2023 Volume 4 Number 1 ISSN 2535-549X

nuart journal

TRESPASS

Editor-in-Chief
Martyn Reed, Nuart,
Stavanger (NO)

Editor
Susan Hansen, Middlesex
University, London (UK)

Online Editor
Erik Sæter Jørgensen,
Sæter Jørgensen
Contemporary (NO/FR)

Production Editor
Daniël de Jongh (NL)

Graphic Design
Studio Bergini (UK)
with Alice Bertazzi

**Editorial
Correspondence**
editor@nuartjournal.com

Nuart Journal
Tou, Kvitsøygata 25
4093 Stavanger
Norway

nuartjournal.com

TRESPASS

I was 16 years old when I first trespassed onto some railway tracks and wrote the initials of the graffiti crew (of which I was the only member) on a wall. Afterwards the most incredible thing happened – absolutely nothing. No dogs chased me, no thunderbolt from God shot down to punish me, and my mum didn't even notice I'd been gone. That was the night I realised you could get away with it.

That was also the night I discovered that beyond the 'No Entry' sign everything happens in higher definition...

– Banksy[1]

Martyn Reed, Editor-in-Chief
& Susan Hansen, Editor

The last three issues of *Nuart Journal* – LOCKDOWN, FREEDOM, and RECONNECT – were singularly focussed on finding ways to collectively adapt and creatively respond to the uncertainty and disconnection wrought by Covid-19. In consciously moving beyond the emergency response mode of this pandemic triptych, we are delighted to now turn our energy to a completely unrelated theme for this edition of *Nuart Journal*.

For this seventh issue of *Nuart Journal*, we invited contributors to reflect on the subversive power of TRESPASS. Given shifting social norms and the growing acceptance of art on the streets as a legitimate form of cultural expression, in what sense – if any – is unsanctioned art still an act of trespass with the potential to make an impact on people's lives?

Nuart Journal's burgundy TRESPASS issue contains 12 original articles, visual essays, and interviews. In our opening visual essay, 'Cut in the Fence', Adam Void and Chelsea Ragan bring to life the theme of TRESPASS in a striking visual narrative consisting of just some of the 'small acts of reclamation' submitted to them by observers from around the world.

Cultural critic Carlo McCormick first took on the TRESPASS theme more than a decade ago in his influential book Trespass: A History of Uncommissioned Urban Art. For this issue of *Nuart Journal*, McCormick critically revisits the theme of TRESPASS in the light of the many significant changes to the field since its publication – including the rise of neo-muralism, the global spread of street art festivals, and the advent of social media.

In her contribution to this issue, artist and law professor Lucy Finchett-Maddock explores the theme of TRESPASS through her voyage through the street art and graffiti made at sites of free parties and illegal raves. As she explains, these are environments that exist somewhere between the rustic and the civic, the rural and the urban – what we might call the 'peri-urban' – 'where the city meets its bounds, the suburbs languish into the hedgerows, and the wilderness begins.' Through her photographs of the street art and graffiti pieces painted during outdoor raves and parties, Finchett-Maddock brings the sonic surfaces of these former rave sites back to vivid life, as urban-rural time-capsules.

In his original article, 'The Pretty Vacant: Exploring Absence in Subcultural Graffiti', sociologist Erik Hannerz explores our 'persistent affection for the vacant and unfilled' through a discussion of presence and absence as interrelated forces in our cityscape that shape the production and erasure of the art that thrives and fades on the walls of our cities. Hannerz builds critically on Schacter's (2014: 42) notion of vacant spaces as evoking 'a *cenophobia* [or] a fear of the empty that only decoration will alleviate' to propose the converse operation of a positive affective compulsion, '*cenophilia* [or] a love for the absent and empty'.

In his article for this issue, Thomas Chambers gives us a rare glimpse into the 'trainspotter' – a figure that holds a unique place in the British psyche. In 'From Trespasser to Nerd: The Changing Image of Trainspotting in Post-War Britain', Chambers notes that the activity of trainspotting in Britain has long been associated with lawlessness, trespass, and deviance. He also explores some unexpected links between trainspotting and graffiti, in revealing the graffiti practices trainspotters have historically engaged in.

In 'Unite, Liberate, and Create: A Gypsy, Roma, Traveller Space at Glastonbury Festival' Damian Le Bas and Sam Haggarty draw critical attention to the

pernicious cultural and legal deployment of the 'threat' of TRESPASS in relation to Gypsy and nomadic cultures in the United Kingdom. They note that the perceived threat these cultures are constructed as posing is complex and cyclical, and that they are regularly marginalised and maligned via accusations of trespassing in both time and space: 'On the one hand, there is the accusation of physical trespass – *you should not physically be in this place* – and on the other, of cultural trespass – *everyone else has moved on from living like that: your culture does not belong in this modern society, it shouldn't be here now*.'

Our interview with Daniel "Dusty" Albanese also centres on asserting our right to public space – and our very existence, both on the streets and in the virtual world. Albanese draws attention to the radical censorship and silencing of queer graffiti writers and street artists on social media, and the often violent defacement of queer art on the streets. In 'Queer Liberation and Street Art: Taking Public Space and Declaring Our Right to Exist' we explore Albanese's long history of queer visual activism and his forthcoming feature documentary on LGBT+ street art and graffiti, *Out in the Streets*.

In their original article, 'Protest Art on Contested Statues Igniting Conversations About Art, Law, and Justice', Marie Hadley, Sarah Hook, Nikolas Orr, Adam Manning, and Rewa Wright consider the wide-scale removal of statues of historical figures linked to violence, colonialism, and slavery, in the wake of the Black Lives Matter movement. This article explores both 'illegal' anti-racist graffiti on contested statues and 'legal' artwork critical of the law's role in perpetuating colonial injustice. The authors conclude that, 'both unlawful and lawful protest art are powerful conversation-starters that support critical reflection on contested public art as a legal object and site of in/justice.'

In 'Keeping the Streets Wild with Stencibility', Kadri Lind and Sirla document their recent exhibition, 'Hello Mister Police Officer' (Berlin, 2022; Nuart Aberdeen, 2023), which is part of the European Capital of Culture, Tartu programme. This visual essay depicts the collective experience of artists working 'in the wild' on the streets of Tartu, Estonia, including photographs paradoxically taken by police officers who interfered with the production of these uncommissioned artworks.

Artist Aida Wilde's visual essay, 'Power Rarely Falls Within the Right Hands' references her experience of displacement, loss, and trauma – having fled Iran during its war with Iraq with her mother and sisters as a child – whilst connecting this experience with that of countless others. The background to her street-based triptych is densely woven with the names of just some of the thousands of women and girls who have been murdered in the struggle against Iran's oppressive regime, honouring and humanising those who have been lost to this ongoing state-sanctioned femicide.

Heidi Härkönen, Rosa Maria Ballardini, Heidi Pietarinen, and Melanie Sarantou's original article, 'Nature's Own Intellectual Creation: Copyright in Creative Expressions of Bioart' extends our notion of TRESPASS and transgression beyond the work of human actors. In a novel consideration of the rights of non-human agents in the co-production of art, the authors ask whether, and to what extent, a work of bioart can be considered its 'author's own intellectual creation', when its form is either dependent on, or is a result of, co-designing the work with a non-human author (that is, with nature).

We conclude the TRESPASS issue of *Nuart Journal* with a piece that reflects on transgressive new scholarship. In 'Graffiti and Street Art Research: An Outsider Perspective', Mari Myllylä and Jonna Tolonen discuss their experiences as researchers in the field of graffiti and street art research (GSAR). In their discussion, they focus on what it is like to be active in this field as 'outsiders' – they are both part of a new generation of GSAR researchers who are not writers or artists themselves, and as such they reflect on the gatekeeping practices of more established 'insider' scholars, and other challenges they have encountered in building their credibility as researchers in this rapidly expanding field. Critical discussions such as this one, whilst challenging, are crucial in remaining aware of the ongoing process of 'para-disciplinisation' in the quest for academic legitimacy for researchers in graffiti and street art studies (Ross et al, 2017).

Trespass. Stavanger, Norway, 2023. Photograph ©Martyn Reed.

1 McCormick (2010: 6).

References

McCormick, C., Schiller, M., Schiller, S. & Seno, E. (2010) *Trespass: A History of Uncommissioned Urban Art*. Cologne: Taschen.

Ross, J. I., Bengtsen, P., Lennon, J. F., Phillips, S. & Wilson, J. Z. (2017). 'In search of academic legitimacy: The current state of scholarship on graffiti and street art'. *Social Science Journal*, 54(4): 411–419.

Schacter, R. (2014) *Ornament and Order: Graffiti, Street Art and the Parergon*. Farnham: Ashgate.

Cut in the Fence

Adam Void & Chelsea Ragan, Black Mountain, North Carolina, USA

Cut in the Fence is more than a graffiti zine distro, we are a celebration of evasion. Barriers only last for so long, and soon a new path will be created. Holes will be cut, locks ground off, barbed wire and fence spikes bent over; all done to allow for the natural flow of travel. Property owners and lawmakers call this trespass or a criminal action. Pedestrians and citizens call this freedom of movement or a short cut. This collection of photos is a sampling of images sent to us by observers from around the world. We feature these small acts of reclamation on our Instagram page along with the zines we support. Hopefully, in this context, they point to something greater; a worldwide phenomenon of people finding their way despite blockades, a natural inclination towards freedom.

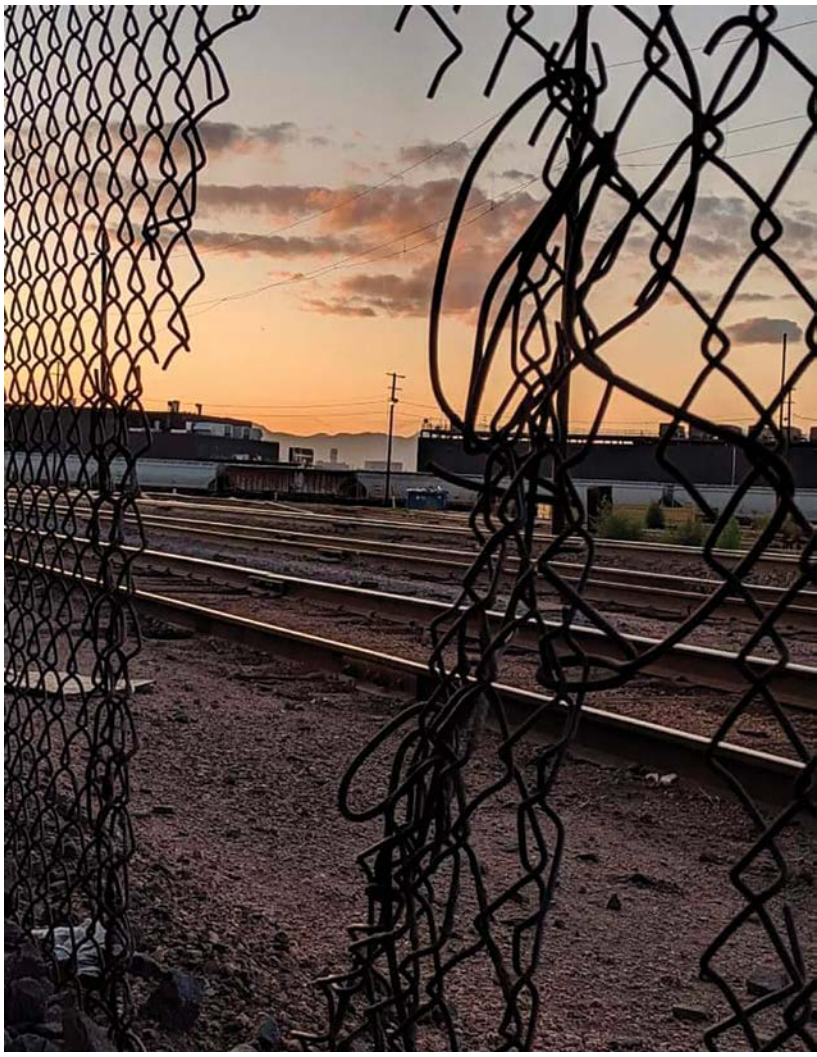


Figure 1. Richmond, Virginia, USA, 2020. Photograph ©Dylan M.(@theleonard_o).

Figure 2. 2022. Photograph ©@imagenarynmbrs.

Figure 3. 2021.
Photograph ©@zaviahhaas.

Figure 4. 2022.
Photograph ©@professr.finessrr.

Figure 5. Oakland, California, USA, 2022. Photograph ©Ollie Phillips (@phillipsl8east).

Figure 6. San Diego, California, USA, 2021. Photograph ©@svensonandhedges.

Figure 7. Park City, Utah, USA, 2021. Photograph ©Cam Starke (@elmutantecalle).

Figure 8. Park City, Utah, USA, 2021.
Photograph ©Cam Starke (@elmutantecalle).

Figure 9. Asheville, North Carolina, USA 2021.
Photograph ©Pat Mcgroin (@pat_mcgroin).

Figure 10. Rotterdam, the Netherlands, 2021.
Photograph ©Jelle Seinen (@jallasinn).

Figure 11. NYC, New York, USA, 2023.
Photograph ©@goodbye.wcc.

Figure 12. Nashville, Tennessee, USA, 2022.
Photograph ©@bikespokecypher.

Figure 13. Essex, England, UK, 2021.
Photograph ©@weights.and.measures.

ADAM VOID has been producing graffiti zines for almost 25 years, starting with the Permanent Ink series in 1999 and continuing today. The underground graffiti zine bookstore Cut in the Fence (est. 2018) resulted from a culmination of influences; the Do-It-Yourself culture of folding-table and milkcrate distros at the back of punk shows, scamming photocopies from print shops like Kinkos through machine modifications and esoteric discount codes, and the strange world of outsider mail artists who send notes and objects across the world using the postal service. Now five years strong, Cut in the Fence is growing to produce an annual magazine and exclusive graffiti books, while continuing to support independent makers and writers by sharing their limited edition creations with the worldwide graffiti community. Meanwhile, Void continues to lurk in freight yards and write his name on other people's stuff for fun and excitement.

CHELSEA RAGAN is a paper cut collage illustrator. Her collages have been featured in US magazines, greeting cards, board games, and murals. Before she was an illustrator, Ragan worked in the fine arts making paintings, sculptures, installations,and music. She has been showing art in galleries since the early 2000s. As an artist, Ragan has worn many hats including gallery director, professional framer, teacher, executive director, cake decorator, and serial entrepreneur. She is passionate about making and sharing art with others, is full of ideas, and continues to try new things.

Revisiting

Trespass: A History of Uncommissioned Urban Art

In conversation with cultural critic Carlo McCormick on *TRESPASS*

Nuart Journal: It's been 13 years since the publication of *Trespass*, which has since become almost as ubiquitous as *Subway Art* on bookshelves around the world – the Subway Art of Street Art. *Trespass: A History of Uncommissioned Urban Art* marks a particular moment in time. It was written before the rise of neo-muralism, and the global spread of street art festivals – not to mention the role of social media in how people encounter art on the streets. This is street art at the height of its subcultural moment. Your treatment of the Trespass theme has had considerable longevity in its impact, and we are curious to hear your contemporary take on this theme. So, this chat is intended as an opportunity to critically revisit the theme of Trespass, given all that has happened since you last took on this topic...

CARLO MCCORMICK: Because *Trespass* came out so long ago, in the rapid, constantly changing face of art on the streets, it could probably use an update in many ways, except that I hate the publisher. But I was smart enough contractually to keep the intellectual property. The book is now a weird time capsule. It's probably pretty dated. They wanted a book on street art, which was, at that point, new and bubbling. But I was really not very interested in telling that story. I knew it was a temporal story, and that it would date really quickly. So, in the premise that I took, I was thinking that we can't tell the story of street art unless we put it in the context of graffiti and that history. And then we can't really talk about graffiti unless we talk about all of the different ways that people address public space – so activism, and political graffiti. The first graffiti I saw as a kid was political. It wasn't people's names on the walls, it was someone saying something really wild. But a lot of political and socially engaged work has started becoming just 'feel good' messages writ large. And that stuff's corny to me. It's why, as much as I love the idea of community mural projects, they can get pretty cheesy. But great things can happen even in corny places.

I also wanted to include the aspects of the avant-garde that have also come up with performative and visual ways to address the streets. So, that was the concept, which I think still holds up. It's the idea of the bigger conversation. I think we still need to continue to track all of those elements and not ghettoise culture by going, 'Oh, I only care about the muralists at the moment'. The energies will always shift.

In the book, you discuss the etymology of the term trespass, tracing it from an earlier moral Biblical form to its contemporary legal sense. For those readers unfamiliar with this etymology, could you maybe expand on how this older sense of trespass as sin or transgression informs our contemporary understanding – and whether this still has anything to do with art on the streets?

'Trespass' was just a way of trying to collect as much diverse material as I could and to keep extending our ways of thinking about gestures in public space. As an art writer, I'm interested in mark making, and to understand and to read the phrases left behind. But I love the idea of urban explorers. A big part of their whole MO is to leave no trace, and if anything, to invade a space and make it a little nicer upon your leaving, like, if you find trash there, you remove it. And that's beautiful. Conversely, I'm also interested in the more violent notion of the breach. A book that really influenced me as a kid was *Crowds and Power* by Elias Canetti – I think he wrote it in around 1960. It was a credible, comprehensive study about how crowds work and how power works. He talks about sporting arenas and churches, and all the ways in which people gather, and how these architectures of gathering can amplify or contain the energy of a crowd. But when you deal with a mob, the breach is actually the important thing. You can have a large group of people protesting, but the trigger is literally breaking the barricade, or quite typically someone throwing a brick through a window. That would be the breach. I'm really interested in that, and not necessarily in a positive way, because in the United States we just went through this with the insurrection of January 6th. I never thought I'd be defending the government. But it turns out Big Brother is not the worst relative in the world. Obviously, the last kind of political gesture from the left that was equivalent would have been Occupy, with the idea of occupying space. All these are different strategies with different dynamics, each contending with the little space left for us that is not privatised.

Editor-in-Chief Martyn Reed's initial inspiration for the theme of Trespass came from Nick Hayes' *The Book of Trespass* which reveals a long story of enclosure, gifting of land, exploitation, and dispossession of public rights and the commons. Martyn sees parallels here with street art and graffiti and their relationship to property rights, but also with urban art's 'trespass' into fields such as public art and the art establishment. Hayes sees our 'quasi-religious belief in the sanctity of private space as the dark heart' of the UK. He considers trespass as an act of solidarity – and the real value of trespass as not so much in the thrill of transgression, but the effect this has cumulatively in lifting the spell of private ownership.

I like the way Hayes talks about property as the spell, and how do we break the spell of private ownership? Because it becomes a consensus reality that a bunch of people grabbed a bunch of land that at one point belonged to no one and to everyone – and how do we settle it? But I'm an urbanist. I don't hate nature – we all love to be out in the fresh air and smelling something other than fucking garbage – but it's not my milieu. If I have to think of nature, I still think of it within the city, I think back to the beginning of the Guerrilla Gardening movement in the 1970s, where they were taking condoms and filling them with seeds and fertiliser.

I shared with Martyn, Agnes Denes' work 'A Confrontation' where she grew a wheat field in Manhattan – that was a great moment. That was kind of a land reclamation, upon which we could build Battery Park City and the World Trade Centre. Because when you create a massive landfill on that scale, and you're no longer working on bedrock, you have to let it settle for many years before it's stable enough to build on. There used to be a place on the same site called Art on the Beach. I used to love to break in late at night with girls as a kid. So, I'm interested in those things. But the community garden movement is up there with community murals. It's great for the community, but it's maybe not the most edgy, visually compelling work.

'Wheatfield – A Confrontation'. Agnes Denes.Battery Park Landfill, Downtown Manhattan, NYC, USA, 1982. Photograph ©Michael Peng (CC BY-NC 2.0).

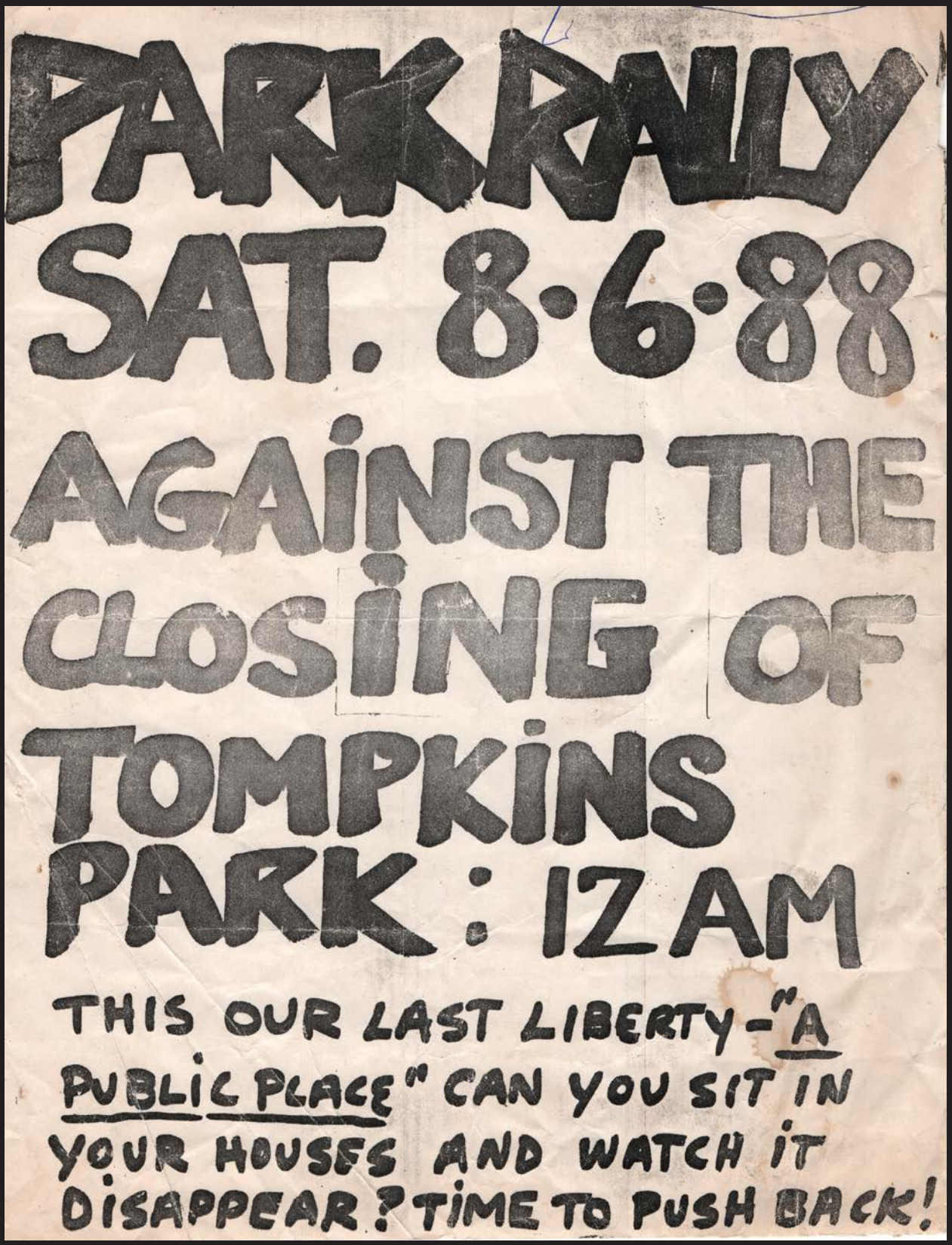
Another interesting thing from *The Book of Trespass* is that Hayes is both an artist and a writer – he does his own illustrations for the book. And he notes that the very act of sketching may 'legitimise loitering' – which meant he was often not challenged when trespassing. I wonder whether sketching on walls may also now, in 2023, paradoxically legitimise loitering, or nullify an act of trespass? Has this once transgressive act become so benign that we no longer see this as an act of trespass?

Yes. It's always worked that way. There was a book I was involved in years ago that came out in Germany, *Legal/Illegal.* It's really obscure now, but it had a big impact then. And one of the things I was thinking at that time was that I've seen a lot of people do really out there stuff on the street and get arrested for it. They'd go before the judge, and say, 'well, I'm an artist.' That was performance art that offended people's nudity laws or broke other laws – like trespass or illegal congregation. Generally, for prosecutors and judges, art's a fucking riddle – it intimidates most people. And unless they're really knee jerk and anti-art – which you're not going to get in a place like New York City – they're going to say, 'Oh, it's art – just get out of here and don't do it again'. And it's really great when art becomes kind of a good excuse – a good alibi. But I also think that there's a lack of responsibility in that. When you say, 'Oh, it's just art', you're saying, 'It is just art' – nothing more. You're taking away whatever agency that intervention and illegality carries. If it's going to spare you jail time or fines, you should probably pull this defence, but understand that you're diminishing the force of your work by saying, 'It's just art'.

You describe creative acts of trespass, in your introduction to the book, as a provocation for others to question consensus reality. But I guess, if you're using art as an excuse, then that provocation ceases?

With art, people's eyes have a way of glazing over. When it comes to art, viewers get blinkered in the same way as when they're faced with advertising. I do like people who do things that are not evidently one or the other. It's almost like a quaint modernist notion of novelty to try to carry this into the 21st century. That's why people like being tourists – because they actually start looking around – you can always tell who's a tourist in New York, because they're looking up at all the buildings, they're more aware – but most people usually walk through their quotidian existence without paying much attention to anything. So, anytime you do something that misfits within that visual landscape and makes people wonder for a minute, I think you wake them up a little bit. There's something positive about that. Even if they dismiss it and forget it, at least you momentarily rattle their cage.

There was this one group that were sending people to help people cross the street because they were all too busy looking at their cell phones. Helping people on corners so that they could keep on their cell phones. With screen time people are becoming even less conscious and less aware of their environment.



Flyer for the August 6, 1988 Tompkins Square Park rally.

Alison Young has written a lot about our shared belief in public space being an illusion. She notes that a lot of the urban spaces that we think of as public, and as ours, are in fact a grid of privately owned spaces. And any unsolicited art in public space is in reality on private walls. So, art on the streets may feed our sense of common ownership, and our sense that we have a right to the city. But maybe that's not really true?

Obviously, property owners are the vested interest – all those walls are someone's property – the skin, the membrane, around public space. I've always loved things which really make you look where you walk. There's been a whole lot of work done on sidewalks, on streets, on crosswalks, on floors. And that's also illegal. You're not really allowed to mark make there, you can still get arrested for doing a stencil on a sidewalk. I keep big files of jpegs on so many subjects and this is one of them. Municipalities started getting interested in these things, which start as illegal, artsy gestures, but then they employ artists to design crosswalks to be colourful, instead of just white lines, and people begin doing things with manhole covers, fire hydrants, and all that stuff we might call urban ornamentation. It's one of the many *cul-de-sacs* I'm interested in. I'm not sure if it's a medium or a genre, but it's definitely one of the many strategies out there. So, is public space a kind of delusion? Perhaps insofar as the sanctity of walls, but as a kind of common ground we must all navigate it is as physical and material as it is hypothetical.

The idea of public space is ultimately a negotiation. It's a social contract. For example, parks have social rules. Because they should be for everyone. So, you shouldn't be in a trench coat masturbating near the children's playground. It wouldn't be appropriate. But in New York, in my neighbourhood, one of the biggest political events of the last many decades was the riots at Tompkins Square Park (1988) because the police were removing all the homeless people from the park. The police came in there and beat the shit out of everyone. It was a horrible crime, but I was very much on the outside of the discourse of my community, because while I empathise with and want real justice for homeless people, I didn't like homeless people taking over the whole park. I didn't want them to be the only people there. Beyond the fact that it turned into an open sewer and it smelled of human faeces, it's simply that parks should be for everyone. There should be a solution to the situation of the unhoused, but you can't take the parks away from the little kids who want to play there. And you can't take them away from the old people who want to sit there, or from the young couples who want to cuddle up there. Parks have to be for everyone. Because there was this crisis in homelessness, and all these great social inequities, people thought I was a fucking asshole for saying that these camps had to go, but for me it's because I love parks, precisely for their democracy and inclusion, that I hate to see them function solely as a release valve for the margins.

In the book, you describe unsanctioned urban art as 'the problem child of cultural expression, the last outlaw of visual disciplines.' More than a decade later, given the endemic rise of commissioned murals in creative cities, internationally, are unsanctioned forms of art in public space still remotely transgressive?

Well, certainly commissioned murals and placemaking are not transgressive. But yesterday, the building next to me was knocked down. And what made me so happy was seeing these super cute kids, they must have been like, 13-14 years old, climbing up, around, and over this big wall to get into the vacant lot. One of them scaled the thing and then the other one threw him the backpack filled with paint, and then climbed over after him, and I was like, 'Oh, that's fucking great'. Kids being kids and exploring. They're not reinventing the wheel, maybe their work will be totally like toys. I have no idea, but they were fucking doing it. It's still great. So, yes, trespass still has that power. But it really is for that age group.

I know plenty of 50-year olds who still break into places.

It's like tattoos or potato chips. You can't stop.

I have 17 tattoos now. I'm trying to stop.

That endorphin kick becomes addictive. Invader is always telling me, 'You know what, I shouldn't do this anymore. I get in trouble. And I make a very good career off my art, but I can't help myself. I need to do it.' And he does it prolifically. It's like, 'Yeah, man, you're clearly addicted to it'. These practices are a form of engagement and a way of seeing – for whatever their ills they seem far preferable to disengagement and not looking.

CARLO MCCORMICK is a critic and curator based in New York City. His writing has appeared in numerous magazines, hundreds of books, and over a dozen different languages. He has curated exhibitions at museums around the world and lectures regularly at universities, art schools, and other institutions.

Invader. Spanish Steps. Rome, Italy, 2011.
Photograph ©Lachlan MacDowall.

Bass, Slate and Spray Paint: On the Edge of, and within, Trespass

Lucy Finchett-Maddock,
Bangor Law School, UK

This piece discusses trespass and its liminality, through exploring the urban/rural juxtaposition of street art and graffiti made at sites of free parties and illegal raves. Sites of specific interest are those in North Wales where the jaggedy urban manifestations of street art and graffiti straddle the mountains, leading the way for revellers to and from their dwellings in towns, villages, to the city through the suburbs. Images are taken from 'The Bomb Depot', Llanberis, Gwynedd. Of interest is how these artworks allow access to a philosophy of trespass that can illuminate, and subvert, the very legal frameworks that have made certain forms of sound and visuality, combined, illegal.

I always knew there was rhythm in this land. The beats seem to echo the mood of the granite, ricocheting across the moss of the valley floor, and into the bones of its local reverents.

I always felt a twinning of slate and bass, as if both offering deeper caverns to human existence, the frailty of being on life's edge, not least with a full eye of stimulants to encourage the oneness, the fealty to the wilds, upended through chasmic electronic sounds.

Wild and free they were, being careful not to kneel on someone's scratched together line.

It's this point of extremity – on a verge between the rustic and the civic, the rural and the urban – that this series of images depicts, with a specific relevance to North Walian free party street art and graffiti. In some contexts this might be considered the 'peri-urban', where the city meets its bounds, the suburbs languish into the hedgerows, and the wilderness begins.

And yet within the fluorescence of the art and graffiti that are within this story, there is less an edgework but an integrality, the urban has been placed directly within the landscape, where spray meets slate, and bass.

I grew up in North Wales, and returned in 2022 after spending all of my adult life in Southern England or travelling to other parts of the world. This return took me back to my youth, where upon driving through the Ogwen Valley in Snowdonia I could feel the reverberations of parties past as I sidewound its steep slopes. 4x4 met Four to the Floor, music loud and windows down, removed once more to electronic beeps and squelches that for many of my peers and I were just as much part of the Welsh vista as the heather or the mountain goats. Within a euphoric recall, I am standing sleepless in a cold cloud-huddled valley of a Sunday morning, vibration dripping through my veins, insurrection in my heart.

In 2024 we will see the thirty year anniversary of the passing of the Criminal Justice and Public Order Act 1994 (CJA 1994) under English and Welsh law. In one of many symbolic junctures that saw private accumulation take over less orderly, less conventional, and less quintessentially middle England ways of life, the act brought in a legislative damning of nomadic and alternative cultures of Irish and New Age travellers and Romani Gypsy communities (ss. 60–62), the rave generation (ss. 63–66), street artists and graffiti writers (s. 62), and squatters (ss. 72–76).

Known for its now infamous passage under section 63(i)(b), CJA 1994 made the unlicensed emission of a 'series of repetitive beats' to a crowd of revellers outdoors, a criminal offence. In resistance to the law, 20,000 people danced for many days and nights at Castlemorton Common, Gloucestershire in South West England, the second May bank holiday weekend of 1992. From there on in, conservative legislative architectures were imposed to illegalise what was not just a way of life, but a regular (and age old) form of political and aesthetic expression.

Of course, free parties still continued, much less affected by the law in fact, when hidden away in a bleak grey forested valley in Gwynedd than it might be in the midst of the Home Counties surrounding London. A lot of sound systems and their followers then went indoors, into the cities, bolstering the warehouse and squat party scene, with the law following to illegalise unlicensed raves *within* venues and not just outside in the countryside, with the Anti-Social Behaviour Act 2003 (s.53).

And the law has not stopped curtailing and enclosing. In a draconian move following a series of seminal protest movements and actions by Extinction Rebellion, Black Lives Matter (and those more local to the UK as a result of the murder of Sarah Everard by a serving police officer), the current UK government brought in the Police, Crime Sentencing and Courts Act 2022, further banning unlawful encampments (ss. 83–85). Those who live more nomadic lifestyles are directly affected, the traveller community as well as sound systems that may be organising free gatherings. As is becoming evident in case law, there has been an increased use of injunctions against 'persons unknown' in order to remove travellers and party-goers (*Vastint Leeds BV v. Persons Unknown* [2018] EWHC 2456), which is a poignant indicator of a mechanism in law being used against a crowd, or against a party, as such.

In response, and with a renewed and refreshing vigour, trespassing as a form of activism, has become reignited by Nick Hayes and Guy Shrubsole with their Right to Roam campaign in the UK. During the recent Covid-19 lockdowns it became clear that relatively few people benefitted from access to green and open spaces in urban areas, which were much less accessible for those of certain socio-economic and ethnic backgrounds. Equally, the countryside is seen predominantly as a white space; one of dominion, the Englishman's castle, the aristocratic estate, despite a rich history of African, Moor and Asian presences on the land during and pre-Roman times.

And so the rave, to trespass, with its irreverence and its denial of individual property and any boundaries – whether they be literal fenced off property, or those of acculturated structures, e.g. class, race, gender, disability, or any other background – is a breath of fresh air, in this stuffy and turgid history of the rural.

Following from the 'Radical Landscapes' exhibition at Tate Liverpool in 2022, Darren Pih and Laura Bruni highlight the power of trespass, which '[...] demonstrates how the countryside has been a focal point for both artistic production and arguments around civil freedoms in the long shadow of colonialism' (Pih & Bruni, 2022: 9). Artist Jeremy Deller has been another important voice on the freedom and the reconfiguration of a section of the urban population in relation to the rural, through rave, 'it [redr]awing the map for a lot of people and their relationship to the countryside' (Deller, 2022: 145).

My time attending parties back in Blaenau Ffestiniog in the heart of Snowdonia, or Cloceanog Forest and the Llandegla Moors in Denbighshire, was 1996–1999, a few years after such parties had been outlawed, and yet were still continuing to pull punters from all over the North West. I remember the Dosse Posse, and various other sound systems including one or two pulled together by friends of an oft night. I can recall getting lost trying to find the places, gallivanting the lanes to find the far off thud of the Bassbins and the reassuring purr of the generator. And then once arrived, got lost again.

So I am back in the present day, returned to Eryri (the official name for Snowdonia), and recent ramblings and explorations led me to an old Second World War ammunitions depot tucked away in Llanberis, hidden amongst the slopes leading away from Llyn Padarn. Known locally as 'The Bomb Depot', the store is a remnant of the past in the now. Originally the Glynrhonwy Isaf Quarry, it was acquired by the Air Ministry in 1939 to store up to 18,000 explosives of different sorts, a significant volume of the UK's munitions during wartime (McCarmley, 2000). Unfortunately, part of the store collapsed not long after the site was requisitioned for its new role, taking many years of bomb removal to make it safe(-ish) again.

As any good detective may assume, walking up (or scrambling more like) to the store, there are tags and stickers adorning traffic signs and gate posts, the bright colours immediately indicating signs of non-human presence; a pitch and hue of bright greens and pinks that denote an urban techno-esque tribe, and one less acquainted with more socially acceptable forms of rambling to be connoted with the countryside. Peering over the slate gradient that leads down to an access point, spray painted lines and scripts on walls jolt and screech across the side of the cavernous space, the sharp lettering just like the spiked rock formations on which they are written. Higher up from the wall structure, tags are precariously hung on vertical granite cliffs, where their authors have used their climbing prowess to etch their presence into the Snowdonia landscape. The presence of murals, stencils, stylised images, and intricate graffiti; fun characters, huge wall-sized decks, and even the local postcode etched within the black interior of the depot with no or little light, as well as all over its outside perimeter. It is conspicuous and yet not at the same time. It is as if it should always be there, borne of and within the land. This is not liminality but a unicity of a kind that may bring any division between urban and rural to the ground.

And so to the cacophonous meld of the sound systems that you might imagine competing with one another inside the depot's many tunnels, the former rail tracks where the bombs were to be transported around the country; where today party-goers might sit, succumbed and making sense of their night as the dawn stars appear.

It has fascinated me since moving back to the area, the extent to which the mountains and the hillscapes are literally altered by human intervention, how the slag heaps of slate create new forms and shapes that pierce the skyline with their strangely human character. Analogous to an understanding of land art as that which moved from bucolic Constable representations of pleased landowners and national treasures – in the chiselling of the land through quarrying and art found within the store – this country scene has been worked with, like a sculptor's clay, and not just fetishised and depicted.

'Outdoors' as they were called when I knew them, provided their own set of rules and etiquettes, not unlike that of street art and graffiti. The most obvious being the invisibility, the hidden and covert nature of them. Perhaps with a phone number or finding the rig is being run by a friend of a friend, there is an expectation of anonymity, the necessary refusal in order to maintain the undergroundness.

With The Bomb Depot there is a visual archive of the sonic happenstance, nevertheless. The production of auditory space at the same time reverberating with and through the urban floridity painted within and outside the store. Not least too, the remnants of the nights before strewn eclectically as if momentos of hedonistic insurrection. The sub-bass vibrations expressed on the walls stretch further, tentacular-like with the tags that took kudos to create, crawling up and beyond the edge of the walls and into the scrub.

The surface is the sound itself, reified on the confines of the former quarry, and its internal infrastructure. Within a stratum of the sonic and the ocular, trespass is crystallised in an urban-rural time-capsule.

There is really very little discussion of the important role traveller communities have played within not just rave cultures, let alone those of street art and graffiti. Who knows who has made the pieces within the Bomb Depot, and given the impact of legislation over the years, the presence of New Age Traveller is much diminished, and marginalised into insensibility, although no more so than those of Irish and Romany Gypsy descent. This outlawing of a way of life is a reminder of the recently repealed Vagrancy Act 1527 which sought to remove and hide those who have emigrated to the cities from their rural agricultural backgrounds all those centuries at the beginning of enclosure; the elixir of today's neoliberal symptomatic.

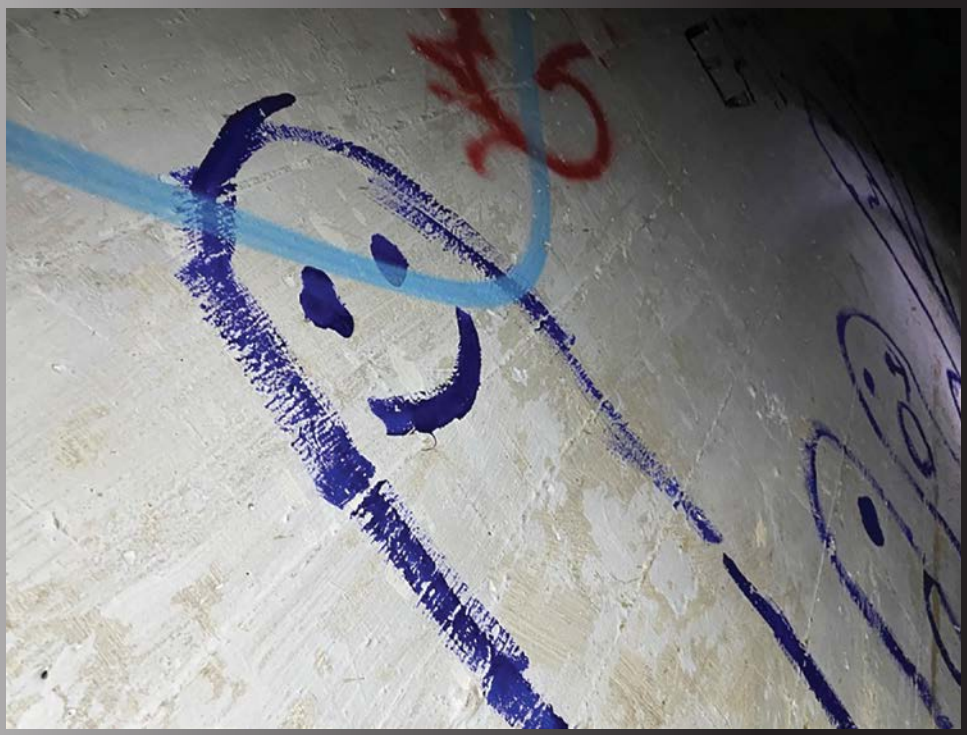
Who knows if the artwork was even created by those of the free party scene, but I imagine it to be so. One thing for sure is that the striking presence of the graffiti adorned depot within the scabrous bleak of the North Wales mountains cites an opportunity for innovated rupture, a newly arrived exterior of slate and juncture of tangibility and expression, for bass-come-spray paint, and the *nomos* of trespass.

The Bomb Depot, Llanberis, North Wales, UK, November 2022. Artists Unknown. All photographs by ©Lucy Finchett-Maddock


MISS
GREEN
HERB


KANE

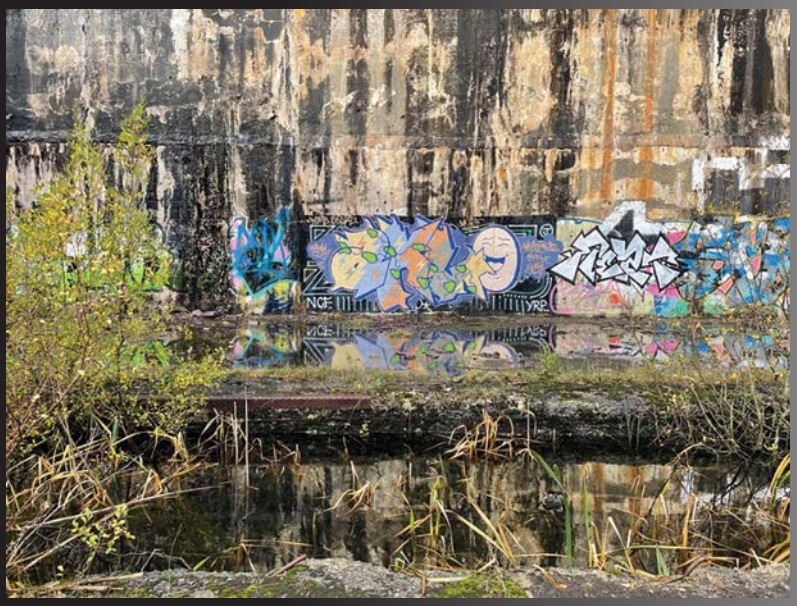

MORS




then why did you come here?


LL57


NCF.
YRP.
YKS.



References

Deller, J., Merry, A. & Cheetham, L. (2022), 'The New Old Ways: Folk Traditions, Questing and a Return to the Land', in: Pih, D. & Bruni, L. (Eds.) *Radical Landscapes: Art, Identity and Activism*. London: Tate Publishing.

McCamley, N. (2000) *'Llanberis Bomb Store'. Subterranea Britannica. July 1, 2000.* [Online] Accessed April 16, 2023. *subbrit.org.uk/sites/llanberis-bomb-store.*

Pih, D. & Bruni, L. (Eds.) (2022) *Radical Landscapes: Art, Identity and Activism*. London: Tate Publishing.

LUCY FINCHETT-MADDOCK is an artist and Associate Professor of Law at Bangor University, North Wales, UK. Her research is broadly concerned with critical legal and contemporary philosophical understandings of law in relation to its material and conceptual formulations of aesthetics, property, entropy, and resistance. Since 2015 Finchett-Maddock has been involved in developing an 'Art/Law Network', a meeting space between artists, activists, lawyers, practitioners, and other such agitators. Out of this has been borne an interest in the role of law in outsider art, the scope of the impact of institutionalisation on the creative process, and law's role in the formulation of the genre in itself. Part of Finchett-Maddock's work is practice-based, including working with sound, video, sculpture, and data sets. The practice-based element of her work is inspired by her artistic practice that seeks to capture ontological questions around artificial and formal divides – between human and machine, subject and object, art and law. Finchett-Maddock is currently writing the monograph, *Art* (Routledge New Trajectories in Law Series).

The Pretty Vacant:

Erik Hannerz, Lund University, Sweden

Exploring Absence in Subcultural Graffiti

INTRODUCTION: BOMBING STOCKHOLM

Let me tell you about my encounter with John, a notorious bomber from the Swedish capital of Stockholm. I followed John a couple of days every month over the course of two years. He was in his mid 30s, had a white-collar job, and had been doing graffiti for more than half of his life. Most of which he had focussed on doing tags and throwups in the city.

A night out with John included some minimal preparations before leaving his apartment:

Assembling caps – only NY fat caps and Montana original – shaking cans – only black and white – gathering some markers – also black and white and at times a silver– putting on black gloves and a black scarf. And then we were off.

John's ventures into the city usually departed from one of the busiest inner city subway stations and then moving in a variety of directions. Based on my fieldwork and my observations, he mostly stuck to the southern parts of Stockholm, he would only rarely go writing north of the city centre. Following John in the streets was a thing in itself. At times we would walk a mile or two for about an hour. At times we would walk 10 miles stumbling home at dawn. And at times we would be thrown into a 400-metre hurdle race with the police or guards on our tails.

Going out with John was like a box of chocolates, you never knew what you would get, except all of the chocolates had adrenaline fillings.

From a graffiti perspective, Stockholm is a fascinating city. The actual inner city is quite small, with outer areas being tied to the centre through the subway, like planets circling the sun. The subway-lines order the city with a clear node in the middle, each line thus having two parts: one northbound and one southbound. But the city is also marked by the war that it has waged on graffiti over a 25-year period (Kimvall, 2014). At its peak, even condemning graffiti in any of its forms including yarn graffiti, gallery shows and legal walls. Walls within the city are to be cleaned within 24 hours, meaning that writing graffiti in Stockholm means being out and about. A lot of walking and writing on an almost daily basis as roughly nine out of ten tags will be buffed within hours. Nevertheless, having grown up within this zero-tolerance context, John and many others were not all negative to the city's cleaning, it was rather something inevitable, a circular movement, like the sun rising each morning:

> *The part I like the best [of graffiti] is really the ephemerality in a way, that it goes away, it is buffed, and it needs to be redone, that the spots are again and again made available [...] The buff to me, is a natural part of the whole thing, it's just there, and I am NOT looking for places that get buffed less often, and when the thought crosses my mind I try to fend it off, to not think in that way.* (Stockholm 19:34)

To John and his friends, the buff worked to weed out the non-committed, erasing those who were not willing to go out night after night. As the buff would continuously deliver available surfaces again and again. But this quote also points to how the buff also led to a rather particular view of the city. Whereas Ferrell and Weide (2010) in their Spot theory of graffiti argue that writers primarily seek out spots that will not get buffed, it was a common practice and attitude among the Stockholm bombers I followed to rather indiscriminately hit the streets regardless of how they were buffed. Subcultural identities were achieved through shared quantity over time; if you did a hundred tags in the streets, the city might just have time to erase 95, and if you did a hundred tags in another part of the city the next day, and then returned, you would be up. Kind of like a subcultural version of Sisyphus pushing up his name only to be erased and start over again and again.

To make a long story somewhat shorter. I decided to bring John to the city of Malmö in the south of Sweden close to where I live. Just across the water from Copenhagen, Malmö has had an entirely different approach to graffiti than Stockholm. The city has two big open walls in the midst of the city, and is somewhat more lenient on buffing. So, John and I started walking the streets in the more alternative sections of Malmö, looking at tags, throws, and pieces. I had been fairly certain that he would love it, but quite early on I could detect that he was not feeling comfortable. At all. He kept shaking his head and he would only do a small tag here and there. After about twenty minutes he had had enough: angrily he blurted out 'What the fuck is this. Don't they ever buff this place, where should I put up my tags, there's no fucking space left'. We sat down at a bar, he calmed down a bit, said something about how he really wanted to know how the local writers dealt with the lack of empty space.

Over the years, he would come back to Malmö and visit me and the new friends he had made in the city, and he would eventually learn to deal with this lack of available space. Nevertheless, I remember sitting at that bar feeling much like a loving pet owner having brought my city cat to the countryside to roam freely only to realise that she was scared shit of mother nature.

I have argued against the assumption of a single subcultural definition of space numerous times: trains are not tracksides, and tracksides in turn are neither the streets or the walls inside an abandoned factory, these different spaces constitute different subcultural terrains with different ideals, activities, and rules (cf. de Certeau, 1984). The advantage of the concept of terrain over landscape, or subcultural places for that matter, is that it suggests a practical and affective relation to space, rather than a particular patch of land (Steinbock, 1995).

As such, terrains are something that we bring with us, something we realise through actions, rather than something that we unearth. Terrain refers to a familiarity, to feeling at ease and falling into a particular rhythm wherein the surroundings and its objects behave like they should (Nilsson, 2010).

Let us take a layman's example. I love foraging for mushrooms. Still, I do not approach meadows, forests, or clear-cut areas in the same way. My activities, pace, and vision differ. This also differs according to time; I scan the woods differently, and am attentive to different colours, in early summer, than I am in the autumn. Third, if I am out looking for porcinis, I move at a different pace, my eyes scanning the surroundings faster, and I look for different kinds of objects than if I am out looking for horns of plenty, where I move a lot slower and am more focussed. I search for the familiar, I seek to realise a particular terrain of foraging, in the

Malmö, Sweden, 2021. Photograph ©Erik Hannerz.

sense of a practical and affective expectation of things as they typically do. I might move within the same patch of land, and I may move along similar paths, but the way I perceive my surroundings, my rhythm, but also my expectations change in accordance with how familiar the terrain appears and feels to me (cf. Brighenti & Kärrholm, 2018). I draw from previous experiences, with what Bourdieu (1998) talks about as a feel for the game, I know what to look for, and what to ignore. Graffiti writers, much like foragers, or for that matter skateboarders or traceurs, do not have to start all over again in new surroundings, but can rely on their bodily memories and experiences – on their practical and affective experiences of space (Brighenti & Kärrholm, 2018; de Certeau, 1984).

This means that when the activity, rhythm, and expectations do not fit to the terrain, we tend to feel rather lost or unnerved. Marcel Mauss (1973), in his fantastic article 'Techniques of the body', discusses a similar lack of connection between the body and the spatial rhythm in noting the problems of an English regiment attempting to march to the rhythm of French buglers and drummers: when the rhythm is not working the gait becomes at odds and out of step.

Secret location, South of Sweden. Photograph ©Erik Hannerz.

The example of John in the city of Malmö is one such example, but I would encounter dozens of similar situations when travelling with writers to new cities; how they would struggle to feel at ease in the graffitied streets of Kreuzberg, St. Pauli, or Hackney. But the opposite was also true: visiting Stockholm or Helsinki with writers from Hamburg, Malmö, or London, they felt out of step with the cleanliness, that there was too much empty space, and why was it that empty. There must be something wrong. Or else, why all this available space?

In this article I will delve into how graffiti writers perceive and make use of the city, focussing on the role of absence in this. The attraction of the void, the empty, the vacant. This focus on the role of the void, the vacant, the empty in graffiti is far from something new. Presence and absence have to some extent always been part of the discussion of graffiti: the authorities aiming for absence through the buff or increased security measures, while writers establish themselves as part of the subcultural through a symbolic presence on the trains and in the streets. To be up is per definition to be present. Still, seeing these two aspects as opposites, and as mutually exclusive, risks obscuring how writers proactively use both absence and presence as interrelated.

I will discuss the role of absence through three steps, starting with the definition of the vacant in terms of space, here I will move beyond the notion in previous research that graffiti is drawn to the already marked and dirty, and instead propose how graffiti follows a subcultural logic of a myth of an empty space that can be traced directly to the most central of subcultural rules: do not go over someone else's work.

From there I will move on to vacancy *within* space, the gaze for absence as in a place to be claimed. Rafael Schacter (2014: 42) has referred to this as 'a cenophobia, a fear of the empty that only decoration will alleviate' but I will rather talk about this as a *cenophilia*, of a love for the absent and empty.

I will then end by addressing the proactive use of absence and in particular the buff. The story of John touches on this in relation to commitment but I want to extend this beyond the streets to include the most iconic of subcultural spaces – that of trains.

A MYTH OF AN EMPTY SPACE

But let us start in the more abstract notion of subcultural space. I already mentioned that I am critical of the single subcultural definition of space that has marked the previous research as well as journalistic accounts of graffiti. The reason for this hunt for the common and singular, I would argue, is a preoccupation with materiality. Regardless of whether we discuss the subcultural ideal space as a materialisation of risk and visibility – as do Ferrell and Weide (2010), or McDonald (2001) – or the more intriguing claim by Halsey and Young (2006) that graffiti writers are drawn to the disused and already marked: the rusty, damaged and dirty – the focus remains too much on the objects and surfaces rather than the patterns of meaning within which these material objects become ideas. A preoccupation with parole rather than langue.

Even though the idea that graffiti makes use of what Lefebvre (2004) refers to as zero-degree architecture – urban objects whose form are largely instrumental and constitute left-over surfaces: light posts, electrical boxes or substations, the back of a sign, walls, bus shelters, bridge abutments, etc. – is appealing in the political aspects it entails, it fails to explain how a lot of graffiti is done on surfaces that most people, including Lefebvre, would see as the opposite to zero-degree architecture and are neither dirty nor damaged: facades, doors, trucks, and trains. Whereas my mom could accept the tag on the back of street signs, she cannot understand the tag on the door to her apartment building. Graffiti becomes what Mary Douglas (1966) would call dirt, in the sense that it constitutes matter in the wrong place. But if we approach space from the rules and rituals within graffiti, this becomes a lot easier to follow.

All previous research on graffiti agrees that the central rule in graffiti is name-based, and with that comes the sanctity of the individual tag, and, by extension, the collective name of the crew. Presence claims ownership, albeit symbolically, to the point that a tag on a postbox means that that particular surface is owned by that name. Going over a tag with another tag is a symbolic slap to the face, going over someone's piece with a tag is the symbolic equivalent to a kick to the face. I am not going to delve into details here, we all know that the subculturally cherished currencies of time and commitment could here be added as a sign of respect rather than disrespect. A piece or a throw up over a tag still respects the latter through the investment of more time, more effort, and thus more risk. My point here is rather how the already marked is spatially attributed. A single door can thus be divided into dozens of small patches of individual land, each owned by a single tag, or the door could be claimed in its entirety through a throw up that fully covers it.

When the Swedish transit authorities decided to fence off part of my local train line with flat green walls, writers rushed out to claim those, ideally with a piece, so as to own that space, much to the chagrin of those who came too late. I have never come across a graffiti writer that at least to some extent did not respect the ownership of the tag. And in the cases they did go over someone else, they at least recognised that others would react to it.

If we look closely at how graffiti writers define what is out of place in graffiti, it follows the same logic as the already graffitied wall: the sanctity of that which has a designated single owner. The single house and the private car are out bounds, not because they are privately owned, so are delivery trucks and apartment houses too, but because they come to represent a demarcated individual owner just as the graffitied wall along the train track is out of play as it is owned by a particular writer.

This is somewhat obvious in how the writers I followed would refrain from tagging their own apartment building, or that of their parents and friends, in some cases even apologising for having done so in the past, but yet would gladly hit the house next to it. The building of their friends or parents stood out, and were set apart within the otherwise indifferent and empty surfaces. The presence of a link to a designated single-owner triumphed absence.

This distinction between the presence and absence, the demarcated and the empty, was also extended to objects with a defined sacred meaning. Hence churches, mosques, or other religious buildings were out of play, in some cases this included public works of arts and statues, as well as trees and other parts of nature. They had a specific singular meaning setting them apart.

I want to take another example of exceptions in my data, and that refers to different parts of the same building or object being gazed at differently. This was especially so in relation to train tracks and highways, where ownership was defined as a matter of access and visibility, in some cases turning the private and already demarcated into the public and empty. Alex, one of my informants, commented on this as we passed graffitied allotment houses bordering the tracks:

> *This doesn't bother me, because it's like on the side that is not theirs, I'm thinking that that's the backside that faces an abandoned train track, so there's no one caring about it really, it's just a space that is. But the side facing the garden I would not hit because someone is owning that.* (Go-along 5, Malmö)

To anyone not familiar with graffiti this might at best be a rather peculiar, and at worst a disillusioned take on ownership, as defined by visibility and access. The side of the building facing the garden is owned by a single owner and out of play. The inside is thus private, but the outside is deemed public and open due its placement. Also note the distinction here between the present set apart as singular – here marked by 'someone is owning that' – and the absence of that 'someone' in 'no one caring about it' and that 'it is not theirs'.

The point here is that space that is deemed as within play in graffiti is marked by an absence. Graffiti thus centres around a myth of an empty space, a perception of a space devoid either of meaning, or a single owner, the resources and riches of which are open, and thus morally rightful to claim. It is the perceived lack of a single demarcated owner that makes the door to the apartment house or the windows to the corner store within play. Same with the bridge, tunnels, signs, and other objects of the streets. Similarly, it is the perceived lack of a sacred meaning that makes it possible to include one wall of the allotment house while excluding another, because the former is emptied of the meaning of the latter. The distinction between private and public is defined by absence rather than by ownership and access. A binary distinction whereby if it is not clearly someone's, then it is no one's.

IDENTIFYING GAPS AND VOIDS

This brings me to my second point. How the city is gazed at and used. Or if you prefer, the practical pursuit of the myth of an empty space. To be sure, identity work in graffiti revolves around presence as positive and absence as negative. Validation is based on visibility and symbolic ownership such as owning a district, a street, a train line, or a yard. Or as above, in owning a particular surface. Still, the doings of graffiti are based on being able to trace out the voids, the anomaly of the object or surface that is marked by an absence. I have touched upon this already: the newly constructed flat noise barriers along the train tracks marked by their absence of graffiti, or for that matter John's frustration of the lack of absences in the streets of Malmö, and visiting writers being unnerved by the abundance of absence in the streets of Stockholm. Rafael Schacter argues that the empty surface or object begs to be marked, that graffiti is characterised by a will to add to that which otherwise is incomplete. This is a crucial remark in the sense that in doing graffiti, the subcultural gaze is focused on the lack of a tree rather than the forest, a space they can claim by adding their name. It is a remarkable talent, of being able to pass a door full of tags, gaze at it, stop, and bring forth a can or marker to fill out a space identified within seconds as being available. It requires a steady hand, as well as a sense of composition, not just in being able to fit in all letters in a style but also – remember the sanctity of the name – so as to avoid touching the names present. Bourdieu (1998: 80), in his discussion of habitus, talks about this as a feel for the game. The difference of seeing the future as something that might or might not happen and of seeing the future in the present, of anticipating what will come. A good tennis player is not where the ball is, but has rather anticipated where the ball will be so as to return it. Graffiti anticipates absence, pre-perceptively seeing the void where others see nothing. A good example of this is train lines between larger cities where the walls are not buffed and as a consequence the line is filled to the point that there is no more absence, and the line is temporarily abandoned by writers. Still, my data is full of examples of writers transgressing the subcultural gaze of presence and absence, and in so doing managing to open up a new space for writing. As in this example where a Stockholm writer discusses the opening up of new space:

> *What I think is cool, is when a piece leads to that a place somehow is discovered, that it illuminates the spot. It has happened at times, you are travelling along the line and then someone has realised that the space in between those two houses, or the rock sides, that that's a place that you could hit. And no one has ever thought about it before and then suddenly you realise 'right, up there there's a corrugated iron thing, what is that, I have never noticed that?' You see what I mean? I really like that kind of thing. The spot has not existed before, and now it exists because of the colours that someone added to it.* (Stockholm 22:32)

It is this move from landscape mode to the vertical works, that opens up spots that were previously unseen and absences within that which was previously deemed full. As in the early 2000s when writers started hitting rooftops, or painting roof-down. In this quote the defined absence moves the previously non-existent into being, that space is 'discovered', 'illuminated', and made available and open. The consequence of which is – as is often complained about and is of course also hinted at here – that when writers had spent the time discovering a new absence, hitting that place meant that it would be filled within days as others then saw the potential of the void. To be sure, absence is replaced by a presence, but there is so much more to that.

HIDING IN THE LIGHT

This brings me to my last example of the importance of absence in subcultural graffiti: the proactive use of it. In this respect, subcultural theory has a lot to learn from cultural criminological theories. To move beyond seeing deviant meanings, activities, and identities as a reaction to objective problems or obstacles, and instead investigate them from the point of view of what these accomplish. How deviance and crime can be meaningful in itself. Ever since the arrival of the buff – originally an oversized car wash for trains built in the

Lund, Sweden, 2020. Photograph ©Erik Hannerz.

Kraków, Poland, 2019. Photograph ©Erik Hannerz.

The Bronx, New York, USA, 2022. Photograph ©Erik Hannerz.

New York City subway in 1977 – it has been discussed in terms of how it threatens graffiti as a whole, replacing an earned presence with a negligent absence. Of course, chroniclers of the early NYC train era have noted how this initially revitalised the subculture – as it in an instant wiped the train cars clean and thus provided new canvases to write on – but with the advent of what Kramer (2017) so aptly has named the clean train-era in the late '80s, the buff has mostly been discussed with regard to how it moved graffiti from the trains to the tracksides and streets (Austin, 2001). However, trains are still graffitied – in NYC as well as in other cities – the difference, however, is that graffitied subway trains in most metropolitan cities rarely go into traffic.

I have discussed the interrelation between presence and absence in train graffiti at length in earlier work. How writers seek to control a specific space – a yard, a lay-up, an end-station – through a consistent monitoring of risks: mapping out the routines of guards, cleaners, and workers, as well as identifying surveillance

technology so as to be able to single out a window of opportunity or a dead angle that can be pursued so as to gain entrance to the exclusive and demarcated. Controlling risks means controlling space so that when the guards are absent and outside, the writers are present inside, thus flipping the binaries.

Similar to the city, where exploiting absence in doing graffiti at night means presence of the symbolic – the tag – in the day, ideally, trains are to emerge from the outside, from the depot or out of traffic, to the inside: the city, the stations, or rather into traffic. However, most often this remains an ideal as the graffitied train in the depot is cleaned at sight, or if in a layup is taken directly to the buff. As I have noted, films and photos come to magically recover this ideal presentation. On YouTube, Instagram, or in graffiti zines the ideal situation is recreated through photos and videos of graffitied trains becoming public. I have spent so many hours waiting for graffitied trains to be moved into the buff so that writers would be able to capture the train running, and in so doing replacing what is actually a *rite de mort* with a video of a train seemingly in traffic.

Still, I want to take the opportunity here to discuss a much more intriguing use of the buff by train writers, that of proactively using a physical absence so as to conceal your actual presence and doings from other writers.

This might come across as bizarre even for those familiar with graffiti, and surely, in my data train writers were also often criticised by other writers for being too secretive, a private sect preoccupied by rules. The train writers I followed, however, stressed secrecy, privacy, and rules as crucial to what they were doing. Far from referring to the city as something that is to be taken, destroyed, and bombed, they talked about the importance of nurturing the yard, of making sure that trains were not painted too often, or too big. In short, the absence of an obvious presence worked to not alert the guards, and thus ensured a continuing access to the trains. As in this example where three train writers from different generations and cities discuss the risks of trains:

> **IP1:** *But just to jump back a bit, it's like when I paint trains, and I really like if it's not rolling. It's good, if no one else sees it, it is good, because then no one knows that I am painting, then there are more opportunities for me, how do you say, the less that knows, the better for me, you know. It is the same with, I don't want people to know that I am painting this spot. To nurture. […] I just enjoy when no one knows that I have been painting, cause then I got the most of it, and the possibility is still there for me. Less is more there.*
>
> **IP2:** *And the only ones who are gonna know is your friends anyway […] Next day in the bar you'd be showing your pictures to your friends.*
>
> **IP3:** *Commuter trains are a bigger risk cause they don't grey paint that much anymore, I think, so if you paint that in Stockholm, it is the biggest risk someone else sees, cause it has to roll to the main yard to get buffed, and the subway if you do it in the yard, where they have a buff inside the yard, they just move it to the buff and then it's just the workers seeing it.* (Stockholm 11:111)

Nurture is here directly linked to the control of a particular space, and a vital part of that becomes limiting other writers' access to that place. Here visibility and presence are seen as something negative and even as a risk, presence means the potential loss of control. Similar to the discussion of opening up a new space along the train lines above, presence here alerts others of this potential absence. Having access to a yard, as in being in control of the absence and presence of risk, means that the buff is doubly exploited: first as it delivers empty surfaces again and again, and second because it erases the physical traces that you have been there in the first place, meaning that you are in control as to who will know about what you do and who will not. The photos and films work to proactively use absence so as to provide more opportunities. This is also obvious in online flows, where individuals who have been lucky enough to capture a graffitied train running in traffic and posting it online are told by the writer responsible either publicly or through DMs to remove it, so that the latter can remain in control of their presence. It happened to me earlier this week, and has happened at least a dozen times before.

To cite another example, two younger writers I had been following for some years, decided to paint their first train just before they turned 18 and could be legally tried as adults. Aware of the rules and that senior writers were in control of certain yards, they chose a yard that no one owned, a yard no one would ever hit as it was easy for the guards to monitor and because it was filled with hi-tec surveillance gadgets. They scoped the place, and as expected they could not detect the invisible cameras and alarms. In the end, they just went 'fuck it, let's just be fast', ran into the yard, did a quick two window panel in a couple of minutes, ran out and waited to be arrested. Nothing happened, no one stopped them when exiting and no one came to their house. Shocked, yet super stoked about that they had hit the impossible yard no one had painted, they messaged me and others photos of the piece. Five minutes later a senior writer calls me up and asks me to 'immediately shut those young ones up', and tell them to call him. It turned out that the yard was not that impossible to hit, there was no hidden surveillance, and the senior writer and his crew had been secretly hitting it again and again over quite some time. Yet since they wanted to be able to continue to do so, they had photographed the graffitied trains only when they had left the yard so as to obscure their presence. They had then told everyone that yard was crazy surveilled and that they had never been able to paint it, so as to be able to continue to use it. The two younger writers had by coincidence burnt the best yard in the region. The call between the different parties turned out to be amicable, no hard feelings, just 'change the story, change the place, and then we can bring you along to paint other places'.

Other writers lied outright about where they did graffiti, only to eventually be caught lying, but this was treated as part of the game. In keeping the garden rich and full of plenty you could not just ravage the whole place at once, you have to nurture it. And that might mean hiding it out of view of others who also are out looking for its riches.

RETHINKING ABSENCE AND PRESENCE IN GRAFFITI

The point I have been trying to make throughout this argument is that if we want to understand how graffiti writers appropriate space, how they read and use the city, we have to understand the interrelation between absence and presence. Different terrains in graffiti provide different rules, rituals, and activities but are held together through the pragmatic logic of absence and presence. There is an inherent problem to idealistic notions of graffiti as merely exploiting the disused, dirty, and zero-degree, as it by consequence places graffiti within the used, clean and functional as an anomaly, just as a stress on the links between graffiti and art tends to strengthen the notion of tags as the simple and childish. Similarly, the layman analogy of writers as pissing dogs marking their turf – easy to accept as we see no reasons why they tag the front of our house – is here also overturned. Whereas Tim Creswell writes that 'graffiti flagrantly disturbs notion of order [and] a love of disorder – of anarchy, of things out of place' (1992: 335), I would rather point to the opposite, i.e. that graffiti flagrantly mimics notions of the order of a normative geography and is marked by both morals and rules.

The potential of graffiti lies not in its similarities to art, entrepreneurship, or of discovering the potential of the abandoned, it lies in its distance to mainstream society. Its refusal to stay in line. And how this comes to empower individuals who feel bored, out of step, left out, or bullied. Of initiating an urban play that, if anything, transgresses binaries such as art/vandalism, order/disorder, private/public, or for that matter, presence/absence. That is rewilding.

ERIK HANNERZ is a researcher and Senior Lecturer at the Department of Sociology, Lund University, Sweden and a Faculty Fellow at the Center for Cultural Sociology, Yale University, USA. He received his PhD at Uppsala University in 2014 and his main research interest is subcultural groups and more specifically graffiti. Among his recent publications are 'Playing in the Yard: The Representation of Control in Train-graffiti Films' (*Crime, Media, Culture*, 2022), 'Negative chain referral sampling: Doing justice to subcultural diversity' (*Journal of Youth Studies*, 2022, co-authored with Sébastien Tutenges), and 'Keeping it clean: Graffiti and the commodification of a moral panic' (*Visual Inquiry*, 2020, co-authored with Jacob Kimvall).

References

Austin, J. (2001) *Taking the Train: How Graffiti Art Became an Urban Crisis in New York City*. New York: Columbia University Press.

Bourdieu, P. (1998) *Practical Reason: On the theory of action*. Stanford: Stanford University Press.

Brighenti, A. M. & Kärrholm, M. (2018) 'Beyond rhythmanalysis: towards a territoriology of rhythms and melodies in everyday spatial activities'. *City, Territory, Architecture*, 5(4): 1–12.

Cresswell, T. (1992) 'The crucial 'where' of graffiti: a geographical analysis of reactions to graffiti in New York'. *Society and Space*, 10(3):329–344.de Certeau, M. (1984) T*he practice of everyday life*. Berkeley: University of California Press.

Douglas, M. 1966. *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*. London: Ark Paperbacks.

Ferrell, J. & R. D. Weide (2010) 'Spot Theory'. *City*, 14(1–2): 48–62.

Halsey, M. & Young, A. (2006) 'Our desires are ungovernable: Writing graffiti in urban space'. *Theoretical Criminology*, 10(3): 275–306.

Kramer, R. (2017) *The Rise of Legal Graffiti: Writing in New York and beyond*. New York: Palgrave.

Kimvall, J. (2014) *The G-word: Virtuosity and Violation, Negotiating and Transforming Graffiti*. Årsta, Sweden: Dokument Press.

Lefebvre H. (2004) *Elements of Rhythmanalysis: An Introduction to the Understanding of Rhythms*. London: Continuum.

MacDonald, N. (2001) *The Graffiti Subculture: Youth, Masculinity and Identity in London and New York*. New York: Palgrave MacMillan.

Mauss, M. (1973) 'Techniques of the Body'. *Economy and Society*, 2(1): 70–88.

Nilsson, E. (20100 *Arkitekturens kroppslighet. Staden som terräng. Institutionen för arkitektur och byggd miljö*, LTH: Lunds universitet.

Schacter, R. (2014) *Ornament and Order: Graffiti, Street Art and the Parergon*. Farnham: Ashgate.

Steinbock, A.J. (1995) *Home and Beyond. Generative Phenomenology after Husserl*. Evenston: Northwestern University Press.

From Trespasser to Nerd: The Changing Image of Trainspotting in Post-War Britain

Thomas Chambers
London, England

Figure 1. A group of trainspotters trespassing at Abercynon Shed in 1955. Photograph ©TLA, Neville Stead collection.

'So much for these interfering bastard railway cops.' (Dowie, 2011: 553)

Figure 2. Chloe Burrows and Francis Bourgeois (Luke Nicolson) trainspotting from Pot Lane Overbridge. Youtube screenshot. ©Channel 4 and Untold Studios.

I

As it passes under Pot Lane overbridge in rural Somerset, a Class 59 diesel-electric locomotive whistles its horn to the delight of *Love Island's* Chloe Burrows. This is Channel 4's *Trainspotting with Francis Bourgeois.* Shot from behind, the clip shows the pair enthusiastically observing the train through a spiked fence displaying a red sign that bears the warning; 'Do not trespass on the Railway' (**see Figure 2**). Francis Bourgeois has shot to fame after his videos went viral on social media. Ostensibly, Bourgeois is the archetypal trainspotter, maintaining an air of social awkwardness; he is male, obsessive, nerdy, and has an interest in trains that is, to all intents and purposes, pointless. Generally being held up in the public imagination as something of a national embarrassment and figure of derision, the trainspotter holds a unique place in the British psyche. Pot Lane itself presents the viewer with a particular romantic view of England as a rural idyll, a nation populated by law-abiding eccentrics, with only the occasional passing train to interrupt the tranquillity. The episode in question plays on the seeming incongruence of the characters of nerdy Francis Bourgeois placed alongside Chloe Burrows, a sex symbol from a reality television dating show, as the former introduces the latter to 'the exhilarating world of trainspotting' (Channel 4, 2022).

In his autobiography, the author and trainspotter Nicholas Whittaker describes how what was once a proud British pastime had, by the late twentieth century, become a national embarrassment. Originally published in 1995, by the time Whittaker was writing the popular image of the trainspotter, he had developed into that of 'a gormless loner with dandruff and halitosis, a sad case obsessed by numbers, timetables, and signalling procedures. He has no interest in girls, and girls have no interest in him' (Whittaker, 2015: XXIII). The railway historian Simon Bradley notes how trainspotters 'were (and are) highly conspicuous on their platform ends, and could be (and are) jeered and gestured at from the safety of a carriage seat: dowdy-looking misfits to the public eye, pointlessly engaged in a project with no cultural, aesthetic or monetary value.' He goes on to note how the words trainspotting and anorak, a garment closely associated with the subculture, entered the *Oxford English Dictionary* in the eighties as derogatory terms denoting boring obsessives (Bradley, 2016: 530–531).

So, considering the way in which trainspotters have been viewed by the public over the past few decades – as straight-laced oddballs, with their pedantic obsession, the observation of the mundane, and note keeping – viewers might be forgiven for believing that the portrayal of trainspotters amenably adhering to admonitions against trespassing on the railways is an accurate depiction. In the immediate post-war period however, trainspotting in Britain was associated with lawlessness to the extent that the subculture became the target of a moral panic in the press, and laws were even introduced in an attempt to curb the activity. The author Andrew Martin explains that, at one time, a trainspotter could be considered 'hard';

> [...] spotters didn't wait for the trains to come to them; they went to the trains. Engine sheds were 'bunked'; that is furtively invaded. A good deal of bravery was required [this was] a *Beano* comic world of scruffy boys inventing 'dodges', sneaking through holes in fences, being chased by red-faced adults in official uniforms. Even when not bunking the spotter was at large, perhaps travelling – by train of course – to a bunk (Martin in forward to Whittaker, 2015: XI–XII).

In stark contrast to the uncool image of the anorak-clad loner whose interests are restricted to the end of the railway platform they inhabit, from the 1940s up to the 1960s trainspotters were frequently depicted as marauding bands of youths intent on overrunning Britain's railways. In short, the trainspotter, that most peculiarly British of characters, is a social construct the same as any other. If the phenomenon of trainspotting has largely been ignored by academia and has been the subject of little historical enquiry, then the transgressive dimension of the subculture has been virtually invisible. In the pages that follow I therefore intend to bring the deviant character of early trainspotting to the light of contemporary scholarship, and to show that not only has trespassing been a common feature of trainspotting – and its more deviant manifestation – but also to suggest that it has even been one of its essential defining elements.

In the first section I discuss the portrayal of trainspotting as depicted in the children's comic *Acne* at the close of the twentieth century. The disparaging images represented in this comic rely on recognisable tropes that have come to form the stereotype we have of the trainspotter today. Whilst the comic's portrayal provides clues as to why the trainspotter came to inhabit the position it does in popular culture, it also hints at how that image has evolved. Rather than a romantic evocation of more innocent times, I suggest that the image of the steam engine is used in this particular comic as an allusion to a history of deviance. This history relates to a specific period that runs from the 1940s, when trainspotting became hugely popular in Britain, to its steady decline following the end of steam traction on British Railways in 1968. This time period is important because it was when the notion of trainspotting and the idea of the trainspotter was first constructed. I then discuss the manifestation of trespass by youths in the post-war era and argue that it was in fact an integral element in the formation and performance of trainspotting culture. As evidenced in numerous autobiographies covering the period, trespass was an exhilarating practice that pushed the boundaries of acceptable child's play. The less obvious phenomena of graffiti and coin pressing are also considered as material expressions of the practice of trespass. Using ethnographic research on contemporary graffiti, I also suggest a reason for the use of trespass within the trainspotting culture. In the final chapter I explain how a moral panic arose in the British press around trainspotting, and the engagement and reaction of various relevant institutions with it. I also reject the previous scholarship on trainspotting which downplays the importance of trespassing within trainspotting culture, including the response to it in the press, and the official and legal attempts to restrict the activity[1].

II

In his history of the railways in Britain, Bradley highlights a one-off comic character named Timothy Potter who featured in the *Viz*, 'that bellwether of 1980s popular culture', as an archetype of the trainspotter. 'Bespectacled, acne-dappled and dressed as if by his mother, myopic Timothy is too hopeless to even cut it as a number-collector' (Bradley, 2016: 530). Just a few years later, at the start of the decade in which Nicholas Whittaker's book was first published, the comic *Acne* was launched. The publication regularly featured trainspotters on its pages. In issue ten of the magazine, the spectacle-wearing, acne-covered, and anorak-clad Borin Norman introduces another character to his favourite pastime of trainspotting. He enthusiastically explains that it is possible to 'spend countless hours collecting train numbers!' After eight hours of doing so his acquaintance is left comatose and when the doctor arrives he declares him dead; 'Looks like he died of boredom' is the diagnosis. (*Acne*, No. 10, 1992) The obvious similarities between the two characters can be read as evidence of a clearly defined image of the trainspotter having cemented itself in the popular imagination.

But just who was perceived to approximate this caricature of the trainspotter? The answer to this can perhaps be found in another edition of *Acne* published later the same year. Issue eighteen contained a guide titled 'how to spot the school geek'. A pair of cartoon figures are shown above a list of traits that mark them out. Whilst the hypothetical female character is derided in misogynistic terms, her male counterpart faces opprobrium for pursuing 'hobbies like trainspotting'. He is illustrated sporting a broken pair of glasses, dressed in a hand-me-down school uniform from the seventies, and, once-again, covered in spots. The guide informs the reader that he 'lives in a rundown council house' whilst 'his parents are toerags and don't give a toss'. He can also be recognised by his unhealthy complexion and lack of interest in the opposite sex. The feature is overtly classist; here working-class children are 'revolting' due to their cultural interests, apparent social habits and, not least, their poverty. (*Acne*, No. 18, 1992) Once again, the representation of this trainspotting geek closely resembled the aforementioned depictions.

Nicholas Whittaker's attempt to deconstruct this stereotypical image falls short with his sophomoric suggestion that with a shift in social attitudes towards racism, sexism, and homophobia, the trainspotter became an alternative target for vilification (Whittaker, 2015: XXII–XXIII). Essentially, a collateral victim in the fight against prejudice and bigotry.[2] Likewise Carter references the former's argument when claiming the trainspotter has been stigmatised as 'British popular culture's prime idiot' (Carter, 2014: 96). In fact, it is the perceived class associations of trainspotting which I believe accounts for the disparaging stereotypes that have been built around it. Carter argues that by the mid-fifties the demographic composition of trainspotting had already begun to become less working-class and 'familiar middle-class cultural forms soon emerged' (Carter, 2014: 100). However, as the previous example from *Acne* demonstrates, even decades later trainspotting had not entirely shed its working-class associations.

From its inception in the early nineties, *Acne* ran a regular strip called Train Spotters by the gifted cartoonist Tony Wiles. It featured a nerdy trio of sexually-frustrated teenaged spotters. The first issue of the comic introduced the characters in stereotypical fashion afflicted with pimples, donning prescription glasses, and boring anyone they come into contact with. The strip ends with the gormless friends alternatively being mangled in some railway machinery, getting radiation poisoning from a passing nuclear train, and receiving a violent reaction from a woman waiting on the platform in response to an ill-judged sexual advance. (*Acne*, No. 1, 1991) The following month's edition saw the Train Spotters return, this time getting themselves stuck on a delayed train waiting for a locomotive replacement. Subject to their obsessional discussion of the minutiae of technical matters related to the train, a fellow passenger is left exasperated by these 'irritating nerds!' Eventually the train is involved in a crash leaving the four passengers hospitalised, and the irate passenger once again stuck between the obsessive bores (*Acne*, No. 2, 1991).

However, in issue six of the comic the friends participate in behaviour that seems to contradict the established stereotype. Namely, the trio trespass into a 'shunting yard' and locate a steam locomotive. Unfortunately, the hapless trainspotters come to a customarily sticky end when the engine goes chugging over them (*Acne*, No. 6, 1992). Although they are usually depicted spotting contemporary locomotives, this was not the only occasion in which Tony Wiles used the image of a steam engine in the strip. Another episode showed a dream sequence in which a ghost train headed by a steam loco, the Flying Dutchman, pulls the spotters back in time as they gawp at steam engines of the past through the carriage window (*Acne*, No. 4, 1991). Finally, in a Christmas special of the strip, Santa Claus magically gifts a steam locomotive to one of the trainspotters which, predictably enough, runs him down (*Acne*, No. 5, 1991). Whilst in all of these examples the trainspotters remain 'spotty nerds', it is also clear that the steam engine initiates the appearance of a fantasy realm within the make-believe world of the strip itself (*Acne*, No. 6, 1992). The steam locomotive functions as a magical device signifying the ghost of trainspotting's past. A past in which the standard rules of play are turned on their head. Take for example the Train Spotters' antics as the 'Guardian Anoraks' when they take it upon themselves to enforce a railway notice asking passengers not to flush the train's toilet while in the station (*Acne*, No. 8, 1992). The sequence from *Acne* No. 6 in which the three trainspotters trespass onto the railway utterly contradicts this image of the boring nerd with a penchant for obeying the most trifling of rules and, in its use of the steam engine, hints at an alternative version of the trainspotter.

On the face of it, the *Acne* comic utilised the standard gamut of disparaging tropes to poke fun at the idea of trainspotting. As an example of the contemporary image of trainspotting that Nicholas Whittaker referred to in his account, *Acne*'s rendering was fairly typical. This was a cultural moment in which the image of the trainspotter had been firmly cemented as that of the archetypal nerd and general figure of ridicule in British popular culture. From my own research I have concluded that trainspotting seems to have garnered this stigma through its perceived working-class associations, which were themselves a hangover from an earlier iteration of trainspotting (Chambers, 2022). Furthermore, the cartoonist Tony Wiles uses the

Figure 3. A worker oils 34057 Biggin Hill adorned with chalk markings (spot the logo of The Saint top left) at Salisbury station in 1965. Photograph ©Mike Lamport.

Figure 4. A 6026 King John in the 1960s.
Photograph ©John Mayo (reproduced here with his kind permission).

steam engine in the Train Spotters strip as a way to allude to an historical trainspotter that contradicts the image of the modern one. In fact, the reference to deviancy I have drawn from his use of the steam locomotive can be traced back to the forties and largely relies on the act of trespass that had been associated with the subculture.

III

In the Train Spotters strip the steam engine is a visual device that takes the characters into a fantasy world within the make-believe one of the comic. When they appear, the steam locomotives allow for a situation in which the rigid stereotype of the trainspotter can be transgressed. This may come about magically or in a dream state, but it is one that harks back to the past. Indeed, the transgression of the child into the authority of the adult world was an ever present element of trainspotting, particularly in its heyday of steam traction on British Railways. 'Bunking'[3] was the term used by trainspotters to describe the practice of trespassing into engine sheds. Calling themselves 'gricers'[4], this was an integral element of the subculture for many devotees, and a point of pride to the extent that it was even the preferred method of collecting locomotives for some. In December of 1964, the young trainspotter Grant Dowie and a friend visited shed 5A Crew North. Having been warned that they risked being 'chucked into the cop shop and then slightly later – fined for trespassing', the pair nevertheless illicitly circumvented a 'twelve foot high boundary fence of iron railings'. This was done despite the fact that they *did* have a permit to visit. Once inside, Dowie recalls seeing the names Lester Piggott and Uncle Bimbo graffitied on a steam locomotive suggesting other trainspotters had applied the same method of entry (Dowie, 2011: 373–374).

Part of the allure of trainspotting for some youths in the post-war period was certainly the excitement of transgression. For Whittaker 'trespassing had always been a sport, but only as long as there was a danger of being caught' (Whittaker, 2015: 142–143). Indeed 'stake-outs and evasion were all part of the sport' (Whittaker, 2015: 25). Recalling his heightened senses the first time he bunked a shed, he tells how 'we stood there on the threshold, like mischievous elves in a giant's lair. Leaning against the wall were huge spanners, as long as our legs. I had never trespassed like this before. Thrilled yet wary, our ears were cocked to a corrupted silence punctuated by the hiss of steam…' (Whittaker, 2015: 9). Many trainspotters relished the challenge of bunking sheds in which they were not welcome. Gateshead, to take one example, 'had a reputation for being difficult to crack', meaning that access was difficult and security was known to be tight. Although this did not discourage a determined James Alexander when he visited as a twelve year old in the early sixties, as told in his autobiographical account of trainspotting;

> *[…] we knew there was no point in trying to walk in the front entrance but the entrance to the yard is a short distance from Gateshead East Station, so we walked down the line from there and hid by the side of a small repair shop then into the yard behind a slow moving V2*[5] *backing down to the shed […] (Alexander, 2018: 121)*

The rapid rise in popularity of trainspotting in Britain from the mid-twentieth century relied on the increasing availability of leisure time and the relative affluence of youths in the post-war period (Chambers, 2022). One product designed for this new market were the shed directories which provided information on the whereabouts of locomotive sheds across the country. Nicknamed the Bunkers Bible, the publication produced by the Ian Allan publishing group was careful to disassociate itself from any perceived encouragement to trespass (Whittaker, 2015: 83). Concerned about how their publications were being used, or at least how they were perceived to be being used, early on publishers included warnings abrogating themselves of responsibility for trespass.[6] A 1947 edition of *The British Locomotive Shed Directory* declared, in block capitals, that 'IT IN NO WAY GIVES AUTHORITY TO ENTER THESE PLACES' further cautioning that 'unauthorised visits, and trespassing on the railway not only render the offenders liable to prosecution […] and result in the facilities being offered to rail enthusiasts being curtailed or suspended' (Grimsley, 1947: 4). The shed directories were useful to trainspotters precisely because they gave directions to places that were private and inaccessible to the public. Alex Scott recalls using one of these publications to trespass on railway property in the mid-sixties. 'Directory in hand, I was going to bunk one of the great sheds, 50A.' Here he is referring to York shed in which, unfortunately, he was caught by the shed foreman and told, in no uncertain terms, to '… off'! Not wishing to receive the same reception as he arrived at Darlington station at 2 am later that same night, Scott made sure to hide the compromising shed directory from the prying eyes of the policeman closely observing him at the ticket barrier (Scott, 1999: 138–139).

Aside from autobiographical accounts published, at a much later date, in the form of stand-alone memoirs or on the pages of enthusiasts' magazines, trainspotters at the time did in fact leave material evidence of their trespassing. This generally came in the form of photographs of locomotives produced for private consumption. However, while not as common, the use of graffiti was a technique utilised by some trainspotters as a very public display of trespass. **Figure 4** shows a withdrawn 4-6-0 King Class in the foreground waiting to be cut up at Swindon sometime between 1962 and 1963. What is immediately noticeable about the image is the graffiti painted on the boiler and chimney. The names Jackie, Les, and Bumbal John have been tagged onto the locomotive in white paint, the latter underlined with a stylised arrow. Looking closely at the photograph, the locomotive in the background also has some indecipherable graffiti written on it. This graffiti was almost certainly produced by trainspotters who would have gained access to the engines through the works.

Such examples were not just casually painted onto condemned locos but could be produced as an act of commemoration. One former trainspotter related to me how a friend of his would bunk sheds in anticipation of the last steam running out of them and paint his name on them, among other things, as a final farewell on their last day (see **Figure 5**). Graffiti was produced by trainspotters particularly as a commemorative device to lament the closure of lines and, ultimately, the end of steam on British Railways. Fairly typical graffiti repeated in different examples include the slogans 'steam supreme', 'steam is king', 'for steam

there's no reprieve', and the poetic 'steam forever, diesels never'. Other graffiti might include cartoon characters, references to popular television programmes and, of course, anti-Beeching sentiments (Chambers, 2022). Richard Beeching was the author of the 1960s reports that became known as the Beeching Axe, which advocated the closure of vast swathes of the railways and the complete withdrawal of steam on British Railways. A keen-eyed reader may have noticed the logo of *The Saint* chalked onto a 4-6-2 Battle of Britain class in **Figure 3.** Whittaker recalls the programme being a favourite of his and it is fairly typical of the televisual references that trainspotters would make (Whittaker, 2015: 40). Indeed, it is also interesting to note that similar imagery, such as that of New York graffiti artist Stay High 149's now iconic adaptation of *The Saint* logo, was being used almost concurrently. Perhaps such details point to analogous cultural impulses being expressed by these railway-based subcultures, albeit completely independent of each other. Aside from being decorative, sentimental, or used as a form of protest, graffiti could have a more functional use too. In his memoir of trainspotting during the fifties and sixties, *Forget the Anorak: What Trainspotting Was Really Like,* Michael Harvey includes a photograph of a Black Five 4-6-0 locomotive onto which he has chalked its number 45038 (Harvey, 2017). As the era of steam came to a close on British Railways, locomotives would often have their name and number plates removed or stolen as mementos. As this particular Black Five has its smokebox number plate missing, Harvey left his graffiti for the benefit of any other trainspotters wishing to identify it. In fact, this is not the only example of graffiti documented in Harvey's book. He relates a game he developed amongst his fellow trainspotters in which they would bunk into a local engine shed to graffiti surreal names onto the side of locomotives, some of which would then go into service bearing their new sobriquets as a conspicuous signifier of trespass (Harvey, 2017: 57). Harvey goes on to conclude that 'I suppose we could be classed as being the original graffiti artists' (Harvey, 2017: 87).

This may be a good juncture to pause and reflect on just *why* it was that trainspotters trespassed. Part of the answer can perhaps be found by comparing trainspotting with a railway based subculture that came after it. Writing about the modern graffiti movement in London and New York at the turn of the twenty-first century, Nancy Macdonald rejected the notion that it should be understood as a working-class subculture. Instead, she proposed that graffiti functioned as a tool for constructing masculinity (Macdonald, 2002: 94–96). Macdonald focused on the act of *doing* graffiti and what it revealed about those male participants. She argued that '[graffiti] writers confront risk and danger and achieve, through this, the defining elements of their masculine identities; resilience, bravery, and fortitude' (Macdonald, 2002: 101). Indeed, Carter speculates that through the sixties trainspotting's ranks were steadily depleted 'as older hormone-driven train spotters yielded to girls' softer charms' (Carter, 2014: 269). In this framing, trainspotting and its associated acts of trespass, are gendered as a masculine activity that adolescent boys undertook as a rite-of-passage into manhood. Michael Harvey affirms this writing that girls 'were kept completely separate from trainspotting, which was our life' (Harvey, 2017: 25). He goes on to recount a particular trip during the late fifties in order to 'give an indication of the incidents and, at times, dangers that teenagers experienced'. The excursion to the West Midlands was undertaken by ten schoolboys from Portsmouth who, after spending their first night in the cells of a Wolverhampton police station, managed to bunk more than a dozen sites over the course of three days. Harvey explains that;

> *Above all, they enjoyed the freedom and spirit of adventure which every trainspotting trip brought. An application for engine shed permits should have been a priority on any such trip, but official permits were only used infrequently, and when they were obtained no one bothered to produce them at depots unless they were asked for! This trip was one of those undertaken without permits (Harvey, 2017: 41–44).*

Phil Mathison, the author of an account of trainspotting as a twelve-year-old in the sixties, describes his pursuit of numbers in terms of a rite-of-passage; as his peers were not yet mature enough to accompany him on spotting trips his 'early outings were with older, more committed spotters' (Mathison, 2006: 25).

However, what is interesting to note is that, unlike graffiti writers, trainspotters have often been reticent to fully embrace ownership of their particular history of deviance.[7] Indeed it is usually brushed off as wholesome fun that was to be had in more simple times. While Harvey concedes that 'the illegal 'bunking' of British Railways engine sheds, workshops, and other such installations [...] is what helped to make the hobby both challenging and fulfilling' (Harvey, 2017: 1–2), it was, nevertheless, a 'harmless hobby' (Harvey, 2017: 44). For James Alexander his trainspotting days were 'a time of innocence' (Alexander, 2018: 8), while for Phil Mathison, despite being 'always on the wrong side of the law', he describes it as 'not only a steamier age, but also a more civil one' (Mathison, 2006: 16 & 81). Perhaps, as I have previously suggested (Chambers, 2022), this narrative may, to some extent at least, be down to a process of schismogenesis whereby spotters retrospectively internalised their behaviours as good, or at least innocent, in contrast to that of the later graffiti writer. Indeed, Michael Harvey suggests as much when contrasting the 'disgraceful defacings of today' with 'our actions in the 1960s [that] were never intended to deface or cause too much hardship to anyone' (Harvey, 2017: 87).

IV

While graffiti may have noticeably advertised the act of trespass after the event, other mementos were also created by trainspotters. For instance, whilst waiting for the next locomotive to pass by, spotters would sometimes trespass onto the railway line to lay down a coin in order for it to be squashed by the next oncoming train. Stewart Warrington recalls that 'we often placed pennies on the line to see them flattened by the train', and even includes an image of one such example (Warrington, 2016: 16). A scrapbook kept by one young London trainspotter during the fifties has, in between carefully placed locomotive ephemera, a coin taped on a page with an annotation labelling it as 'one half penny flattened by 6133 at Paddington station on 23rd March' **(see Figure 6).**[8] The locomotive in

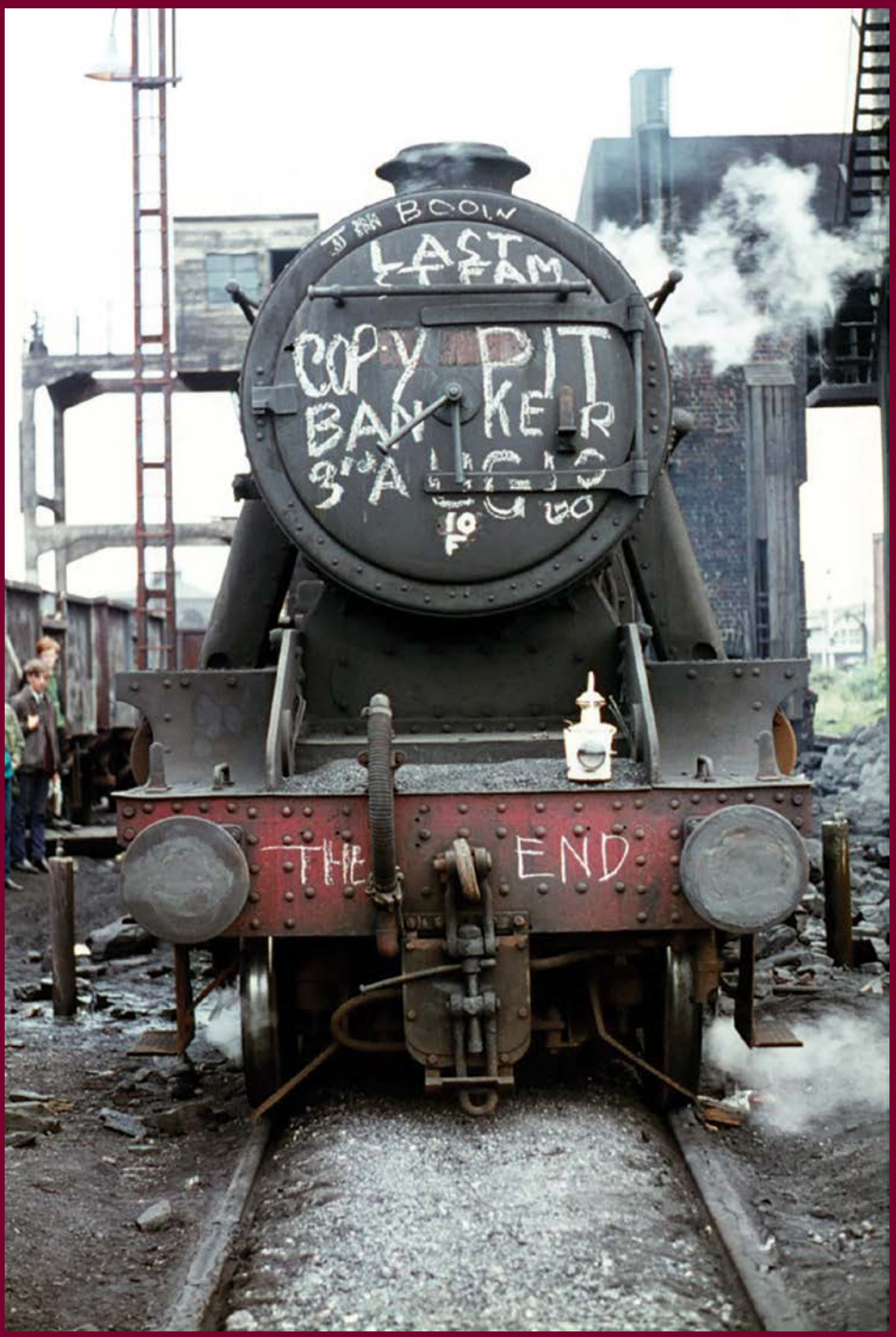


Figure 5. Rose Grove shed on the very last day of steam, August 4, 1968. Photograph ©Martin Gemmel.

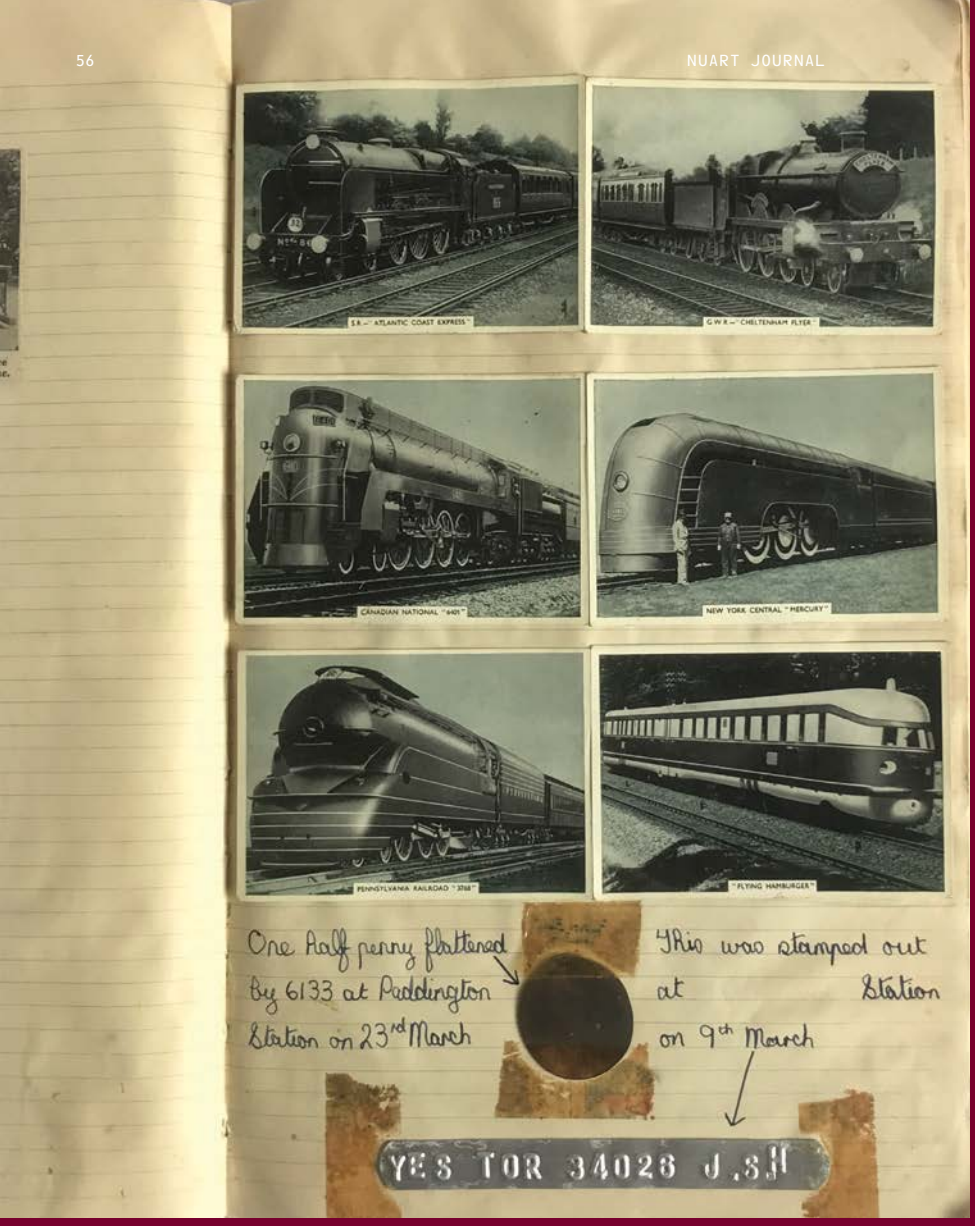


Figure 6. A page from a scrapbook of railway ephemera kept by a trainspotter during the fifties. It includes a penny that was flattened by a locomotive.

Figure 7. A 1954 poster displaying the Spotters' Code produced by British Railways.

question, known as a Prairie, was used for hauling both passenger and freight trains. Not a particularly glamorous engine, the coin was presumably collected as a way to pass the time, rather than a memento of an impressive loco. And yet, the item was prized enough to be carefully saved, labelled, and taped into the journal by its owner. Positioned alongside other railway keepsakes, the pressed coin represented more than just a Prairie, it symbolised the act of trespass that was integral to the experience of trainspotting itself. As trainspotting took off in the forties, such occurrences were not treated lightly and increasingly came to be viewed as a problem by the authorities. In the late forties, the *Midland Counties Tribune* obviously found one such incident newsworthy enough when it reported on two children who had been arrested for trespass while out 'train numbering' after having placed coins on the line through Nuneaton (Railway Trespass, 1949: 4).

In fact the *Midland Counties Tribune* was feeding into a wider media phenomenon that Carter claims was, at least in part, a reaction to bunking (Carter, 2008: 100). In my own research I have found that press reporting of trainspotting in the post-war period did indeed match the classic model of a moral panic as outlined by Stanley Cohen in his seminal *Folk Devils and Moral Panics* (Chambers, 2022). The anxiety in the popular press around trainspotting began with a notorious mass trespass incident at Tamworth station in 1944. Reporting on a group of children who appeared before the local court on a charge of trespass, the *Tamworth Herald* noted that they had been arrested after having 'placed coins to be crushed by passing trains and collected later as souvenirs' (*Tamworth Herald*, 1944: 3). However, the fine they received clearly did not serve as a deterrent to other trainspotters and by 1948 Tamworth became the first station to officially ban spotters from its premises (Bradley, 2016: 522). Tamworth was just the beginning though, as the press began to regularly report on a game of cat-and-mouse played out on the nation's platforms whereby bans would be alternatively enforced and then lifted in the hope of encouraging good behaviour.

Seeping into the folk memory of the subculture, Tamworth became a notorious event amongst trainspotters with the story being retold decades later (Whittaker, 2016: 57). Mirroring the hyperbole of the press, tales of such bans were mythologised and built into much more menacing propositions. In 1957, spotters were barred from Grantham station as the hundreds of boys and girls who were described as congregating there in the press were seen to 'cause trouble and not only endanger their own lives but those of other people' (*Boston Guardian*, 1957: 6). When Stewart Warrington visited the station two years later he took appropriate action; 'On hearing that trainspotting at the station was punishable by death (things were exaggerated in those days by fellow spotters) we positioned ourselves north of the station' (Warrington, 2016: 17). However, if the station was out of bounds then there was always the local shed, the allure of which proved too much for some spotters to resist. One such culprit, Ronald Edmunds, was brought before Grantham court on a charge of trespass and fined £1 after being caught collecting numbers in the shed in question. (*The Grantham Journal*, 1961: 16)

In reaction to the moral panic being played out on the pages of the nation's press, relevant institutions felt the need to take action. The publisher Ian Allan, the most important commercial producer for the trainspotting market, certainly felt the need to protect their revenue by taking a more interventionist approach toward shaping the behaviour of their consumers. In direct response to the press reports of the events at Tamworth, Ian Allan founded a Locospotters Club. In his autobiography he explained that the idea behind the club was 'to indoctrinate a code of good behaviour; all applicants for membership had to sign a declaration that they would not trespass on railway property' (Allan, 1992: 19). Just how successful Allan's attempts actually were in preventing trespassing is doubtful as the many subsequent newspaper reports on the crime seem to attest. Indeed, Whittaker ponders 'how many club members kept to a rule that would have destroyed half the fun of trainspotting' (Whittaker, 2015: 58). The Locospotters Club was not the only choice for trainspotters who could choose from a range of clubs and societies that organised trips. Many of these were less fussy about gaining permission to enter railway property.

Meanwhile, British Railways launched its own initiative to cajole trainspotters into obeying the law. In November 1954, the organisation distributed five thousand posters displaying its own Spotters' Code (see **Figure 7**). The campaign was initially claimed as a success with a British Railways spokesperson telling reporters that the Code had achieved 'excellent results' (*Halifax Daily Courier and Guardian*, 1954: 6). The front page of the *Leicester Evening Mail* featured a photograph of nine-year-old trainspotter Glynn Winfield reading a copy of the poster on display at Leicester London Road station. However, a year into the campaign, it was reported that the station master felt the Code was having little impact, with trainspotters continuing to trespass (Leicester Evening Mail, 1955: 1). More localised campaigns were also trialled such as that launched in Liverpool in 1960 aimed at children living near, what the *Echo* dubbed, Missile Alley. In appealing against 'hooliganism and trespass' British Railways were keen not 'to stop children's genuine interest in railways' with their Code offering 'points of advice expressly to train spotters' (*Liverpool Echo and Evening Express*, 1960: 7). Aside from public campaigns, British Railways also invested in preventative measures including new fencing and hostile architecture such as that at Bath Road shed, rebuilt in the sixties, 'with unwelcome visitors factored into the design' (Whittaker, 2015: 51).

The transport writer Christian Wolmar notes that from their inception, rules, regulations, and policing have been a prominent feature of Britain's railways (Wolmar, 2008: 49). Indeed, Grant Dowie's irreverent account of a week's trainspotting across the London Midland region includes numerous clashes with the railway authorities leading him to declare to his readers that 'I hate COPS. Get the picture. Right, you've been told' (Dowie, 2011, 59). In 1949 'a Newcastle youth', seventeen-year-old Keith Robinson, was arrested and charged with trespassing in a local shed. Baffled at what motivated the young trainspotter, the magistrate asked Detective Inspector Wood why exactly Robinson had been collecting engine numbers? 'It's a craze among boys at present. I think there is actually a society of these people who go about taking numbers of engines and they print a book', answered the concerned Detective Inspector. A fellow Inspector added that 'No one knows who is running this thing. We have made enquiries but

we have not traced them yet' (*Gateshead Post*, 1949, 12). Although the insinuation of a criminal conspiracy comes across as pretty clueless, the police certainly took the issue seriously. Trainspotting was, at times, regarded as particularly concerning, even to the extent of being portrayed as a gateway into more serious criminal activities by some members of the railway police force (Chambers, 2022). The same year that Robinson was hauled in front of the magistrate, the government passed the *British Transport Commission Act* relating to the formation of the organisation and granting it various legal powers. Smuggled into Part VII section 55 of the Act there were also some laws pertaining to railway trespass that seemed to be a direct response to reports in the press (*BTCA*, 1949). Indeed, writing in the *British Transport Commission Police Journal* just a few years later, one member of the force specifically highlighted Section 55 with regards to juvenile trespass on the railways (Radcliffe, 1954).

V

Watching Luke Nicolson, the social-media personality professionally known as Francis Bourgeois, the viewer is aware that this is, to an extent, a performance. The viral trainspotter uses the contemporary image of the subculture to evoke a certain charm that hails back to an imagined past. The use of a fisheye GoPro in his social media videos, while he idiosyncratically wails with delight at passing locomotives, maintains a veneer of physical and social oddity. Yet, rather than the socially awkward, sexually frustrated, and obsessive bore the stereotype of the trainspotter would suppose him to be, *his* trainspotter appears alongside famous personalities and models exclusive fashion brands. Perhaps one aspect that allows him to avoid ridicule are the class associations he has curated for the character of Francis Bourgeois. The use of bourgeois in his character's name immediately dissociates him from any vestiges of working-classness giving him space to be a loveable eccentric rather than a revolting nerd, as *Acne* might have had it. However, just like the mythical innocent past he invokes, the portrayal of the trainspotter has always been a social construction that has reflected wider social anxieties rather than the reality of trainspotting.

By the end of the twentieth century, in stark contrast to the folk devil of the immediate post-war period, the trainspotter had become a figure of fun in the popular imagination and a regular target of ridicule in media portrayals. By looking at the example of the contemporary comic *Acne*, I have shown how this stereotype was typically presented and repeated. In one episode of *Acne*'s strip the Train Spotters, its three protagonists are depicted trespassing on railway property in contradiction to their nerdy image. I argue this is a reference to trainspotting's historical associations with deviancy. In the strip the steam engine functions as a visual device that takes the three characters out of the confines of the trainspotter-as-nerd and into the trainspotter-as-deviant of the past. Contradicting the established stereotype, the portrayal echoes a history of trespass that was a central facet of the trainspotting subculture as it formed in 1940s Britain.

From early on, the act of trespass became an important process in the performance of trainspotting. It functioned as a way to transgress the rules of the adult world and reclaim agency for children and youths who were themselves on the brink of adulthood. Trespass was also undertaken for emotional and functional reasons. As a thrill-seeking exercise trespassing on railway property was simply a way of confronting danger. Crossing a busy line was a potentially deadly risk, as was sneaking around engine sheds which were full of hazards. Such risks provided reward though allowing the intrepid spotter to collect numerous loco numbers in one site. Other forms of trespass such as placing a coin on the rails to be pressed by a passing train could be a daring way to fill the time between collecting numbers whilst in a stationary position. Trespass functioned as a way of pushing the 'game' of trainspotting to its limits, negotiating private space, and claiming ownership over it.

On the occurrence of trespassing Letherby and Reynolds 'suggest that the social control of the rail enthusiast largely takes place within the group', with full acceptance into the group earned as the unwritten rules are learned. (Letherby & Reynolds, 2005: 173). Clearly, this was not the case in post-war Britain where trainspotters were the target of campaigns by British Railways, alongside legal restrictions, and of course the policing of trainspotters' behaviour by the railways police. Rather than being regulated from within the group, permissible behaviour was framed by institutions such as publishers, clubs, newspapers, and the railway authorities themselves. This attempt to reshape trainspotting was never fully realised and bunking continued to be a pillar of the trainspotting subculture. Thus the popular image we have today of the trainspotter projects something of an institutionally created myth that incorporates wider social and cultural anxieties around class, youth, and gender.

THOMAS CHAMBERS is an independent researcher and writer from London. His interests revolve around contemporary and historical graffiti as well as subcultural movements. He has written about North American hobo culture, early graffiti cultures in Europe, and political graffiti during WWII. More recently he has researched the emergence of trainspotting as a youth subculture in post-war Britain.

Figure 8. The End, Rose Grove, August 4, 1968.
Photograph ©Martin Gemmell.

1 Gayle Letherby and Gillian Reynolds have concluded that historically, trespass has not been treated as a serious problem with regards to trainspotting and the policing of it has been left to the trainspotters themselves. See Letherby, G. & Reynolds, G. (2005) *Train Tracks*: 172.

2 For a more ridiculous example of the supposed effect of 'wokeness' on railway heritage in the fevered imaginings of boomers check historian David Abulafia's 2021 article 'If the Woke Don't Cancel Steam Trains, Then Green Extremists Will' in *The Telegraph*.

3 Whittaker defines the term as 'getting into railway depots by fair means or foul to take down loco numbers, keeping a low profile and avoiding railway staff' (see Whittaker, 2015: 287). Alexander uses the term when describing trespassing into a shed at 4 am to reduce the risk of getting caught (see Alexander, 2018: 149).

4 See Carter, 2014: 287, note 18 for uses of this term. After 1968, many trainspotters travelled abroad to chase down steam locomotives, one of whom, K. Taylorson, wrote *A Gricer in Turkey* in which he observed 'that 'gricing' as a concept does not exist in Turkey, so even if you can explain *what* you are doing, you will not easily be able to explain *why* you are doing it!' (Taylorson, 1975: 19).

5 A V2 being a class of steam locomotive.

6 Anyone familiar with modern graffiti magazines will no doubt recognise this practice. A particularly notorious example being that of the London-based *Keep the Faith* magazine, the editor of which, despite including a disclaimer that the publication did 'not encourage any criminal act whatsoever, we accept no responsibility for the actions of our audience' (*Keep the Faith*, 2010: 3), became the first publisher to be prosecuted for 'encouraging the commission of criminal damage' in the UK. See: https://www.theguardian.com/artanddesign/2015/nov/08/marcus-barnes-graffiti-art-can-be-a-positive-force-train-tagging.

7 The exception perhaps being Grant Dowie's exuberant account which was originally written between 1968–70.

8 From the scrapbook of an unknown trainspotter in the author's collection.

References

Acne (1991) No. 1.

Acne (1991) No. 2.

Acne (1991) No. 4.

Acne (1991) No. 5.

Acne (January, 1992) No. 6.

Acne (1992) No. 8.

Acne (March, 1992) No. 10.

Acne (August, 1992) No. 18.

Alexander, J. N. (2018) *Locolog Chronicles 1957–1968*. Great Britain: Self published.

Allan, I. (1992) *Driven By Steam*. Coombelands: Ian Allan Publishing.

Barnes, M. (2015) 'Marcus Barnes: 'Graffiti art can be a positive force'". *The Guardian*, November 8, 2015. [Online] Accessed May 23, 2023. https://www.theguardian.com/artanddesign/2015/nov/08/marcus-barnes-graffiti-art-can-be-a-positive-force-train-tagging.

Boston Guardian (1957) 'Train Spotters Banned at Grantham'. August 14, 1957: 6.

Bradley, S. (2016) *The Railways: Nation, Network and People*. St Ives: Profile Books.

British Railways Steam Locomotive Class 2F-0 58891 at Abercynon Shed in 1955. (26/06/1955) Neville Stead Collection.

British Transport Commission Act, 1949. Catalogue ref: HL/PO/JO/10/101531. File No. 01704.

Carter, I. (2014) *British Railway Enthusiasm*. Manchester University Press.

Chambers, T. (2022) *The Invention of Trainspotting: Images of Steam, 1942–68*. Unpublished dissertation: Goldsmiths, UoL.

Channel 4 (2022) 'Francis's Sexy Audition For Love Island | Trainspotting With Francis Bourgeois'. YouTube [Online]. Accessed February 26, 2023. https://www.youtube.com/watch?v=_wRqHk49d5A.

Dowie, G. (2011) *A Hard Day's Week Railrover Trainspotting On the London Midland Region August 1965*. Peterborough: Fast Print Publishing.

Gateshead Post (1949) 'Police Want to Know About Numbers Firm'. January 28, 1949: 12.

Grimsley, R. S. (1947) *The British Locomotive Shed Directory*. Birmingham: Gilbert Whitehouse.

Halifax Daily Courier and Guardian (1954) '"Train Spotters" Behaviour Has Improved'. November 11, 1954:6.

Harvey, M. (2017) *Forget the Anorak: What Trainspotting Was Really Like*. Cheltenham: The History Press.

Keep the Faith (2010) No. 1.

Leicester Chronicle (1950) 'Taking Their Names and Numbers'. September 16, 1950: 10.

Leicester Evening Mail (1955) 'Train Spotters 'on the Spot''. September 26, 1955: 1.

Letherby, G. & Reynolds, G. (2005) *Train Tracks: Work, Play and Politics on the Railways*. King's Lynn: Berg.

Liverpool Echo and Evening Express (1960) '"Missile Alley" Families Respond to Safety Plea'. July 15, 1960: 7.

Macdonald, N. (2002) *The Graffiti Subculture: Youth, Masculinity and Identity in London and New York*. Basingstoke: Palgrave Macmillan.

Mathison, P. (2006) *Shed Bashing With the Beatles: A Trainspotter in the Swinging Sixties*. Newport: Dead Good Publications.

Midland Counties Tribune (1949) 'Railway Trespass'. September 23, 1949: 4.

Radcliffe, F. (1954) 'The Serious Side of Juvenile Trespass'. *British Transport Commission Police Journal*, 2(11): 13. From the *British Transport Police Journals, 1948–1990* digitised collection.

'Spotters' Code' Poster. 1998-10828-1953.

Tamworth Herald (1944) 'Borough Juvenile Court: "Stupid and Dangerous"'. November 25, 1944: 3.

Taylorson, K. (1975) *A Gricer in Turkey*. Barbican: Self Published.

The Grantham Journal (1961) "Just Taking Numbers" But He Was Also Trespassing'. September 22, 1961: 16.

Warrington, S. (2016) *'Jubilees' and Jubblys': A Trainspotter's Story 1959–64 Part I*. Great Addington: Silver Link Publishing.

Whittaker, N. (2016) *Platform Souls: The Trainspotter as 20th-Century Hero*. St Ives: Icon Books.

Wolmar, C. (2008) *Fire & Steam: How the Railways Transformed Britain*. London: Atlantic Books.

UNITE, LIBERATE AND CREATE:

Damian Le Bas & Sam Haggarty, UK

A GYPSY, ROMA, TRAVELLER SPACE AT GLASTONBURY FESTIVAL

In the United Kingdom, Gypsy and nomadic cultures have long been perceived to pose a dual threat of trespass. There are two main, parallel accusations made against these cultures. It is not simply that, as Angus Fraser put it in 1953, 'they throw the machinery of administration out of gear' (99). This observation must be understood in the context of a process five hundred years long, and still ongoing, in which the 'Gypsy' is defined by power as an essentially problematic person. To this end, the powers that be have used bizarrely elastic definitions of the word 'Gypsy' through the centuries. When expedient, the term 'Gypsy' has primarily referred to racial minorities such as Romani people or ethnic Celtic Travellers such as Pavee or Nawken people. At other times it has carried a different meaning, of the nomad who is implied to be irredeemably socially backward, and this definition, of course, is able to accommodate racial categories when convenient. What every definition of 'Gypsy' has had in common is that it has been framed as incompatible with notions of 'civilised' modern Britishness; incompatible with participation and integration in the state and the social compact. To be a Gypsy is to be a problem for everyone else who is not a Gypsy.

The perceived threat, and hence the response to it, is layered and cyclical. On the one hand, there is the accusation of physical trespass – 'you should not physically be in this place' – and on the other, of cultural trespass – 'everyone else has moved on from living like that: your culture does not belong in this modern society, it shouldn't be here now'. Both of these stances malign and marginalise the nomad/Traveller/Gypsy and they make use of accusations based on time as well as space: 'your culture is outdated; it does not belong in this time', or 'this land now belongs to someone else, you cannot stop here anymore'. Even if you are a Traveller 'legally' – i.e. get permission to set up a legal site, or otherwise seek to operate within the rules – tensions remain because the perpetuation of aspects of a nomadic culture is seen as a challenge to the status quo. This perception of a dual threat means that being a 'settled Gypsy' does not solve the problem. Because the culture is tied to nomadism – even if for some this is the case mostly ritually, or historically, or wherever their sympathies lie – it is still seen as a threat. It is also possible that the notion of the 'Gypsy' is perceived as more threatening than ever because elsewhere, social orders perceive their own fragility. As people become insecure about whether their own social order works, they become intolerant of other models of living. They lash out.

Likewise, being a nomad who is not an ethnic Gypsy fails to solve the converse problem. The 'new nomad' is simply painted with select negative Gypsy stereotypes because, like the Gypsy, they are now cast in the role of the outdated, conquered, superannuated people who have failed to catch up and integrate into the consensus modern reality. They are presented not as people, who have the temerity to think they can determine their own lives, but as figures in an undesirable social experiment, and hence fit for brutalisation.[1] Thus, it is impossible to fight for 'integrated ethnic Gypsy rights' without also fighting for the rights of those who still travel or are otherwise seen as 'less socially integrated', and it is also impossible to fight for the general public liberty and free movement without fighting for Gypsy rights as emblematic of that struggle.

Equally, when someone is denied 'cultural free movement', it also ends up being a denial of their 'physical free movement', and vice versa. There is a cycle at play here, and it is inextricably connected to art and freedom of expression.

Nomadism is often unavoidably artistic. The traditional Gypsy wagon is an obvious symbol of 'the art of life', wherein the accommodation itself – the mobile shelter – is also covered in and ultimately inseparable from, artistry or at least artisanship. Decorative arts make harsh lives more tolerable, and often serve an important second role as a social language and even a disproof of stereotypes of unsophistication or theft: the trailer full of glass says not just 'I appreciate this', but also 'I have paid for it'. The oral tradition represents a survival of the original form of 'literature', and as well as being a means of passing on tradition, also offers a way to pass the time, for instance when work is rained off. As with any act of maligning or eviction, the art of those being maligned or evicted is also being rejected. The need to unite against this insidious 'Catch-22' is clear.

It was in this context that the 'Atchin Tan' (Angloromani language: 'Stopping Place') at the 2022 Glastonbury Festival was conceived. This would be the first time Glastonbury had a dedicated, inclusive meeting space for all Gypsies, Roma, and Travellers and anyone who happened by and wanted to talk and join in. The Atchin Tan sought to provide a creative and open living space for people of all backgrounds – ethnic, social, and perhaps 'ethno-social' or tribal/familial – that are being jointly targeted by Part 4 of the new Police, Crime, Sentencing and Courts Act. The idea and 'avant gardeness' of the space was fundamentally connected to not excluding people based on their spot on the Gypsy/Roma/Traveller/nomad spectrum. This set it apart from much past activism, which has frequently had to declare whether it intends to use ethnic/racial or 'lifestyle' criteria to define its target constituency and its mission. The Atchin Tan, by contrast, invited people to band together because they are seen in the corridors of power as a single problem, and now more than ever this has created a need to find links and common interests whilst acknowledging differences and points of divergence. This speaks of an implicit stance in relation to ideas of cultural appropriation: a riposte to 'divide and rule', perhaps, along the lines of 'unite and liberate and create'. If one upshot of the new legislation is that it has brought some groups of Gypsy, Roma, and Traveller people together, then that is surely a positive that its concocters did not intend.

It was therefore predictable, and necessary, that the Atchin Tan should be an artistic space in multiple respects: a place that not only made room for artistic performance, but a place that was also literally composed of art, for the duration of its 'encampment'.

Artist Sam Haggarty conceived of placing a bow-top wagon on a large plinth, a gesture which gave a prominent visual embodiment to many of the aforementioned themes, and others. While the wagon is a romanticised object, it is also a genuine living space, an essential shelter. Placing it on a pedestal invites comparison to public sculpture, and questions why this symbol is not 'vaunted'. The plinth has a flat surface which is too small to manoeuvre on: it symbolises the fact that Gypsies, and increasingly everybody, can't go


ATCHIN TAN
REMEMBER
TRAVELLER ROAD
ROMANI ROAD
GIPSY ROAD
WE INTEND TO STAY.
REMEMBER WE WERE ALWAYS HERE
REMEMBER.
ANNIE MAUGHAN
NAN JOYCE


GIPSY ROAD
TRAVELLER ROAD
ROMANI
REMEMBER
WE WERE ALWAYS HERE.
GIPSY ROAD
IT IS OUR HOME
REMEMBER
WE INTEND TO STAY.
MITCHUM COMMON
LONDON
REMEMBER.
EDDIE AYRES & PATIENCE AYRES
REMEMBER.

anywhere anymore and simply live without being charged, in either or both senses of the word 'charged' – on the one hand, forced to pay rent for dwelling in liminal space, and on the other, charged with what is now the criminal offence of being alive without an authorised place to do so.

Perhaps the small square on which the wagon stands also works as an invitation to consider the fact, often quoted by Gypsy and Traveller campaigners, that a single square mile of land would suffice to provide stopping places for every marginalised caravan-dweller in the United Kingdom: one square mile, when there are over ninety-four thousand in the country. 0·00001% of the UK's land could resolve one of the media's and the government's most trumpeted causes of 'community tension': unauthorised Gypsy and Traveller camps. The required political will, however, is absent. In Britain, where the very phrase 'the square mile' is synonymous with the City of London – a spatial measure, fused with an ancient holy site of capitalism – where there is always room for the banks, but not for the Traveller who, after all, is a citizen of the country.

Rather than being plain and free from 'graffiti', the plinth itself was decorated by the artists Delaine Le Bas and Rohzi, with copious references to the Gypsy and Traveller experience. The dates of pivotal moments in New Traveller history – including the brutal 'Battle of the Beanfield' (1985), when riot police armed with batons and shields attacked unarmed people including pregnant women – sat alongside photographs of prominent Romani people and less well-known family members, such as Le Bas's great-grandmother, accompanied by pledges not to forget them. There was no discernible hierarchy in this information, because it is all equally important. It was jumbled together, but only in the sense of 'jumbled' that is in the nature of fluid, living substances.

Crucial to the meaning of the plinth was the lack of a stable line separating 'fine art' from 'graffiti', or either of these from copies of official and historical documents. One of these is a letter addressed to members of the Royal Society in the English Romani language, handwritten in a copperplate script by the Romani intellectual Westerous 'Dictionary' Boswell in 1874, at a time when Gypsies were thought by many in the academy to be universally illiterate and educationally subnormal.[2] There is thus an overlapping of meticulous artistic work, hastily spray-painted writing, family mementos, and intimidating letters, all of it swirling in a sea of colours. It works as a wry riposte to the tradition of seeing a Gypsy or Traveller encampment as, in toto, an eyesore, regardless what it is composed of and irrespective of what is being done in it. The skilfully decorated wagon is 'merely' a dwelling sited in the wrong place. Artisanship being done in situ is perceived not as honourable work, but a shirking of the social and locational norms of labour. The colours, again, lack clear boundaries between each and the next, perhaps another nod to the widely spread invitation to take a positive stance on LGBTQ+ inclusion.

There are ghostly horses, mere outlines in misty blue and white. At first glance these animal figures are not obvious, and they seem to rear into view only once the initial explosion of colour, faces, and text has been absorbed and the viewer has settled into the viewing. This achieves two effects. These days many Romani Gypsies and Travellers do not keep horses, in spite of the fact that their ancestors, in some cases in the very recent past, were deeply dependent on the horse: we might therefore take Rohzi's 'ghost horses' as signalling this, as well as the fact that sometimes you have to really look closely at a culture in order to see what animates it. A photograph of Le Bas's screaming head represents Gypsy Roma and Traveller exasperation with the historical refusal of the powerful to do so. It is their willingness to self-educate which has, in truth, been subnormal.

The wagon on the plinth also had a simple purpose, to be visible from far away and act as a beacon to draw people in. In this respect it worked. Conversations and practical collaborations were begun between groups that have not traditionally collaborated. For instance, historical tensions between Romani Gypsies, Irish Travellers, and New Travellers were addressed but quickly superseded by the need to act in concert, because of a fresh recognition of the matters above, particularly in light of new anti-trespass laws that seek to make nomadic life almost impossible in Britain. Obviously, this is part of a political trend which is generating other resistance, such as a wider social and artistic movement pushing back against ever harsher anti-trespass laws.

By itself, the wagon on its plinth – which, unlike the plain and colourless plinths of so many public sculptures, was made bright and complex with the irreducible kaleidoscope of Gypsy and Traveller history – would have been an artistic statement, but because of what went on around it, it was much more than this. People lived around the plinth: they ate and talked near it, and slept near it in tents, wagons, and camper vans – a selection of accommodations representative of centuries of nomadic history. Around the fire – the ancient centrepiece of the human gathering, whether nomadic or not – there were talks and artistic recitals and performances of music. Children danced under the wagon, their presence underlining the fact that liberty has to be understood generationally as well as personally. This is why the granting of temporary permissions for Gypsy and Traveller sites, or permissions which state that someone who ceases travelling 'permanently', even due to old age or disability, forgoes their status as a 'Gypsy' for the purposes of planning law, are so insidious. They are attempts to prevent intergenerational transmission of liberty. This is forced assimilation, plain and simple.

The wagon and plinth were therefore a centrepiece of a vision of a good nomadic life: a sort of 'Traveller utopia', though unlike other utopias, this one was real for a while. It symbolised an expansive view of what such a life might be like, against a political backdrop of attempts to contract and compress the prospects of the nomad. Even as governmental politics sought to squeeze the Traveller's horizons, Gypsies and Travellers met to broaden them. This was only possible because of a stubborn resistance to attempts to crush hope, honed by centuries of surviving them. As Haggarty put it in conversation with me in February 2023, 'forced assimilation changes the physical setting of where you live, but cannot crush the difference in the mind.'

This is only one type of reaction, though. Another response to anti-Gypsy legislation in Britain has been for communities to view it as 'just another law': our ancestors were subject to similar, often more draconian laws, and yet our culture survived. This stance was discussed at the Atchin Tan, and it is not hard to see

why it might be tempting to have this attitude. Gypsies and Travellers are not seen as an important political constituency, and so have often been deliberately mistreated by politicians who see in such mistreatment the chance to appear tough on the socially problematic. In short, an anti-Traveller stance is perceived as a vote winner. Faced with this situation, Gypsies and Travellers who decide to ignore the flux of politics and simply try and get on with life are, in a sense, making a reasonable choice, and one which might be more likely to preserve their sanity than setting themselves at odds with a political tradition which doesn't care about them. But the recent anti-Gypsy legislation enshrined within the Police, Crime, Sentencing, and Courts Act 2022 (Part 4, ss. 83–85) is not 'just another law'. The outright criminalisation of trespass marks the crossing of a line, a line separating tolerance from intolerance qua illegality. It is an attempt at a final removal of the ability of the nomad to live without instant and serious recrimination; an attempt to delete the possibility of a nomadic life. It was clear to see, in the way the then Home Secretary Priti Patel crowed about the strength of the new laws, that she believed she had 'fixed' the 'problem' of unauthorised Traveller encampments once and for all.

In such times, it is not surprising that alliances once thought impossible are now being forged. These politically dark times for Gypsy and Traveller people may at least provide a new fertile soil for Gypsy and Traveller art. With it might come new forms of self-understanding, and new sources of the strength to push back and find new ways to survive and thrive.

1 Artists will be instantly aware of the overlap with how authoritarian politics often maligns artists as feckless, out of touch, and undeserving of a place in 'respectable' society, and this is likewise due to the perceived threat that artistic independence poses to regimes. There is possibly also an overlap in terms of art being seen as a dangerous, atavistic wellspring of human power, to which nomadism could be seen as analogous.

2 Even as late as 1954, the *Encyclopedia Britannica*, in which schoolchildren looked for their facts, stated that 'The mental age of the average adult Gypsy is thought to be about that of a child of ten. Gypsies have never accomplished anything of great significance in writing, painting, musical composition, science or social organisation'.

References

Fraser, Angus (1953) 'The Gypsy Problem: A Survey of Post-War Developments', Journal of the Gypsy Lore Society, 3(32): 82–100.

Author unknown (2020) 'Home Secretary Owes Travellers an Apology', London Gypsies and Travellers, September 30, 2020. [Online] Accessed April 28, 2023. londongypsiesandtravellers.org.uk/news/2020/09/30/home-secretary-owes-travellers-an-apology/.

All photographs depict **The Atchin Tan / Stopping Place**, a bow-top wagon that Sam Haggarty put on top of a large plinth, which was decorated by Delaine Le Bas and Rohzi. The artwork served as a meeting place for 'storytellers, organically orchestrated speakers, and fireside music sessions' at the Glastonbury Festival. Glastonbury, UK, 2022. Photographs ©Damian Le Bas & Sam Haggarty.

DAMIAN LE BAS is a writer of Romani Gypsy descent and a native speaker of the Romani language.

SAM HAGGARTY is a hippy and has conformed to the statutory recognition as to be considered of a nomadic culture granted by the GLC (Greater London Council) in 1986.

Queer Liberation and Street Art: Taking Public Space and Declaring Our Right to Exist

In conversation with The Dusty Rebel (aka Daniel Albanese) on his visual activism and forthcoming feature documentary, *Out in the Streets*.

NUART JOURNAL: CONGRATULATIONS ON GETTING YOUR FILM ALMOST TO THE POINT THAT WE CAN ALL SEE IT! WE ARE CURIOUS ABOUT THE BACKGROUND TO THIS PROJECT AND HOW THIS EVOLVED INTO A FEATURE-LENGTH DOCUMENTARY.

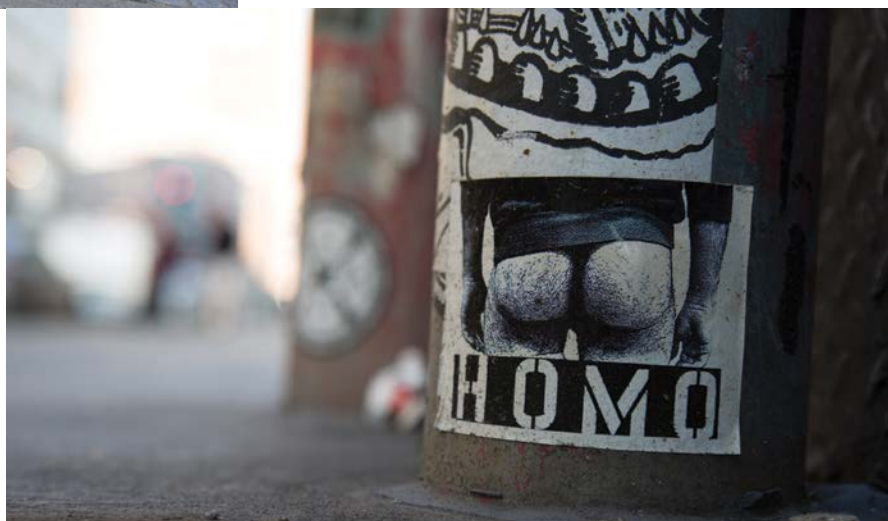
DANIEL "DUSTY" ALBANESE: I have been documenting street art for well over a decade. In 2013, I went to Paris, and I discovered Suriani's work. He's a Brazilian street artist who was living in Paris at the time. And he was doing these beautiful hand-painted larger than life drag queens from Ru Paul's Drag Race – which was much more underground at the time. We became friends while I was in Paris, and his work made me start thinking about queer representation and street art. I was thinking, why haven't I seen more queer street art? Why don't I know more about queer street art? It certainly made me think about the codes in art – Suriani was telling me that many people just saw them as big, beautiful women, they didn't necessarily know that they were drag queens. Queer artists speak to other queer people through their work through the codes and symbols that we recognise that others don't, if it's not an obvious symbol like a rainbow or something like that.

After that trip to Paris, I was buzzing. I found it fascinating, and I wanted to know more about it. Also, around that time, Homo Riot, an American artist, came through New York, and he put up much more aggressively homoerotic work than Suriani. And so, then I thought about those two queer artists, and how different they were from one another in terms of their coding. One is much more aggressive and it's very obvious to anyone that it is queer, and the other is coded for queer people to recognise. That was when I felt like maybe there's something really interesting going on here. But the only thing I could really find on queer street art was this one art show that Jeremy Novy – a queer street artist – had put together years before and was composed mostly of the collection that he had been putting together of other people's work. Other than that, there was nothing out there.

So, that's what led me to start reaching out to queer identifying street artists and asking them to send me the names of any other queer artists they knew, and I started to build a database of everybody I could find around the world. That was the first step. I dug, I searched hashtags, I literally scraped the entire world for anything I could find. At this point, my database had probably about 300 entries. And that's when I decided that this could be a book. Prior to this, I had been approached by a publisher, but I turned them down mostly because they wanted me to do another New York City street art book.

So originally this project was just going to be a book, but then I realised that I would have to travel around the world to research this topic. And I figured if I was going to do this, I wanted to do it on all levels. I had always wanted to make a film. So, I thought, I'm going to make a film and I'm going to do a book at the same time. And that was the genesis of the project. That was in 2013. The production itself began in 2017. And for all of those years, I reached out to artists around the world, talking to them, telling them about the project and what they could expect, making sure they were on board. And then I started my research in London, and I did a trip around Europe for about a month, then I kept working on the film over the years. I filmed in 16 cities across seven countries – including New York, Paris, London, Copenhagen, Rome, Montreal, Mexico City, and Los Angeles.

Suriani, Paris, France, 2013.
Photograph ©Daniel "Dusty" Albanese.



Homo Riot, New York City, USA, 2015.
Photograph ©Daniel "Dusty" Albanese.

I BELIEVE YOU HAVE A BACKGROUND IN ANTHROPOLOGY. IS YOUR STANCE TOWARDS THIS PROJECT INFORMED BY THIS ACADEMIC BACKGROUND AND RESEARCH TRAINING?

I studied anthropology as an undergraduate, and it was years later, when I started documenting street art and other subcultures that I was first asked to give a talk at a university. And it was the first time I had really thought about my work. I realised then that I was kind of doing a form of 'outside the box' anthropology. And then I met up with some former professors of mine who were excited that I had gone in this direction and had not taken the traditional academic route. So, yes, my work is definitely informed by anthropology. I think people who have a disposition for social science tend to have a curiosity about people. So, I approached this topic by asking, 'what's going on here?' I was trying not to bring too many of my preconceived ideas, but I was also fully aware that what I'm going to end up with was going to be informed by my perspective.

And I was always cataloguing – I had an index of every artist by medium and theme. I was really interested in questions like, 'who's making political street art, feminist street art, animal rights street art?' I was constantly categorising the street. And I was very curious to see patterns. So, at that level of really wanting to survey the scene, I wasn't coming at this as a superfan, I was genuinely curious about what was happening. And when you observe a scene for long enough, you start to see patterns. And that, to me, was really interesting – for example, to watch how street art really starts to change as social media becomes an influence. It's also interesting to see when politics comes into street art – I became aware that in the New York scene, politics was almost absent from street art in the 2010s. At that time, there was a real lack of political street art in NYC, whereas in most European cities, you'll find a lot of political street art.

THIS WAS PRE-TRUMP?

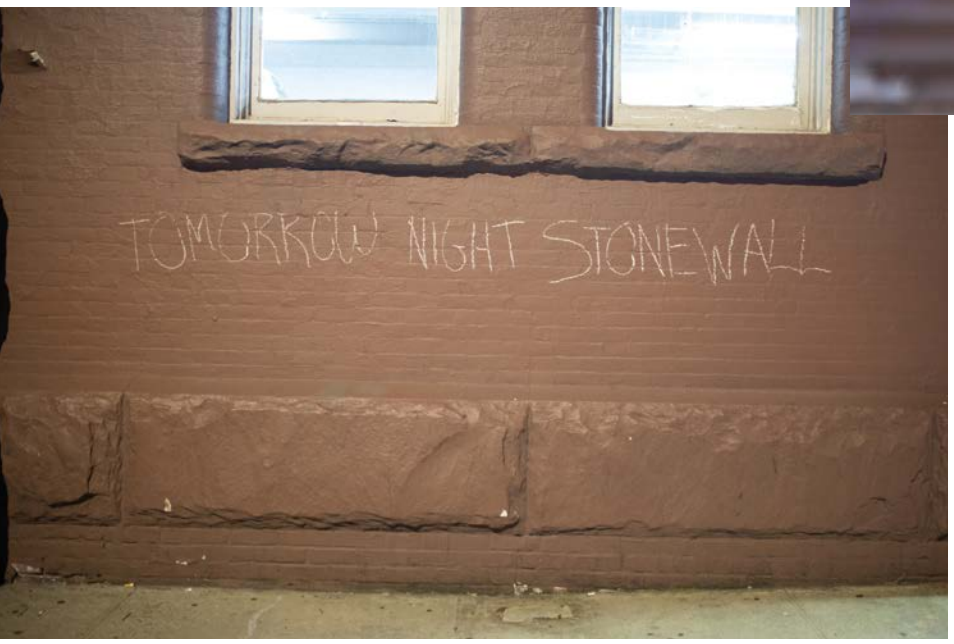
Once Trump comes in, it transformed. And you start to see a lot more political street art. But the Black Lives Matter movement, for example, had been going on for years. And I was shocked that I wasn't seeing this reflected in street art until the pandemic. So, back then, I noticed that there was a lack of political street art in New York City. But now there's much more.

IN THE LAST ISSUE OF *NUART JOURNAL*, WE PUBLISHED A ROUNDTABLE DISCUSSION OF FEMINIST QUEER GRAFFITI AND STREET ART SCHOLARS. UNTIL THAT POINT, WE WERE PRETTY MUCH WORKING IN PARALLEL – WE KNEW EACH OF US EXISTED, BUT THERE WERE FEW OPPORTUNITIES TO CONNECT. TO WHAT EXTENT DO YOU CONNECT WITH QUEER ACADEMICS WORKING IN THIS AREA?

That's an interesting question. I'm aware of a lot of academics now. When I started surveying what was out there, I wanted to find out who else has written about this? What else is going on? Originally, I was reaching out to more academic-type people, particularly when I was researching the ancient aspect of graffiti, like Pompeii. But I found that a lot of the academics that I reached out to would often be like, 'well, that's not exactly my area of expertise'. So, it felt like there was a lack of willingness among the academics to talk to me. I wasn't sure if it was, 'I don't know who you are', or the territorialism of 'this is my area'. I think that made me pull back a little bit.

When I first started making the film, I was interviewing street experts from the different cities I would go to. Not academics, but people who may play a similar role to me in different cities. But I was finding that when they were on camera, they were nervous to be forthright about the things that they would say much more clearly to me in a pub. And I think that if you have skin in the game, in the street art world, particularly the mural-world, you want to make sure you're still invited to mural festivals and events. I think people get a little nervous about rocking the boat and there's a lot of different gatekeepers. And I was challenging them by asking, 'why haven't you photographed or written more about this?'

Originally, I cast a wide net to find artists. But I also collected every academic paper that was written about queer street art, and I continue to do that. It's interesting to see how my research is now making an impact, while I am still trudging along making this film. I was much more guarded with my research in the beginning, because I wanted to make sure I got ahead of it. I didn't want to just hand my research away to everybody. But I think there's a lot more to be gained when people share and collaborate.



Tomorrow Night Stonewall, New York City, USA, 2019. Photograph ©Daniel "Dusty" Albanese.

Silence = Death, Brooklyn, USA, 2020. Photograph ©Daniel "Dusty" Albanese.

TO WHAT EXTENT DOES THE FILM COVER QUEER HISTORIES OF WORK ON THE STREETS?

As I was interviewing people, particularly people that were around my age and older, they kept referencing Act Up and various sites. They kept referring to LGBT history and referencing past queer icons – Klaus Nomi, Judy Garland, and famous drag queens would pop up. This made me start thinking about history. I remember learning about feminist graffiti when I was in college, so that's one of the places that I started to dig. One of the most amazing nights was when I was filming the Drag March in New York City on the 50th Anniversary of Stonewall, and I saw this guy chalking 'Tomorrow Night Stonewall' on the wall. And so, I asked him, 'what are you doing?' And he said, 'Oh, I read this article, that on the night of the riots, teenagers chalked this on the wall, and I wanted to replicate it.' I could not have set that up better if I paid someone to re-enact this scene.

That's when I started to delve more into the history of queer street art. And to think about the fundamental connection between queer liberation and street art. They are both about taking public space and declaring your right to exist. They exist hand in hand and have a shared history because they have always worked together. Queer activists have always taken to the streets and used the streets as a way to communicate and organise – you had it with lesbian feminist graffiti, you had it with Act Up.

And when that Stonewall moment happened, that's when I knew that I'd actually tapped into something that I think is incredibly important. When 'Silence = Death' came out, I was a young queer kid, just outside of New York City. But I saw that slogan on the news every night, it seeped into my home, it became something that everybody knew. So, it was an incredibly effective use of public space to communicate an activist message. Some of the most powerful street art activist campaigns have been done by queer collectives. And that, to me, is really a powerful history that I feel needs to be woven into the history of graffiti and street art more.

A LOT OF OUR VISUAL ACTIVISM NOW TAKES DIGITAL FORMS, EVEN IF IT STARTS ON THE STREETS. HOW HAS SOCIAL MEDIA IMPACTED ON QUEER STREET ART?

I don't know what the future holds. But you know, as social media platforms become more censored, we're fighting an algorithm that you cannot beat. It's different from the material focus that my generation had – we had zines we physically collected. When I was a kid, I would sneak into New York City and go from music shop to music shop, to see what was happening in the music scenes, and the punk scenes, until we got yelled at that we had to buy something and ran out the store. We learned about stuff by physically going out and finding each other. So, for me, it's kind of my natural gear. This becomes so much more difficult when we communicate digitally. But we've had a lot of different ways to communicate that don't rely on hashtags.

WE WANTED TO ASK YOU ABOUT YOUR OWN HISTORY OF VISUAL ACTIVISM. YOU WERE PART OF THE RESISTANCE IS FEMALE CAMPAIGN AND YOU ALSO ORGANISED THE RESISTANCE IS QUEER PHONE BOOTH TAKEOVER A FEW YEARS BACK NOW. ARE YOU STILL ENGAGED WITH STREET-BASED VISUAL ACTIVISM? AND IS THE FILM ITSELF A FORM OF QUEER VISUAL ACTIVISM?

Good question. I very quickly went from being an observer of street art to becoming an active part of the community. Resistance is Female was a collective campaign that happened soon after Trump came into office, and I did a piece for that. And at that time, I had been doing the research for the film, but I hadn't started filming yet.

Abe Lincoln Jr., who was spearheading a lot of these campaigns, wanted to start one called Keep Fighting. Resistance is Queer, and Keep Fighting were a collaboration between the two of us. I wanted to take my images of queer activists and put them into the street, on phone booths, on this beautiful dying infrastructure. I also wanted to put art in places that you might not expect, to have these hidden little gems of activist art. I tried to put them in site specific places – I wanted to put them in places that were historically important. That's what I was doing with Resistance is Queer, which were my own portraits from the Drag March and from various protests that had happened over the years. Then, during the 50th anniversary of Stonewall, I wanted to make sure that the art that referenced this wasn't just murals. And so, along with Art in Ad Places, we came together, and they basically handed over the keys to the phone booths. I brought in half a dozen queer street artists from around the world and I had them each design a poster for Stonewall 50. And those were very much put in site specific places. Lésbica Feminista is a feminist lesbian from Brazil. Her piece was put by Henrietta Hudson's, which is one of the last lesbian bars in New York City. Jeremy Novy did a Leather Daddy that was put by what is now the Whitney but was where the Piers were, where a lot of cruising used to occur, and also where the leather bars were. Suriani did a portrait of Marsha P. Johnson. We put her by the Christopher Street Piers where her body was found. So, each piece was part of our history, and they were physically put in the places that would reference this history. And I was proud of those little details, because I really wanted to celebrate our history and to do it in a way that was site specific. I did not direct the artists – I let them do whatever they wanted. And then we figured out the spots that matched their work. Everyone just magically did a piece that was like, 'oh, this would be perfect here'.

HOW UNUSUAL TO WORK BACKWARDS TO FIND THE PERFECT PLACES FOR THE ART, RATHER THAN THE OTHER WAY AROUND. WAS THERE ANY KIND OF QR CODING OR LINKS SO THAT PEOPLE WHO DIDN'T KNOW ABOUT QUEER HISTORY COULD FIND OUT WHAT THE WORK WAS DOING IN THAT PLACE?

We didn't use any brand or any hashtag or anything. We just let the image stand there on its own. I actually love the concept of using QR codes to break the wall and educate people. But we were just so bare bones. Just getting the printing done and getting the work installed without getting arrested was a challenge.

Resistance is Queer, New York City, USA, 2019. Photographs ©Daniel "Dusty" Albanese.

Homo Riot. Defaced work. New York City, USA, 2018.
Photograph ©Daniel "Dusty" Albanese.

A COUPLE OF YEARS AGO I LOOKED AT THE STREET ART AND GRAFFITI THAT WAS PART OF THE CAMPAIGN FOR MARRIAGE EQUALITY IN AUSTRALIA – NOT JUST THE PRO-MARRIAGE EQUALITY PIECES, BUT ALSO THE HATE GRAFFITI, AND THE PAINT-BOMBING OF PRO-MARRIAGE EQUALITY ART. THE WHOLE BEAUTIFUL AND UGLY CONVERSATION – WITH NO EDITING. ONE OF THE THINGS I FOUND WAS THAT THE WAYS THAT PEOPLE INTERACT WITH VISIBLY QUEER WORK ON THE STREET IS OFTEN QUITE VIOLENT. SO, WHEN IT DOES GET DEFACED, THE GOUGING IS DEEP – AS IF SOMEBODY REALLY MEANS HARM. IS THIS SOMETHING YOU FOCUS ON IN THE FILM?

This is something I focussed on with every artist I interviewed because it was also something I kept observing. I kept observing that queer themed art (and religious themed art) would often get scratched out. But the violent way that queer themed work is defaced feels different – the commentary is different. It's not just adding a moustache, it's not that normal thing that happens to work that hits the street, when people add their own marks to it so that it comes alive again – of course art on the streets has a life of its own. But what I was noticing happening to queer themed work was very violent – it was an attack. And so that was something I asked artists about, because I was curious to know if they were also noticing this, and what their own experiences were. And most of the artists had experienced this. But this is something that I think shocks some people who aren't paying attention, who don't realise that there is even a queer street art movement – and that queer street art is often attacked.

WHY DON'T PEOPLE SEE THIS?

That's a whole other question – why aren't more people seeing queer street art? That was something I was very curious about, and it was one of the things that motivated me to start this project. It exists – there's a history of queer street art. And there's a lot of it around the world. I had to travel to go and find these artists, and I kept finding more and more of them. Before I would go to a new city, I would write to friends who were very knowledgeable about the local street art scenes and say, 'hey, are you finding any queer street art?' And the answer was usually, 'No.' And then you get off the plane and you walk down Brick Lane, and it would be everywhere. So why don't people see queer street art? Are they not seeing it because they are straight? Is it straight people? You have gatekeepers who may not recognise queer visual codes, who aren't looking at it because they just don't see it, and you also have the muralism that is eating the street art scene. I think a lot of people focus on murals, and they don't really care about the wheat pastes or the smaller things. They're just focused on the big wall down the road. And social media also plays a role in what people see.

WHAT ROLE DOES SOCIAL MEDIA PLAY?

People ask, 'is this gonna get as much attention on social media? Is it gonna make me lose followers? Is it gonna get censored?' I mean, my own accounts have been shadow banned and censored. This is a thing that queer street artists constantly deal with – being shadow banned, constantly being censored, their work is constantly taken down. That could cause people not to photograph it, because they are afraid that their own accounts are going to get shadow banned. And so, you have a silencing of queer artists through social media. This is a real problem. And many of the laws that are taking hold in the States right now have a parallel with the 'community standards' of Instagram and Facebook, which constantly censor our art. The content is the decision of a social media platform which can decide whose body is 'female presenting', who has 'female presenting nipples', what is a 'female presenting nipple', and so on. The algorithm decides how much fatty tissue is allowed around your nipple. I know drag queens who have had their pictures taken down, because they weigh more than the average. It's ludicrous that you have a social media platform deciding the gender of bodies, and then censoring you on that account. In America, all humans can be shirtless, in public, in most States, but you can't be on social media. So that limits how people can express themselves publicly.

Social media is a serious issue for queer people – our work and our art is being censored. People couldn't put up tributes to Carolee Schneemann when she died, because Instagram kept taking them down. What does this do to erase our history of artists? This is something that's chilling, and I don't know the way around it.

Instagram did invite me to their headquarters to be part of a roundtable about censorship. But I haven't seen any changes in the four years since that meeting. It felt tokenistic. Queer people are still having the hardest time communicating and talking to each other online. Yet, the far right is organising in ways that they never have before. Because these platforms have put way too much pressure on censoring us. OK, maybe we don't adhere to the 'community standards', but you can put stuff that's so clearly neo-Nazi, or grossly offensive hateful content, but we can't use the word 'dyke' in a post.

This is something I find really upsetting. Especially since a lot of the research for this project was based on social media – I was searching hashtags and finding a lot of artists this way. The upside is, in the wake of this project, a queer artistic community has formed, and these artists have found each other – they know each other now. But I think that these platforms need to be much more aware of the ramifications of what they're doing because this has serious real-world effects. It used to be that if I searched hashtags like queer street art, Instagram would show me everything in chronological order. As a researcher, that's the only way I could find everybody. So, if I checked every two weeks, using the queer street art hashtag, I could scroll down and recognise where I stopped last time, and see everything in chronological order. Now Instagram is using an algorithm in what it shows me. So how can I find people if they're not already popular? And this again starts to sink people's voices. Social media is such a powerful tool, and it has such potential for good. But I'm seeing that whittled away every day.

IT SOUNDS LIKE THE INFLUENCE YOU'VE HAD IN BRINGING PEOPLE TOGETHER HAS BEEN PALPABLE. DO YOU THINK QUEER STREET ARTISTS HAVE BECOME MORE VISIBLE ON SOCIAL MEDIA THROUGH YOUR INTERVENTION?

Yes, I think so. When I started researching queer street artists on Instagram, I could scroll back and there were only 25 or 30 posts. Now you can scroll what seems like forever. The more people I found, led to more artists finding out about each other, and having a hashtag to coalesce around that could be used for all forms of queer street art – lesbian street art, gay street art, trans street art, and so on.

I see so much more queer-themed street art now than ever before. There's definitely been an increase. But social media has affected street art in general, and the ways artists perform for social media. There's a huge difference between how street art used to be and how it is now, in our cities. I was really surprised at how few times I took my camera out when I was walking around London. Because of hyper gentrification, a lot of hotspots are no longer hotspots – you used to find street art all over East London. Now, it's like Berkeley. There's less and less organic street art. But there are murals everywhere, and now most people see muralism as street art.

Is depressing that you've got to know exactly where to go to find the little pockets that still exist. I mean, if you got rid of Freeman Alley in New York City, there's almost no street art left. It's incredible. There are more street art photographers than there are street artists at this point. So, this has created social media bubbles in places like New York and London. If you're watching from online, you think 'oh, there's so much art!' But then the tourists come to find all the art and they're baffled.

PREVIOUSLY, YOU'VE DISCUSSED QUEER DEPICTIONS OF THE PENIS IN PUBLIC SPACE BUT I'M NOT SURE WHETHER YOU ALSO CONSIDER REPRESENTATIONS OF VAGINAS IN PUBLIC SPACE IN THE FILM? THESE SEEM FAR MORE RARE – I'M THINKING HERE OF CAROLINA FALKHOLT'S MURAL SCALE VAGINAS.

I remember Carolina did a mural of a giant erect penis, and around the corner she painted a big vagina on a wall – but no one paid any attention to the vagina. To me that was interesting because people were up in arms about the dick and they were totally forgetting that there was a vagina around the corner. So, your question is interesting – I was really curious to understand why I didn't find more erotic lesbian street art.

A lot of the women artists I interviewed said that they didn't feel motivated to make this kind of work because they felt that women are already objectified so much in the public sphere, and they didn't want to contribute to this. We were talking earlier about what happens to queer street art in public space, and they also really didn't like the idea of putting a woman's body out there to be, for lack of a better word, manhandled by the public.

Also, even when I find a depiction of apparently 'lesbian' themes, I'm also always curious to know if this was made by a lesbian or a femme-identifying person, or whether it's some kind of male fantasy? Once I found a sticker of Super Girl and Wonder Woman making out – and if someone put a gun to my head, I would probably say this was man made. But there are some examples of erotic lesbian work. Lésbica Feminista, the artist I talked about earlier, does erotic work that is really fascinating. She works with historic images, often classic paintings, and gives them a lesbian gaze. She'll put an historic image of two women together in a way that gives a sense of lesbian eroticism and the lesbian attraction. There's something so smart, and sexy, and beautiful about her work. It captures something beyond the quick eroticism that often happens in male homoerotic work, there's just something deeper there that makes you stop and look at both pieces and think about what's happening with those women.

DO YOU THINK THAT THIS LEVEL OF CODING IS SOMETHING THAT THE ORDINARY STRAIGHT PERSON ON THE STREET IS GOING TO EXPERIENCE – A DESTABILISATION OR QUEERING OF THE GAZE? OR IS THIS A VISUAL PLEASURE THAT IS JUST FOR QUEER AUDIENCES?

I honestly think some of this stuff is really just for us. But I don't know. For instance, Jilly Ballistic, an artist based in New York, takes historic photographs, usually from World War I and World War II. And she isolates the women pictured from their backgrounds, so that they're together. There's a subtleness there, that some people could just be like, 'oh, look, women with gas masks from World War I'. But when you have the ability to see, you can see these women are together. Certain generations of queer people, even today, had to try to find references for ourselves, especially if we grew up in a world where there were many examples of visible queerness of any type. So, we were often left to project queerness onto the people we could see in our world. I have had a lot of conversations with gay men about the glamorous women we could see ourselves reflected in, who were also fighting the patriarchy, the system that was stepping on all of us. But when I saw a woman fight back, I was like, that's awesome. Because if she could fight back, then we could follow in her path and figure out how to navigate this world. And that's why glamorous women like Joan Crawford and Bette Davis have been used to stand in for gay men. They're just so over the top – Camille Paglia has described them as 'female female impersonators'. So, the language and coding and the ways we read art is also a byproduct of an oppressive society. But this is also a gift. That is how we look at art. Artists use all sorts of codes – this isn't unique to queer people. All art has codes, you should be able to deconstruct the visual language that's being given to you and figure out what the artist is trying to tell you. And I think that everyone should bring this to every piece of art they're looking at, because there's something there that you can't just passively snap a picture of and walk on, you should sit with a piece to understand it.

Lésbica Feminista, New York City, USA, 2019.
Photographs ©Daniel "Dusty" Albanese.

Street art is so interesting, when you spend enough time observing people watching street art. It literally liberates art from the white walls of a gallery. Most people feel intimidated when they walk into a museum or gallery, they don't feel like they understand art. They're scared of it – the white walls of the institution intimidate people. But on the street, when I'm shooting something, people want to see what I'm photographing. It's not unusual to have a half a dozen people all having a conversation about what they think the piece represents. For me, the beautiful thing about street art is that people don't feel afraid of it. They feel that they can talk about it, and maybe they're not so worried about having the wrong answer. Whereas a painting in a museum, they're scared that they might have the wrong answer, even though there is no right answer – the wall plaque might tell you what it's supposed to mean, but your own interaction with the work counts.

I think that's the beauty of street art. That's what I fell in love with – how random people could feel comfortable talking about art on the street with strangers. We need more of that in this world.

DIFFERENT CULTURAL CONTEXTS EXPOSE QUEER FOLK TO DIFFERENT LEVELS OF RISK IN MAKING WORK ON THE STREETS, PARTICULARLY IF IT'S NOT LEGAL OR SAFE TO BE OUT. IS THIS SOMETHING YOU WERE ABLE TO EXPLORE? IF NOT, DO YOU HAVE PLANS TO EXPLORE QUEER STREET ART IN OTHER COUNTRIES IN THE FUTURE?

Even though the pandemic cut things short, some could say it's a blessing because when you're filming you have the tendency to keep chasing the shiny object out in the water, and you could drown. Because there is always so much more to film. I really did want to continue my research – there absolutely could be a film just about South America. I really wanted to get to Australia. But I was fascinated by locations outside of more-or-less Western countries. Just because I wasn't finding much online, doesn't mean it doesn't exist. If I landed in the streets of Uganda right now, would I find any queer street art? Maybe I wouldn't, maybe it's not the safest way to communicate right now. Street art and graffiti isn't always the best tool. It's just one of the tools. So, each city is going to have a different way that queer activism will manifest. But I did have people write to me from Iran with examples. I would love to explore those areas, but there was no way I could do it on my tiny budget. But there is so much more to explore. This Herculean project that I've taken on is just the tip of an iceberg. And I really hope that if I don't get to explore it myself, that other people keep looking. It's funny when you start a project wondering, 'is there enough to make a book or film about this?' And then at the end, you're like, 'oh, my God, there's like, way too much!'

I GUESS THAT'S ONE OF THE FEW SILVER LININGS OF THE PANDEMIC – IT MADE YOU STOP FILMING?

Once I dealt with how frightening it was, the time I found myself with during the pandemic allowed me to start going through the footage. It was very helpful to get an idea of what I had collected. The pandemic did allow me to stop and breathe and kind of survey it and map it out.

WITH SO MUCH FOOTAGE, YOU'VE PROBABLY GOT HUNDREDS OF POSSIBLE ARCS YOU COULD TAKE IN STRUCTURING THE FILM. WHAT HAVE YOU COME UP WITH IN TERMS OF THE DRIVING STRUCTURE?

The plan always was, in an ideal world, to produce a feature-length film, and also some shorts that focus on the artists, because the film can't really explore all of the artists in a deep way. So eventually, I plan to do shorts of the artists, a book, and an exhibition. The footage was always shot with the idea that it's a feature, but also we could produce shorts focused on the artists, like vignettes.

Jilly Ballistic. Brooklyn USA, 2017. Photograph ©Daniel "Dusty" Albanese.

Portrait of Daniel "Dusty" Albanese, Copenhagen, Denmark, 2017. Photograph ©Daniel "Dusty" Albanese.

DANIEL "DUSTY" ALBANESE is the New York-based photographer and filmmaker behind the website TheDustyRebel. Shaped by his background in anthropology, he has built a worldwide following documenting the more marginal aspects of the urban landscape, as well as controversial artworks, and political protests. In 2017, he began production on his first feature-length documentary and book *Out In The Streets*.

In 2013, he gave a series of lectures on street photography at Wheaton College, Illinois, as part of their Evelyn Danzig Haas Visiting Artists Program. He has also been a recurring guest speaker for the City College of New York, as well as at Stanford University, Metropolitan State University of Denver, Adelphi, and MoMA PS1. Albanese has been interviewed for several street art documentaries such as, Janz In the Moment and Stick To It.

Albanese's photography has been exhibited in many shows in NYC, such as the International Center of Photography's 'Occupy!' and #ICPConcernedGlobal Images for Global Crisis. In 2019, his work was acquired by the Leslie-Lohman Museum of Art in NYC.

To support the production of Out In The Streets *and to view a trailer, see the links below.*

Out In The Streets:

Film Independent Page: filmindependent.org/programs/fiscal-sponsorship/out-in-the-streets/

Film website: queerstreetart.com

Trailer: youtu.be/Tj8lpzX-yQ4

Instagram: @queerstreetart

PROTEST ART ON CONTESTED STATUES IGNITING CONVERSATIONS ABOUT ART, LAW, AND JUSTICE

Marie Hadley, University of Newcastle, Australia
Sarah Hook, Western Sydney University, Australia
Nikolas Orr, University of Newcastle, Australia
Adam Manning, University of Newcastle, Australia
Rewa Wright, Queensland University of Technology, Australia

The expansion of the Black Lives Matter movement in 2020 shone a spotlight on global anti-racist protests not seen since the anti-apartheid movement in the early 1980s. Powerful images of the contestation and removal of statues of historical figures linked to violence, colonialism, and slavery were broadcast widely by the media. Three years on, Confederate statues in the US and colonial monuments in Australia, to name just two cases, continue to receive critique, yet with mixed outcomes. While US citizens and governments have demonstrated a certain amount of political will in removing symbols of white supremacy from public space, Australia has done little to dismantle its racist symbols and the laws protecting them. Hobart City Council's recent decommission of a statue of William Crowther (**Figure 1**) is so far the only instance of permanent government-sanctioned removal in Australia motivated by principles of historical justice. A surgeon and later Premier of Tasmania, Crowther decapitated and stole the remains of Aboriginal man William Lanne. Yet, as historian Cassandra Pybus has argued, tributes to perpetrators of even more heinous deeds remain standing across the nation (quoted in Murray, 2022).

As researchers with expertise in law, history, and the creative industries, in late 2020 we commenced a research project that analyses the nature and effect of the laws that restrict and regulate engagements with these contested public artworks. Our research focuses on how the moral rights held by statue artists can conflict with the public interest in the conversations around racial justice that anti-racist graffiti stimulates. As the project unfolded, we also experimented with practice-based methodologies in the commission and curation of protest art as a means of energising and supporting public discourse around law's direct, indirect, and symbolic maintenance of racist public spaces. One of our key findings is that both unlawful and lawful protest art are powerful conversation-starters that support critical reflection on contested public art as a legal object and site of in/justice. Our study encompassed both 'illegal' anti-racist graffiti on contested statues and 'legal' artwork critical of law's role in perpetuating colonial injustice.

Figure 1. The William Crowther statue in Franklin Square, Hobart, Tasmania, Australia, 2014. Photograph ©StAnselm, (CC BY-SA 4.0 via Wikimedia Commons).

Figure 2. The Robert Towns statue with blood (red paint) on its hands. Townsville, Queensland, Australia, 2020. Photograph ©Sofie Wainwright (ABC). Reproduced by permission of the Australian Broadcasting Corporation – Library Sales.

THE MEANING OF CONTESTED STATUES

First Nations opinions diverge about what should be done about contested statues (see Baker, 2020; Carlson & Farrelly, 2023), as do those of philosophers (Bell, 2021; Scarbrough, 2020; Shahvisi, 2021) and historians (Barlass & Gladstone, 2022; Dwyer, 2020). Yet, there is general agreement that contested statues are powerful symbols of oppression and problematic representations of history and public memory. Nathan Moran, CEO at Metropolitan Local Aboriginal Land Council and a Goori man, states that such statues 'glorify colonisation' (quoted in Baker, 2020). Aileen Moreton-Robinson, a Goenpul woman from Minjerribah and the Quandamooka First Nation, argues that their continued presence shows that 'dead white male bodies will be remembered and dead Indigenous bodies will be forgotten' (2022: 67).

For these reasons, some activists have taken matters into their own hands and graffitied contested statues with anti-racist slogans and imagery. For example, in June 2020, political activist Peter John Wright painted red hands on a statue of Robert Towns (**Figure 2**) and wrote 'slave trader' on the accompanying plaque. He did so in protest of Towns's links with Queensland's slaving history ('blackbirding') and called the placement of the statue in Townsville's central business district 'a stain on the moral conscious [sic] of this town' (quoted in Chomicki, 2020). Most recently on Anzac Day, a national public holiday for commemorating veterans, a statue of Major General Lachlan Macquarie, New South Wales governor between 1810 and 1821, was smeared with red paint, handprints, and inscribed with the phrases 'no pride in genocide' and 'here stands a mass murdered [sic] who ordered the genocide' in protest of Macquarie's ordering of his soldiers to kill and capture Indigenous Australians during the frontier wars (Sharma, 2023).

Conceived of as a form of art, this protest action visually depicts what justice looks like to a segment of the community. Whether or not the graffiti is supported by those who encounter it, painting over a statue of a perpetrator of historical injustice is an act of personal agency and resistance to the status quo that sparks conversation. Yet, as a decolonial strategy the impact and message of such activism involving contested statues is stifled by a multiplicity of laws.

LAW AND ANTI-RACIST GRAFFITI

The threat of sanctions has an unequal cooling effect on the defacement of statues. It is notable, for example, that Wright and others are not themselves Indigenous and, as such, may enjoy a certain immunity to the prejudice and brutality that Indigenous breakers of white laws are so often subjected to. For some activists, the public notoriety of statue graffiti is part of its appeal; the media sensation it provokes captures attention for the political cause (Gamboni, 2018). While the responsibility for ridding Australia of racist monuments may justifiably fall on European settlers, others have questioned why progressive white Australians have taken till now to show any commitment (Carlson & Farrelly, 2023; Mokak, 2020). Conservative interests in defending colonial heritage sites have not afforded the same protection to sacred Aboriginal sites, reflecting the exclusion of Indigenous and minority communities typical in international law (Lixinski, 2019).

In its graffiti form, anti-racist protest is highly regulated. Multiple laws prohibit activist activities involving public artworks, and these laws can directly, indirectly, or symbolically devalue political speech. Graffiti is a form of property damage under criminal law (Hadley et al., 2022: 5). Peter John Wright, for example, was convicted of wilful damage per the Criminal Code 1899 (Qld) s. 469 and fined $AUD500 plus a cleaning fee for his graffiti on the Towns statue. Less well known is that heritage law can also protect contested statues from activism such as defacement or removal (Lixinski, 2021), and when a statue is within the copyright term, intellectual property law can also protect contested statues from interference. The contested statues mentioned above of Towns and Macquarie, were created by artists Jane Hawkins and Frederic Marie René Chapeaux, and dedicated in 2005 and 1994, respectively, and both are within the copyright duration of the authors' life plus seventy years (*Copyright Act 1968* [Cth] s. 35).

With regards to the intellectual property implications, while vandalism is not generally a copyright infringement, it can be a moral rights infringement (Hadley, Hook & Orr, 2022: 19-23). Like most common law countries, Australia has a moral rights regime predicated on Article 6bis of the 1886 *Berne Convention for the Protection of Literary and Artistic Works* (as revised 1928) that requires the protection of authors' moral rights of attribution and integrity. These types of rights can be found in jurisdictions across the world with most adopting at least three rights: the right of attribution, the right against false attribution, and the right of integrity (Davies & Garnett, 2016: 4) that come into being when copyright works are created. The US is an outlier in that it only has moral rights for visual artists.

In our research, we have focussed on the moral right of integrity because it is the right that gives absolute control over a work to the creator. It is a right granted to authors of copyright works, including statues as a type of artistic work, to protect their honour and reputation from the 'derogatory treatment' of their works, including distortion, mutilation, destruction, and alteration (*Copyright Act* s. 195AK). As a form of both alteration and mutilation, the defacement of a statue through the application of graffiti clearly amounts to a derogatory treatment and falls within this category of infringement. This means that when a contested statue is within the copyright term, the statue artist's interest in the integrity of the artwork they create (and their feelings towards it) is valued above all other considerations – regardless of whether the art is racist or depicts a historical figure associated with colonialism, slavery, or violence. Neither the 'community' nor the 'public', as groups that are potentially affected or enriched by anti-racist dialogue, are recognised as stakeholders in moral rights law.

THE PROBLEM WITH MORAL RIGHTS

Moral rights protect a very specific, and contested, view of creativity and originality. They are a civil law concept that come from the Romantic idea that an author's personality is enshrined within a work, so that when a work is interfered with, then the reputation of the author is prejudiced (Aide, 1990). In other words, you cannot separate the art from the artist as they share a sacred bond that should not be interfered with. For example, in Canada, a statue within a mall was decorated with Christmas paraphernalia. The statue's artist successfully applied for an injunction to stop this from occurring as they believed it prejudiced their reputation to have their artwork treated so (*Snow v Eaton Shopping Centre* (1982) 73 CPR (2d) 204). Moral rights also rely on an assumption that all works stem from the personality of an artist, even commissioned works of busts of historical figures where there may be artistic direction from third parties that limit the artist's aesthetic choices.

In safeguarding the expression of the creator, moral rights can sometimes conflict with user rights and free speech. While the right of integrity can protect creators from having their characters used in fan fiction, their music from being played at a political rally they disagree with, or their work from being hung inappropriately at a gallery, it also puts the creator's freedom of expression above the freedom of speech of others – including activists who may object to racist messages, themes, or the deeds of an individual depicted in the work. While there has been very little litigation around moral rights, especially in civil law countries, they still create a barrier to protest, critique, and engagement. This is especially the case for public art, for which citizens have little say over its installation – or continued presence – in the spaces they inhabit.

REFORMING MORAL RIGHTS

The fact that doing *anything* to a contested statue, including painting on it, can trigger a moral rights claim, runs counter to the sense of belonging that public art is meant to represent and reflect. It is also inconsistent with other provisions in Australia's *Copyright Act 1968*, specifically ss. 65–68, that explicitly recognise the right to enjoy the physical commons by permitting some two-dimensional engagements (i.e. making a painting or a sketch, taking a photograph) with public art that would otherwise amount to copyright infringement. Moral rights law, as currently framed, sends a message that racial justice is not a priority in our public spaces.

Public spaces should be democratic spaces that foster, rather than shut down, dialogue around the place and purpose of contested statues. Three possibilities for moral rights reform include mandating political speech as a factor to consider when assessing the defence of reasonableness to moral rights infringement; introducing a designated public art exception to moral rights infringement; and investigating whether the moral rights regime unduly burdens the freedom of political communication (Hadley, Hook & Orr, 2022: 24–26). Under the latter option – our preferred option – a moral rights infringement would still take place following the application of anti-racist graffiti to a statue, but the statue artist's moral rights would be curtailed when the democratic benefits of engagement with public art carries greater weight. In this way, the value of the contribution of the graffiti to anti-racist dialogue could trump a statue artist's rights in appropriate circumstances.

There is no recalibration of moral rights law currently on the horizon. In these circumstances, we have considered other means of supporting anti-racist dialogue, looking to the communicative potential of lawful protest art.

Figure 3. Entropy Awakening, 2022. ©Travis De Vries. Reproduced by permission of the artist.

PROTEST ART AND ANTI-RACIST DIALOGUE

In 2021, one of our authors, Marie Hadley, commissioned First Nations artist Travis De Vries, who has Gamilaroi and Dharug kinship, to create an artwork that reflects on the conflict between the moral rights of the artists and the rights of the public when it comes to contested statues. The commission was open-ended, asking De Vries to create a digital artwork in response to one of our research papers (Hadley, Hook & Orr, 2022) and to document his creative process. The resulting artwork, *Entropy Awakening* (**Figure 3**), was featured in an eponymous exhibition of De Vries' protest-adjacent work at 107 Projects in Sydney in October 2022.[1] Hadley also used the artwork to teach 'Critical Perspectives on Copyright Law' to a cohort of University of Newcastle students in 2022.[2]

We tracked the impact of *Entropy Awakening* through a variety of qualitative methods (surveys; semi-structured interviews; university coursework data including discussion posts and assessment responses; critical reflections) and with a variety of stakeholders including exhibition attendees, university students, the researchers who participated in the exhibition (Hadley, Manning & Wright) and the artist himself (De Vries).[3] A snapshot of the research with the students highlights the impact of this artwork in supporting interrogation of the relationship between art, law, and justice. Forty-seven out of 121 students in the 'Intellectual Property Law' cohort (2022) participated in the study.

Law students experienced *Entropy Awakening* as 'haunting and dark'; 'mesmerising' but with a 'sinister edge'; 'beautiful … [yet] deeply disturbing'.[4] The imagery of the suns, moons, and scales of justice indicated law's failure to adapt or change over time; 'the law … protect[s] its racist foundations'.[5] The blood in the scales was felt to be a powerful representation of intergenerational trauma or that access to justice is a farce; law as 'a tool of concealing, managing, and relocating power away from non-western cultures'.[6]

Despite these strong critiques of 'the duplicity of the figure of Lady Justice'[7], many law students also read hope in the work. The largest statue's breaking point – its disintegration – indicated the possibility of a more equitable future.[8] To them, *Entropy Awakening* depicted a 'world awaiting radical change',[9] an image of a world of First Nations sovereignty that De Vries wants all of us to see.

1 Information about the exhibition can be accessed at https://mariehadley.com/entropy_awakening.

2 The syllabus for this teaching module can be accessed at https://mariehadley.com/resources.

3 This project was carried out in accordance with University of Newcastle Human Research Ethics Protocol H2021-0377.

4 Student 36, Discussion Board Post LAWS6086 Intellectual Property Law (March 26, 2022); Student 43, Discussion Board Post LAWS6086 Intellectual Property Law (March 26, 2022); Student 45, Discussion Board Post LAWS6086 Intellectual Property Law (March 27, 2022).

5 Student 1, Discussion Board Post LAWS6086 Intellectual Property Law (March 17, 2022).

6 Student 21, Discussion Board Post LAWS6086 Intellectual Property Law (March 23, 2022).

7 Student 10, Discussion Board Post LAWS6086 (March 26, 2022).

8 Student 18, Discussion Board Post LAWS6086 (March 26, 2022); Student 13, Discussion Board Post LAWS6086 (March 23, 2022).

9 Student 44, Discussion Board Post LAWS6086 Intellectual Property Law (March 28, 2022).

DR MARIE HADLEY is a Senior Lecturer in Law at the University of Newcastle, Australia; Dr Sarah Hook is a Senior Lecturer in Law at the Western Sydney University, Australia;

DR SARAH HOOK is a Senior Lecturer in Law at the Western Sydney University, Australia;

NIKOLAS ORR is an art history and transnational history scholar and PhD candidate at the Centre for the Study of Violence, University of Newcastle, Australia;

ADAM MANNING (Kamilaroi) is a musician and artist and Associate Lecturer in the School of Humanities, Creative Industries and Social Science at the University of Newcastle, Australia;

DR REWA WRIGHT (Ngāi Tawake/Te Kaimaroke/Te Uri o Hau hapu of Aotearoa/New Zealand) is a Senior Lecturer in Creative Practice (Film, Screen and Animation) at the Queensland University of Technology, Australia. The authors thank the anonymous reviewers for their valuable feedback.

References

Aide, C. (1990) 'A More Comprehensive Soul: Romantic Conceptions of Authorship and the Common Law Doctrine of Moral Right'. *University of Toronto Faculty of Law Review*, 48(2): 211–28.

Baker, N. (2020) As 'racist statues' topple around the world, Australia is being urged to address its own monuments. *SBS News*, June 10, 2020. [Online] Accessed January 26, 2023. https://www.sbs.com.au/news/article/as-racist-statues-topple-around-the-world-australia-is-being-urged-to-address-its-own-monuments/g59pu67wy].

Barlass, T. and Gladstone, N. (2022) Future of all statues should be regularly assessed, historian says. *Sydney Morning Herald*, August 1, 2022. [Online] Accessed January 26, 2023. https://www.smh.com.au/national/future-of-all-statues-should-be-regularly-assessed-historian-says-20220725-p5b4bb.html.

Bell, M. (2021) 'Against Simple Removal: A Defence of Defacement as a Response to Racist Monuments'. *Journal of Applied Philosophy*, 39(5): 778–792.

Carlson, B. & Farrelly, T. (2023) *Monumental disruptions: Aboriginal people and colonial commemorations in so-called Australia*. Canberra: Aboriginal Studies Press.

Chomicki, C. (2020) 'Townsville Man Fined for Vandalising Statue of Colonist Robert Towns by Painting 'Blood on his Hands''. *ABC News*, September 18, 2020. [Online] Accessed January 26, 2023 https://www.abc.net.au/news/2020-09-18/robert-towns-statue-townsville-vandal-fined/12677876.

Copyright Act 1968 (Cth).

Davies, G. & Garnett, K. (eds.) (2016) *Moral Rights*. London: Thomson Reuters.

Dwyer, P. (2020) Transform statues to make us question the past. *Sydney Morning Herald*, June 15, 2020. [Online] Accessed January 26, 2023. https://www.smh.com.au/national/transform-statues-to-make-us-question-the-past-20200614-p552hd.html.

Gamboni, D. (2018) *The Destruction of Art: Iconoclasm and Vandalism Since the French Revolution*. Rev edn. London: Reaktion Books.

Hadley, M., Hook, S., Orr, N. & Jones, S. (2022) Briefing Paper 'Anti-Racist Graffiti and Public Art Statues'. *Newcastle: Centre for Law and Social Justice*, 1-9. [Online] Accessed January 22, 2023. https://www.newcastle.edu.au/__data/assets/pdf_file/0004/799951/Marie-Hadley-Anti-Racist-Graffiti-and-Public-Statues-.pdf.

Hadley, M., Hook, S. & Orr, N. (2022) 'Ideological Vandalism of Public Statues: Copyright, The Moral Right of Integrity and Racial Justice'. *Griffith Journal of Law & Human Dignity,* 9(2): 1–34.

Lixinski, L. (2021) 'Punching Up or Down: International Law's Fraught Relationship to History As Illustrated Through Cultural Heritage'. *ILA Reporter*, July 14, 2021. [Online] Accessed January 26, 2023.https://ilareporter.org.au/2021/07/punching-up-or-down-international-laws-fraught-relationship-to-history-as-illustrated-through-cultural-heritage-lucas-lixinski/.

Lixinski, L. (2019) *International Heritage Law for Communities: Exclusion and Re-imagination*. Oxford: Oxford University Press.

Mokak, G. (2020) 'Public memory: The role and curation of commemorative monuments and public art'. *National Association for the Visual Arts*, June 30, 2020. [Online] Accessed January 26, 2023. https://visualarts.net.au/news-opinion/2020/public-memory-role-and-curation-commemorative-monuments-and-public-art/.

Moreton-Robinson, A. (2022) 'Monuments, Place Names and Black Lives Matter: Memorialising Captain James Cook'. *Legalities,* 2(1): 67–81.

Murray, W. (2022)Controversial William Crowther statue to be removed after Hobart City Council Vote'. *ABC News*, August 16, 2020. [Online] Accessed January 26, 2023. https://www.abc.net.au/news/2022-08-16/william-crowther-statue-to-be-removed/101334976.

Scarbrough, E. (2020) 'Burying the Dead Monuments'. *Aesthetics for Birds*, June 18, 2020. [Online]Accessed January 26, 2023. https://aestheticsforbirds.com/2020/06/18/burying-the-dead-monuments/.

Shahvisi, A. (2021) 'Colonial Monuments as Slurring Speech Acts'. *Journal of Philosophy of Education,* 55(3): 453–468.

Sharma, Y. (2023) 'Vandals Deface Former British Army Officer's Statue in Anzac Day Protest North-West of Sydney'. *Sky News*, April 25, 2023. [Online] Accessed April 28, 2023. https://www.skynews.com.au/australia-news/vandals-deface-former-british-army-officers-statue-in-anzac-day-protest-northwest-of-sydney/news-story/ee0bfc88774daadc00a26366829c5af5.

Snow v Eaton Shopping Centre (1982) 73 CPR (2d) 204.

Keeping the Streets Wild with Stencibility

Kadri Lind & Sirla, Tartu, Estonia

Back in 2010, for us the term 'street art' basically meant an illegal stencil on the wall. Banksy was making headlines and street art as an art movement was doing something totally different than the traditional art world. We wanted to support this culture in our hometown Tartu, Estonia, so we created something that we started to call a street art festival and we named it Stencibility. A lot has changed since 2010. Now you see the term 'street art' being used for describing a commissioned five-story high mural or even a canvas in a gallery. It seems that the art movement that was once so punk is starting to resemble the traditional art world more and more each year. But does it have to be this way?

As festival organisers we see that street art nowadays is often executed with a boom lift and through endless piles of paperwork. The artwork isn't the artist's singular vision, but a compromise between the city, the wall owner, the funder, the curator, etc. Our aim has always been to encourage street artists to keep doing what they do and help them through the festival by equipping them with materials and wall options, but not to intervene in their creative process. For us, it's not the aspect of illegality that is important, but the freedom that comes with it. We started using the term 'independent street art' to emphasise the creative freedom of the works that have been made without having to coordinate artists' actions with anyone.

Stencibility mimics the way street artists work 'in the wild': the festival has wall donors who give permission to use their walls without requiring any sketches in advance. When the artists arrive in Tartu for the festival, they just choose their favourite spots and start painting without any further coordination. Every artist chooses how big they go: some do smaller pieces, others use their cars to reach higher and go as big as possible. The most important thing is that no one has the power to change their artworks. We call this format the spraycation. This is a possibility for the artists to do exactly what they want to do – there's no client, no curator, no officials. Isn't this what street art should be all about?

In 2022 we produced an exhibition in Berlin called 'Hello Mister Police Officer'. In it, we gathered stories from the artists we have collaborated with throughout the years. The stories are about working on the streets of Tartu and they describe the excitement of waiting until midnight to jump on your bike and meet up with a group of friends. Everyone has something different in their bag: stickers, spray cans, paste ups, rollers, acrylic paint, markers, and they all stroll through the night looking for the perfect spot.

The photos in this essay – all taken in Tartu – are a reflection of the spirit of our festival.

An anonymous artist looking for a spot to paint, 2017. Photograph ©Ruudu Rahumaru.

Estonian artist Edward von Lõngus started doing stencils in Tartu in 2007 and is still active in this field. Here he is seen doing a stencil on a bridge in 2012. Photograph ©Ruudu Rahuma.

You're a young mother of two and feel the urge to use the only available night off from your kids to go out alone to paint, as Estonian street artist KAIRO is seen doing here in 2014, enjoying the silence on the streets. But the painting session is about to be put on hold, as the police sneak up to her and ask whether she has a permit. Well, of course you don't! Painting in fresh air is good for your health and the electrical cabinet was simply calling your name. Photograph ©Sirla.

Estonian street artist KAIRO getting caught by the police on the street, 2022. Her excuse was that it was her only night off from her kids. The police didn't agree that that was enough of a reason to do illegal work on the streets and sent her back home. She returned the next day to finish what she had started. Photograph ©Anonymous Police Officer.

It's the naive sort of confidence to park your car under a huge bridge in broad daylight with a plan to do a big roller painting. Half an hour later the police come over to ask whether you have a permit. Of course you don't! The place looked so bleak and empty, it was asking for it! On the occasion pictured here in 2022, Estonian artist GUTFACE knew he better not park there as this had brought unwanted attention from the police before. Photograph ©Kadri Lind.

Estonian artist GUTFACE moments before getting caught in 2022. Photograph ©Kadri Lind.

As we don't provide boom lifts, Latvian artist Lazybra uses his car to reach higher during the 2019 edition of the festival. Photograph ©Ruudu Rahumaru.

The festival is reusing most of the walls every year, so it's up to the artists to decide whether to add something to already existing artworks, or paint over them. In 2019, Latvian artist Zahars Ze decided to add one of his characters to the ones made at previous editions of the festival by his fellow countryman and artist Rombo Kaos and Finnish artist Jukka Peltosaari. Photograph ©Ruudu Rahumaru.

Sometimes the right wall is not on the festival list and we have to ask for impromptu donations, like in 2019. The permission to paint this wall was asked by simply knocking on the door. Luckily the owner of this car repair shop loved art and his only demand was that the Polish artists Sepe and Someart would eat his birthday cake. Photograph ©Madli Viigimaa.

Artists can choose to do one bigger work or a lot of smaller ones. French artist Silex Project chose to spread ancient mythical creatures on walls and utility boxes all around the city in 2018. Photograph ©Saara Tõugjas.

Estonian artist Hapnik painting in front of his house (2017) to pay a tribute to Leo Tolstoy, after whom his own street is named. Tolstoy exchanged letters with Mahatma Gandhi, who is also painted on the wall. Photograph ©Ruudu Rahumaru.

Smaller walls give more freedom to play and improvise. Estonian artist Stina Leek was looking for an industrial location in 2020 and the local repair guys were happy to give their blessing without knowing exactly what the end result would look like. Photograph ©Fotomorgaana.

The ‘Hello Mister Police Officer’ exhibition will be organised again, this time in Aberdeen in the context of the annual Nuart Aberdeen Festival. The participating artists are: KAIRO, Stina Leek, GUTFACE, and Edward von Lõngus. The exhibition is curated by Kadri Lind and Sirla. ‘Hello Mister Police Officer’ is part of the European Capital of Culture Tartu 2024 main programme.

‘Hello Mister Police Officer’ – The Print Room gallery, 252A Union Street, Aberdeen, June 7–17, 2023.

KADRI Lind is a professional city lover. With a background in urban studies, she is a self-taught curator/producer and since 2013, a proud mother of two: Stencibility Street Art Festival and Urban Festival UIT. She’s fascinated by how people perceive and experience their environment and believes that every inhabitant should have a personal relationship with their city, and that could be triggered by temporary site-specific artworks.

SIRLA is a big believer in illegal street art. She wrote her master’s thesis about the importance of illegality and creative freedom in street art. She is the head of Stencibility Street Art Festival that’s held in Tartu, Estonia, supporting the idea of independent street art (aka anarcho-street art) in an era dominated by large-scale mural festivals. Once in a while she also goes out to hit the streets to practise what she preaches.

STENCIBILITY (EST. 2010) is an international festival from Tartu, Estonia that grew out of the local street artist community. The goal of the festival is to spread the idea of independent street art and emphasise the importance of creative freedom along with responsibility. Stencibility mimics the way street artists work ‘in the wild’: the festival has wall donors who have given the permission to use their walls without requiring any sketches in advance. The artists arrive at Tartu, choose their favourite spots and start painting without any further coordination.

POWER RARELY FALLS WITHIN THE RIGHT HANDS

Aida Wilde, London, UK

AIDA WILDE is an Iranian born, London-based printmaker/visual artist and educator. Wilde's diverse screen-printed indoor/outdoor installations and social commentary artworks have been featured on city streets and galleries around the world and are responsive works on gentrification, education, and equality. Wilde's academic career includes being an alumna of and associate lecturer and course director at the Surface Design and Foundation of Applied Arts at the London College of Communication, University of the Arts (2004-2015). Aida's serigraphs have been exhibited in and outside the UK at institutions including the Victoria & Albert Museum, the Women's Art Library, Goldsmiths, Vienna's Fine Art Academy, Somerset House, the Fitzwilliam Museum, and Saatchi Gallery.

In this large-scale work, I reference my own experiences of displacement, loss, and trauma – having fled Iran during its war with Iraq (1980–1988), along with my mother and sisters – whilst connecting these with the experiences of countless others.

In the foreground of this street-based triptych, the hands of my mother and younger sister are raised in iconic gestures of resistance atop marble pedestals – on a monumental magnitude often reserved for celebrating men's histories. The bold text etched on the plinths arrest the viewer by invoking a direct call to reflection and action – slogans that echo Jenny Holzer's iconic street-based work: 'Power rarely falls within the right hands'; 'If you only knew how exhausting it is to be powered by rage'; 'There can be no Gods walking among us'.

My sister is the Iranian poet Ziba Karbassi. Here, I arm her hand with a quill, connecting my own street-based public visual intervention to my sister's quiet – but no less powerful – poetic acts of resistance:

From everyone
More than everything
From all
More than everyone ever
I believe in my own chest
In the moment of the bullet[1]

The background to the work is densely woven with the names of just some of the thousands of women and girls who have been murdered in the struggle against Iran's oppressive regime. In acknowledgement of the uprising sparked in 2022 by the unlawful death of Mahsa Amini, the names of Iran's manifold victims of gender violence rain down softly on the plinths and rise in a ghostly stream from the poppy fields at their base – honouring and humanising the untold women and girls lost to this ongoing state-sanctioned femicide.

This street-based triptych can be found on walls in London, Bristol, and Manchester. Produced for International Women's Day 2023 in collaboration with the wild posting company UNCLE and with creative direction from Olly Walker.

1 Sigh. 15. Revolutionary by Ziba Karbassi. Translated by Ziba Karbassi and Nazlee Radboy.


WHERE YOU REALLY FROM?
WHERE YOU REALLY FROM?
10.03.2023
SAMARA JOY
2x GRAMMY WINNER
BEST NEW ARTIST & BEST JAZZ VOCAL ALBUM
BROCKWELL PARK BRIXTON
CITY-SPLASH.COM
#IWD2023 #WomenLifeFreedom
POWER RARELY FALLS WITHIN THE RIGHT HANDS
LIFE


"BEAUTIFULLY POISED"
"SOUNDS LIKE A THROWBACK FROM A BYGONE ERA"
"RICH, BUTTERY VOCALS."
2x GRAMMY WINNER
SAMARA JOY
BEST NEW ARTIST & BEST JAZZ VOCAL ALBUM
TUNGZ
A GOOD DREAM
The Debut Album Out Now
Listen at tungz.co.uk
TUNGZ
A GOOD DREAM
The Debut Album Out Now
Listen at tungz.co.uk
#IWD2023 #WomenLifeFreedom
FREEDOM
#IWD2023 #WomenLifeFreedom
THERE CAN BE NO GODS WALKING AMONGST US
27TH MAY
WIDE A
Brockwell Park
CAROLINE
ALEX G / BLACK CO
DANIEL AVERY
OSEES / SHYGIRL / TIRZ
VIAGRA BOYS
AROOJ AFTAB / COUCO
GILLA BAND / JOCKST
LEBANON HANOVER / LOS
SUNSET ROLLERC
A PLACE TO BURY STRA
BUTCH KASSIDY / CIVIC
GLASS BEAMS / HAB
MADMADMAD / NAIMA BOCK
O. / OPTIMO (ESPACIO)
THE UNDERGROUND YO
SATURDAY
27TH MAY
a celebration of independent music and counterculture
27TH MAY
WIDE A
BROCKWE
independent music


POWER
RARELY FALLS
WITHIN THE
RIGHT
HANDS
LIFE


SAMARA JOY
LIFE
FREEDOM
IF YOU ONLY KNEW HOW EXHAUSTING IT IS TO BE POWERED BY RAGE
THERE CAN BE NO GODS WALKING AMONGST US


SOS
LIFE
FREEDOM
IF YOU ONLY KNEW HOW EXHAUSTING IT IS TO BE POWERED BY RAGE
THERE CAN BE NO GODS WALKING AMONGST US
#WOMENLIFEFREEDOM


LIFE
FREEDOM
IF YOU ONLY
THERE CAN
BE


BLEED OUT
LIFE
FREEDOM
THERE CAN
BE
NO GODS
WALKING
AMONGST US


this is
Not A
Phase.
LIFE
FREEDOM
POWER
RARELY FALLS
WITHIN THE
RIGHT
HANDS
RAGE

Nature's Own Intellectual Creation:

Heidi Härkönen, University of Turku, Finland
Rosa Maria Ballardini, University of Lapland, Finland
Heidi Pietarinen, University of Lapland, Finland
Melanie Sarantou, Kyushu University, Japan

Copyright in Creative Expressions of Bioart

1. INTRODUCTION

The concept of bioart describes the dialogue between art and science, which essentially involves organic matter as material and biotechnological methods as a tool of artistic expression. A living design medium refers to material production that incorporates simple living organisms, material driven design, and co-designing, with something having its own agency (Camere & Karana, 2018: 570–584; Karana et al., 2015: 35–54). In this context, artists become experimenters, collectors, and natural realtors or agents. These new settings bring forth interesting questions from the perspective of those areas of law, such as intellectual property laws (IP, IPR), that are conventionally used to govern artistic creations. Notably, copyright law is particularly prominent in this regard. An intriguing question is: how does this type of 'new' art comply with copyright rules that are primarily designed to protect literary and artistic – human-generated – works?

On viewing bioart through copyright lenses, one may discover that it does not easily align with several key elements, structure, and justifications of most copyright systems. For instance, the normative justification of copyright, especially in civil law countries, strongly relies on the so-called labour theory (Locke, 1690) which states that the fruits of a person's intellectual labour ought to be recognised as their (intellectual) property – and personality theory (Hegel, 1967), which surmises that creation is a form of self-expression, and a creative work includes a piece of its author's personality, and thus, copyright ultimately protects the personality of the author. In modern EU copyright law, these justifications for copyright are strongly present in the concept of originality. Originality is the sine qua non criteria for a work to attract copyright protection. In the EU jurisdictions, a work is considered to be original, if it is its 'author's own intellectual creation' (Infopaq International A/S v. Danske Dagblades Forening 2009, para. 37). This, thus raises the question: whether and to what extent can a work of bioart be its 'author's own intellectual creation', when its form is either completely dependent on, or is a result of co-designing with something else than the human author (that is, with nature)?

This article addresses this key question, enlightening how expressions of bioart appear to the eyes of EU copyright law. The article relies on two narratives of bioarts: Narrative 1 – 'Wind painting: a living design medium' and Narrative 2 – 'No needle needed'. The article illustrates the potential conflicts between the normative justification of copyright and the ways in which bioart is created. In addition, it analyses whether the European standard of originality can be fulfilled in expressions of bioart, and, if so, what are the (typical) features of bioart that may endanger the presence of originality.

The article is structured as follows: Section 2 describes the methodology used, which primarily is derived from the use of narratives and traditional methods applied in legal analysis. Section 3 presents the two selected narratives, describing in concrete terms the process of creating bioart and bringing to the forefront situations in the creative process that challenge the prevailing idea of originality in EU copyright law. A more thorough legal analysis follows in Section 4, with a focus on the concept of originality, as well as other related concepts, such as 'authorship' and 'work'. Section 5 applies these copyright concepts to the selected narratives and discusses the challenges that bioart brings to the copyright system. Section 6 subsequently summarises and concludes, also discoursing over the possible future developments for IPR in bioarts' protection, such as the use of related rights to copyright.

2. METHODOLOGY

The article utilises a multi-method approach, combining narrative types of methodologies with traditional methods used in legal analysis.

First, the article uses narrative recollection as a supplementary method with narrative inquiry to generate understanding through the 'personal and collective narratives in diverse professional and cultural settings' (Bochner & Ellis, 2003: 507). The authors engage in reflexive writing of the narrative accounts of their own experiences, which are collaboratively analysed further in order to glean findings. Two of the authors, practising bioartists, explored their agency in two bioart processes by reflecting on and reconstructing their individual experiences. They based their reflections on tacit knowledge, contemplative self-examination, and learning from experience (Leitch & Day, 2006: 180), and supported their reflections by visual data such as photographs and sketches. The narratives elucidate the legal issues at stake.

Second, the article utilises normative approaches and legal dogmatics. The legal dogmatic method is normally used to identify legal rules and to solve their indeterminacies (Tuori, 2002). In this article, the dogmatics is used to build a normative framework for the special copyright issues that arise in the context of bioart, especially regarding conditions for protection.

Figure 1. Metamorphoses of wind, from factual wind painting sketches to work of art. 'Pyhä I-IV', paper and ink, 40×50cm. Heidi Pietarinen [Author 3], 2021. The wind paintings were exhibited under my authorship: Growth, Death and Decay November 17 – December 3, 2021 in Hämärä Gallery, BioARTech Laboratory, Faculty of Art and Design, University of Lapland, Rovaniemi, Finland. Photographs ©Heidi Pietarinen.

3. NARRATIVE CASES ON BIOART

3.1. Narrative 1
Wind Painting: A Living Design Medium by Heidi Pietarinen

Last summer I made wind paintings in the Keropirtti region near Pyhätunturi ('The Holy Fjell') in Lapland, northern Finland. I was curious to see how the wind and tree as living design mediums become perceptible to humans. Here, a living design medium refers to material production that incorporates simple living organisms such as wind or tree (a living design medium), material driven design and co-designing, with an entity having its own agency (Camere & Karana, 2018; Lauri, 2021). The fieldwork included data collection on wind painting methods and processes, which were materialised in exhibitions at the University of Lapland art galleries in Rovaniemi, Finland, in 2021.

Wind painting was an attempt at getting the wind and pine tree branches to paint on paper with black ink. First, I placed a painting pad and watercolour paper (300 g/m²) on the ground under the tree. Then I attached a paintbrush to the pine branch using a fine and flexible metal wire. Just before I applied the brush to the paper, I dipped it into black undiluted ink, as used in calligraphy.

The wind painting equipment (i.e. painting pad, paper, paintbrush, ink, and wire) and the pine tree, thus created a human-non-human 'assemblage' of diverse elements, that can also be referred to as a new whole in three dimensions, containing various vibrant materials. In the wind, the 'assemblage' started to live, because each member of the composition contained a certain vital force, the agency and the elements were working together. Each pine tree branch seemed to have a personality of their own: they repeated their own movements and trajectories according to their own tendencies (Bennett, 2010: 20–38; Närhinen, 2016). The wind paintings were also dependent on the weather conditions (e.g. wind, heat, rain) and the equipment (i.e. shape and weight of brushes and papers, (in)flexible yarn or (un)diluted ink). Moreover, the paintings were an exploration of biomimicry, which is to mimic good ideas from nature and convert them into design.

After I attached a brush to the branch, making the wind paintings, tracking the wind´s movement, the tree seemed to almost take on a personality of its own, speaking in quick bursts, gentle whispers, or occasionally making an emphatic point (see Grant et al., 2019). The painting sessions were fairly long, up to 30 minutes, because there was no need to dip the brush in the ink in the middle of painting. Some of the wind paintings were made within a few minutes, like quick sketches of a live model (croquis), while a series of brief paintings were made in a short period of time, after which the painting brush changed position, stopped painting or another wind painting) was painted. The paintings were made at the same spot, during the daytime and several painting sessions were arranged sequentially. Sometimes I let the tree paint on its own, not paying any attention, while at other times I followed every step of its painting sessions all the way to the end. This meant that the tree just stopped painting or repeated the same pattern, looking like a bow pattern. These patterns can be construed as being the tree´s artist statements – description of their work, providing the viewer an understanding of the beginning and the end of the painting process.

During the wind painting sessions, I felt like being in a dialogical relationship with the tree. I was surrounded by a Wood Wide Web (the underground root system of trees), or more broadly 'the whole web of life on earth' (Ballardi & Casi, 2020: 3; Wohlleben, 2016: 29, 67-68). From time to time, the tree showed its own hermit character and the painting did not proceed. I safely inferred that the pine tree did not want to talk to me or paint with me, so it was really about painting without painting myself. Many a time I wondered how trees might process data or even make decisions in a wider sense, and how to understand these processes based on art-led research. I was curious about the narratives and influences told by trees, because narratives should not be thought of merely as written or spoken language, but as what we do – as doing is thinking.

After painting with the tree 'collaborators' in Pyhätunturi, I asked: What are the abilities of these wind paintings? What are the bridges between us? (See Grant et al., 2021) Language is the most important feeler today, but which organisms demonstrate consciousness? Can trees understand themselves, and if they can, what rights should they have? For example, should trees (especially those with beard lichen) be granted legal personhood and be recognised as living entities, like the Whanganui River in New Zealand, the Ganges and Yamuna rivers in India and the Atrato River in Colombia? It is certain that it seems more and more logical to treat nature as a living entity, similar to how we see humans as individuals. The aim is ambitious, because we should recognise higher intrinsic value not only in humans, but in non-human nature as well (Ballardini & Casi 2020; Rauhala 2017 & 2021.

The wind and pine tree branches were a precisely designed tool for data collection. Wind painting helped me to see things that cannot be seen with the naked eye, like making wind´s repetitive movements visible and materialising tree movement oscillations in wind. The ink dots on paper were also another interesting focal point, because they did not only reveal the starting point of the wind painting but indicated where I had placed the brush in the first place.

Creating the wind paintings was an exclusively private experience in the Finnish forest that gave rise to empathetic connections between me and the tree, allowing for a more general and profound understanding of the relation between human and nature. Wind paintings are both (non-)human and (in)tangible; we can document these elements and bring them to life in our own ways as long as these breathtaking natural wonders – pine trees with beard lichen – exist.

3.2. Narrative 2

No Needle Needed by Melanie Sarantou

My interest in textiles and fashion lured me into my first professional occupation. It was much later in life that I became involved with growing bird seed in my windowsill in Rovaniemi where I worked and lived at the time. It was the festive season, just after Christmas and I was lonely, removed from my family due to the Covid-19 pandemic. I longed to have a living entity in my space. It was dark and quiet.

In dark moist.
Bedding of wool.
Silent growth, hidden roots.
Will they reveal themselves?
Will they teach me?

The seed, spotted during Christmas shopping in the supermarket, conjured up ideas of growth and life in my mind. The idea happened; it came in a flash. Being a felting artist, I had some wool in my apartment, so I experimented with growing seeds in wool, envisioning how warm and cosy it would be for the little seed. The sprouting fascinated me as it was eerie, almost weird. I forgot how magical it was from my childhood. The roots of the sprouts most interested me with their lacy spindly appearance. To my surprise, the roots soon started revealing peculiar antics; due to their agency they were growing through the cardboard I had on the windowsill, finding their way through to the surface. Working in the dark while I was living my life, the roots were relentlessly active.

It was then that the experimentation began. Layers of wool, seeds, boxes, water, paper, lights, all brought together in a space we found at the university where I worked. A biolab arose quickly. My plan was to observe and discover what the roots wanted to do, what they could do, and what they wanted to show to me and teach me. If they can find their way through cardboard, what else can they accomplish? The several layers of colourful wool, water, and light became the playground of the roots. I wondered, do they play, or do they work? They did it all: crafted, stitched, coiled, curled, crocheted, traced, sketched, laced, made.

Then, one fine day, I realised that I was out of control, apart from watering and keeping a light switch on in the biolab, the roots were rather shyly trying to escape my unabating gaze. Semi-revealed, I could trace their crafting through the sheer bottom of the box, which I provided as their adventure playground. Or did they work? The roots carefully crafted a textile, stitching it skillfully with patterns of gold embossed on the colourful layers of wool. This was the wonder, yet another discovery awaited. There was growth, but soon there was also death. Mould set in. Rot. When death arrived, another life took over. Yet, growth continued in one form or another.

Did I end the growth, or did it end itself?
Did I control it, or did they?
I did not stitch, only waited next to the adventure playground.
Next to the working roots.

Upon reflection on the processes observed in the biolab, bioart may be the performances, or the outcomes of skillful labour that may be (partly) non-human. Bioart, which may be a performance or an outcome, an end of a process. As humans, our roles as makers are often only partial. I have learned that by being a bystander and observer, the wonders of discovery can be revealed.

Figure 1. Sunflower bird seeds were sprouted on a bed of Finnish lambswool and leather paper in which circular cartwheel shapes were cut. This was my first intervention apart from providing light and water to the seeds

Figure **3.** The seedlings are seen from the side after six weeks. My second intervention was to inhibit growth by placing them in the snow for four hours. My interest was to understand the agency of the roots. They were returned to the laboratory with no watering.

Figure 2. After six weeks the sunflower seedlings have grown through the cartwheel shapes, creating an interesting mesh of patterns, semi-attaching to the leather paper

Figures 4–6. The metamorphosis continued as the seedlings were drying out, the roots changed colour and the final stages were achieved.

Figure 7. The textile was exhibited under my authorship during an exhibition in 2021. Photographs ©Melanie Sarantou.

4. EUROPEAN COPYRIGHT LAW – SOME STARTING POINTS

Before going into the details regarding the extent of application of the European copyright framework on bioart, it is imperative to provide a general overview of some key notions of copyright law. In the context of bioarts and copyright, especially concepts related to authorship and the interpretation of originality are central.

4.1. Author

In the field of copyright, authors have always been the starting point and central to the discussion. Copyright entitlement is usually justified based on the above-mentioned labour theory of property by John Locke (1690), according to which, the intellectual labour of the author – in combination with other resources – justifies the author's right over the fruit of their labours. Moreover, the personality theory by Hegel (Acton, 1967) claims that a work belongs to or reflects the personality of their creator. In the perspective of European law, international copyright treaties to which the EU is a member, e.g. Berne Convention 1979, WIPO Copyright Treaty (WCT) and Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)), EU legislation (e.g. The Satellite and Cable Directive 1993; The Database Directive 1996; The Rental Directive 2006; The Computer Programs Directive 2009), cases brought before the Court of Justice of European Union ('CJEU'), as well as national laws and cases all tend to interpret the concept of 'author' as a natural person, with very limited openings towards legal persons' authorships. As such, an author might be lacking from expressions created by, for instance, a software, an artificial intelligence ('AI'), an animal or a force of nature. However, although the main EU copyright directives offer some harmonised definition of 'author', there is not yet a uniform understanding of any similar or related concepts in EU copyright law. On the one hand, the directives define 'author' only for specific types of works, and, on the other, there is still no clear answer as to whether a legal person can be regarded as an 'author'. At the same time, it becomes necessary to interpret and understand this issue also in line with the concept of originality, as presented below.

4.2 Work

What is a 'work' in copyright law terms? Neither the international treaties to which the EU is a party (WCT and TRIPS), nor the EU copyright legislation contain an exclusive list of protectable work categories. In the EU, for instance, the Information Society Directive ('InfoSoc Directive', 2001) requires Member States to grant various exclusive rights to their works, however, notably without defining the concept and meaning of work.

The CJEU has held that due to EU law's absence of express reference to the law of Member States for the purpose of determining the meaning and the scope of the concept of work, this concept must be given an autonomous and uniform interpretation throughout the EU (see e.g. Infopaq, para. 27). In its Levola judgment (Levola Hengelo BV v. Smilde Foods BV 2017), the CJEU clarified that a work is a subject matter that is both original in the sense that it is its author's own intellectual creation, and 'expressed in a manner which makes it identifiable with sufficient precision and objectivity, even though that expression is not necessarily in permanent form' (ibid., para. 40). Regardless of the expression not needing to be permanent, the requirement of precision and objectivity, as well as copyright tradition, stipulate that the work under study has to be fixed in some form. The requirement of identifiability is vital in order to know the entity to which we are applying the other mandatory copyright requirements (McCutcheon, 2019: 946).

4.3 Originality

In addition to being identifiable with sufficient precision and objectivity, a work must be original to qualify for protection. The requirement of originality in European copyright law is defined in the Computer Programs Directive (Article 1(3)), the Database Directive (Article 3(1)), and the Term Directive (Article 6(1)) as the 'author's own intellectual creation'. However, up until the 2009 Infopaq decision, this interpretation of 'originality' applied only to specific categories of works, namely photographs, computer programs, and databases. Infopaq extended the 'author's own intellectual creation' standard to all other work categories. Based on the argument that the InfoSoc Directive should be rooted in similar principles as other directives, the CJEU held that copyright protection within the meaning of Article 2(a) of the InfoSoc Directive should apply only to subject matter that is original in the sense that it is its author's own intellectual creation (Infopaq, paras 36–37). The CJEU further interpreted this concept in other key decisions, such as Murphy (Football Association Premier League Ltd et al v. QC Leisure et al. 2011), Painer (Eva-Maria Painer v. Standard Verlages GmbH et al. 2010), and Football DataCo (Football DataCo Ltd et al., v. Yahoo! et al. 2012), stating that 'author's own intellectual creation' means that the author should 'stamp their personal touch or reflect their personality in the sense that they express their creative abilities in an original manner by making free and creative choices'. Indeed, the emphasis on the 'personal touch' and 'personality' followed by the CJEU in interpreting the concept of 'originality' indicates the idea of the author as a natural person, since only human beings can possess personality and a personal touch.

5. COPYRIGHT AND BIOARTS: LESSONS LEARNED FROM THE CASES

5.1 Authorship in Bioart

The narratives in Section 3 enlighten how forces of nature participate in the making of bioart. This raises certain issues regarding authorship and, as a consequence, issues regarding originality, since authorship is the source of originality. In accordance with the normative justification of copyright, the author deserves the protection for a certain creative action of theirs, which has resulted in an original outcome. It is the author's creative actions – or the lack thereof – that matter. For instance, if a rock has become shaped in an artistic-looking way through natural phenomena, a human being who finds this rock cannot be considered the 'author' of the rock, since there is no creative input from this person (Antikainen, 2021: 45).

As it is generally agreed that a copyright-protected work needs a human author, creation of a work of bioart needs a sufficient amount of human input to qualify for protection. Recently, there has been discussion whether authorship could be 'opened' to other agents than humans – for instance, to artificial intelligence that creates artistic works (see e.g. Rosati, 2017). Following the same analogy as in the AI discussion, one could ask: could we open authorship to nature, or natural organisms, so that their creations could qualify for copyright protected subject matter? At the moment, this is not possible in the EU context, mainly because nature and natural organisms do not have legal personhood, meaning that they cannot be considered as rightholders. Since one of the main functions of 'authorship' is to determine the first rightholder of a copyright-protected work, we must consider nature's ability of being a rightholder. Globally, elements of nature being rightholders is not completely unheard of, especially in countries with vocal indigenous communities. For example, in 2017 New Zealand granted the Whanganui River legal personhood (Kramm, 2020). It is also worth pointing out that other entities than human beings being considered as designated copyright holders is not totally unheard of either. For example, the Software Directive (Article 2(1)) and Database Directive (Article 4(1)) permit Member States' national laws to consider legal persons as 'authors' of computer programs. Against this backdrop, considering nature as author is not as far-fetched as it might seem at first glance.

It is not uncommon for bioartists to make strong authorial claims to their work, regardless of their heavy reliance on nature and existing biotechnology in the creation of bioart (McCutcheon, 2018: 7). The artists making such claims may not be completely wrong. Even if it is agreed that under no circumstances can nature be considered as author, it is not certain that even in those bioart instalments where nature would 'do most of the work' there would not be a sufficient level of human input, resulting in the standard of originality being fulfilled. Narrative 1 serves as a good example of this. In this particular case, the human author created a setting and possibilities for the 'tree author' to paint. Although the tree author seemed to do most of the work, it can be argued that the human author's 'free and creative choices' – as required by EU copyright law – are present in the arrangements that she made. By making various choices in organising and arranging the possibility for the tree to paint and by supervising the tree's painting, as well as deciding when the tree was done with the painting and when it was time to start another painting, the human author stamped the work with her personal touch (see Painer, para. 92). As the human author (Heidi Pietarinen) herself describes in Narrative 1, 'it was really about painting without painting myself'.

If it is concluded that expressions of bioarts are capable of qualifying for copyright protection when there is a sufficient level of human input, some practical problems may occur. When assessing originality, drawing a line between the fruits of skillful human labour and nature's contribution can be complicated. One might need to evaluate whether the non-human agent was merely a tool to the human as opposed to when such non-human agent was a (co-)author. The problem here is hence very similar to e.g. assessing whether a human-author has used software as a tool to create an expression, or whether the software generated the expression independently. In the case of bioart, this is even more problematic, because an expression of bioart – even when it is human-authored – tends to mutate over time, as Narrative 2 enlightens. To what extent can the human author claim authorship? Would it be fair, or justified, if the human author would also be considered as the owner of a mutation, if they have not contributed to the mutation process? If the human author at some point quits making free and creative choices that affect the work, and lets the work evolve independently, the human author may not be considered as the owner of the forthcoming mutations of the work. In Narrative 2, the human author (Melanie Sarantou) admits that she is out of control – she is merely following and inspecting the roots to do their work; to mutate, to change, and eventually, to die. At the point when the human author quits being in control and becomes a passive follower instead of an active subject, it is difficult to argue that they would be making free and creative choices, resulting in the standard of originality being fulfilled and therefore resulting in authorship.

5.2 Bioart as a 'Work'

The issues that bioart has in relation to the general definition of 'work' in copyright law, can be roughly divided into two categories: (I) bioart tends to be ephemeral, and (II) expressions of bioart often change their form consistently.

As described earlier, bioart tends to heavily rely on living systems or semi-living material. Consequently, most bioart is ephemeral. The activity of seeds, roots, moulds, plants, and other components is momentary. It is almost inevitable that at some point a bioart expression will disintegrate. Thus, bioart is often doomed to 'expire', to vanish. After that, there is no longer a 'work'. However, the CJEU confirmed in Levola that a subject matter protected by copyright does not necessarily need to be in permanent form (para. 40). Therefore, the ephemeral nature of bioart does not per se form an obstacle for copyright protection.

Even though ephemerality does not necessarily exclude expressions of bioarts from the scope of copyright, their constant change of form might very well do so. Once again, the Levola judgment might give us a guideline here. In Levola, the CJEU clarified that a work is a subject matter that is both original, and 'expressed in a manner which makes it identifiable with sufficient precision and objectivity' (para. 40). Arguably, the indirect consequence of the requirement of precision and objectivity requires the work to be fixed in some form. Even though a requirement of fixation is not found in the legislative texts per se, this requirement aligns with general copyright tradition. The question therefore is whether an expression of bioart is identifiable enough, if participation of nature or living organisms causes the work to change and evolve in a continuous, uncontrollable manner? If the change is continuous, how to determine the stage when the work is 'finished' – when the bioart process ceases to be merely a process and becomes a 'work'? In Narrative 1, the tree painted sketches with the help of a human. The human author decided when the sketch was finished; when it was time for the tree to stop painting. It was therefore the human author who dictated when the bioart process ended and when the work was finished. Moreover, there is no doubt that the sketches are identifiable with sufficient precision and objectivity.

Assessing whether Narrative 2 also includes a 'work' in copyright terms, is more complicated. This expression of bioart seems more like a process, where different stages of the process developed many possibly original works that may have been identifiable with sufficient precision and objectivity. However, these works were not fixated, nor did they last – they eventually mutated into something else, and then the whole process died. Overall, it appears that bioart in Narrative 2 should be considered more of a process or a performance than an actual work in copyright sense. The various stages of this process have been captured by a camera. However, these documented stages themselves do not constitute 'works' – the work(s) of art here is the photograph of the bioart process.

5.3 Originality in Bioart

Although copyright was created for protection of literary and artistic works, not just anything that can be labelled as 'art' qualifies for protection (McCutcheon, 2018: 3–4). Regardless of the EU standard of originality now treating different categories of works in an equal manner (Härkönen, 2021: 103) and copyright law therefore not per se excluding works of bioart from protectable subject matter, it is likely that many expressions of bioart fail to fulfil the standard of originality due to a lack of sufficient human input.

The EU standard of originality includes a few features that are worth taking a closer look at due to their potential conflict with expressions of bioart. The roots of all these conflicts are in the traditional (and prevailing) interpretation of originality, according to which originality is something that results from a human author (see e.g. Ginsburg, 2018: 131). As mentioned above in Subsection 5.1, with bioart we are inevitably confronted with the question of whether nature's contribution is so dominant that the resulting expression is not the 'author's own intellectual creation'. This is the case if forces of nature dictate the creative process to the extent that the author's free and creative choices are not present. In this kind of situation, it is possible to draw an analogy from the CJEU judgment in Brompton (SI, Brompton Bicycle Ltd v. Chedech/Get2Get. 2020). Based on Brompton, we may say that an expression of bioart cannot be an original work resulting from intellectual creation in the case where the realisation of this expression has been dictated by nature working its own way, which has left no room for creative freedom (ibid., paras 30–31, 34). Therefore, to establish whether this expression falls within the scope of copyright protection, one needs to determine whether, for instance through making various choices and arranging possibilities for a nature's agent to create a work, its author has expressed their creative ability in an original manner. This is the case, if the author has made free and creative choices and has created the expression in such a way that it reflects their personality.

A key question is: who is in control – the human, or the non-human agent? Defining when the line of control for the human author is crossed might be challenging, and must be evaluated case by case. If this line is crossed and the non-human agent is the 'lead-author' of the bioart process, the chances for the result to be considered as an original work decrease significantly. However, the non-human author's leading role does not necessarily rule out the possibility of having an original work, if there are at least some parts in the expression that are the human author's own intellectual creations. But in cases like this the resulting copyright protection would likely be quite narrow, since the complete expression of bioart would not merit protection.

Originality in expressions of bioart appears to connect to the perpetual idea-expression dichotomy of copyright law. Ideas, procedures, methods of operation, or mathematical concepts as such can never be protected, but expressions of them can be. Respectively, copyright requires originality from an expression – not from an idea. Therefore, no matter how original, unique, creative, or novel an artist's idea of using nature to create bioart is, the artist cannot claim copyright to it. It appears that many bioart installations and experiments would fall into the 'idea' category, because they lack a clear expression that can be identified precisely and objectively.

6. CONCLUDING REMARKS

Defining copyright law concepts such as 'originality', 'authorship', and 'work' has historically proven to be complex. This is even more the case when these concepts are applied to non-human creativity (Rosati, 2017: 976). Interestingly, the copyright issues and considerations with bioarts presented in previous sections are very similar to those that are often assessed in cases of AI authorship. Both forms of creativity include a non-human agent, which limits the human author's possibilities to affect the creative process (at least to a certain degree), and hence, the creative output. Especially the problems regarding authorship and originality are strongly present in both AI-generated creativity and expressions of bioart. This illustrates how copyright law clashes with new ways to produce literary and artistic works.

What seems to lie beneath most of the conflicts between copyright and bioart is that whereas copyright law is very 'result-oriented', bioart is fundamentally 'process-oriented'. Instantiations of bioart often follow a long process of research, experimentation, and trial. In bioart, the process is usually as important as the result (McCutcheon, 2018: 6). On the contrary, copyright law very much focuses on the finished work. This fundamental difference is very likely to act as a gatekeeper that excludes many bioart creations from the scope of copyright protection. All this being said, our intention is not to claim that copyright law ought to find ways to forcefully include expressions of bioart in the scope of protected subject matter. If an expression of bioart fails to fulfil the standard of originality or cannot be identified with sufficient precision and objectivity, it then rightfully needs to be excluded from the scope of copyright. This, however, does not mean that it would not deserve to be protected. Fostering creativity and innovation of bioartists is as important as supporting any other artists. Therefore, it is worthwhile to consider other types of IP. For instance, expressions of bioart that are not works in the sense of copyright law could potentially be viewed as performances and therefore be protected as such, attracting 'performance rights', that are one type of related rights to copyright (Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights). But even then, due to the variety of ways in which bioart manifests itself, it is almost certain that there would remain many instantiations of bioart that would not qualify to be protected as performances, either. It might be inevitable that many bioart instantiations simply belong to the public domain.

This article has addressed the key concerns that obstruct a connection between expressions of bioart and copyright protection. We welcome further research on the kind of legal issues that arise after concluding that an expression of bioart constitutes an original work, such as practical problems related to infringement scenarios. Even though a work does not need to be permanent in order to attract copyright protection, the question remains as to how to prove whether there is an infringement, and at what stage there has been an infringement in case the work is constantly changing and evolving (such as in Narrative 2). Even in cases of art made of living material, there ought to be some 'final' version of a work, a stage of development for instance, that is then changed, altered, or otherwise treated in a manner that infringes the rights of the author. In case the enforcement of copyright to a work of bioart makes no sense due to practical obstacles, one might need to question the whole significance of protecting such work.

REFERENCES

Literature:

Acton, H. B. (1967) 'Hegel, Georg Wilhelm Friedrich' in: The Encyclopedia of Philosophy. New York: Macmillan: 442.

Antikainen, M. (2021) Surviving Technological Change: Towards More Coherent Regulation of Digital Creativity Through EU Copyright and Design Law. Doctoral Thesis, Hanken School of Economics.

Ballardini, R. M. & Casi, C. (2020) 'Regulating Nature in Law Following Weak Anthropocentrism: Lessons for Intellectual Property Regimes and Environmental Ethics'. Retfærd: nordisk juridisk tidsskrift, 167(4): 17–38.

Bennett, J. (2010) Vibrant matter: a political ecology of things. Durham: Duke University Press.

Camere, S. and Karana, E. (2018). 'Fabricating materials from living organisms: An emerging design practice'. Journal of Cleaner Production, 186: 570–584.

Ginsburg, J. C. (2018) 'People Not Machines: Authorship and What it Means in the Berne Convention'. International Review of Intellectual Property and Competition Law, 49: 131–135.

Grant, M., de Peyer, O., Imlach, H., Pietarinen, H., Bovermann, T., Yoncha, A. & Sandgren, N. (2019) 'Field_Notes -The Heavens'. Bioart Society blog. December 19, 2019. [Online] Accessed February 7, 2022. https://bioartsociety.fi/projects/field-notes-the-heavens/posts/hab-blog.

Grant, M., de Peyer, O., Imlach, H., Pietarinen, H., Bovermann, T., Yoncha, A., & Sandgren, N. (2021) 'Atmospheric Encounters, 2021'. High Altitude Bioprospecting [Online] Accessed February 7, 2022. https://h-a-b.net/ExpeditionsandExhibitions/atmospheric-encounters-2021.

Härkönen, H. (2021) Fashion and Copyright: Protection as a Tool to Foster Sustainable Development. Doctoral Dissertation. Acta electronica Universitatis Lapponiensis 311.

Karana, E., Barati, B., Rognoli, V., & Zeeuw van der Laan, A. (2015) 'Material driven design (MDD): A method to design for material experiences'. International Journal of Design, 9(2): 35–54.

Kramm, M. (2020) 'When a River Becomes a Person'. Journal of Human Development and Capabilities, 21(4): 307–319.

Lauri, P. H. (2021) 'Perspectives to a living design medium: First encounters with a fermented indigo vat'. Ruukku Studies in Artistic Research, 15.

Leitch, R. & Day, C. (2000) 'Action research and reflective practice: Towards a holistic view'. Educational action research, 8(1): 179–193.

Locke, J. (1690) The Second Treatise of Civil Government, [Online] Accessed November 10, 2021. https://rintintin.colorado.edu/~vancecd/phil215/Locke.pdf.

McCutcheon, J. (2018) 'Copyright in Bioart'. in: Bonadio, E. & Lucchi, N. (eds.) (2018) Non-Conventional Copyright: Do New and Atypical Works Deserve Protection? Cheltenham (UK)/ Northampton, Massachusetts (USA): Edward Elgar Publishing.

McCutcheon, J. (2019) 'Levola Hengelo BV v. Smilde Foods BV: The Hard Work of Defining a Copyright Work'. Modern Law Review, 82(5): 936–950.

Närhinen, T. (2016) Kuvatiede Ja Luonnontaide: Tutkielma Luonnonilmiöiden Kuvallisuudesta [Visual Sciences and Natural Art: A Thesis on the Image of Natural Phenomena]. Helsinki: Taideyliopiston Kuvataideakatemia.

Rauhala, O. (2021) Osmo Rauhala: Muista unohtaa kaikki, 05.10.2021–29.05.2022 (Osmo Rauhala: Remember to Forget Everything). Museum of Archaeology and Contemporary Art Aboa Vetus Ars Nova, Turku.

Rauhala, O. (2017) Osmo Rauhola: peilitesti (Osmo Rauhala: A Mirror Test). in: Rauhala, O. & Didrichen, M. (Eds.). Didrichen Art Museum, Helsinki.

Rosati, E. (2017) 'The Monkey Selfie case and the concept of authorship: an EU perspective'. Journal of Intellectual Property Law & Practice, 12(12): 973–977.

Tuori, K. (2012) Critical Legal Positivism. Aldershot: Ashgate.

Wohlleben, P. (2016) Puiden salattu elämä – Kasvimaailman kuninkaiden tunteista ja viestinnästä [The Secret Life of Trees – About the feelings and communication of the kings of the plant world]. Helsinki: Gummerus Kustannus Oy.

European Court of Justice rulings:

Eva-Maria Painer v. Standard Verlages GmbH et al. 2010, C-145/10, ECLI:EU:C:2013:138.

Football Association Premier League Ltd et al. v. QC Leisure et al. 2011, Joined Cases C-403/08 and C-429/08, ECLI:EU:C:2011:631.

Football Dataco Ltd et al., v. Yahoo! et al. 2012, Case C-604/10, ECLI:EU:C:2012:115.

Infopaq international a/s v. danske dagblades forening 2009, Case C-5/08, ECLI:EU:C:2009:465, para. 37.

Levola Hengelo BV v. Smilde Foods BV. 2017, Case C-310/17, ECLI:EU:C:2018:899.

SI, Brompton Bicycle Ltd v. Chedech/Get2Get. 2020, C-833/18, ECLI:EU:C:2020:461.

Legislation:

Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (1994).

Berne Convention for the Protection of Literary and Artistic Works as amended on 28 September 1979.

Directive 93/83/EEC of the European Parliament and of the council of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission 1993 (EU) OJ L 248).

Directive 96/9/EC of the European Parliament and of the council of 11 March 1996 on the legal protection of databases [1996] OJ L 77/20.

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society [2001] OJ L 167, 'InfoSoc Directive'.

Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property 2006 (EU) OJ L 376.

Directive 2006/116/EC of the European Parliament and of the council of 12 December 2006 on the term of protection of copyright and certain related rights [2006] OJ L 372.

Directive 2009/24/EC of the European Parliament and of the council of 23 April 2009 on the legal protection of computer programs 2009 (EU) OJ L111.

WIPO Copyright Treaty (WCT) (1996).

HEIDI HÄRKÖNEN (LL.D., trained on the bench) works as a Postdoctoral Researcher at the University of Turku, Faculty of Law.

ROSA MARIWA BALLARDINI (PhD) is a Professor of Intellectual Property Law at the University of Lapland, Faculty of Law.

HEIDI PIETARINEN works as a Professor at the University of Lapland, Faculty of Art and Design.

MELANIE SARANTOU (PhD) works as a Professor of Social Design at the Kyushu University, Faculty of Design.

Authors

This article is authored by a multidisciplinary research group, consisting of two lawyers and two artists. The doctrinal study of law and the legal analysis in this article were performed by Dr. Heidi Härkönen and Dr. Rosa Maria Ballardini, who both have specialised in intellectual property law research. They utilised the study to build a normative framework for the special copyright issues that arise in the context of bioart, and tailored policy arguments concerning how IP should treat bioart. Dr. Heidi Pietarinen and Dr. Melanie Sarantou, both of whom are practising bioartists, were in charge of the artistic work and wrote the reflective narrative accounts of their own experiences. All four authors collaboratively analysed the narratives further in order to glean findings. Finally, Härkönen and Ballardini were responsible for analysing and drawing conclusions from the IP protection status of the expressions of bioart showcased in the narratives.

ACKNOWLEDGEMENTS

This research has been funded by the following research projects: The Strategic Research Council of the Academy of Finland funded project Bio-oils based Polymeric Composites; value chain from synthesis to additive manufacturing (ValueBioMat, decision No. 327251); the Academy of Finland funded project SHARE (decision No 332819); the Strategic Research Council of the Academy of Finland funded project Intimacy in Data-Driven Culture (IDA, decision No 327391); The European Union's Horizon 2020 research and innovation programme funded project AMASS (under grant agreement No. 87621); and the Future Bio Arctic Design II (F.BAD II) project funded by EAKR – Kestävää kasvua ja työtä 2014–2020 (Sustainable growth and jobs 2014–2020 – Structural Funds Programme of Finland).

In Conversation:

Graffiti and Street Art Research from an Outsider Perspective

Mari Myllylä, University of Jyväskylä, Finland
Jonna Tolonen, University of Lapland, Finland

ABSTRACT
In this paper we discuss our endeavours and experiences in the field of graffiti and street art research (GSAR) in the form of a dialogue. We reflect on planning and engaging with GSAR, contemplate our (field) work, analyse the methods we have developed, and shed light on the possibilities that arose during research processes. In particular, we focus on what it is like to do GSAR as outsiders, i.e. as those who are not writers or artists themselves, or who do research into a graffiti or street art scene that is foreign to them.

INTRODUCTION

In recent years, there has been an increased number of scientific articles in which graffiti and street art researchers provide methodological insights concerning their personal experiences (see, e.g. Fransberg et al., 2021; Tsilimpounidi et al., 2022). Also, some scholars, such as MacDowall (2018) and Tolonen (2020), have explored unconventional forms of academic writing and ways of expressing research topics about urban space. Following on from that, this paper comes in the form of a dialogue, serving as an alternative way of writing about experiences and findings in the field of graffiti and street art research (GSAR). Our discussion draws on our distinct and personal methodological experiences; one artistic, the other based on cognitive scientific research. Our intention is to reflect on the possibilities and limitations of our research processes as well as on the important conclusions that we have drawn studying graffiti and street art. In doing so, we aim to provide some indication of the ways in which research thinking may develop.

To both of us, a desire to understand lived experience is important, including aspects such as embodiment, situational awareness (Fransberg et al., 2021), and development of graffiti and street artists' professional identity (Myllylä & Tolonen, *forthcoming;* Tolonen, 2021). Neither of us creates graffiti or street art. Rather, we are more interested in the kinds of experiences, interpretations, and expressions graffiti and street art can evoke, and how those are constructed in the human mind when people interact with each other or with inanimate objects. For this we use different methodologies and methods which can involve using and observing senses or sensory inputs, and collecting perceptual and semantic content. The output of the studied material comes in different formats, varying from verbal protocols and physical behaviour to photographs and other types of artefacts. Even though we come from different scientific backgrounds, we are often interested in and investigate the same phenomena, hence we ended up doing joint research. The difference is, of course, that we view those phenomena from alternative academic angles, which naturally makes us observe or pay attention to different things. This is sometimes challenging, because, for example, we may not be familiar with the concepts that are used in our respective fields of research, or we may not always agree on possible explanations at first. However, we have learnt that it is very rewarding to be able to engage in multidisciplinary discourse, because it forces individual researchers to critically review their own research paradigms and knowledge. It also enriches and develops thinking and improves researchers' skills to review often complex phenomena from more than one viewpoint.

The following discussion considers the experiences of the research processes we have gone through, most notably data collection, understanding the requirements of field work and data analysis, and theoretical and practical development. Instead of focussing only on insider-outsider questions within researcher-participant settings, we are particularly interested in reviewing how researchers from different academic fields take on new points of view and how this impacts the discourses among them. We begin our discussion by taking a closer look at the current trends and requirements for implementing GSAR.

EXPERIENCING GRAFFITI AND STREET ART RESEARCH

MYLLYLÄ: The first thing I want to point out regarding GSAR, is that some people seem to think that in order to do successful research, researchers must themselves participate in the (illegal) activity of producing graffiti or street art, and gain first-hand experiences of situations that graffiti writers or street artists act wind up in. This is almost a necessity for a researcher to become a 'credible', 'legitimate', or 'authentic' member of the GSAR culture, an insider who has shown their worth and is trusted by both the people that are being researched and by peer researchers (Blanché, 2015; Fransberg, 2019; Hayfield & Huxley, 2015; Kimvall, 2014; Ross et al., 2017). Trust and the feeling of safety are important factors in research (Berger, 2015; Hayfield & Huxley, 2015; Iskender, G. 2021; Taylor et al., 2016). However, these factors can also be increased by open communication and honesty (Hayfield & Huxley, 2015).

As Hayfield and Huxley (2015) have noted, being both an insider and an outsider (as well as all being somewhere in between) has its own potential benefits and disadvantages in doing research. Especially in the context of researcher-participant settings, the insider-outsider division has been – as we both acknowledge – discussed in other research fields for decades (e.g. Berger, 2015; Bridges, 2001; LaSala, 2003; Pitman, 2002), and also to some extent in GSAR (see e.g., Fransberg, 2019; Taylor et al. 2016), but not much in detail. Of course, many questions may relate to graffiti and street art's illegal nature, and it is understandable that people, even as researchers, do not want to reveal whether they participate in those kinds of activities (see e.g., Blanché, 2015; Ferrell, 2018; Fransberg, 2019). However, the mere existence and potential impact of the GSAR community's own inner circles and that of external groups – which include scholars like me who come from disciplines that are much less represented in GSAR, or for other reasons do not seem to fit the stereotype of a graffiti or street art researcher – seem to be a tricky and yet unexplored topic of discussion (see e.g. Ross et al., 2017). Do you agree?

TOLONEN: I agree with your notions about the insider-outsider division. I have been told many times: 'Oh, you do not paint yourself, REALLY?', not only by interviewees but also by many fellow researchers. So, the expectation to be a 'doer' yourself when studying a certain topic is still out there. In addition, there are also some researchers in our field who have argued that sometimes researchers from one country are not fully aware of the general situation in another country, or have not studied the research by local experts, which might give them a distorted picture of the local graffiti and street art scene. However, I would argue that there could also be advantages to being a foreign researcher, an outsider. I totally agree, however, with the argument that researchers should be aware of, for example, previous studies (although sometimes, unfortunately, there are language barriers), and the socio-political climate of a particular country. But as an outsider I might ask questions that an insider would not, or as Hayfield and Huxley (2005, 92) put it, ask 'naive questions' (see also Tang, 2007: 16). For example, in one of my studies, I started my interview asking, 'why did you become a writer/painter?' All the interviewees commented that they were never asked that question before and ended up having long and reflective talks about the reasons for which they had started painting.

I have noticed that as an outsider, I do watch the phenomenon from a slightly different perspective, which is very understandable merely considering my background, education, and interests among other things (see e.g. Berger, 2015; O'Reilly, 2012; Rodaway, 1994). For example, I might find interesting a piece that is not perfect or executed brilliantly, but conveys a strong emotional or political message. Therefore, I think we might see new kinds of results from Finnish GSAR if we had more non-Finns doing studies about our scene. As a matter of fact, I just had a discussion with a British colleague who is studying Finnish graffiti. He finds the Finnish graffiti scene interesting because it is rather 'boring' and lacks almost completely the anarchistic aspect that many scenes in other countries have. Getting back to your original question, for the same reason, I also think that researchers that do not paint themselves give a different yet additional kind of input to the field. As I once put in my research field notes: 'How I understand this place through the images is rather different to the ways in which those who live here understand it, and the way I understand it as a researcher' (Tolonen, 2019).

MYLLYLÄ: How different people perceive GSAR may depend on several things, I think, such as their own research framework and methods. For example, different ethnographic and participatory methods are common and well suited in GSAR since it often focuses on social, legal, artistic, and cultural topics (Ferrell, 2018; Fransberg, 2021; Kimvall, 2014; Ross et al., 2017).

However, there are also other methods to do research concerning, for instance, experiencing, thinking, perceptions, emotions, or behaviour. For example, I have been using a content-based cognitive scientific approach to researching graffiti experiences and thinking, where the analysis of mental contents is based on what participants express verbally (Myllylä & Saariluoma, 2022). Similarly, in my opinion, doing GSAR does not require that researchers, for example, engage in the cultural practices or do graffiti or street art themselves. But it does require that they 'familiarise' themselves (Hayfield & Huxley, 2015) with and acquire 'interactional expertise' (Collins & Evans, 2018) in graffiti and/or street art. This means learning to become a specialist in the field through social discourses without actually practising the trade.

A researcher's thinking can always be biased (Hammersley, 1999) and an insider researcher may become blind to certain things that would be more apparent to an outsider observer (Hayfield & Huxley, 2015). Assumptions based on learned social schemas (for example, gender stereotypes) or various kinds of erroneous thinking can affect other researchers' perception of the research and the researcher (Henry, 2007; Myllylä, 2022b). This, in turn, can affect, among other things, the researcher's social power, control, or 'habitus' (i.e. representation of identity), also among other researchers (Fransberg, 2021; Henry, 2007). Thus, and especially when conducting multidisciplinary and interdisciplinary research, researchers should get familiar with the 'know-how', attitudes, and language of other researchers coming from different disciplines (Arnold et al., 2021; Lyall et al., 2011). They should learn

other discipline's approaches and practices, perspectives, problems, standards, structures, roles, and publication channels. Attaining such competences in practice requires different forms of collaborative activity, such as co-research with research experts from different fields, and developing research strategies, infrastructures, and funding models (Arnold et al., 2021; Lyall et al., 2011). It requires creating interfaces between different disciplines and researchers' knowledge.

By the way, I have tried painting with spray paints a couple of times, and for sure it has been very exciting and probably has affected how I think about graffiti. However, my *own* emotions or attitudes towards graffiti have not been that relevant to my research, because my research questions have focussed on other things. But if it would be about, for example, what writing graffiti feels like for me as a researcher, it could require writing or having written graffiti myself.

TOLONEN: Our emotions and feelings do influence our research on some level (see, e.g. Rodríguez-Dorans, 2018: 748), and it is important to exercise self-reflexive analysis through the whole research process (Berger, 2015; Pink 2015). If I think for example about choosing artists to be interviewed for my research, I often much rather approach those whose works I like myself. This helps both my research (I already know a lot about the background and the works by the particular artist) and my motivation (I am more eager to learn more about an artist I find interesting). I also admit to having feelings for certain graffiti or street art pieces, and I try to visit them if I have a chance, like this one piece in Valencia (**FIGURE 1**). I always get excited if it happens to be still there and okay.

I have also used photos that I have taken of different pieces to help me write songs and to get in different kinds of moods. I found this very helpful, for instance, when I wanted to get to the right emotional level before recording in the studio an album about the violence against women that I had written (Yvonne and The No Regrets, 2019). Do you have any similar experiences?

MYLLYLÄ: Yes and no. I have seen some graffiti pieces that have made a great impression on me and that I still remember, but I have not at least deliberately utilised the emotions they may have evoked elsewhere in the same way you have. But that kind of artistic research could be very interesting. Could such work highlight, for example, things that cannot be obtained within the limits of the usual research paradigm? Could the concepts and perspectives used in artistic research not be shared and opened up more among disciplines so that the researchers could improve, for example, their theoretical foundations and tackle difficult questions collectively?

According to Ferrell (2018), being an insider is useful to gain phenomenal (i.e. experiential) knowledge and empathic understanding of the lived world of graffiti writers and street artists. However, in the end, each individual experiences the world in a unique way and what it is like to be a human being differs from person to person (see e.g. Nagel, 1974). We can only imagine but never fully grasp what somebody else is experiencing or thinking, even if we are part of the same ingroup. Empathy is also a difficult concept, since experiencing it can depend both on the perceivable or imagined qualities of the observed and, for example, on the opinions of the observer (Apperly, 2011; Myllylä, 2022a).

However, I think that through experiencing art, people can also try to understand things that are otherwise difficult for them to grasp. Sometimes the meanings of works of art can be left open to viewers, which could help people accept feelings of uncertainty and ambiguity. Although one function of human consciousness is to make sense of experiences and the world (Apperly, 2011; Beach et al., 2016; Myllylä, 2022a), art seems to offer the opportunity to experience something without a need for sense-making. I think these issues should be investigated further. Studying graffiti has also taught me to understand different perspectives and ways of thinking, and to become more tolerant even in the face of challenging questions. Have you had such experiences?

Figure 1. A piece that Tolonen returns to every time she visits Valencia, Spain, to capture the changes done by e.g. weather conditions or other writers. A previous version of this graffiti piece was featured in a photo-essay by Tolonen in the first issue of *Nuart Journal*. Photograph (2019) ©Jonna Tolonen.

TOLONEN: Yes, I have. I think that GSAR in so many ways has given my life new paths and widened my perspectives, and taught me so much about Spanish history and the Spanish language, for example, which I would not have assumed when I first got interested in graffiti and wall writings.

MYLLYLÄ: So, it seems that we need both insiders and outsiders, but we also need experts and novices as researchers! What do you think?

TOLONEN: Yes! Definitely! Experts do also learn from novices! I mentor students writing their master's thesis and love that every single one of these theses teaches me something and opens new horizons to understand certain phenomena. Therefore, should we expand the discussion about insider and outsider researchers and the dilemmas surrounding novices and experts in the context of GSAR?

MYLLYLÄ: I think we should. We can also ask ourselves, does the current GSAR community allow inclusiveness and different opinions so that we *can* talk and write more about this in the field of graffiti and street art?

TOLONEN: True. Over the last decade the research field has been dominated by male academics who used to be or still are graffiti writers themselves. And this tends to direct the methods and the themes that are presented in articles and books, and at conferences. People who are beginning to examine graffiti and street art might rely too much on this, making our field somehow stuck in the old traditions and in the expectation that you need to be a writer yourself. All new academics in the field should right away feel welcome and as insiders, not in any way as outsiders. GSAR is such a relatively young academic field and the disciplines and theoretical backgrounds of its researchers are so varied, that I am a bit surprised this does not yet seem to be fully reflected – what could we do about this?

MYLLYLÄ: I suppose that the GSAR community needs to continue working on its research ethics, with regard to questions such as who is doing research, about what, and in what ways (Ross et al., 2017). Maybe it would be good to make sure that the research community follows some sort of common ethical guidelines, such as those laid down in The European Code of Conduct for Research Integrity (2017). Ethical guidelines should be understood as part of the graffiti and street art discourse (Kimvall, 2014) and be reviewed and updated continuously to keep up with changes in society, culture, and technology at local and global levels. The challenge is to create a code of ethics that considers and reconciles the views of all different stakeholders, as GSAR participants from different backgrounds and with different goals may have conflicting interests and values (Kimvall, 2014; Ross et al., 2017).

As mentioned before, differences in research paradigms and their ontologies, epistemologies, and methodologies can have many consequences. First, it is good for any researcher to have their assumptions and views challenged by peers who might approach similar phenomena from different stances. Asking questions that are unexpected, difficult, or often taken for granted is vital for researchers because it requires them to think more critically about their own research, unchallenged implicit assumptions, and arguments (Saariluoma, 1997). Secondly, it raises a more general question about what kind of implications these types of differences in researchers' thinking can have. In the worst case, they can negatively affect, for instance, how researchers' studies are understood, accepted, and consequently, even funded, by others.

TOLONEN: Yes, these are all good issues to highlight now that we are coming to the end of our discussion. I think we have enjoyed challenging each other and learnt a lot about different research paradigms while writing our joint articles. Hopefully this article enables other researchers to come up with new ideas or approaches, and serves as a stimulant for insiders and outsiders to do more collaborative research. It would give GSAR a possibility to broaden our narrative and deepen comprehension as these different perspectives would interact.

References

Apperly, I. (2011) *Mindreaders: The Cognitive Basis of "Theory of Mind"*. Hove and New York: Psychology Press, Taylor & Francis Group.

Arnold, A., Cafer, A., Green, J., Haines, S., Mann, G., & Rosenthal, M. (2021) 'Perspective: Promoting and fostering multidisciplinary research in universities', *Research Policy,* 50(9).

Avramidis, K. & Drakopoulou, K. (2015) 'Moving from Urban to Virtual Spaces and Back: Learning In/From Signature Graffiti Subculture', in: P. Jandrić & D. Boras (eds.) *Critical Learning in Digital Networks. Research in Networked Learning.* Cham: Springer: 133–160.

Beach, L. R, Bissell, B. L., & Wise, J. A. (2016) *A new theory of mind: The theory of narrative thought.* Newcastle upon Tyne: Cambridge Scholars Publishing.

Berger, R. (2015) 'Now I see it, now I don't: researcher's position and reflexivity in qualitative research', *Qualitative Research,* 15(2): 219–234.

Blanché, U. (2015) 'Street Art and related terms', *SAUC - Street Art and Urban Creativity,* 1(1): 32–39.

Bridges, D. (2001) The ethics of outsider research',h *Journal of Philosophy of Education,* 35(3): 371–386.

Collins, H. & Evans, R. (2018) 'A sociological/philosophical perspective on expertise: The acquisition of expertise through socialization' in: K. A. Ericsson, R. R. Hoffman, A. Kozbelt, & A. M. Williams (eds.) *The Cambridge handbook of expertise and expert performance.* Cambridge: Cambridge University Press: 21–32.

Ferrell, J. (2018) 'Criminological Ethnography: Living and Knowing'in: S. Rice, & M. Maltz (eds.) *Doing Ethnography in Criminology.* Cham: Springer: 147–161.

Fransberg, M. (2019) 'Performing gendered distinctions: Young women painting illicit street art and graffiti in Helsinki',. *Journal of Youth Studies,* 22(4): 489–504.

Fransberg, M. (2021) *Helsinki graffiti subculture: Meanings of control and gender in the aftermath of zero tolerance* (Doctoral dissertation, Publication No. 4142). Tampere University Dissertations

Fransberg, M., Myllylä, M. & Tolonen, J. (2021) 'Embodied graffiti and street art research', *Qualitative Research*, 23(2).

Hammersley, M. (1999) *Taking sides in social research: Essays on partisanship and bias.* London and New York: Routledge.

Hayfield, N. & Huxley, C. (2015) 'Insider and Outsider Perspectives: Reflections on Researcher Identities in Research with Lesbian and Bisexual Women', *Qualitative Research in Psychology,* 12(2): 91–106.

Henry, M. (2007) 'If the shoe fits: Authenticity, authority and agency feminist diasporic research', *Women's Studies International Forum,* 30(1): 70–80.

Iskender, G. (2021) 'Can insider be outsider? Doing an ethnographic research in a familiar setting', *Ethnography and Education,* 16(2): 226–242

Kimvall, J. (2014) *The G-word: Virtuosity and violation, negotiating and transforming graffiti.* Årsta: Dokument Press.

LaSala, M. C. (2003) 'When interviewing 'family': Maximizing the insider advantage in the qualitative study of lesbians and gay men', *Journal of Gay and Lesbian Social Services*, 15(1-2): 15–30.

Lyall, C., Bruce, A., Tait, J., & Meagher, L. (2011) *Interdisciplinary research journeys. Practical strategies for capturing creativity.* London: Bloomsbury Academic

MacDowall. L. (2018) 'From Peterhof Station to Crescenzago: Agit-Trains and Grifter's Code', *Nuart Journal*, 1(1): 39–42.

Myllylä, M. (2022a) *Embodied mind and mental contents in graffiti art experience* (Doctoral dissertation, Publication No. 485). University of Jyväskylä. JYU Dissertations.

Myllylä, M. (2022b) 'Psychological and Cognitive Challenges in Sustainable AI Design', in: M. Rauterberg (ed.) *Culture and Computing: 10th International Conference, C&C 2022, Held as Part of the 24th HCI International Conference, HCII 2022, Virtual Event, June 26–July 1, 2022, Proceedings*. Springer. Lecture Notes in Computer Science, 13324: 426–444.

Myllylä, M. T., & Saariluoma, P. (2022) 'Expertise and becoming conscious of something', *New Ideas in Psychology, 64*, 100916.

Myllylä M. & Tolonen J. (*forthcoming*) 'Formation of artistic identity – applying themes of narrative identity development in two artist's life stories', in: M. Loukola., M. Mäkiranta & J. Tolonen (eds.) *Peripheries in Parallax. Figurations of peripheries through arts and visual studies.* London: Routledge.

Nagel, T. (1974) 'What is it like to be a bat?', *The Philosophical Review,* 83(4): 435–450.

O'Reilly, K. (2012) *Ethnographic Methods*. London: Routledge.

Pink, S. (2015) *Doing Sensory Ethnography.* Great Britain: SAGE.

Pitman, G. (2002 'Outsider/ insider: the politics of shifting identities in the research process', *Feminism & Psychology,* 12: 282–288.

Rodaway, P. (1994) *Sensuous Geographies. Body, sense and place*. Eastbourne: Routledge.

Rodríguez-Dorans, E. (2018) 'Reflexivity and ethical research practice while interviewing on sexual topics', *International Journal of Social Research Methodology,* 21(6): 747–760.

Ross, J. I., Bengtsen, P., Lennon, JF., Phillips S. & Wilson, JZ. (2017) 'In Search of academic legitimacy: The current state of scholarship on graffiti and street art', *The Social Science Journal,* 54(4): 411–419.

Saariluoma, P. (1997) *Foundational analysis: Presuppositions in experimental psychology.* London: Routledge.

Tang, DTS. (2007) 'The research pendulum: multiple roles and responsibilities as a researcher', *Journal of Lesbian Studies*, 10: 11–27.

Taylor, M. F., Pooley, J. A., & Carragher, G. (2016) 'The psychology behind graffiti involvement', in: J. I. Ross (ed.), *Routledge Handbook of Graffiti and Street Art.* Oxon and New York: Routledge: 194–203.

The European Code of Conduct for Research Integrity (2017) (Revised edition). ALLEA - All European Academies.

Tolonen, J. (2019) *Field note,* Athens, November 2019. Unpublished.

Tolonen, J. (2020) 'Turning into guirilandia: Experiencing gentrification in Valencia, Spain', *Urban Transcripts*, 3(2). https://journal.urbantranscripts.org/article/turning-into-guirilandia-experiencing-gentrification-in-valencia-spain-jonna-tolonen/.

Tolonen, J. (2021) '"Whatever I can do to put those people in jail" – Crisis turns Spanish artists to street activism', in: R. Campos, A. Pavoni & Y. Zaimakis Y. (eds.) *Political Graffiti in Critical Times: The Aesthetics of Street Politics.* London: Berghahn Books: 52–73.

Tsilimpounidi, M., Carastathis, A., Awad, S.H., Avramidis, K., Gupta, P., Hansen, S., Piyarat, P., Tulke, J. & Zaporozhets, O. (2022) 'Graffiti & Street Art: Queer Feminist Approaches', *Nuart Journal*, 3(2): 126–133.

Yvonne and The No Regrets. (2019) *World of Women.* Music album. Self-released, August 30, 2019. https://yvonneandthenoregrets.bandcamp.com/album/world-of-women.

Acknowledgements

Mari Myllylä's work has been supported by the Etairos STN project of the Academy of Finland (decision number 327355) and the COACH project as part of the SEED Ecosystem (Business Finland). Jonna Tolonen would like to thank both the Emil Aaltonen Foundation and the Kari Mattila Foundation for funding her field trips to Greece and Spain.

MARI MYLLYLÄ works as a postdoc researcher at the Faculty of Information Technology in the University of Jyväskylä, where she received her PhD in Cognitive Science. In her dissertation, Myllylä studied the representational information contents of the embodied mind in the experience of graffiti art. She has a background in IT and design. She currently works in the ETAIROS and the SEEDForest projects related to ethical application of artificial intelligence. Myllylä has been a visiting researcher in the University of Granada. Her current research focuses on climate change thinking, and on development of content-based cognitive science.

JONNA TOLONEN is an artist and researcher who combines aesthetic, ethnographical, and action research practices through an inquiry into embodiments and environments. She studied graphic design and photography in Canberra, education and fine arts in Oulu and received a PhD in Art and Design at the University of Lapland. She has been a visiting researcher in different universities and educational centres such as the Polytechnic University of Valencia and the Finnish Institute of Athens, and has participated in long-term artistic research projects such as Floating Peripheries (2017–2021) and Artivism on Edges (2022–2026).

Instructions for Authors
Nuart Journal is a peer-reviewed open access journal. It presents the work of an international network of artists, curators, academics, independent researchers and industry professionals on street art and related topics. Though the journal is intended as a scholarly journal for new and experimental modes of research as well as traditional academic papers, it is also a site for artists, curators and independent researchers to publish articles, conversations, projects and opinion pieces. We welcome visual submissions and high quality images/photography.

The journal is overseen by a small group of international co-editors assisted by an international advisory board that reflects the diversity of street art practice. We welcome submissions from a broad range of authors including cultural heritage workers, historians, critics, cultural and human geographers, political theorists, anthropologists, ethnographers, sociologists, psychologists, criminologists, curators, artists, writers, taggers, anarchists, and out and out vandals.

All submissions should be emailed to:
editor@nuartjournal.com

For more information, see:
nuartjournal.com

Nuart Journal welcomes different types of submissions, from full-length papers to shorter or experimental works.

Full-length academic papers
Full-length papers should be 5000–8000 words in length, inclusive of citations and bibliography. Manuscripts should be sent as an MS Word document (*.docx). Please avoid the use of referencing software (e.g. EndNote, Zotero, Mendely) as they do not always work well across operating systems and word processing software. Manuscripts should be in A4 or Letter format, double-spaced, with page numbers. Harvard referencing style should be used. Manuscripts should be anonymised.

Please provide a separate cover page with your article title and contact details.

Full-length papers will be sent out for anonymous peer review to appropriate expert reviewers selected by the editorial team.

Shorter submissions
Shorter or experimental submissions are welcome. These may include research notes, photo essays and other visual submissions, book reviews, interviews, and opinion pieces. Please contact the editorial team if you wish to discuss an alternative or experimental mode of submission.

Shorter contributions may be reviewed by the editorial team.

Visual materials
High-quality images are encouraged for all submissions. Photographs and figures may be included within the manuscript text for original submission. However, figures must be sent as separate files prior to printing and must be sent at a minimum resolution of 300 dpi. Figures should be captioned accordingly. This includes always crediting an artist's work appearing in any photographs, where practicable.

Copyright material
Authors are responsible for obtaining permissions for the reproduction of copyright material.

Nuart Journal is a forum for critical commentary on urban art, defined as broadly as possible to include all aspects of both independently sanctioned and unsanctioned art in public space that does not fall under the general rubric of traditional public art practice. Nuart Journal includes traditional peer-reviewed academic papers as well as more experimental modes of research. It is a site for scholars, artists, curators and independent researchers to publish articles, conversations, reviews, projects, and opinion pieces on street art and related topics. The journal is built on the foundations of the annual Nuart Plus symposium, the world's first annual symposium dedicated to street art practice. Nuart has long been a place for catalysing important debates around street art and for challenging entrenched notions of what art is. The journal strives to bring these conversations to a wider audience.

nuartjournal.com