

# DOES PRESERVING STREET ART DESTROY ITS 'AUTHENTICITY'?

**Enrico Bonadio**  
The City Law School  
City University of London

This note briefly comments on various ways street and graffiti artworks could and should be preserved. Indeed, the recent boom of these forms of art – especially street art – has enriched the discussion regarding its conservation. Local councils, property owners, and other entities increasingly preserve murals (especially those created by famous artists), either by covering them with perspex sheets, or even detaching and bringing them into indoor locations. *In situ* and *ex situ* methods of preservation, together with photographic documentation (another way of conserving street and graffiti art for posterity) have been thoroughly commented on by scholars and commentators. This author will highlight such comments in this note and make the point that in case the decision to preserve these forms of art is taken, we should choose a method of conservation which is the least disruptive to their authenticity as possible.

Indeed, attempts to preserve street art are often criticised. It is not only anti-graffiti organisations that do not like the idea. Street art insiders also frequently disapprove of such plans as they fear that these moves risk

damaging the authenticity of these forms of art. Indeed, as is the case with (more traditional) types of visual art, the concept of authenticity is not just related to attribution, but is also dependent on the appropriate conservation and display of the work (Phillips, 1997). An overall 'authentic' experience surrounding a piece may be difficult to achieve when the object is encountered in a different situation or context from that which the artist meant, despite the efforts the conservator may have put in trying to present the work in its original condition. Also, debates around the preservation of authenticity have often neglected the role of the audience in creating and remodelling the context of the art, for example where the public chosen to experience the 'conserved' art mainly consists of tourists who do not have enough knowledge and understanding of the work they are experiencing (Dutton, 2003). Such a scenario may sometimes occur in the street art world, especially where pieces created in the public environment are preserved for the sole purposes of exhibiting them to non-local audiences and art tourists.

### SPECIFIC CRITICISMS OF CONSERVATION PROJECTS

Several commentators stress that graffiti and street art are 'participatory', which means that anyone could paint over the art, destroy it, add something to it, or complement it (Blanché, 2014; Chatzidakis, 2016). Altering street art can thus be considered as part of a 'design dialogue' (Merrill, 2015) or 'democratic multiparty conversation' (Hansen, 2015a) within the urban environment. Artworks placed in the street – the argument goes – cannot be properly understood as 'finished' works created by just one person, but they instead require constant exposure to change to remain authentic (Mulcahy and Flessas, 2016; Minty, 2006), with damages to the art even being considered as 'acts of engagement or 'co-authorship' rather than vandalism' (Mulcahy and Flessas, 2016).

The participatory nature of these forms of art means their preservation would often undermine their authenticity by freezing the artworks and the dialogue they spur in time and space (Merrill, 2015: 383): using Alison Young's words, 'conservation is not conversation' (Young, 2016, 182). For example, using perspex sheets to protect a street artwork – which may be considered as a form of *in situ* conservation – would effectively terminate the communication between artists and turn the piece into a 'civic amenity or, worse, a cultural commodity' (Young 2016: 182), in addition to increasing the risk of its removal and commercialisation (Hansen 2015a). Susan Hansen also argues that 'street art's invitation to engage in the city's ephemeral dialogue is antithetical to traditional heritage frameworks' (Hansen, 2017). These words are echoed by Laima Nomeikaite: '[framing] street artworks deprives citizens of the right to experience them (in the public space and ephemerality) in daily life and the broader right to engage with the city' (Nomeikaite, 2017). Similarly, it has been noted by heritage-focused scholars that the target of any conservation decision must be the protection of the 'significance' of the place (De La Torre, 2014); and that we should abandon the focus on the concept of material authenticity and the 'preservationist desire to freeze the moment of heritage and to conserve heritage as an unchanging monument to the past' (Smith, 2006: 6).

*Ex situ* preservation would be even more damaging to the authenticity of street art and graffiti, as it completely removes the work from its often crucial urban context (removals and relocations of street artworks have recently occurred many times, with several Banksy murals receiving such treatment). Indeed, the very meaning of most street artworks is often dependent on their *in situ* nature and the on-going dynamic relationship within the community in which they exist (Young, 2013). Street and graffiti artists do not simply treat the city as a canvas; they also use the streetscape as a structural element of their artworks. Anything around the actual piece is part of the artistic experience, including – it has been suggested – the taste of pollution, the smell of dog's excrement or take away food, the noise of traffic and people's conversation (Mulcahy and Flessas, 2016) as well as 'collapsed walls as a creative background' (Chatzidakis, 2016: 18) and 'the *genius loci*, i.e. the atmosphere, the smell, the noises, the tactile experience' (Blanché, 2018).<sup>1</sup> Removal of street art pieces that aim at extracting profits and increasing economic interest in the 'preserved' artwork would be even less acceptable from a heritage perspective: indeed, economic value is not recognised as a legitimate heritage value by many values-based management practitioners (De La Torre, 2014).

### THE ROLE OF PHOTOGRAPHIC DOCUMENTATION

It has also been argued that, if preservation tools are to be relevant and useful to these forms of art, they would probably have to move from a methodology that dictates the fixing of a stable and unchangeable narrative pertaining to the past towards a discipline that tolerates alteration and erasure (Mulcahy and Flessas, 2016). A form of preservation that meets these standards seems to be photographic documentation (Merrill, 2015; Garcia, 2017). Analogical and digital pictures have for decades enabled the documentation and 'conservation' of street and graffiti art, and continuously make these forms of art accessible to large audiences all over the world. The same can be said of videos, especially those created by or on behalf of artists to highlight their pieces and the way they are created. Many of these pictures and videos can be easily found in specialised magazines and websites, as well as in social media networks, such as Instagram, Flickr and Facebook, where they are widely shared and commented on even by people outside the street art and graffiti scenes.<sup>2</sup> Interesting attempts to document (and conserve) these forms of art by using such methodology are (i) the '100 Days of Leake Street', a photographic project by architectural historian Sabina Andron. The project shows the changes on ten different walls in the famous London Graffiti Tunnel in the South London area of Waterloo over 100 consecutive days<sup>3</sup>; and (ii) the longitudinal photo-documentation used by Susan Hansen as a methodological approach to the study of street and graffiti art, based on data collection which allows these forms of art to be analysed as visual dialogue (Hansen, 2015b).

Photographs and videos therefore play an important role in disseminating and raising awareness about these art forms, while also preserving the intangible heritage of artworks that are often doomed to fade quickly. Even New York's Judge Block, in his 2013 decision refusing to enjoin the demolition of the famous 5Pointz site, stressed the importance of photographic documentation for conservation purposes. He noted that 'the plaintiffs' works can live on in other media. The ... works have been photographed, and the court, during the hearing, exhorted the plaintiffs to photograph all those which they might wish to preserve.'<sup>4</sup> (In the subsequent decision of 2018, the same judge famously sided with 5Pointz artists awarding them US\$6.7m in damages, as the owner of the site had whitewashed illegally their paintings).<sup>5</sup>

Photographs of graffiti, especially illegal graffiti (which is more likely to be removed quickly), are increasingly being shown in galleries and museums. Examples include photographer Henry Chalfant's curated exhibition of photographs of New York subway graffiti pieces from the '70s and '80s.<sup>6</sup> Exhibitions of graffiti pictures aim not only to document the art, but also to preserve its subversiveness. For example, an exhibition in Modena, Italy, in 2016 named '1984 – Evoluzione e rigenerazione del writing'<sup>7</sup> displayed photographs of illegal graffiti created by writers predominantly from the gallery's urban area. The aim was to allow viewers to juxtapose the artworks in both the street – where they are created and are usually perceived as vandalism by the general public – and in a gallery space.<sup>8</sup> The exhibition's organisers tried 'to counteract the elitist nature of modern artistic institutions', by creating 'a continuity between the inside and the outside' of the gallery and 'literally turned inside out the boundaries of the white cube' (Baldini, 2018: 27–32).<sup>9</sup> In this case, as has been noted, pictures of graffiti constitute the works themselves (Rivasi, 2018),<sup>10</sup> and the

reproductions do not lack any of the main features that are relevant to the appreciation of graffiti (Baldini, 2018). Even some graffiti artists support the idea of having photographs of their works in a gallery. Italian writer Fra 32 confirmed that coming across pictures of his own pieces in the 1984 exhibition in Modena was ‘an experience that [felt] authentic’ (Baldini, 2018: 29).

Contrary opinions have also been voiced, however. It has been noted that intangible conservation of street and graffiti art through photographic and video documentation is not enough to preserve it.<sup>11</sup> Some argue that pictures actually decontextualise the art, as in a photo ‘there is an obvious limitation of the impression that can be perceived in the street’ (Nogueira Alves, 2017). Despite efforts to imbue the indoor environment hosting the picture with an urban look and feel, photographs will never be able to entirely recreate the real street atmosphere. In this way, it is difficult to keep the image of the street artwork authentic, with the piece always subject to the interpretation of those in charge of transferring the idea (Garcia, 2017; Blanché, 2014).

### SHOULD WE CHOOSE THE PRESERVATION METHOD WHICH IS LESS DISRUPTIVE TO AUTHENTICITY?

There is no doubt that any kind of preservation – be it *in situ*, *ex situ*, or via photographic or film documentation – effects the authenticity of street and graffiti art. Putting perspex sheets over the work, removing and relocating the piece, or introducing pictures of graffiti into galleries will never create an experience exactly the same as directly viewing it in its original street context. Therefore, if a decision is made to conserve a street artwork for posterity, one may need to choose the option that is least disruptive to the authentic artistic message.

The *in situ* method of preservation might sometimes respond to this objective, especially if the artwork has been commissioned or authorised. Perspex or other protective barriers, despite preventing or limiting the dialogue between urban artists<sup>12</sup> and carrying the risk of ‘musealising’<sup>13</sup> the streets, nevertheless have some merit: they make it possible for the aficionados of these forms of art to continue to enjoy the art in the same environment in which it was originally created. The selected method of *in situ* conservation should endeavour to both protect the integrity of the artwork as much as possible<sup>14</sup>, and minimise the impact of screens or barriers on its message and visual aesthetics (for example, in terms of light reflection). Due consideration should also be given to the rights of the property owner: while their consent should arguably be sought and obtained where possible, in exceptional cases of outstanding art, *in situ* preservation plans should proceed even without their authorisation. In such cases, property owners could possibly be compensated if the conservation of the artwork negatively affects their ability to fully enjoy their space. Also, the decision to conserve the piece should be approved by as many stakeholders as possible, not only the owner of the property (if different from the person who wants to conserve the art), but also the artist herself and the local community which hosts the work: this is in line with findings of certain heritage studies that have considered heritage experts as merely an equally interested party in heritage ‘with equal and valid views, but no more’, with a view to rebalancing ‘the input and negotiating power of all interested parties’ (Smith and Waterton, 2009: 153-171).

Some commentators have advocated fine-tuning

heritagisation procedures to make them more ‘participatory’ and respectful of the rights of others. Alberto Frigerio and Elvira Khakimova, for example, have suggested a system where local communities would be encouraged to propose selected pieces to be inserted in national lists of outstanding street artworks, by requiring a minimum amount of signatures. They also recommend local councils assess the conformity of the recommended art with pre-identified parameters (Frigerio and Khakimova, 2013). For instance, they should not carry any discriminatory or offensive messages or be dangerous for the public or the surrounding environment, and any artworks incorporated into private properties would require the consent of the building’s owner. These are sensible requirements and should be coupled with a consideration of the main precondition for listing a street and graffiti artwork: its artistic merit. People who have extensive knowledge and understanding of these artistic movements, be they artists, agents or curators, should be involved when making the final decision. Leaving the final say to assessors who are experts in traditional fine arts with no awareness of the creative processes and outputs of the street and graffiti art communities would be a mistake, as it may increase the risk of an underestimation of the value of the art and its consequential destruction.

As mentioned, *in situ* preservation projects make more sense for street artworks that are commissioned or authorised. Take the mural entitled ‘Tuttomondo’ commissioned to, and painted by, Keith Haring in June 1989 in the Tuscan town of Pisa. It has been restored and preserved via perspex sheets with the support of the local municipality, and in 2013 was also listed by the Italian Ministry of Culture as an ‘artistic-historical product of particular importance’.<sup>15</sup> The protective glasses are minimal, being just 2.20 metres high (while the entire mural’s height doesn’t exceed 10 metres), and aren’t too close to the painting so that it can breathe. Glasses thus don’t spoil the view people have of the mural. Also, and perhaps more importantly, straight after painting the mural, Keith Haring himself agreed with possible conservation plans (the artist would die just a few months after) and even expressed his desire for the mural to last for many years and stressed the need to repaint it should the need to preserve it arise (Dickens et al., 2016).

*In situ* preservation plans may not work for street artworks that are created illegally, though. When it comes to such works, I share the concerns of the commentators that stress the participatory nature of street art and the inadequacy of conservation projects: works produced illegally may indeed attract more ‘dialogue’ than commissioned or authorised pieces do, with fellow artists being more prone to leave their sign close to or upon the unauthorised work. As *ex situ* conservation is even less acceptable for the reasons highlighted above (especially if the art is site-specific and the relocation limits the free enjoyment of the detached piece), the main tool to conserve illegal street art appears to be photographic documentation.

Of course, there have been attempts to protect *in situ* illegally produced street artworks. An example is the artwork by French artist Blek Le Rat entitled ‘Woman with Child’, stencilled in 1991 in the German town of Leipzig, which is now on Saxony’s state list of historical monuments, and is protected by glass.<sup>16</sup> The artist seemed even delighted by this move, as the piece is important to him. He had indeed painted it for a beloved woman – Sibylle – who would actually later become his wife. The investor and the town authorities also spent €9,000 Euros to preserve the mural, and even sightseeing buses stop by it and let people admire the piece.<sup>17</sup> Although the preservation has been approved

by the artist and the property owner and – it seems – supported by the local community, it cannot be denied that the artwork looks less authentic than it was before. While someone may accept such loss of authenticity for the sake of preserving the art for posterity, street art 'purists' would understandably stress that such interventions run against the very essence of this form of art. It's also for these reasons that – I believe – *in situ* preservation of street art should be limited to exceptional cases.

## CONCLUSION

The decision as to whether street and graffiti art should be preserved raises delicate issues. One of these is how to keep the message delivered by the 'conserved' artwork as authentic as possible, especially taking into account the original intention of the artist. We have seen that preserving a piece, either *in situ* with protective glass or *ex situ* (for example, via a surgical removal of the mural from the wall), or even through photographs, has always a negative impact on its authenticity (albeit, with different degrees of intensity). I recognise and accept that these options often are not optimal solutions. As mentioned, a decision to conserve *in situ* an artwork placed in the street should be made only in exceptional circumstances, particularly where the art is of value to the local community which hosts it and should obviously also take into account the artists' wishes and the interests of owners of the property upon which the work is placed. Where this path cannot be pursued, the only acceptable option remains well-executed photographs and their dissemination in relevant circles.

- 1 See also Ed Bartlett, *Street Art* (Lonely Planet 2017: 150) reporting the opinion of the Portuguese artist Vhils: 'The context of the environment is vital, as the work needs to communicate and co-create a story with the existing history of a place. I don't want to make works that 'take over' an area, but rather are a part of the fabric of that space'.
- 2 Photographic documentation is relevant to muralism as well (Cockcroft, Weber, Cockcroft 1997).
- 3 See Dr Sabina Andron '100 Days of Leake Street' <<https://sabinaandron.com/leake-street>>
- 4 Cohen v. G and M Realty L.P., Case No. 13-CV-5612 (FB) (JMA) (EDNY 2013).
- 5 Cohen et al. v G&M REALTY L.P. et al., Case No. 13-CV-05612(FB) (RLM), decision of 12 February 2018.
- 6 An exhibition of pictures of 'old school' graffiti was organised in New York in November 2016 at the Eric Firestone Gallery <[https://www.ericfirestonegallery.com/exhibitions/henrychalfant\\_1980](https://www.ericfirestonegallery.com/exhibitions/henrychalfant_1980)>. Henry Chalfant is an American photographer and videographer well-known for his work on graffiti and hip-hop culture. His pictures are in the collection of several prestigious museums.
- 7 In English '1984 – Evolution and Regeneration of Graffiti Writing'.
- 8 Interview with Pietro Rivasi, curator of the exhibition (September 2017).
- 9 Baldini also stresses that graffiti 'need not change to enter the 'temples' of contemporary art: they are those institutions that need to change to make room' (Baldini, 2018).
- 10 In the interview with Pietro Rivasi, the latter added that graffiti writers themselves consider pictures as alternative to the original pieces, and that therefore showing pictures of graffiti in a museum or gallery matches writers' practice of showing and disseminating their artistic outputs within the subculture.
- 11 See the interview with Christian Omodeo, co-organiser of the above mentioned 'Street Art: Banksy and Co: L'Arte allo Stato Urbano' exhibition in Bologna, by graffiti and street art aficionado Good Guy Boris, available on <https://www.youtube.com/watch?v=YF0dblcAop8>
- 12 Yet, the ability to continue the 'conversation in the street' is not totally affected by glasses or other barriers. Other artists and taggers could still leave their sign or mark close to the artwork, and in particular in areas of the same wall which are not protected.
- 13 That is, converting the street into a type of museum (and thereby, by implication robbing it of its true street integrity). That *in situ* preservation carries the risk of 'musealising the street' is a point made by art historian Christian Omodeo in a conversation the author had with him in London in March 2018 during the Art on the Streets – Art as Intervention conference at the Institute of Contemporary Art.
- 14 It has been argued for example that low-quality perspex glasses do not let the wall breathe, which may damage the painting.
- 15 Decreto 335/2013. The mural was inserted in the list of 'beni tutelati'.
- 16 Jan Schilling, *Preserving art that was never meant to last*, (May 7, 2012) <<http://www.dw.com/en/preserving-art-that-was-never-meant-to-last/a-15933463>>
- 17 See the webpage at <https://artsation.com/en/journal/editorial/blek-le-rat-in-leipzig>, 15 April 2013.

Enrico Bonadio is Senior Lecturer in Law at City, University of London, where he teaches various modules on intellectual property (IP) law. He holds law degrees from the University of Florence (PhD) and the University of Pisa (LLB), and regularly lectures, publishes and advises in the field of intellectual property law. His research and teaching interests led him to give talks and lectures in more than 60 universities and research centres across the five continents. His current research agenda focuses on the intersection between visual arts – particularly street art and graffiti – and copyright (amongst other topics). He is currently editing a book entitled *The Cambridge Handbook of Copyright in Street Art and Graffiti* (Cambridge University Press, forthcoming 2019); he also recently edited a book entitled *Non-Conventional Copyright – How Far Copyright Boundaries Can Be Stretched?* with Nicola Lucchi (Edward Elgar, October 2018). Enrico has been a Visiting Scholar at Melbourne Law School (University of Melbourne, 2013), City University New York (CUNY Law School, 2016) and University of Tel Aviv (2018 and 2019). He is a Solicitor qualified to practise in England and Wales as well as in Italy. He practiced as an IP lawyer for several years, and frequently appears in the media as an IP expert. His research has been covered by CNN, Wall Street Journal, BBC, Washington Post, Independent and The Conversation, amongst other media outlets.

## References

- Baldini, A. (2018) *Dangerous Liaisons: Graffiti in da Museum* in Rivasi P., 'Un(Authorized)//Commissioned', Un(Authorized)//Commissioned (2018) Whole Train Press.
- Blanché, U. (2014) *Street Art and Related Terms – Discussion and working definition*, in Pedro Soares Neves – Daniela V. de Freitas Simões (eds.), *Lisbon Street Art and Urban Creativity: 2014 International Conference*.
- Blanché, U. (2018) *Street Art and Photography: Documentation, Representation, Interpretation*, NUART Journal (11).
- Chatzidakis, M. (2016) *Street Art Conservation in Athens: Critical Conservation in a Time of Crisis*, *Studies in Conservation* 6.
- Cockcroft, E. S., Weber, J., Cockcroft, J. D. (1997) *Towards a people's art: the contemporary mural movement* (Dutton Publisher).
- De La Torre, M. (2014) *Values in Heritage Conservation: A Project of The Getty Conservation Institute*, *The Journal of Preservation Technology*, Vol. 45, No. 2/3.
- Dickens, J., Rava, A., Colombini, M. P., Picollo, M., Shank, W. (2016), *Keith Haring in Pisa and Melbourne: Controversy and conservation*, *Studies in Conservation*, Volume 61.
- Dutton, D. (2003) *Authenticity in Art*, in Levinson J., *The Oxford Handbook of Aesthetics*, Oxford University Press.
- Frigerio, A. – Khakimova, E. (2013) *Shaping the Street Art Legal Framework: The Clash between Private and Public Interests in the Banksy 'Slave Labour' Case*, *Aedon – Rivista di Arti e Diritto On-Line*, No 2.
- Garcia, R.L.A. (2017) *When documenting doesn't cut it: Opportunities and alternatives to intangible conservation*, in *Street Art and Urban Creativity Scientific Journal – Intangible Heritage*, Vol. 3/1.
- Hansen, S. (2015a) *This is not a Banksy!': Street Art as Aesthetic Protest*, *Journal of Media and Cultural Studies*.
- Hansen, S. (2015b) *Longitudinal photo-documentation: recording living walls*, *Journal of Street Art & Urban Creativity*, vol. 1, no. 1.
- Hansen, S. (2017) *The Right to Write the City: Breaking the Law of Untouchability*, *Nuart Journal*.
- MacDowall, L. (2006) *In Praise of 70K: Cultural Heritage and Graffiti Style* (2016) *Journal of Media & Cultural Studies* 20(4).
- Merrill, S (2015) *Keeping it real? Subcultural graffiti, street art, heritage and authenticity*, *International Journal of Heritage Studies*.
- Minty, Z. (2006) *Post-Apartheid Public Art in Cape Town: Symbolic Reparations and Public Space*, *Urban Studies*, 43.
- Mulcahy, L., Flessas, T. (2016), *Limiting law: art in the street and street in the art*, *Law Culture and the Humanities*
- Nogueira, Alves A. (2017) *Why can't our wall paintings last forever? – The creation of identity symbols of street art*, *Street Art and Urban Creativity Scientific Journal*, *Intangible Heritage*, 3/1.
- Nomeikaite, L. (2017) *Street Art as Heritage: Right to the City?*, *Nuart Festival Website*.
- Phillips, D (1997) *Exhibiting Authenticity*, Manchester University Press.
- Smith, L. (2006) *Uses of heritage*, London: Routledge.
- Smith, L. and Waterton, E. (2009) *"Constrained by commonsense: the authorised heritage discourse in contemporary debates"*, in *The Oxford handbook of public archaeology*, Edited by: Carman, J., Skeates, R. and McDavid, C. Oxford: Oxford University Press.
- Young, A. (2013), *Street Art, Public City: Law, Crime and the Urban Imagination* London: Routledge.
- Young, A. (2016) *Street Art World* London: Reaktions.