



Griffith Journal  
of Law & Human Dignity

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# GRIFFITH JOURNAL OF LAW & HUMAN DIGNITY

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## CONTENTS

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FELICIA LAL	<i>THE ART OF HUMAN DIGNITY AND THE HUMAN DIGNITY OF ART: EDITORIAL</i>	1
ANTHONY LISTER	<i>PUBLIC SPACES: PUBLIC PEOPLE</i>	5
L-FRESH THE LION	<i>WHY BLEND IN WHEN YOU WERE BORN TO STAND OUT: A STORY OF RAP, RELIGION, AND RIGHTS</i>	11
BRUCE BAER ARNOLD & WENDY BONYTHON	<i>SEEING THROUGH THE IMAGE: ART, DIGNITY, AND RESPONSIBILITY</i>	15
MATTHEW CHRISTIAN	<i>NOTES FROM UNDERGROUND: ARTISTIC RISK AND POTENTIAL IN THE NEW YORK SUBWAY</i>	31
JARROD WHEATLEY	<i>THE WRITING IS ON THE WALL: AN ASSET-BASED APPROACH TO STREET ART</i>	41
JAY SANDERSON & LEANNE WISEMAN	<i>ARE MUSICIANS FULL OF IT? THE METAPHORICAL AND FIGURATIVE POWER OF SUBCONSCIOUS COPYING IN COPYRIGHT INFRINGEMENT CASES</i>	53
CRISP	<i>ONE PERSON'S VANDALISM IS ANOTHER'S MASTERPIECE</i>	67
ADAM JARDINE	<i>WOLVES AMONG US: SOME BRIEF REFLECTIONS ON THE "BONA FIDES" OF GENDERED VIOLENCE IN COMPUTER GAME ART</i>	73
KAREN CRAWLEY	<i>BEYOND THE WAR ON GRAFFITI: THE RIGHT TO VISUAL EXPRESSION IN URBAN SPACES</i>	85

**ONE PERSON'S VANDALISM IS ANOTHER'S MASTERPIECE**

CRISP\*

*The way we perceive and react to urban art depends mostly on where it takes place as well as our preconditioned ideas about what constitutes art or vandalism. Art is very subjective and unfortunately, in most cities around the world, it is politicians and law enforcement who are deciding what should or should not be in our streets. I am a street artist who has been painting for over six years in urban spaces around the world. I have experienced vastly different reactions depending on which country's walls I am painting on. Ironically, I have found that you get a higher proportion of better quality and more appreciated works in cities such as Bogota, Colombia, where the laws are more liberal. Compared to cities where street art is highly illegal, it actually encourages a higher proportion of lesser quality, quickly completed tags and pieces. I found criminalising urban art does more damage to individual lives and society. The fact is, graffiti writing and street art can never be stopped, therefore, society and cities need to make informed, positive decisions regarding its laws and their implications for artists. I feel both artists and government officials can win through dialogue and compromise.*

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\* Crisp is an Australian street artist currently based in Bogota, Colombia. He spreads his thought-provoking socio-political, and at times, purely aesthetic pieces, on the streets of cities throughout the world, such as Bogota, Miami, Sydney, New York, Los Angeles, Winnipeg, Mexico City, Atlanta, Sayulita, and Canberra. He uses a variety of techniques and materials to create his illegal and legal urban art pieces through spray painting stencils, slapping up stickers, gluing paste-ups and sticking up street sculptures.

## CONTENTS

I	INTRODUCTION .....	68
II	MY STORY .....	68
III	BOGOTA AND STREET ART .....	69
IV	STREET ART INTERNATIONALLY.....	70
V	CONCLUSION .....	71

## I INTRODUCTION

Why is it that a human is not allowed to change the colour of one surface compared to another due to its physical position? Lets face it, urban art has its roots in being an illegal and subversive act, a way for a subculture in society to scream out and say, *here I am*. Not only does it give this silenced group a voice but it is also a lot of fun, doing something that is considered “wrong”, gives an adrenaline rush that can be addictive. Ultimately though, like the war on drugs and terror, the criminalisation of public art creates more problems than it solves.

Part of the problem is how we are all conditioned in society to perceive certain urban art as vandalism when compared to more established and acceptable artwork. When you think about it, why is a blank concrete wall or a buffed white wall “better” or more aesthetically pleasing to society than a brightly tagged graffiti writing wall? Why is it that we let council members, police, and politicians tell us what should be part of our urban environment? The last time I looked, not many of the people in these positions are artists or have even studied art. Everyone’s tastes and opinions of art are very different and subjective — one person’s vandalism is another’s masterpiece.

## II MY STORY

I am an Australian street artist who has lived in the United Kingdom for 10 years and am now based in Bogota, Colombia. I have painted the streets legally and illegally in over seven countries. My experiences have varied greatly depending on the country, or

sometimes even different cities within the same country. Essentially, it did not matter how illegal it was, I would still find ways to get my work up. It is impossible to stop urban art. Making it more illegal just pushes it more underground. It creates more damage through incriminating artists, which can have devastating effects on them and their families. I have found that strict councils often end up losing control of the type of graffiti and street art that goes up on their streets. You will find in places where it is highly illegal to do graffiti, you actually get a higher proportion of tagging and the type of graffiti most of the general public see as vandalism or ugly.

### III BOGOTA AND STREET ART

This is especially evident in Bogota, Colombia, where I currently live and paint. From my knowledge, Bogota has some of the most lax laws on urban art in the world. It is technically not illegal to paint walls in this city, even if you do not have permission and are painting public property. You cannot be arrested, detained, prosecuted, or receive a criminal record. The worst that can happen is you get an on-the-spot fine — almost like getting a parking ticket. This can be seen as a double-edged sword; while it is not technically illegal, you can still find yourself in trouble with the police.

In Bogota police are renowned for corruption, so you could be paying a fine that is going straight into their own pockets rather than paying to repaint the wall you just hit. Also, there is a history of police brutality here and beatings are commonplace. In 2011, a young *grafitero* (graffiti artist) lost his life when he was shot dead by police after he was caught painting, ran away and failed to stop.<sup>1</sup> The police even covered themselves by fabricating a story that these kids had robbed a bus, hence why the kids were apprehended, and that they thought the spray can was a gun, hence why they shot him. It took months of public pressure for the government to carry out an independent investigation. The officer responsible was finally tried for murder, but the higher officials that covered it up are yet to face justice.

The current mayor of Bogota, Gustavo Petro, a previous active member of the guerrilla group M-19, has expressed that he feels graffiti and street art are an important voice for

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<sup>1</sup> Simon Edwards, 'UN Condemns Police Shooting of Colombian Graffiti Artist', *Colombia Reports* (online), 31 October 2011 <<http://colombiareports.co/un-condemns-police-shooting-of-colombian-graffiti-artist/>>.

the youth culture and needs to be valued. Petro believes that valuable police time and money can be concentrated on more serious crimes. The government has started funding multiple new large walls in many areas of the city to be painted by local artists. In actual fact, the prolific street art and graffiti writing covered walls of Calle 26 — which joins the airport to the central part of the city — are the first thing that visitors see when they get off the plane. From my experience of talking to people that visit this city, their first impression is very positive. There is even a very popular graffiti street art tour that runs every day and has been voted one of the best tourist activities to do in Bogota on TripAdvisor.

Personally, I have never been fined for painting prohibited walls in Bogota. The worst that has happened is I have been politely asked if I had permission by the police, and to move on if I did not. I have even had one of the younger officers ask me to stop but to, ‘please come back after 6pm to finish the mural’ because he really liked it and wanted to see it finished but would get in trouble from his senior if he let me continue.

#### IV STREET ART INTERNATIONALLY

Places like Sydney, London, and New York, are very different in the way the law and police deal with *grafiteros* or street artists. Artists face spending the evening in a police cell while they are processed; they go to court where they are prosecuted for property damage, which usually involves hefty fines and a criminal record. This in itself can create financial hardships not only because of the fine, but also loss of work or inability to get work due to a criminal record. Charged artists can also find it difficult to get travel visas while holding a record. In extreme cases, you can actually receive prison time. All this for changing the appearance of a wall — keeping in mind no one has actually been physically or emotionally harmed. I even read that in Germany, rail companies have bought Israeli surveillance drones to protect its train carriages from graffiti.<sup>2</sup>

Some may argue this is justified as they are damaging private or corporate property. As a street artist, I feel a wall of a building, despite being private, public, or corporate property, is part of everyone’s urban environment. Therefore, everyone should be able

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<sup>2</sup> Agence France Presse, ‘German Graffiti Drones: Germany’s Railways to use Aerial Vehicles to Stop Defacement’, *The World Post* (online), 27 May 2013  
<[http://www.huffingtonpost.com/2013/05/27/german-graffiti-drones\\_n\\_3343120.html](http://www.huffingtonpost.com/2013/05/27/german-graffiti-drones_n_3343120.html)>.

to influence how our urban environment is aesthetically represented, despite whether you own property or not. The appearance of public spaces cannot just be the domain of the wealthy and powerful. The fact that places like Bogota, East London, 5 Pointz, Bushwick, and Williamsburg in New York, have become world renowned urban art tourist destinations and valued places to live in, shows how urban art can positively improve our communities and city spaces.

## V CONCLUSION

Urban art has always been, and always will be, done in an illegal fashion no matter what laws are in place. People always want to push the boundaries and do things in places they are not meant to. The question is: how is society going to react and deal with this practice? I feel Bogota's council has found a workable middle ground between property owners and *grafiteros*. With more education programs in schools and cultural youth centres to promote respect for historical buildings, monuments, religious spaces, and statues, this will reduce the defacing of these structures, and therefore help to reduce the general community's dislike of tagging and graffiti.

Council-funded programs that help bring property owners and street artists together so murals and public art can be produced in a more cooperative fashion would create a win-win situation for both artists and property owners alike. The artists get walls upon which they can express themselves through quality pieces of art, while property owners can save time and money spent on removing graffiti.

Is giving youths big fines, criminal records, and even jail time, stopping the practice or doing more harm to society than the graffiti itself? Is having a more lenient approach beneficial to the city as a whole? Could we provide more creative activities for our youth to partake in our urban environments where recreational spaces are reducing? Does having colourful, bright, vibrant, thought provoking and somewhat disorganised walls on our streets actually create a negative or positive perception? These are all questions we need to look at logically and practically for the sake of our communities, freedom of art, speech, and most of all our human dignity.



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