street artists in many respects: (a) the audience to which their work is directed (graffiti artists' audience are fellow graffiti writers vs street artists' audience is the public at large; (b) the message they want to convey (ownership or presence in a given location vs a social or political message); (b) the means used to communicate (calligraphically designed words vs a variety of artistic media); and the reasons for art-making (establishing notoriety vs raising awareness of some socio-politically motivated issue).

Likewise, works of street art are also radically different from public art. Public art is sponsored, supported and funded by government agencies, while street art is not – on the contrary, government agencies often sponsor street art's removal! Government agencies use tax money to subsidize public art; they are also responsible for determining what works are displayed in public (even if tax-payers do not like their selections); many artists who make public works are given both financial and non-financial support (in terms of publicity and reputation), while street artists are not. Second, public art typically ignores and disregards the opinion of the public who inhabit or use the spaces in which the public art exists. For example, Maya Lin's *Vietnam Memorial* was hotly contested and strongly opposed by very veterans whom the work ostensibly was designed to commemorate; Richard Serra's *Titled Arc* was only dismantled as a

result of a judge's order.¹⁰ Public art, it seems, rarely takes the actual public into consideration at all – in contrast to works by JR (whose works represent the people who live in the areas where the works are displayed), or Vhils' carved faces (whose faces are often those of local collaborators from the neighbourhood). Finally, public art is entitled to a certain degree of government protection from vandals, lending it permanence, while street art has no such entitlements, rendering it ephemeral in nature as a result.

Unlike graffiti and public art, both of which are attempts to co-opt and take over the streets by outsiders who do not live there, street art often reflects the values, ambitions and aspirations of the community in which it appears. This is a central feature of street art, one to which we will return in the third section of the essay.

SECTION 2: RIGGLE'S DISTINCTION BETWEEN STREET ART, PUBLIC ART AND GRAFFITI

Before I explore how aconsensuality and activism allow us to distinguish between public art, street art and graffiti in the next two sections, I would like first to consider Nicholas Riggle's alternative approach to understanding these three concepts. For Riggle, "an artwork is *street art* if, and only if, its material use of the street is internal to its meaning."¹¹ (246) This conceptual analysis embodies two important conditions that Riggle identifies as essential to street art: (1) the material requirement – street art uses the street as an artistic resource, and (2) the immaterial requirement - the use of the street is internal to the meaning of street art (which entails (1)). Consider, for example, Josh Allen Harris' balloon creatures that spring to life with the wind from the subway below zooming by. This work's meaning, perhaps an existential

¹⁰ The most notorious case of so-called 'public' art being Serra's (now-demolished) *Tilted Arc*. For a comprehensive discussion of the controversy surrounding this work, see the symposium on this work in the Winter 1996 *Journal of Aesthetics and Art Criticism*.

¹¹ Nicholas Riggle, "Street Art: The Transfiguration of the Commonplace" *Journal of Aesthetics and Art Criticism*, 68(3), 2010, 243-257.

comment on life's brevity and contingency, draws directly on the street as an artistic resource. Moving the work to some other location would ruin the work's meaning.

Riggle sees several benefits to his account. First, it allows him to distinguish commercial advertising from street art: street art's meaning (but not that of commercial advertisements) is compromised when removed from the street.¹² Second, just as the meaning of commercial advertising is independent of the street, so too is the meaning of public art independent of the street's artistic possibilities, though for slightly different reasons. Public art, on Riggle's view, transforms the 'street' into an 'artworld sanctioned' space. For Riggle, public art cannot rely on the street to generate meaning because it usurps the street into the artworld; the street is diametrically opposed to the artworld. Third, Riggle likes that his account explains how street art represents an alternative response to modernism. According to the traditional history of art, modernism advocates the separation of art from life, while Pop Art reunites art and life by transfiguring ordinary objects into art for the artworld. If Riggle is correct, though, street art also reunites art and life – not by bringing the ordinary world into the artworld, but on the contrary, by bringing art into the ordinary world of the street. This is an interesting and important consequence of his account, Riggle argues, because it explains first why philosophers of art have largely ignored street art and second, why street art appears so subversive and antithetical to the artworld.

I am deeply sympathetic to Riggle's aspirations – street art has been ignored long enough! But, I am sceptical of his formal definition of street art. After raising some concerns about Riggle's definition, we will be able to appreciate why aconsensuality is central to understanding street art and to explaining how it differs from public art.

¹² I am not convinced his account does succeed in distinguishing commercial advertising from street art: plenty of commercial advertisements' meanings are compromised when removed from the street. Consider, for example, the advertisements on freeways placed at peak traffic jam areas of the kind "if you lived here, you'd be home right now." However, I don't think this is necessarily a problem - I argue later that the line between street art and commercial advertising need not be so cut and dry.

In this section, I argue that Riggle's account doesn't capture some central and common cases of street art. Using the street as an artistic resource, and making material use of the street internal to its meaning end up ruling out many central cases of street art. To see why, we must carefully examine what how the street can be used as an artistic resource.

To qualify as street art on Riggle's view, a work of street art must use the street as an artistic resource. Riggle identifies two ways of making use of the street as an artistic resource: "one kind of artistic resource is the physical material artists use to create their works. Just as painters use canvas, paint, frames, galleries, and walls, street artists use elements of the street...Another kind of artistic resource is the context in which the work is displayed. Some artists use the gallery, studio, or museum; street artists use the street."¹³

Unfortunately, this requirement of making artistic use of the street disqualifies many cases of street art. Two of Banksy's more notorious works of street art, *Banksus Militus Ratus* and *Early Man Goes to Market*, were secretly hung in the British Natural History Museum and the British Museum respectively – not places that Riggle allow street art.¹⁴ Likewise, the practice of "seed-bombing" is problematic for Riggle. Seed-bombing is the practice of throwing home-made balls of seeds into abandoned lots or public spaces in order to grow flowers and to beautify large areas of dirt. If these guerrilla gardeners secretly throwing seeds onto lots are using the street as an artistic resource, then so too are home owners landscaping their front yards, a consequence that seems less than ideal. Another problematic case is the very large Israeli West Bank Barrier, which consists of over 400 km of barrier and with a 200-foot wide exclusion area, and to which street artists from around the world have contributed works of street art. In the same spirit, street art in the catacombs deep beneath Parisian streets are neither literally using any elements of the street nor relying on the street as the context for displaying the work. Finally, an entire exhibit of over 100 street artists was exhibited in an

¹³ Riggle, 242.

¹⁴ I discuss these in more detail later.

underground, secret gallery space that closed on the very same night it opened, as part of the Underbelly Project.¹⁵ If these cases qualify as works of street art, it is not because street artists are using the street as an artistic resource, or in any respect at all.

Perhaps Riggle means to suggest that street art's use of artistic resources is better appreciated in examining its role for *meaning* of street artworks. Riggle notes that to distinguish the meaning of an advertisement from the meaning of a street art, works of street art make the use of the street internal to its meaning. There are two problems here. First it's difficult to know what it means for the use of the street to be internal to an artwork's meaning. Riggle explains this, suggesting that the artistic use of the street "must be internal to its [the street artwork's] significance," "must contribute essentially to its meaning," and that "any reasonable interpretation of a piece of street art must refer to the way in which the artist uses the street to give meaning to the work".¹⁶ But, these suggestions don't help us understand how these works' meanings make use of the street, when the works appear in exclusion areas or underground gallery spaces that are closed to the public

Setting this issue aside, though, Riggle's account now faces a further problem. He claims that the requirement that street art make the use of the street internal to its meaning is designed to rule out commercial advertising, whose meaning Riggle argues is not compromised when removed from the street. I do not believe it succeeds in ruling out all cases of commercial advertising, and in the next section, I provide an example of commercial advertising that is also street art. Even if we grant that Riggle's account rules out most commercial art as street art, it

¹⁵ The *New York Times* article of 31 October 2010 notes "It is one of the largest shows of such pieces [of street art] ever mounted in one place, and many of the contributors are significant figures in both the street-art world and the commercial trade that now revolves around it. Its debut might have been expected to draw critics, art dealers and auction-house representatives, not to mention hordes of young fans. But none of them were invited. In the weeks since, almost no one has seen the show. The gallery, whose existence has been a closely guarded secret, closed on the same night it opened...The public can't see it....this is an art exhibition that goes to extremes to avoid being part of the art world, and even the world in general." (accessed 9 July 2014)

¹⁶ Riggle, 246.

now faces a different problem: like street art, most public art makes artistic use of the street and its meaning is also compromised when removed from the street. Works like Maya Lin's *Vietnam Memorial*, Richard Serra's *Tilted Arc*, and most contextually sensitive, site-specific public art also make artistic use of the street internal to its meaning, to the extent that moving it outside of its geographical location or changing its relationship to the street (physically, politically, and socially), would radically alter these works' meanings and interpretations. But of course, these are not works of street art.

SECTION 3: ACONSENSUALITY

Where does this leave us? It seems right to think that using the street is in some way or other important to street art – though not because the street is an artistic resource, not because the street is internal to its meaning. To understand what's importantly street about street art, we need a new way of thinking about the role of the street in making street art.

In this section I argue that it is because of street art's essential aconsensuality – street art is usually made on property *without the consent* of the property's owner – that is, it is made *aconsensually*.¹⁷ And, many of the interesting and exciting features of street art follow from this aconsensual method of production: (1) these works are subject to alterations and destruction, and hence street artists must accept the resulting possible ephemerality of their works (in contrast to works of public art, which gain protection from the artworld in virtue having gained consent from relevant authorities); (2) these works are often illegal; (3) street artists have a strong incentive to remain anonymous (though not unknown) *to the public at large* and *to relevant authorities* in order to avoid getting caught. They have a vested interest in being known within the street art community, recognized (through their pseudonym) by the public at large,

¹⁷ Aconsensuality means simply that consent was not requested, not that it was requested and denied (which I take to be involved in *non-consensuality*). Presumably, though, what's bothersome to many about most street art is that in addition to not having requested consent, it's usually not requested because it would have been denied (though I'll point out later some cases of *bona fide* street art which I suspect would have been *permitted*, had consent been requested).

and neither known nor recognized by the police and other authorities (by their actual names) who might legally take action against them. In this respect, being a street artist involves a delicate balancing act between remaining anonymous and unknown to authorities (hence the common use of pseudonyms), but establishing oneself within the street art community and public at large by having one's work recognized and associated with one's pseudonym (i.e., acquiring legitimacy within the street art community as well as the public at large). (4) Finally, if street artists strive to make defiant and subversive art, art that falls outside of the mainstream, then it should come as no surprise that their work is often (though not necessarily) deeply antithetical to the artworld. That said, street art is defiant simply in virtue of its methods of production – by being aconsensually produced, and this distinguishes street art as importantly different from other art forms that are defiant in different ways.

In the remainder of this section, I consider how aconsensuality helps us distinguish street art from public and commercial art. From there, we will be in a position to appreciate the additional features of street art that are worth exploring.

Riggle is eager to clearly delineate street art from commercial art and public art. Although I agree that commercial art and public art are quite different from street art, they need not necessarily be conceptually distinct categories. If aconsensual production is integral to street art's nature, then it is easy to see why one is tempted to delineate street art from commercial and public art: after all, most, if not all, public and commercial art is made with consent.¹⁸ That is why they possess (at least a temporary) permanence: the consenting agency (artworld, government, private company paying for their display) all agree to protect the object from alterations and destruction, at least for the time during which the property owners have consented to display the object. Consent entitles the work's creators to expect protection from

¹⁸ Note that aconsensually produced commercial art may qualify as street art (assuming it also qualifies as art – not all advertising does!). Unlike Riggle, I do not see any in principle reason to deny some advertising the status of street art (viz, that which is aconsensually produced and which qualifies as art). I consider one such case next.

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3 vandalism, destruction and alterations. Barbara Kruger's large-scale installations, Jeanne-
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5 Claude and Christo's wrapped installations, most public art, and many other site-specific
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7 artworks typically and characteristically are made with careful collaboration with various
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9 consenting agencies across the government, art institutions and other relevant authorities.
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12 Aconsensual works, in contrast, are not entitled to any such protection, and so their
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14 creators must resign themselves to the possibility that their works fall prey to changes and
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16 alterations beyond their control.¹⁹ And since the majority of commercial art and public art is
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18 made with consent, it fails to count as street art (even when made by street artists using
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20 traditional methods of making street art). Of course, there could be cases of commercially
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22 produced street art: if Clorox were to hire San Francisco reverse graffiti artist "Moose" to create
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24 advertising for their products, Moose could do so while simultaneously creating street art if he
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26 were given free reign as to how and where he created his works and did so without consent of
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28 the property owners. Admittedly, this might be a rare phenomenon (though it does happen). But
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30 it is surely possible.
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33 But I am sceptical that there are any hard and fast lines between street art, and
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35 commercial or public art. Moose makes street art, but has also been commissioned to make
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37 commercial art for a bleach company using his own distinctive reverse graffiti or clean tagging
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39 methods - the process of making art or graffiti by cleaning dirt from walls, so that the dirt
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41 constitutes the background or canvas of the work, and the clean parts constitute the art itself.
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43 We could imagine that the bleach company, aspiring for authenticity, commissions Moose to
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45 create the commercial art without getting consent from the property owners. Of course, unless
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47 the company is banking on Moose being the next Banksy, such a company might be wasting
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49 their money - particularly if the property owners remove the resulting work! Nevertheless it looks
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51 like a case of aconsensually produced, commercial street art.
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57 ¹⁹ Riggle notes that street artists do have a "special regard" to their works, particularly with respect to their
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59 works' ephemerality. Aconsensuality explains this special regard very nicely.
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Likewise, the lines between public and street art are not so clear either. Barry McGee's own relationship to street art and public art illustrates these blurry lines. He is a well-known San Francisco-based street artist who also exhibits work in his art gallery. During a public talk in Sydney, where McGee had been commissioned by the City of Sydney to create an artwork for the City of Sydney's Laneways project, McGee's status as an authentic street artist was challenged by an audience member who argued that anyone who produced art for commercial purposes within the art market, instead of remaining true to the values that compelled him to create his art, no longer qualified as a genuine street artist.²⁰ In reaction to this accusation, McGee went on to create two different artworks for Laneways: first, a commissioned, public artwork on the wall, and for which the City of Sydney government agencies had received consent from the property owners. But, in order to re-establish his legitimacy as a street artist, he also made a second, unsanctioned, uncommissioned street artwork, for which he had not received any consent either from the property owners or from the City of Sydney officials.²¹ The fact that McGee was compelled to create an aconsensually produced work in order to assert his status as street artist underscores the central role of aconsensuality in street art practice²².

Consider next artists whose careers began in the streets, who have gone on to become quite famous, and whose later works seem more like works of public art than street art. While their first street art works will remain works of street art, many of these artists (consider Banksy,

²⁰ Eva Rodriguez Riestra, Public Art Program Manager at the City of Sydney Arts Programme, brought this issue to my attention. As she described the incident, the audience member's exact accusation was that McGee had "sold out." More about McGee's involvement in the government-sponsored Laneways Art project can be found at:

http://www.cityofsydney.nsw.gov.au/cityart/special/lanewayart/2011/barry_mcgee.asp (accessed 9 August 2012)

²¹ The full story of this mistake was reported at: <http://au.news.yahoo.com/nsw/latest/a/-/newshome/10320156/writing-on-the-wall-visiting-artist-vandalised-tank-stream-way/> (accessed 4/2/2013)

²² This case also highlights another interesting feature of street art practices: McGee's status as a street artist is established by creating aconsensually produced art, but anyone can challenge this status. Street art status appears to be withdrawn or denied by members of the public who are engaged with the street art – regardless of any formal artistic knowledge, training and affiliations. I discuss the role of the artworld in street art in the next section.

Os Gemeos, Invader, or Swoon, to name but a few) gain sufficient fame and respect to have their later works be consensually produced (or, even if without “official” consent, to be esteemed as works of national importance, worthy of the kind of respect paid to public art). Even if these works were made aconsensually, it is highly likely that, *had* the owners known that their property were to be the canvas for a work of street art by certain well-regarded street artists, then the property owners *would* have consented. Something like this intuition is presumably behind the sense of regret upon discovering (to their great chagrin) that a Banksy has been unwittingly destroyed.

Cases like this make me wary of requiring aconsensuality as a necessary condition for a work to be street art. Such works come quite close to seeming remarkably like publicly sanctioned street art. Is publicly sanctioned street art the same as public art? No: there is a substantive difference between public art, on the one hand, and publicly sanctioned street art on the other – a difference in the conclusions we can draw about a work’s continued presence. Publicly sanctioned street art is art that is aconsensually made, but which has over time earned the community’s approval and sanction. That a work of street art continues to exist is evidence that the community approves of the values, ideas and aesthetic features of the work in question. In contrast, a work of public art that continues to exist says nothing at all about how the community feels about it, but is simply evidence that it gained official authorization from some agency.

Whatever street art is, receiving formal or official authorisation ultimately prevents such works from counting as genuine street art. The ironic humour in Banksy’s “authorised graffiti zones” highlights the absurdity of thinking that graffiti or street art could ever be “authorised” by anyone. The whole point of such works, in other words, is that they lack consent.

What about retroactive consent? Consider, for example, certain cities where government institutions retroactively consent to protect certain street artworks. How is this possible, and how does this affect these works’ status as street art? Some cities’ government officials contact

property owners to gain their approval to preserve certain (previously aconsensually produced) works of street art on their property. These works effectively gain retrospective consent to remain on the owner's property. In doing so, these works also become entitled to a different status of protection from future alterations. Intuitively, these works remain street art (they were, after all, aconsensually produced originally); but the more intervention works of street art receive in order to preserve their place in the street, the more these works are treated like public art and the less they are treated like street art.

But, treating street art like public art is a mistake. First of all, it flies in the face of our common sense intuitions about the artist's right to categorize his or her own art. If there is anything an artist cannot be mistaken about, it's the category to which a work belongs. If street artists intend for their works to belong to the category of street art, then we are mistaken in treating them as if they belong to the category of public art. Placing works of street art in the (incorrect) category of public art, however, prevents us from fully appreciating all the qualities of a work of street art correctly. Street art has the standard property of being the kind of work that can be subjected to damage, alteration and destruction by other artists, government officials or any member of the public who chooses to engage in risky behaviour; public art, in contrast, has the standard property of being entitled to protection from damage, alterations and destruction. The ability of a work of a street art to remain untouched is evidence that its aesthetic, political and social values are in line with the community's. As a result, when we treat street art as public art, we are unable to appreciate the work's ability to stand the test of time as evidence of its community acceptance. Finally, treating street art as if it were a work of public art prevents us from appreciating the work's ephemeral nature, a feature that is integral to understanding street art. Street artists make street art with the knowledge that the work may change and evolve over time, reflecting the community's reactions. In this respect, street art, but not public art, is a reliable indicator of a community's tacit set of values, commitments, and beliefs.

SECTION 4: STREET ART'S DEFIANT ACTIVISM

So far, I have argued that street art's aconsensual production explains many of the central features of street art. Another feature that is central to street art and that stems from its aconsensual production is its defiant and activist character. Much street art is defiant, in virtue of the risk involved in the very act of making street art: it means placing street art in challenging locations, such as high visibility places where it is easier to be arrested for illegal activity, or locations whose accessibility is physically dangerous. Making street art is also defiant in virtue of the fact that it constitutes an attempt to undermine authority – the owner's authority over the property on which the street art appears, the government's inability to enforce its own rules about public spaces, the social norms that street artists reject, the ethical codes that street artists oppose, the political or socio-economic difficulties facing a particular location, people, or community.²³ As a result, street art can be risky and defiant simply in virtue of *how* it is made, even if the actual content, meanings, or interpretations of the street art are totally innocuous, innocent, apolitical, amoral, and asocial.²⁴

Aconsensuality also explains the ambiguous relationship that street art bears to the artworld. Riggle argues that the street is necessarily antithetical to the artworld; on his view, "for each part of the artworld, street art resists to some appreciable extent playing a role in it."²⁵ He claims that exhibiting street art, by bringing it into a museum, would eliminate its material use of the street, and would destroy its meaning. This reflects perhaps the current status quo in the artworld, understood as the actual, mainstream museum institutions. But, the artworld, as

²³ Consider Banksy's slogan works of graffiti, like "One Nation Under CCTV", or "The Lifestyle You Ordered Is Currently Out of Stock".

²⁴ Notice that placing street art in a hidden corner of a vacant, abandoned lot that nobody can see is probably not particularly risky or defiant. That same work, in contrast, in the center of Times Square, or any other location that is visible to millions, would be quite risky and defiant. These are contextually-dependent concepts.

²⁵ Riggle, 248.

understood by Dickie or Danto, broadly construed as a set of art historical institutions, need not be antithetical to street art, as Riggle maintains.²⁶

To appreciate how the artworld need not necessarily be antithetical to street art, it is sufficient to appreciate the possibility that street artists might develop their own alternative, underground institutional structures without thereby compromising the status of their works as street art. Indeed, most graffiti communities seem to have done just this: there is a strict set of stylistic features that different kinds of graffiti writing has (tagging, graffiti proper, and masterpieces); there is an unwritten code of conduct around the conditions under which it is appropriate to tag over someone else's works; the community is close-knit, and its members compete for attention and respect, responding to one another's works, and when these artists make their works, they do so with the intention of presenting them specifically to the other members of their own graffiti community.

It is not a stretch to argue that the same is true of street artists: street artists do exhibit (though not in traditional museums - rather in underground, abandoned subway stations or open air "travelling" shows, like the Underbelly Project or Banksy's 2013 exhibition "Better Out Than In"²⁷), their work is sold (again, not in traditional or even legal ways²⁸), their work is reviewed

²⁶ The notion of an artworld is ambiguous, perhaps. On one interpretation of the artworld, it just is the set of actually existing institutions governing museums. On this construal, perhaps street is necessarily antithetical to the artworld. But, this is not the interpretation of the artworld suggested by either Dickie or Danto: Dickie's account is sufficiently broad in its understanding of the artworld, where "(1) An artist is a person who participates with understanding in the making of a work of art. (2) A work of art is an artifact of a kind created to be presented to an artworld public. (3) A public is a set of persons the members of which are prepared in some degree to understand an object which is presented to them. (4) The artworld is the totality of all artworld systems. (5) An artworld system is a framework for the presentation of a work of art by an artist to an artworld public" (Dickie, *The Art Circle: A Theory of Art*, 1984, p. 80-81). Notice here that the artworld public for street art may well constitute part of the artworld, and also be composed of street artists who work entirely outside mainstream museum institutional structures.

²⁷ The Underbelly Project was a show with works by over one hundred street artists was exhibited in 2010 in an abandoned subway station in New York City. See the New York Times review at: http://www.nytimes.com/2010/11/01/arts/design/01underbelly.html?pagewanted=all&_r=0, accessed 15 August 2014.

²⁸ Banksy himself has sold some of his own works directly to the public. For information about these works, see <http://www.theguardian.com/artanddesign/2014/jun/12/bansky-prints-new-york-stall-fortune->

within the setting of mainstream art historical and art theoretical frameworks – e.g., in movies, in newspapers like *The Guardian* and *The New York Times*, and in dozens of books on the subject. Although these venues may not all represent the traditional or mainstream artworld, they would certainly qualify as an artworld on Dickie's definition, and would satisfy the art historical and theoretical structure on which Danto's account of art relies. So long as those anti-institutional structures have no implications for the artists' ability to create their work *aconsensually*, there is no *necessary* conflict between street artists' methods of production and the alternative institutional structures that support their work.²⁹

In fact, street art's *aconsensuality* underscores a *continuity* with the traditional artworld avant-garde: much of the traditional avant-garde art attempts to transgress and subvert the artworld's institutional structures, in order to challenge those structures. Similarly, street artists are equally defiant and subversive – but they are defiant and subversive in a distinctive and novel way: through their *aconsensual* methods of production. Moreover, their goal is not to change the existing artworld institutional structures, but more radically, to dismantle them altogether or to encourage artists to operate outside of them. *Aconsensually* produced art is one way of trying to take the traditional artworld avant-garde's transgressive agenda one step further.

Just as *aconsensuality* explains why much, but not necessarily all, street art tends to fall outside of the mainstream artworld, so too can it explain why it tends to be (though *need* not be) illegal. Indeed, street art occupies a nebulous, in-between state regarding its legal status, which contributes to its subversive and defiant nature – it questions our laws, our moral code, and

bonhams, accessed 14 August 2014. They have also been sold through Sotheby's – see: <http://www.nytimes.com/2014/05/05/arts/international/taking-art-off-the-street-and-onto-the-auction-block.html>, accessed 14 August 2014. And, the Sincura Arts Club has been involved in the very unusual practice of literally removing Banksy's works from walls. See their website: http://stealingbanksy.com/Stealing_Banksy_About.php, accessed 14 August 2014.

²⁹ Indeed, at least one way of understanding *Style Wars* and *Exit Through the Giftshop* is to see them as attempting documenting the artworld institutions of street art.

societal assumptions about what ought and ought not be permissible in our shared spaces. This can be done, however, both within and outside of the confines of the legal realm – consider, for example, video painting, LED throwies, laser tagging, guerrilla gardening, and reverse graffiti, which are for the most part still legal (though at least one neighbourhood in the UK has made even *clean* tagging illegal!). Indeed, the whole point of street art that leaves the property unharmed, or even enhanced, is to challenge the legal status of street art – should it in fact be illegal or should we regard it as immoral to place a temporary visual image onto a property without the owner’s consent, when the image is merely made out of light? Should clean graffiti be regarded in the same way as ordinary graffiti, when its placement results in a property’s improvement? Should yarn bombing delicate lace through an ugly chain link fence be regarded in the same way as vandalism, when its placement results in a property’s improvement? We think of vandalism as harming, making worse, but this “vandalism” is often an *improvement* – aesthetically, socially, and culturally. These works of street art straddle the boundaries between what is or isn’t legal. Street art, artistic graffiti and graffiti *tout court* all share this challenging and defiant attitude toward the legal status of art in public spaces to varying degrees, even if they differ in their legal status and aesthetic merits.³⁰

So far, I have argued that aconsensual methods of production explain some of the central features of street art – its ephemerality, its quasi-anonymity, and its subversive or defiant character. But there is another, related feature of street art that has been implicated but not yet explicitly addressed: its activist spirit. The act of making street art is an implicit criticism of and challenge to both authorities³¹ and the mainstream status quo. Because the mere act of making street art, rather than the explicit content of the art made, is what is challenging, defiant, and

³⁰ Riggle is not clear on where he stands on this point. In footnote 10, he grants “I suppose there *could* be street artwork that is legal...” But, elsewhere he acknowledges that “street art is done on owned property....Legally speaking, it is already owned” (248). I don’t see how to reconcile these two statements. On my view, street art is one form of aconsensual art. Being aconsensual simply reflects a central method of production of street art, but leaves open its legal and moral status.

³¹ Consider Banksy’s “authorised graffiti zones”.

subversive, the activist spirit captured in street art runs the gamut from political, social, and environmental. Even the seemingly benign works of street art that are simply positive, forward-looking and frivolously fun – encouraging random acts of kindness, enjoying the here and now of the environment in which we live our everyday lives, seeing the functional, practical aspects of the world in a more positive light – are also inherently politically charged: they are usually made as a protest of the privatization of the public environment, as an overt criticism of city councils that fail to maintain basic infrastructure, as an attempt to engage the community members to voice their opposition to corporate land takeovers. Street art challenges the public to reclaim the urban environment, to give it back to the inhabitants who occupy that space (rather than to corporations, governments and private owners) and invites the public to see public space as a place for dialogue and a place for creativity and exploration (rather than merely as a means to get from one place to another). This section considers the particular way in which making street art represents an act of activism.

First, consider how most street art disrupts our ordinary ways of thinking and living. When street artists use reverse graffiti to clean ugly concrete and thereby “paint” trees on walls, guerrilla knit ugly fire hydrants with beautiful, coloured fabrics, transform a sidewalk’s weeds into cheerleaders’ pom poms, colour utilitarian dumpsters with beautiful, colourful wallpaper, or crochet delicate lace into chain link fence, they present an alternative to the straightforward utilitarian role that streets normally play. These actions not only invite viewers to think about that space differently, to think about the objects around us differently, to think about how we move through these spaces differently, to think about the politics of urban spaces differently – they literally change the environment we inhabit and present us with these other alternatives.

Banksy and King Robbo’s exchange through art raises the possibility of conversations about turf wars on walls, rather than with blood;³² Space Invader’s mosaic invasions

³² For a fascinating discussion about this very famous exchange, see <http://sabotagetimes.com/people/king-robbo-archive-interview-my-graffiti-war-with-banksy/> (accessed 17

conceptualize alternative ways of thinking about the ubiquity of certain kinds imagery and representations of cities; Vhils' carved sculptures and JR's large-scale photographs transform the urban landscape as a giant, oversized canvas; guerrilla knitters prettify ordinary lamp posts, pot holes and bike racks; guerrilla gardeners reclaim abandoned wastelands to grow food; brandalists criticize advertisers overtaking our visual surroundings. These street artists prompt us to think about the world we live in, by changing it. They defy the role of social conventions and norms that pervade our inhabited world, again, by changing them.

In contrast to traditional art, which makes us think about the way the world is, street art takes it one step further: by inserting these works directly into the ordinary world that we inhabit, street artists thereby actively construct a different world to live in. Were these pieces merely on the walls of museums, viewers might *contemplate* what it would be like to live in such world. In contrast, street artists have essentially taken matters into their own hands, actually *making* the world a different place. By placing these works in our ordinary life, street artists are not merely making a socio-political commentary on our current life, but their art-making also constitutes a socio-political intervention in our world. Street artists literally change our world. As a result, the very act of creating street art is inherently defiant and activist in spirit, no matter what the visual representations or content of the works of street art.

This intervention is possible, in part because we do not expect art in the streets. Notice here that street art's activism, its challenging character, is context dependent. In conservative cities, the mere act of making even the smallest and most seemingly innocuous of street artworks might be as defiant as making a massive work in Melbourne, which has a healthy and thriving street art community alongside lots of government support for the arts generally.

Street art challenges the status quo of the surroundings in which we live, and presents viewers with different environments to inhabit, with alternative, positive improvements to the

August 2014) and to see the images, see: <http://www.foreignstudents.com/student-news/exclusive-banksy-vs-robbo-feud-renewed-mayfair/2855> (accessed 17 August 2014).

everyday world we inhabit. As a result, street art is most effective in the streets, in our ordinary, day-to-day lives.³³ But, we can easily imagine street art designed to extend the geographical scope of our lives – encouraging us to explore and re-invent places - abandoned, underground subway tunnels question why certain parts of a city have been neglected; art in small, dark alleyways invites people to make them more inhabitable; art in and around sewers, dumpsters and other unpleasant places reminds us that those spaces are also for living (or could be). Street art lets us see these spaces in a fresh light, as worthy of inhabiting, occupying and enhancing.

Of course, thinking about the activist function of street art also explains why some aconsensual art located in the streets still fails to qualify as street art. A child's aconsensually produced drawings in the street intuitively do not qualify as street art, because the act of making children's chalk art is not itself a defiant, activist act– a child making chalk art is not an intervention to change the way the world is – the goal of the child's chalk art is not to encourage political change of any kind. Even if the child's drawings represent his irritation with what is perceived to be the oppressive tyranny of adults, the child has no intention of making this work in the streets in order to change the world or to motivate others to join him. Likewise professional chalk artists want us to appreciate their work, to show off their talents, and make money, but they are not thereby prompting us to engage in defiant activism, nor does their art constitute a defiant or activist act.

Similarly, mere tagging whose point is to express anger at one's nemesis or love for one's sweetheart fails to count as street art for the same reasons. These works do not fulfil any activist function – they are statements that express the creator's attitudes or beliefs or desires, but they do not thereby prompt anyone else to engage in political action nor do the tags themselves constitute a political act (they are acts of love, hate, etc.) Moreover, the audience of a work of "mere" graffiti is the person with whom the artist is in love, or the person(s) against

³³ Indeed, it is perhaps impossible for street art to be in a museum space.

whom the artist is battling. In contrast, the audience of a work of street art is anyone who might pass by the work, anyone whose ordinary life the street artist is trying to disrupt.

Conversely, some significant works of street art that are not in the streets at all. Banksy's museum interventions – inserting *Banksus Militus Ratus* and his *Early Man Goes to Market*, two “fake” artworks into the British Natural History Museum and the British Museum respectively – also qualify as *bone fide* works of street art in a museum, in virtue of being aconsensually produced, and have a defiant, activist function to challenge the current museum practices. This work challenges us to rethink what artworks get to be in museums (and why), and prompts us to reconsider the value judgements inherent in the structural set-up of museums.

This activist spirit underscores the way in which street art, in contrast to a child's chalk art or graffiti (and tagging), is centrally designed to be *seen* by others, to be *discovered* by people – and not just any particular subset people (those who go to museums, those who belong to a warring graffiti gang, those who live on a particular street), but to the community at large. The intended audience of most street art is the community in which the work appears. And, the function is to challenge our ordinary habits, lifestyle and conceptions about the way the world has to be, then we immediately see why this aconsensual art also tends to be politically subversive, socially challenging, defiant and activist in spirit (even if all we can do is laugh when we see the works).

Conclusion

This paper has argued that street art is essentially characterised by (1) it aconsensual methods of production, which (2) constitutes an act of defiant activism designed to challenge and change the viewer's experience of his or her environment. I have highlighted how these features distinguish street art from its more well-established cousins, graffiti and public art, and underscores the way in which street art is radically different from them – not just in its visual presentation, its meaning or its significance. The aconsensuality makes possible a defiant,

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3 activist spirit that no other artform has used to literally change the actual world. Because of the
4 aconsensual methods of production, street artists are able to harness the power of the street to
5 change people, to transform the environment and its underlying norms and values. Street artists
6 cannot simply say what they think about the world, they make the world the way they think.

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12 No matter how we interpret the bold proclamation that anything that needs saying has
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14 already been said in art, that there's nothing more to be said through art, this proclamation
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16 presupposes that art is restricted to the confines of the artworld. Street artists do not simply say
17 what they think *through* their art. They *do* what they think through their art. Street artists take to
18 the streets not because they have something to say. They take to the streets because they want
19 change. And herein lies the defiant, activist power of the street and its aconsensuality: making
20 art within the artworld allows the artist to say something through their art. But, to make art in the
21 streets allows street artists to *change* the world.
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