

Who does a wall painting on a street belong to?

Text 1

Sale of 'stolen' Banksy mural cancelled at 11th hour

Auction in US halted after Haringey residents campaigned for artwork to be returned to shop it was removed from

by Richard Luscombe, *The Guardian*, Saturday 23 February 2013

<https://www.theguardian.com/artanddesign/2013/feb/23/banksy-missing-mural-auction-stopped>

The controversial auction of a Banksy mural that disappeared from the wall of a north London shop in mysterious circumstances was dramatically halted on Saturday just moments before it was due to go under the hammer.

Slave Labour, a spray-painted artwork depicting a child making union flag bunting and seen as a critical social commentary on last year's diamond jubilee, was expected to sell for about \$700,000 (£460,000) in a sale of street and contemporary art in Florida. But auctioneer Frederic Thut, the owner of the Fine Arts Auction Miami art house, who had refused all week to divulge the identity of the seller or how it came to be listed for sale through his gallery, announced that the piece, along with a second work by the secretive British street artist, had been withdrawn.

He would not give a reason, but community leaders in Haringey, who led a vocal campaign to stop the sale of the artwork that was prised from the wall of a Poundland in Wood Green 10 days ago, were jubilant. "One of our two demands was that it doesn't sell and the other was that we get it back again, so we're halfway there," said Alan Strickland, a Haringey councillor. "I will be writing to the auction house as a matter of urgency to clarify what happened and what will happen next, but for now we are really pleased that because of the pressure and the strong views of the people of Wood Green, a community campaign in London has had an impact in the US. It's a real victory for the people." Claire Kober, the leader of Haringey council, wrote to Arts Council England and the mayor of Miami, Tomas Regalado, to ask them to intervene to stop the sale but it appears the decision to withdraw the item came from the gallery owners in consultation with their lawyers. The FBI refused to confirm reports they were asked to investigate.

Several hours after the conclusion of the auction, the auction house issued a brief statement claiming it had persuaded the owners of the two Banksys to pull them from the sale. "Although there are no legal issues whatsoever regarding the sale of lots six and seven by Banksy, FAAM convinced its consignors to withdraw these lots from the auction and take back the power of authority of these works."

About 30 potential buyers attended the sale of 106 lots listed in the catalogue for the modern, contemporary and street art sale in Miami's trendy Wynwood neighbourhood. The three-hour auction continued with other early lots selling in excess of their asking prices. Critics have accused the auction house of dealing in stolen property but Thut insisted earlier in the week that the consignor, who he described as a "well-known collector", was the rightful owner and that the sale was legal. He added that his gallery had been inundated with emails and phone calls from the UK, saying that many of them were abusive or offensive, but said he supported the inclusion of the pieces in the sale because it would preserve them.

The second Banksy due to be auctioned, a 2007 artwork entitled *Wet Dog* that was removed from a Bethlehem wall and is estimated to be worth up to \$800,000, disappeared from the auction house's online catalogue at lunchtime on Saturday, but *Slave Labour* was still listed for sale right up to the 3pm start time. Thut said the two pieces, supplied to him by separate owners, neither of them British, were important works in the street art scene and deserved buyers "whose first interest is in art and its preservation". He said he would maintain the privacy of the collector who put it up for sale. "We respect our clients and their confidentiality. It's not our decision to have [the Banksy] returned. We only sell it. We do not have control of it."

A spokesperson for Poundland said it had no idea who removed the 4ft x 5ft slab from the side of its shop it rents in Turnpike Lane. Lawyers for the owner of the building, a company called Wood Green Investments Ltd, have refused to confirm if it had anything to do with the episode.

Banksy himself has not commented on the *Slave Labour* furore, but has previously condemned those who have tried to sell his artwork, speaking out before the proposed sale of five of his pieces at a 2011 auction in New York. None found a buyer.

Stephan Keszler, the dealer behind that auction, believes selling Banksy's works without his permission is legitimate. "He does something on other people's property without asking. The owner of the property can do whatever they want with it," Keszler said.

Text 2

Disputed Banksy Work Brings \$1.1 Million at Auction

by Allan Kozinn, Arts Beat blog, *The New York Times*, June 3rd 2013

<https://artsbeat.blogs.nytimes.com/2013/06/03/disputed-banksy-work-brings-1-1-million-at-auction/>

In the latest and perhaps final installment of one of the art world's most amusing controversies of 2013, "Slave Labor (Bunting Boy)," the satirical work stenciled by the graffiti artist Banksy a wall in North London, was sold at a private auction held by the London-based Sincura Group— which describes itself as "concierge specialists who pride themselves on obtaining the unobtainable" — on Sunday for what the BBC reported was more than £750,000, or about \$1.1 million.

The work, in which Banksy depicted a young boy in black and white, sepia and grey, sewing red, white and blue bunting on an antique sewing machine, was taken as a tart comment on Queen Elizabeth II's Diamond Jubilee celebrations when it appeared on the wall of a discount shop in the Wood Green section of North London last May. Like many of Banksy's works, it was created in the dead of night, and quickly became a focus of interest.

That interest was rekindled in February when the mural vanished, resurfacing in Miami as part of an auction of contemporary works. The auction house, Fine Art Auctions Miami, expected it to fetch between \$500,000 to \$700,000. That led the Haringey Council, which represents the district where Banksy created the piece, to undertake an international campaign to have the work returned, and though the Miami auctioneers backed down, "Slave Labor" did not find its way back to Haringey.

Instead, the Sincura Group announced last month that it would sell the piece, along with works by Damien Hirst and Andy Warhol, at an auction at the London Film Museum, in Covent Garden. Not surprisingly, the Haringey Council and others — including Lynn Featherstone, a member of Parliament who represents Wood Green — took up the cause again.

Their protests, at least, yielded some clarifications. The sellers, Bloomberg reported, were Robert Alan Davis and Leslie Steven Gilbert, the proprietors of Wood Green Investments, which owns the building on which the work appeared. Because a piece of graffiti becomes the property of the owners of the wall on which it is drawn, Mr. Davis and Mr. Gilbert were free to dispose of it as they saw fit — which explains the contention by both Fine Art Auctions Miami and the Sincura Group that they had no problem with the work's provenance.

"It should be noted," Sincura said in a statement "that both Scotland Yard and the FBI have issued statements that there is no evidence of criminality involved in the removal of this illegally painted mural and therefore no case to answer."

Sincura also presented both the show in which it displayed the Banksy work, and the auction that followed, as a public service, of sorts, arguing that its goal was to find a British buyer for the piece, which would otherwise become "an integral part of an important private collection of Banksy street works" in the United States.

The buyer of the work, and its eventual destination, were not revealed on Sunday.

Videos

Banksy auction: London's anger over missing artwork - BBC News – 22 Feb. 2013

<http://www.bbc.com/news/av/entertainment-arts-21543487/banksy-auction-london-s-anger-over-missing-artwork>

Taken Banksy is removed from sale – BBC News – 24 Feb. 2013

<http://www.bbc.com/news/av/entertainment-arts-21562042/taken-banksy-is-withdrawn-from-sale>

Should ‘missing’ Banksy work be sold? – BBC News – 16 May 2013

<http://www.bbc.com/news/av/entertainment-arts-22550631/should-missing-banksy-work-be-sold>

Banksy auction ‘chance to stay in UK’ – BBC News – 2 June 2013

<http://www.bbc.com/news/av/entertainment-arts-22749345/banksy-s-slave-labour-mural-auctioned-in-london>

Banksy's Slave Labour mural auctioned in London - BBC News – 3 June 2013

www.bbc.co.uk/news/uk-england-london-22741911

For a more creative, artistic approach, illustrated with scores of works by Banksy, you can also watch TheMediaSpeaks’s ‘Banksy Mural Stolen, To Be Sold At US Auction’ on youtube:

<https://www.youtube.com/watch?v=TGRe3Cc0GNM>

Questions you could ask yourself to check you have understood the issues at stake:

- Which arguments did the inhabitants of Wood Green and the councillors from Haringey Council put forward when expressing their anger at the removal of the wall painting?
- Which arguments did the dealers put forward to justify the legality of the sale of the work by auction?
- Which arguments did the owners of the building on which the work was painted put forward to justify their removing it and offering it for sale?
- Who do you think a work of street art belongs to? The owners of the building that bears it? The artist who made it? The inhabitants of the neighbouring area? Everybody? Nobody?
- Do you think street artists who also paint works on canvas that they exhibit in commercial art galleries and sell to private collectors, like Speedy Graphito (represented by Galerie Polaris in Le Marais), or Shepard Fairey (one of whose paintings hangs on a wall of President Macron’s office in Palais de l’Élysée) are traitors to the cause, whose collusion with the art market encourages people to remove works of Street Art from the walls of our towns for mercantile purposes?
- Do you regard Street Art and graffiti as something that beautifies the sad, grey walls of our cities, or as an illegal activity? Do you view them as different practices, enjoying one and disapproving of the other, or do you approve of or reject both of them?

Hugues Lebailly