

Graffiti and Street Art: Creative Practices Amid “Corporatization” and “Corporate Appropriation”

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2.1 INTRODUCTION

In the late 1980s, my father worked as a crane operator in a large shipyard in Melbourne, Australia. He would leave work late in the evening, taking the train to our far-flung north-eastern suburb, where my mom and I would pick him up from the local station. As we sat in the car park, trains would pull up to the platform, oftentimes covered in graffiti. Occasionally, large, colorful works – what graffiti writers call panel pieces – would adorn the exterior of a train carriage. My father arrived at our local station before us on some nights. As he knew the subway employees, often referred to as “gumbies” due to the green uniform they wore back then, he would hang out with them inside the station house. This meant he was unaware we were there to pick him up and so it was my job to go down to the platform and alert him to our presence. I had to walk up a flight of stairs, pass through a passageway, and then proceed down the station’s ramp. Like many of the trains back then, the walls of the passageway were covered with graffiti.

I would have been eleven years old, but the graffiti never intimidated me. On the contrary, I remember being fascinated by it. Having somehow acquired a small, chisel-tip permanent marker, one night I decided to write a tag on the passageway wall as I went to get my father. It was a surreal, memorable experience. Although I got away with it, I suspected that I would be in trouble if I were caught. Almost thirty years later, and I am still an active graffiti writer, albeit one producing legal graffiti these days. The first twenty or so years of my graffiti career, however, were focused on tagging trains, painting subway tunnels, and the occasional panel piece. You had to make do with whatever materials were commercially available at the time: Leather dye served as ink; pieces had to be painted with the generic brands of spray paint found in hardware and paint stores.

This type of approach could easily be considered “standard practice” for much of graffiti-writing culture’s early history, and it was difficult to imagine that graffiti could be practiced in any other manner. Graffiti was clandestine, often produced under the cover of darkness or in secrecy. Over time, one may become inured to adrenaline, even develop an ability to compartmentalize the nervousness that comes with transgressing legal limits, but the sense that one is engaging in a risky activity never completely subsides. It is difficult to identify an exact date, and the experience of each individual graffiti writer may well be distinct, but this all changed at some point. Although still practiced in illegal ways, graffiti-writing culture has also come out of the shadows: writers now seek out legal ways to paint pieces, many transform graffiti-based skillsets

into financially rewarding forms of legitimate work, and they increasingly reject the notion that their interests and practices can simply be dismissed as deviant.

While the reinvention of graffiti remains an uneven process, it has been quite successful in many respects. Graffiti and street art are found in almost every city, attracting a large number of participants. Many cities now provide walls throughout their urban environment that graffiti writers and street artists are permitted to paint. Much of the public appreciate the work, and some have become heavily invested in documenting graffiti and street art. Gregory Snyder has demonstrated some of the ways in which graffiti and street art have opened up many viable career paths for practitioners.¹

Innovations in practice and new subcultural dynamics, however, have generated a range of novel dilemmas. This chapter introduces and draws attention to one such dilemma: the tensions that accompany being caught between corporatization and corporate appropriation. The possible market value of graffiti and street art have increasingly been recognized and exploited in recent years. While some graffiti writers and street artists have certainly been the beneficiaries of this process, it is also the case that graffiti and street art are often appropriated by corporate interests. In such instances, graffiti and street art may play a significant role in generating profit, but this does not guarantee that the initial creative producers will reap any financial rewards. This has led some graffiti writers and street artists to call on the law to protect their interests, a strategy that would have appeared unthinkable in the early days of graffiti-writing culture. To work our way towards a discussion of graffiti and street art’s commodification, and some of the issues entailed by this, it is useful to begin with a brief outline of the differences between the two practices and note how they have evolved over the last 25 years or so.

2.2 A BASIC PRIMER ON GRAFFITI AND STREET ART

Although the terms are often used interchangeably, graffiti and street art are not quite the same thing. At least two broad criteria can be used to set the practices apart. To risk opening on something of a speculative note, the first concerns the *social origins of practitioners*. It is often assumed that graffiti originates from those who are socially marginalized on the basis of class, race, and perhaps location within urban space. More specifically, the production of graffiti is often associated with racialized, working class, male youth. This is perhaps most evident in those accounts that trace the beginnings of graffiti to Philadelphia and the outer boroughs of New York City during the early 1970s.² While there is certainly much truth to such a view, it is important to note that graffiti-writing culture has always attracted practitioners from across class, race, and gendered hierarchies. The production of street art is often thought to have its origins in middle and/or upper-class regions of society, especially that faction of privileged classes who possess nuanced forms of cultural capital, such as familiarity with art worlds. Once again, however, it is important to note that the production of street art cannot be reduced to this segment of society insofar as, much like graffiti, it has attracted practitioners from many walks of life.

Despite the diverse array of actors that paint graffiti and street art, it would nevertheless appear to be the case that the two practices bear some relationship to broader forms of social hierarchy and organization. This seems apparent in the *aesthetic dimensions* of graffiti and street art, which

¹ Gregory Snyder, *Graffiti Lives: Beyond the Tag in New York’s Urban Underground* (New York University Press 2009).

² Ivor Miller, *Aerosol Kingdom: Subway Painters of New York City* (University Press of Mississippi 2002); J. Stewart, “Subway Graffiti: An Aesthetic Study of Graffiti on the Subway System of New York City, 1970–1978” (PhD dissertation, New York University 1989).

can be understood as a second criteria that sets the two apart. The aesthetics of graffiti and street art can be differentiated along several lines, but the focus here will be on form, medium, references and/or inspiration, and canons of taste.

In relation to the basic forms of graffiti and street art, it would not be unfair to assert that graffiti is typically name-based whereas street art is generally image based or pictorial. In cases where street art does involve the use of text, it often takes the form of a slogan, or some kind of message that has an obvious political tone. The name-based nature of graffiti writing is evident across tags, throw-ups, and pieces, which constitute its three primary modes of individual expression. A tag is essentially a graffiti writer's moniker, usually written within seconds and often adopting the same form or style. Within graffiti writing, a throw-up refers to large, simplified, often bubble-like letters that are filled in with one color and subsequently outlined with a second color. An experienced graffiti writer will produce a throw-up in several minutes and, like the tag, it will often take the same basic form across a graffiti writer's career. The piece refers to more elaborate, and often very colorful, representations of a graffiti writer's name. Pieces may take anywhere from thirty minutes to several days depending on scale and complexity. It is here that graffiti writers will display their virtuosity and are highly likely to continually innovate on the design of the name as they progress through their graffiti writing careers.

Graffiti is generally produced with spray paint or markers and ink. While street art also incorporates spray paint and markers, it is notable for its use of stencils, wheat paste, stickers, chalk drawings, and so on. In fact, street art seems to know no limits when it comes to tools of production. On occasion, street artists have been known for the unauthorized public installation of sculptures. The means utilized to produce street art often allow for the creation of detailed drawings or images in a private space, which are then placed in the public square with relative speed and ease. Graffiti may certainly involve pre-planning in private spaces, but this will usually entail developing sketches of paintings to be produced in public. Given the diversity of mediums that street artists use, it is not surprising to find a greater range of aesthetic styles and forms within street art relative to graffiti.

Another way in which graffiti and street art can be differentiated is in terms of their cultural reference points or sources of inspiration. Throughout the 1970s and 1980s, when graffiti was rapidly developing on the sides of New York City subway trains, one could readily discern an indebtedness to popular culture. For example, letter styles often resembled the fonts and vivid use of color found in comic books and advertising; graffiti writers often incorporated well-known cartoon imagery, such as Donald Duck, Mickey Mouse, and the Smurfs. The work of Vaughn Bode, an underground comic book author, was frequently appropriated by graffiti writers to draw greater attention to their names.³ This gave graffiti writing a playful feel, almost as if it were a form of popular entertainment. Against this, street art seems to draw much of its inspiration from art worlds and their associated conventions. This is evident insofar as street art often acts as a commentary on contemporary political issues and debates, or is premised upon a quest for some deeper, philosophical meaning. The work of Banksy, for example, is certainly playful and witty, but it also engages with geopolitical struggles, authoritarianism, and power inequalities.⁴

Finally, distinctions can also be drawn between graffiti and street art on the basis of their canons of taste or modes of evaluation. Amongst graffiti-writing subcultures, precision, technical ability, letter complexity, and cleanliness are typically held in high esteem. One might even go so far as to say that there is a fetish for sophisticated illustration and photo-realism. Importantly,

³ Martha Cooper and Henry Chalfant, *Subway Art* (Thames and Hudson 1984).

⁴ Banksy, *Wall and Piece* (Century 2005).

the skill required to paint freehand is of premium importance within graffiti writing cultures. Stencils, masking tape, chalk, and other related assistive devices are frowned upon, often construed as “cheating.” One does not readily find such evaluation criteria within street art communities. Instead, the emphasis seems to be placed on expressivity and what it is that works communicate substantively to their audiences. What motivates the street artist? What is the message? How is it relevant? How well conveyed is the meaning of a work of street art? Does it evoke strong reactions and feelings in the viewer?

While one can attempt to draw conceptual distinctions between graffiti and street art, this is certainly not to claim that there is no relationship between the two creative practices. In fact, the history of graffiti and street art suggests that their relationship is better characterized as one of mutual influence. It is well beyond the scope of this chapter to provide a comprehensive analysis of how graffiti and street art have become interrelated practices, but some broad historical trends are worth noting.

As Allan Schwartzman has noted, New York City subway graffiti of the 1970s and early 1980s inspired a new wave of interest in public art amongst traditionally trained artists, such as Keith Haring and Jenny Holzer.⁵ The presence of graffiti suggested that the line separating the art gallery from public space, a line that inhibits the widespread consumption of art, could be transgressed. By the late 1990s, with the Internet becoming a routine aspect of everyday life, street art had slowly become much more understood by the public, if not more accepted. Street art enthusiasts had created websites, such as Wooster Collective, founded in 2001, which exposed the work of street artists, thereby making it familiar to portions of the public. Interest in street art was, in all likelihood, enhanced insofar as it utilizes aesthetic conventions with which much of the general public are conversant.

By the mid-2000s, figures such as Banksy had become household names, and city councils often sought to preserve or protect works of street art that, although produced without permission, had become venerated.⁶ While some commentators, especially graffiti writers, were quick to point out the oddity of preserving “street art” while continuing to erase “graffiti,” it would not be unreasonable to posit that the growing recognition of street art has facilitated greater acceptance of graffiti as part of the urban environment. One can now find many coffee-table-type books about graffiti, not to mention Instagram accounts that have large followings due to their sole focus on documenting graffiti. Many major cities throughout the world have created legal walls where graffiti writers and street artists are free to produce work. Furthermore, it is not uncommon these days to find individual graffiti writers and street artists that have large online followings, which may range anywhere from 50,000 to well over 500,000 followers.

2.3 THE CHANGING NATURE OF GRAFFITI AND STREET ART

Aside from the growing acceptance of graffiti and street art amongst the public, these creative practices have undergone other significant changes over the years, transforming them into complex, multifaceted subcultures. Although graffiti and street art are often produced without permission, both forms have increasingly come to be practiced in legal ways since the mid-1990s. In the case of graffiti, the turn to legal avenues of expression tends to emerge when state authorities clamp down on illegal graffiti and as graffiti practitioners age.⁷ Some writers focus solely on

⁵ Allan Schwartzman, *Street Art* (Dial Press 1985).

⁶ Jane Preston, *Graffiti War* (Channel 4, Movie/documentary, 2011).

⁷ Ronald Kramer, “A Social History of Graffiti Writing in New York City, 1990–2005” (PhD dissertation, Yale University 2009).

illegal or legal graffiti, others play both sides of the fence, so to speak, and others drift back and forth over the border that separates legal from illegal practice.⁸

With the rise of legal graffiti and street art, the aesthetic sophistication and visual punch of both forms have rapidly developed. When given more time and better lighting conditions in which to produce works, pieces can become incredibly intricate, greater in scale, co-produced with multiple artists, and so on. Without the threat of arrest, graffiti writers and street artists have also been afforded more opportunities to be experimental in their work, constantly trying out new ideas and seeking out new styles or thematic content to explore. Practitioners often drift across aesthetic styles to the point where it becomes next to impossible to say whether they are a graffiti writer, street artist, both, neither, or something else altogether. For example, is someone like Revs, who is known for his graffiti writing but also for writing diary pages in subway tunnels and the unauthorized installation of sculptures throughout New York, a graffiti writer or street artist?

It would be difficult to deny that the growth of what one might call the “graffiti industry” has been indispensable to the aesthetic development of graffiti and street art. During the early and mid-1990s, a range of paint companies began to emerge producing aerosol cans specifically designed to meet the needs of graffiti writers and street artists. Artists can now choose between aerosol cans made by Spanish Montana, German Montana, Belton, Ironlak, Loop, Clash, Kobra, and NBQ, to name a few contemporary brands. The graffiti industry has been important due to rapidly expanding the range of colors available in aerosol paints and improving spray-can technology. Unlike spray paint available prior to the 1990s, contemporary aerosol cans are noteworthy for their consistency and pressure. Alongside better cans and expansive color ranges, there is a massive market for caps that, when pressed, dispense paint from cans. Caps allow for variations in spray widths and patterns, with currently available caps making it possible to paint lines anywhere from one-eighth of an inch to twelve inches wide.⁹

As artists drift across styles, and as new technologies facilitate aesthetic innovation, it can become difficult to classify individual producers as graffiti writers or street artists in a reductionist manner. It would appear to be the case, however, that as these aesthetic forms increasingly saturate public life they are being organized and perceived in hierarchical ways. This is especially so as city officials or civic groups embark upon commissioning artists to produce works in specific sites, or become involved in organizing graffiti/street art festivals. In such contexts, it would seem as though street art, especially insofar as it is heavily indebted to easily digestible imagery, is regarded with a much higher degree of reverence and awe.

The hierarchical organization of street art and graffiti has not passed unnoticed by some within the graffiti-writing community. This is perhaps most evident amongst that portion of graffiti writers who have made something of a name for themselves by crossing out prominent works of street art.

In Melbourne, Australia, for example, Shake has become somewhat notorious for painting throw-ups and tags over intricately painted pieces by well-known street artists (see Figures 2.1 and 2.2). While this can stir controversy and debate amongst those following graffiti and street art, the point would appear to be quite political: who gets to decide what is of aesthetic value?

⁸ Laura MacDiarmid and Steven Downing, “A Rough Aging Out: Graffiti Writers and Subcultural Drift” (2012) 7(2) *International Journal of Criminal Justice Sciences* 605–17; Jannes van Loon, “‘Just Writing Your Name?’ An Analysis of the Spatial Behaviour of Graffiti Writers in Amsterdam” (2014) 3 *Belgeo* 1–17.

⁹ Ronald Kramer. “Painting with Permission: Legal Graffiti in New York City” (2010) 11(2) *Ethnography* 235–53.



FIGURE 2.1 Tag by Shake. Picture by Montstargam

The tag and throw-up may be less understood by the public, but can the creativity that goes into their production be so readily dismissed on such a basis?

2.4 THE VALUE OF GRAFFITI AND STREET ART

Given the major developments within graffiti and street art, and the growing public recognition of such creative practices, it is not surprising to discover their intensified entanglement with corporate worlds and processes of commodification. In some respects, graffiti has always been a commodity, or at least subject to commodification. It accrues market value when used



FIGURE 2.2 Piece by Shake. Picture by Montstargam

in graphic design contexts, refashioned to produce advertisements or large billboards, treated as subject matter for museum exhibitions, transferred to canvas for display and sale within art galleries, and reproduced as magazine/DVD content. Furthermore, graffiti and street art are entering a period where they are being recognized as intellectual, creative products with significant cultural value.

At the level of everyday life, there are many graffiti writers and street artists who have sought to turn their creative skills into business enterprises, especially in terms of working as artists for hire. Such figures may produce commercial advertisements, but are also likely to work on commissioned portraits or pieces for individuals, memorial walls, interior design elements for small businesses, and, among many other possibilities, logo design.

According to some accounts, becoming a self-employed artist is not an easy road to travel.¹⁰ Nevertheless, there are quite a few examples of graffiti writers pulling in relatively large sums of money through the sale of graffiti-related skillsets. In New York, for example, TATS Cru is well-known for securing profitable contracts with large companies to paint outdoor advertisements.¹¹ In 2005, Copez became the subject of public controversy when *Time Magazine* paid him 20,000USD to paint a large banner that would serve as an advertisement and the cover for an issue of the magazine. The large payment irritated anti-graffiti crusaders, who deemed it inappropriate of *Time* to reward someone for graffiti writing.¹² On the other side of the globe, world-renowned Auckland graffiti writer Berst was hired by Pump, a bottled water brand available in New Zealand and Australia, to produce three designs for a marketing campaign in 2017. The company reproduced Berst’s designs on over one million bottles of water. They also filmed him creating a large mural and used portions of the footage in online video promotion of the product. Berst was paid somewhere between 5,000 and 10,000NZD for his creative services.¹³

In terms of graffiti and street art being recognized for their cultural value, the recent case of 5Pointz is illustrative, as covered by Enrico Bonadio in this volume.¹⁴ Managed by graffiti artist Meres, 5Pointz was a building located in Queens, NY that afforded artists legal walls on which to produce murals. When the owner of the building, Jerry Wolkoff, decided to redevelop the site in 2013 he sought to evict 5Pointz from the building. This triggered a series of legal cases, with 5Pointz bringing a case based on the Visual Artists Rights Act (VARA), which essentially protects the moral rights of artists, allowing them to preserve the integrity of created works. In accordance with VARA, if the property owner provides notice, but the artist either fails to remove the work or to pay for its removal within 90 days of receiving notice, the said owner cannot be liable for any infringement of the integrity right if such removal takes place.

The building’s owner, however, failed to give the 5Pointz artists the proper 90-day notice and whitewashed a large volume of the exterior walls, thereby destroying many paintings. The whitewashing of 5Pointz was reported in the mainstream press and received significant social media attention throughout the world.¹⁵ The whitewashing generated a further civil case based on the destruction or mutilation of the paintings. In 2018, the Federal District Court in Brooklyn reached a decision in favor of 5Pointz, essentially acknowledging that the building’s owner had violated a federal law and awarding 6.7 million USD in damages.¹⁶

As with the initial whitewashing, the 2017 and 2018 decisions made international news headlines. A *New York Times* headline read, “Brooklyn Jury Finds 5Pointz Developer Illegally Destroyed Graffiti”;¹⁷ the *Daily Mail* also reported the story under the headline “NY Jury Says

¹⁰ Ronald Kramer, *The Rise of Legal Graffiti Writing in New York and Beyond* (Palgrave Macmillan 2017).

¹¹ Tony Marciano, “TATS Cru Wins Coca-Cola Account,” *New York Times* (New York, April 16, 1995) Section 13, 4.

¹² J. Mooney, “Time Magazine Gets Down with it,” *New York Times* (New York, June 26, 2005) Section 14, 5.

¹³ Author’s communication with Berst.

¹⁴ See Chapter 7 in this volume.

¹⁵ Cara Buckley and Marc Santora, “Night Falls, and 5Pointz, A Graffiti Mecca, Is Whited Out in Queens,” *New York Times* (New York, November 19, 2013) www.nytimes.com/2013/11/20/nyregion/5pointz-a-graffiti-mecca-in-queens-is-wiped-clean-overnight.html accessed November 29, 2017.

¹⁶ See E. Bonadio, “How 21 Artists Graffitied One Man’s Property, Made It Famous, Sued Him When he Knocked It Down and Won \$6.7m” (*The Conversation*, February 17, 2018) <http://theconversation.com/how-21-artists-graffitied-one-mans-property-made-it-famous-sued-him-when-he-knocked-it-down-and-won-6-7m-91933> accessed February 20, 2018.

¹⁷ Alan Feuer, “Brooklyn Jury Finds 5Pointz Developer Illegally Destroyed Graffiti,” *New York Times* (New York, November 7, 2017) www.nytimes.com/2017/11/07/nyregion/5pointz-graffiti-jury.html accessed November 16, 2017.

Developer Illegally Destroyed Graffiti”.¹⁸ I cite these headlines because their syntactic structure includes the phrase *illegally destroyed graffiti*. Some readers may gloss over these headlines, but such a combination of words is quite remarkable.

Graffiti is often understood as a form of damage to property, and thus an illegal practice. Indeed, it would not be inaccurate to say that throughout the 1980s, and even into the present, there remains a dominant discourse on graffiti in which it is framed as destructive not only of property, but also of urban vitality.¹⁹ And yet, here we see a reframing in which graffiti is posited as the object of value that is subject to illegal destruction. Such headlines would be more or less impossible in an era in which graffiti was simply understood as something devoid of artistic merit or cultural significance. That such headlines can be written, and can be meaningful to their audiences, suggests that graffiti and street art have certainly come a long way from their origins as criminalized practices. As the aesthetics of graffiti and street art permeate our social and cultural fabrics, and operate amid complex legal categories and statutes, their meaning has come to escape any single, encompassing narrative. It may not be a dominant position, but the perception that graffiti and street art are valuable practices would appear to be gaining greater traction.

The ability to commodify graffiti and street art is met with mixed reactions among writers, artists, and academics. For some, commercialization raises issues around “authenticity.” Quite a few graffiti writers have lamented any dissolution of the borders that separate graffiti and street art from their sanctioned, commercial use, often asserting that “real” graffiti exists in the streets or on subway trains. The notion that street art is, by definition, illegal has been echoed in some academic accounts. Peter Bengtsen, for example, suggests that street art ought to be recognized as that which is found, without being sanctioned, in the streets. To put a piece of street art in a gallery is not necessarily problematic, but such an object no longer amounts to being street art.²⁰

Against such views, however, many practitioners of graffiti and street art do not necessarily see commodification as a problem. To be sure, this position is typically adopted on the provision that they are acknowledged and financially rewarded for their creative outputs. During the course of conducting ethnographic fieldwork in New York City, many of the graffiti writers I spoke with made this point abundantly clear. As Nic One and Sonic, both of whom have been involved in graffiti-writing culture for over thirty years, put it:

I think it's a great thing when we can get a piece of the action. I think it's a real good thing when we can get in and work with people outside the culture [of graffiti writing]. The problem is that it is the easiest art form to be reproduced without the artist getting anything. Outside entities come into our world, our culture, they look at what we do, then they'll go paying some other people top dollar and they cut us out. You'll see a lot of computer generated graphics that are graffiti based and inspired. And, if you are from the graffiti world, you'll say, “a graffiti writer had to have something to do with that.” Yeah, a graffiti did have something to do with that, but didn't necessarily create it for them.²¹

¹⁸ (AFP 2017) AFP. “NY Jury Says Developer Illegally Destroyed Graffiti.” *Daily Mail* (November 9, 2017) www.dailymail.co.uk/wires/afp/article-5063275/NY-jury-says-developer-illegally-destroyed-graffiti.html accessed November 16, 2017.

¹⁹ Ronald Kramer, “Moral Panics and Urban Growth Machines: Official Reactions to Graffiti in New York City, 1990–2005” (2010) 33(3) *Qualitative Sociology* 297–311; Ronald Kramer, “Political Elites, ‘Broken Windows,’ and the Commodification of Urban Space” (2012) 20(3) *Critical Criminology* 229–48.

²⁰ Peter Bengtsen, *The Street Art World* (Almendros de Granada Press 2014).

²¹ Author's interview with Nic One.

When it comes down to having real graffiti writers do these advertisements and getting paid good money for it, it’s all great. I’m happy to see graffiti writers make money for it. That “sell out” stuff, forget about that. Advertisements show that graffiti is a big part of America – a big part – and they use it to advertise their multi-million-dollar business and their products. But for someone who never painted a wall and never did graffiti, yet actually take the style and make money of it, there is a problem there. I don’t really dig that too much.²²

2.5 CORPORATE APPROPRIATIONS OF GRAFFITI AND STREET ART

In the quotes from Nic One and Sonic, a distinction is drawn between graffiti writers who voluntarily sell their creative capacities in commercial contexts and “outsiders” who, having appropriated the aesthetic features of graffiti, reap economic rewards. The former practice is regarded as unproblematic, but the latter is perceived as dubious. Both comments effectively articulate concerns with unfair appropriations of graffiti and, by extension, street art. Amongst graffiti writers and street artists, it would seem that unfair appropriations occur when individuals or corporate actors, who have not actively participated in graffiti or street art and therefore have no discernible connection to these cultural worlds, nevertheless take the aesthetic accomplishments of others and redeploy them for the sake of generating privatized profits.

However, drawing a distinction between inspiration, or a category such as fair use, and appropriation or theft of intellectual property is to enter murky territory. This is especially so when it comes to graffiti and street art, which are typically placed in the public environment and within very different national contexts. It is well beyond the scope of this chapter to develop a clear set of criteria that could be used to identify when the incorporation of graffiti or street art amounts to fair use rather than outright theft. Nevertheless, examples can be used to illustrate some of the complexities concerning appropriations of graffiti and street art in commercial contexts.

There are various ways in which graffiti and street art are utilized in a manner that approaches corporate appropriation. At one end of the spectrum, some corporations have used stencils to place images of a company logo or a particular product within public space. This is sometimes referred to as “guerrilla marketing,” or at least one manifestation of it. Such an example obviously demonstrates how corporate interests have appropriated the fundamental techniques of street art, but an additional layer of appropriation can be discerned here. It would seem that the goal of such marketing campaigns is to disconnect any given commodity from a production process dominated by corporate interests, as if a commodity had some form of grassroots origin. This is possible insofar as such guerrilla marketing also appropriates the meanings and everyday perceptions that are likely to surround street art. Most viewers would likely construe a discrete work of street art as an independent message or image. When a commodity is similarly represented, the power dynamics essential to its production are rendered invisible, and the object is framed as something emanating from within shared, popular culture. To be sure, it would be difficult to construe the use of stencils within a guerrilla marketing campaign as an unfair appropriation of intellectual creativity. Stencilling is, after all, a general technique rather than a particular piece of work or style that gets appropriated.

A more common way in which corporate interests appropriate graffiti and street art is through the use of graffiti-inspired fonts and lettering styles. The realm of advertising affords many noticeable examples of this, but there is also a range of more peculiar, somewhat ironic

²² Author’s interview with Sonic.

instances. Several academic books about graffiti and street art make use of a generic, graffiti-inspired look. The cover of Craig Castleman's classic work on graffiti, *Getting Up*, features what may be described as an abstract take on the letter "G" and the number "6." The "G" is blue, and the "6" is red, with the figures superimposed upon one another. Adding to the sense of abstraction, the figures are made to look as though created with spray paint, evidenced by blurry edges that mimic the overspray produced by aerosol cans.²³ To borrow from Nic One who was quoted above, it would appear that a "graffiti writer had to have something to do with that," but "didn't necessarily create it for them."

Graffiti-inspired fonts on academic books may not be all that surprising, but it is surreal to find them appropriated by anti-graffiti business interests. In Auckland, a city that invests quite heavily in graffiti removal, several private businesses have emerged to secure graffiti clean-up contracts. One such company is named "graffiti-guard." Appearing as though it were written with spray paint – the preferred tool of graffiti writers and street artists – this company name is emblazoned on the sides of their trucks. Further, the text is written in a strong shade of red set against a yellow backdrop. Not only is a graffiti-style font appropriated, but so too the intense color contrasts that are characteristic of much graffiti. The irony appears to be lost on the company: aesthetics associated with graffiti are utilized to create a recognizable company image, even though its profits are secured through the eradication of graffiti.

But is the use of such graffiti-inspired fonts in any way unfair or problematic? Most forms of creativity take inspiration from somewhere, and in these cases the fonts do not appear to simply replicate a readily identifiable artist's style. In some cases, generic-looking fonts have been produced by graphic designers with a background in graffiti.²⁴ Thus, while the use of such fonts may owe an obvious debt to graffiti-writing culture and street art, and while their use may deprive graffiti writers of economic opportunities, it would be difficult to establish that such uses are inherently problematic.

Approaching the other end of the spectrum, there are numerous examples of economically profitable appropriations of graffiti and street art that are not so easily construed as fair use. In such cases, the original source is readily discernible and its re-use appears to be less a matter of inspiration than one of outright copying. Figure 2.3 shows a large cushion for sale in what could be described as a boutique, upscale home furniture store.

For a cushion, the \$700 price tag is quite remarkable to say the least. More important in the present context, however, is its visual appearance. Anyone who is familiar with New York City's graffiti writing scene will instantly recognize the original source of the design: it reproduces a piece by SP One, a prolific graffiti writer with longstanding involvement in the subculture. The style is very distinct and it would be difficult for it to be mistaken for someone else's work. The creator of the cushion did not consult with SP One about reusing portions of the original piece, and the artist did not benefit economically from the production and sale of any cushions.²⁵

In a further example, and to continue the 5Pointz saga, rendering plans for new buildings that were to be constructed at the former legal graffiti site surfaced in early 2017. These renderings suggested that the new buildings would be called 5Pointz and would feature graffiti-inspired

²³ Craig Castleman, *Getting up: Subway Graffiti in New York* (MIT Press 1982).

²⁴ Rodrigo Pena Carvalho dos Anjos Craveiro, "The Influence of Graffiti Writing in Contemporary Typography" (2017) 3(2) *Street Art and Urban Creativity* 65–83.

²⁵ Author's informal conversation with SP One.



FIGURE 2.3 Graffiti pillow. Picture by Ronald Kramer

works. In one of the rendered images, the word “5Pointz” can be seen on a wall located behind a reception desk.²⁶ The design is remarkably similar to one that was produced by Bisc One and used on merchandise related to 5Pointz, such as T-shirts.

The appropriation in this case goes beyond taking the 5Pointz name and mimicking a particular design. Much like the guerrilla marketing example noted above, it would seem as though an attempt is being made to wrestle from graffiti writing and street art some of their deeper meanings. 5Pointz was located in a part of Queens, NY that was ripe for, and certainly in the grip of, gentrification: it was near major transport hubs and, much like Williamsburg in Brooklyn, a short train ride from midtown Manhattan. The building had become a recognizable feature of the urban environment, operating as an anchor for neighborhood identity. Appropriating 5Pointz had several important functions in the context of gentrification. While graffiti can be used to capitalize on notions of “urban grit,” “edginess,” “hip,” “cool,” and so

²⁶ The architectural renditions and image referred to can be seen at: Eileen Kinsella, “5Pointz Luxe Towers to Feature Graffiti Artworks, Taking Gentrification to Dizzying Levels,” *Artnet News* (May 30, 2017) <https://news.artnet.com/art-world/graffiti-mecca-5pointz-gentrified-974624> accessed November 20, 2017 (Bisc’s design not shown); see also Ameena Walker, “Long Island City’s 5 Pointz-replacing Rental Towers Reveal Interiors,” *Curbed* (New York, May 25, 2017) <https://ny.curbed.com/2017/5/25/15689938/long-island-city-5pointz-rental-buildings-interior-renderings> accessed November 20, 2017.

on, 5Pointz also offered an ideal way to suggest neighborhood continuity, as though nothing would be lost via the gentrification process. It does not seem unreasonable to conclude that the appropriation of 5Pointz accomplishes both objectives, and that this is why initial plans incorporate features from what is now a past life of the area, almost as if a promise of authenticity was being made.

2.6 RESISTING CORPORATE APPROPRIATION

Many of the above examples illustrate how graffiti and street art are appropriated by commercial interests, often in an exploitative manner. However, this does not necessarily mean that the process is met without resistance. There are various ways in which graffiti writers and street artists challenge problematic appropriations of their work and creativity. This often entails informal social media campaigns in which commercial players are morally sanctioned for what appear to be unscrupulous forms of appropriation or exploitation. Presumably, the purpose behind such campaigns is to change the everyday cultural frameworks in which the value of creativity is (mis) understood. It is also the case, albeit to a lesser extent perhaps, that some have started turning to more formalized, legal mechanisms to protect their work and how it is used.

The often-heard critique of “spec work” is perhaps the clearest demonstration of generalized, collective resistance directed against dubious commercial practices in which artists are exploited. Spec work refers to cases in which clients expect to see examples of finished work, and sometimes completed products, before paying for services. This typically assumes that the client will only pay an artist if they are content with the finished product. Closely related to spec work is the practice of roping artists into unpaid jobs by claiming that working for free will eventually lead to payment through exposure. The problematic nature of spec work and promises of greater exposure are often articulated by drawing comparisons with other professional services. Would it be possible, for example, to hire a criminal lawyer on the basis that payment will be forwarded only if the client is satisfied with a particular legal outcome? Would any architect be expected to produce blueprints for a building and only receive payment when and if the client were content?²⁷

A recent controversy over Ponsonby Central’s mural competition offers an example of how loosely organized opposition to the appropriation and exploitation of creative skillsets can quickly congeal, finding expression in specific moments. Ponsonby Central is a privately owned retail district located in the Auckland suburb of Ponsonby. The neighborhood is one of Auckland’s economically privileged areas, boasting a range of upscale stores and high, if not overwhelmingly unaffordable, property values. The controversy erupted when Ponsonby Central announced its 2017 summer mural competition on its social media pages, in which it asked artists to submit designs for a large, public-facing wall.

Some artists were quick to point out that 500NZD, before tax, was a fairly paltry sum to award whoever won the competition.²⁸ According to some commenters, a more reasonable figure would be around 2,000NZD. Ponsonby Central’s sense of appropriate compensation quickly attracted interest amongst art communities, ultimately leading to a slew of critical comments

²⁷ For a satirical take-down of spec work, see: Zulu Alpha Kilo, “Spec | #saynotospec,” YouTube, November 5, 2015 www.youtube.com/watch?v=essNmNOrQto accessed November 30, 2017.

²⁸ Sloane Kim, “The Ponsonby Central Mural Saga and the Exploitative Nature of ‘Art Competitions,’” Spinoff, November 17, 2017 <https://thespinoff.co.nz/auckland/17-11-2017/the-ponsonby-central-mural-saga-and-the-exploitative-nature-of-art-competitions/> accessed November 27, 2017.

emphasizing the exploitative nature of the competition.²⁹ Not helping matters, the retail district decided to delete all such critical commentary from their social media pages, which only led to further criticism and adverse publicity. At the time of writing, the competition is still going ahead and it is unlikely that an artist will not be found to produce a commissioned piece. In any case, there is a very strong possibility that the incident has led many artists to regard Ponsonby Central with some degree of skepticism.³⁰

Alongside a burgeoning cultural politics pertaining to fair treatment for graffiti writers and street artists, some have sought to protect the status of their work through legal channels. Throughout the last twenty years or so, several lawsuits have been filed by artists for copyright infringement. In what would appear to be something of a pattern, lawsuits often arise when corporations feature the work of artists in advertising materials, and sometimes product design, without first seeking permission. In one fairly recent case, for example, several graffiti artists commenced a case against Vince Camuto, a fashion design company that used portions of their work in an advertising campaign. The graffiti works were painted in Brooklyn, NY and were publicly visible from the street. Alongside the paintings that appeared in the ad campaign, the artists had included hashtags and information that could facilitate a viewer finding social media accounts, thereby contacting the artists.³¹ It would seem, however, that efforts to acquire permission for using the graffiti paintings were not made.

The matter has not yet been settled, but the fact that cases like this are being brought forward is interesting in numerous respects. They demonstrate that a portion of graffiti writers perceive their work as being of significant aesthetic merit, to the point where it ought to be treated like any other form of creative, intellectual property. Furthermore, while graffiti writers are often imagined to have an antagonistic relationship with the law, in these cases they are seeking it out to protect their interests. This suggests that new, particular strands of consciousness exist within graffiti writing and street art subcultures. There is pride in the work, and this seems to be accompanied by a strong sense that it is illegitimate for corporate interests to think they have some inherent right to appropriate individual creativity as they see fit.

Graffiti writing has often been framed as an act of resistance. For Miller, graffiti resists commodification and consumer society.³² In Ferrell’s well-known account, graffiti is posited as a form of anarchy that opposes authoritarianism.³³ When graffiti writers and street artists challenge powerful corporate actors through legal mechanisms, however, I think it fair to say that we are seeing a very different strand of resistance. This is a form of resistance that works by moving out of the margins and into the center, by compelling social and cultural recognition through legal strategies when possible. The Frankfurt School proclaimed that modernity was premised upon a chasm between all that it promised and the shoddy reality that it delivered.³⁴ Contemporary graffiti writers and street artists who assert rights to fair treatment and recognition for their creativity do not treat the promissory notes of modernity as ideals that can be disregarded. Herein lies a new modality of resistance.

²⁹ Ibid.

³⁰ Although now deleted, some of the public commentary and criticism can be seen at: <https://imgur.com/a/BpENt> accessed November 30, 2017.

³¹ Tess Orrick, “Whose Wall Is It Anyway?” *The Brooklyn Ink*, October 23, 2017 <https://medium.com/the-brooklyn-ink/whose-wall-is-it-anyway-9cdda0a45092> accessed November 22, 2017.

³² Miller (n 82).

³³ Jeff Ferrell, *Crimes of Style: Urban Graffiti and the Politics of Criminality* (Northeastern University Press 1996).

³⁴ Theodor Adorno and Max Horkheimer, *Dialectic of Enlightenment: Philosophical Fragments* (E. Jephcott tr, Stanford University Press 2002); Herbert Marcuse, *One-dimensional Man* (Beacon Press 1964).

2.7 CONCLUSION

Contemporary forms of graffiti writing and street art have now been with us for several decades. If Philadelphia or New York are considered the birthplace of graffiti, then writing culture is approaching its fiftieth anniversary. Although this may also hold for street art, it is quite remarkable to see that graffiti writing has not only endured but thrived in recent times. Graffiti has certainly met its fair share of state-orchestrated opposition over the years: many cities quickly remove graffiti, especially if it is on subway trains; the penalties for painting illegally tend to increase over time; surveillance is intensified and targets are hardened; following the lead of political elites, the media often vilifies the subculture's aesthetics and its participants.

That graffiti and street art weather such opposition testifies to the passion and desire that animate such practices, if not the resilient nature of creativity. Try as they may, the efforts of powerful actors to suppress the creative desires that lurk behind graffiti and street art often seem futile. It is not that subcultural practices do not change in the face of opposition, but that creative energy simply finds new avenues of expression. Sometimes, these creative desires are funnelled along relatively destructive paths, perhaps evidenced by things like "etch bombing," which involves producing graffiti with an acid-like substance that corrodes glass. But, as the history of graffiti and street art also suggests, efforts to suppress creative practices can spawn innovations that push them deeper into their contemporary sociocultural contexts.

Graffiti writers and street artists who operate legally and, more importantly in the present context, within established commercial contexts such as advertising, graphic design, and art worlds, demonstrate this side of innovative practice. To be sure, these spaces can be dangerous for graffiti writers and street artists insofar as they expose their work to commercial appropriation and exploitation. While there are certainly cases of this, artists are strengthening their resolve to fight back by waging legal challenges to unfair use of their works. This represents a shift in consciousness amongst graffiti writers and street artists, and it calls for some kind of account. What is it that makes an artist stand up and say, "no, you cannot take that because it is my intellectual property"? What exactly has the artist produced that is unique?

This chapter opened with a vignette that drew attention to the illegality of graffiti, and how this seemed to be an inherent aspect of graffiti writing for so many years. With the advantage of hindsight, I think it highly unlikely that painting graffiti has ever been reducible to its illegality, or simply driven by a search for thrill and excitement. If anything, the illegality of graffiti and street art is incidental. The more powerful driver is creative desire. Like so many other areas that pique our interest, graffiti and street art are very much about problem-solving: how do I translate a mental conception into material form? How to ensure that what I imagine in the ideal is embodied in an external reality that I produce? How to make this or that visual effect "look right"? How to correct those parts of a work that somehow disrupt its overall "flow"?

Graffiti writing and street art involve paying a great deal of attention to these kinds of problems, which stem from the limits that one can discern in their own fabrications. An extensive range of mental energy goes into correcting the imperfections that, despite all the best efforts of the author, nevertheless surface in aesthetic works. This is often a frustrating and time-consuming process, but a powerful sense of accomplishment is derived from finding a successful solution to an aesthetic problem. Over time, and with enough investment, the resolution of thousands of tiny problems eventually generates a noticeably distinct, refined style. Graffiti writers and street artists are well aware of the physical and mental labor that goes into their work, and how all past efforts inevitably congeal within present works. It is not an easy thing to quantify or communicate, but it is not hard to see why some want to keep it safe from appropriation and exploitation.