

MAIN SECTION

Graffiti, Street Art and Public Space Regulation

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ABSTRACT

With this work I intend to reflect on the ambivalence that contemporary cities experience in relation to the practices of graffiti and street art: if, on the one hand, we see more works being validated and even promoted by the regulatory agents of urban space, in a strategy of valuing creativity as an intangible asset, there is at the same time a set of strategies to eliminate or prevent the emergence of graffiti or unauthorized street art. This ambivalence stems from the ability these practices have to create new images of the city and new discourses about the public space. I will start from the urban communication studies framework, move towards the discussion that arises from laws and rules that regulate the production of graffiti and street art and then observe the legal framing around these practices in Lisbon and Bologna.

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KEYWORDS

Graffiti; Street art; Urban space; Legislation; Regulation

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Lefebvre's theory on the right to the city can be used to look at graffiti as a practice that creates social space in the sense that it recovers the use value of the city through the appropriation of public space. Andrzej Zieleniec¹ calls it creative colonization and rescue of urban space, which evokes the possibilities that Lefebvre considers to be the essence of full citizenship and experience. According to the author, this perspective allows us to read graffiti as a gesture of active and creative involvement in urban space and, therefore, as a creator of urban space, in the sense that it underlines the possibility of creating a city for people, for people's lives and not only for the commercial logic of selling and consuming goods, services and experiences. Graffiti can be seen as a creative and political practice, as it manifests against the homogenization and standardization of urban space operated by the global affirmation of the dynamics of production, circulation and consumption of goods. However, it tends to be depicted as a symbol of decadence, disorder, insecurity, noise, and deviance from the hegemonic established order of the urban public space. Joe Austin² establishes a 1972 Times article as the starting point of this construction where words like 'problem' and 'epidemic' are used to characterize the phenomena and the costs of removing it begin to be pointed out during a particularly critical period of economic crisis. Graffiti writing has since been treated by media and public management organizations everywhere as a hazard, a symbol of public disorder and a form of disrespect for private property.

This paper seeks to participate in the discussion that arises from laws and rules that regulate the production of graffiti and street art, the observation of how the legal framing around these practices can reflect and replicate a set of ideological constructs, and how these practices participate in the creation of urban space by continuously negotiating space and challenging the dominant speeches allowed in the city.

The theoretical framework for this paper is based on critical readings of urban sociology, from Lefebvre to Don Mitchell's right to the city, in dialogue with socio-legal studies and scholarship on graffiti and street art in general.

The cities I observed are the two case studies I elected for my PhD research: Lisbon and Bologna. They were considered relevant for their notorious graffiti and street art scene in the European context and have legal specificities that constitute interesting examples for the current approach. I follow a case study methodology divided in two units of analysis: self-authorized or illegal graffiti and street art in the urban space; commissioned or authorized graffiti and street art in the urban space. This perspective assumes the existence of street art in galleries

1 Andrzej Zieleniec. "The Right to Write the City: Lefebvre and Graffiti," in *Environment Urbain/Urban Environment*, Volume 10 (2016).

2 Joe Austin. *Taking the train: How graffiti art became an urban crisis in New York City*. (Columbia University Press, 2001).

and museums but will not focus on that specific context. To dive into each of these I use a set of data: specific scholarship on the case studies, news published in newspapers, local and national legislation created to regulate these practices, administrative offenses statistics and interviews with city management officials, artists, writers and curators or cultural programmers.

I will detail some of the findings on both cities to illustrate how graffiti and street art can participate in the creation of public space, together with the legal framing that regulates or seeks to regulate them, making evident how locality and legality are crucial aspects for the study of this phenomena.

I. Law making and The Right to the City

Don Mitchell³ uses Henri Lefebvre's work⁴ to reflect on public space in contemporary cities. Mitchell starts from the idea that the city itself is public, in the sense that it allows different people to meet, thus welcoming heterogeneity.

But he also states that this possibility implies taking some risk, some unpredictability, even the possibility of violence. There is a potential for disorder in the city that generates fear and that, for numerous reasons, has contributed to an increasingly accentuated environment of control and surveillance in today's cities. The existence of a public space as a socially produced space, in these circumstances, implies a permanent struggle for presence, visibility and representativeness on the part of groups that tend to be excluded by this tendency towards securitization and ordering of urban space. The right to the city is, like all rights, a way of organizing and contesting power. Mitchell states that all rights are social relations; they are forms of negotiation that can be institutionalized and become universal and rigid.

Rights are institutionalized through their formalization in laws, texts that establish rules for the lives of citizens, applied by institutions of power. Laws tend to oppress and dominate difference, because they generalize and conceptualize reality to the point of eliminating differences and thus hardly guarantee social justice. The formalization of rights in laws constitutes a moment in the creation of public space and not only at the symbolic level, but even at the material level. Complying with universalizing laws and norms, the space will reflect this trend towards homogenization and the annulment of what is different. Therefore, the fight for rights, following this dialogue that takes place in the city, is also a creator of public space and is a means to conquer the right to the city.

3 Don Mitchell. *The Right to the City: Social Justice and the Fight for Public Space*. (New York: The Guilford Press, 2003).

4 See Henri Lefebvre. *The Production of Space*. (Oxford: Blackwell Publishing, 1991). And Henri Lefebvre. *O Direito à Cidade*. (Lisboa: Letra Livre, 2012).

The right to the city is the right to visibility in the public space, the right to physical, material, spatial representation. The right of bodies to have presence and voices to be heard. This right conflicts with private property rights that restrict access and use of certain spaces. The idea of a public sphere as the one developed by Habermas is mostly based on a male, white, proprietary universe which does not welcome the innovation and advance that are necessary for building public space.⁵

The laws created to regulate the urban space only accept order discourses, but in order to fight and conquer a given right it is often necessary to resort to some violence. In fact, excluding violence from the public space is just excluding some groups that the social consensus tends to consider as threatening the established order, thus handing over the monopoly on violence to the state which can, through institutions such as the police or the courts, act aggressively against citizens: "As a legal entity, a political theory, and a material space, public space is produced through a dialectic of inclusion and exclusion, order and disorder, rationality and irrationality, violence and peaceful dissent."⁶

While doing a genealogy of graffiti and similar practices, Marcello Faletra⁷ takes us back to the founding of the modern city and Foucault's ideas on governmentality and control to justify this ideological construction around discomfort, disorder, danger, and fear that permeate urban management since the dawn of graffiti around the 1960's in America. Faletra finds the origins of a certain idea of order to be the basis of the legal and institutional sphere of the social system we have today and from which all rules, norms, and conventions arise, even the ones that we use to aesthetically evaluate these objects.

II. Public and Private: Space, Property, Art

One of the most common arguments in the regulation of self-authorized graffiti or street art practices is the protection of property, whether it is considered public or private.

We also see this in the analysis of the legal texts that constitute the formal basis for the regulation of these practices, as well as the discourse of many of the agents that participate in this universe, especially when it comes to institutional agents. It is therefore necessary to reflect on these concepts, which are also subject to discussion, and how they contribute to building the dynamics of use and appropriation of certain objects in the urban space in its various dimensions.

5 Jürgen Habermas. *The Structural Transformation of the Public Sphere: An Inquiry Into a Category of Bourgeois Society*. (Germany: Polity Press, 2015).

6 Don Mitchell, *The Right to the City: Social Justice and the Fight for Public Space*, 51.

7 Marcello Faletra. *Graffiti: Poetiche della rivolta*. (Milano: Postmedia Books, 2015).

Alison Young⁸ discusses how space, place and even property are constructions that led us into accepting the growing privatization of public space, increasingly excluding discussion and debate from the setting of rules that regulate its use and behavior.

The very idea of 'public space,' then, persists in spite of the erosion of public ownership and its replacement with an extensive network of private proprietors whose ownership includes powers to exclude certain individuals from their property and a degree of authority over the permitted conduct of those who are allowed entry within their property boundaries.⁹

Franz von Benda-Beckmann, Keebet von Benda-Beckmann and Melanie Wiber¹⁰ clarify some of the most common ideas in theorizing about property, rights and property regimes, and propose an analytical framework to evaluate current property concepts in their extensive complexity. The authors propose that property "concerns the organization and legitimation of rights and obligations with respect to goods that are regarded as valuable"¹¹ and distinguish three elements that make up this organization: social units, that is, individuals, groups, corporations, states, etc. who may hold property rights and obligations; the construction of valuables as property objects; sets of rights and obligations in relation to those objects. These all operate in a certain space and time.

From this analytical perspective, property is not a specific right like ownership, but a comprehensive concept that includes different ways of organizing, regulating and managing property in different historical and social contexts.

Property relations are also part of the universe of social relations, they are not absolute nor can they be seen from a single perspective. They constitute a complex set of relations that determine and are determined depending on the context and are an important factor in the political configuration of society, as well as playing an important role in the constitution of the identity of individuals or groups.

We cannot analyze the texts of the laws created to regulate these practices without taking into account the very ideological nature of the discourse that constructs them. Like urban space or property arrangements, legal discourses are socially produced and reflect the context of their elaboration. Concepts used in legal norms do not exist absolutely outside of them, but are socially constructed, as is the case of property, the rights and duties of a certain group of the population or, in this specific case, what is considered damage or vandalism, publicity, and art.

8 Alison Young. *Street art, public city: Law, crime and the urban imagination*. (Routledge, 2013).

9 Ibid., 128.

10 Franz von Benda-Beckmann, Keebet von Benda-Beckmann and Melanie Wiber (eds.). *Changing properties of property*. (New York: Berghahn Books, 2006).

11 Ibid., 2.

Research areas such as legal sociology or the branch of linguistics dedicated to discourse analysis question the descriptive character of legal texts and analyze them in conjunction with the context in which they are created and used.

When we analyze the texts of the laws that regulate the urban visual space, it is important to take into account that these texts are already the reflection of ideological constructions and not just the formalization of objective concepts or translators of a static, isolated reality, capable of being described and interpreted equally at all times.

In the case of graffiti and street art, for example, one of the concepts most commonly found in critical discourses on unauthorized practices is the idea of vandalism. This concept is used in news, in institutional texts, and was used quite continuously in the process of drafting the anti-graffiti law in Portugal¹², despite not appearing in the final text.

Just as it is problematic to reduce graffiti or street art to mere acts of vandalism, the definition of vandalism itself proves to be a challenge. There is a tendency to associate vandalism with any behavior that results in the alteration or destruction of a particular public or private asset or surface, covering a wide range of behaviors with different motivations. Gabriel Moser¹³ proposes a definition of vandalism that, despite the diversity of motivations, contexts or relationships with space, takes into account the various points of view of an act of vandalism, namely the damage caused, the actors and the observers: "Vandalism is a voluntary degradation of the environment with no motivation of profit whatsoever, the results of which are considered as damage by the actor(s) as well as by the victim in relation to the norms that rule the situation."¹⁴

To arrive at this definition, Moser starts from a wide range of authors that he organizes into two theoretical approaches - one focused on actors and theoretically supported by psychology and sociology, and the other focused on objects targeted by damage, supported by environmental psychology. He also organizes the analysis perspectives of the phenomenon as centered on the damage caused, centered on the actors or centered on the context. Thirdly, the author resorts to a classification of aggressive behavior that he considers valid and transferable to vandalistic behavior. The definition proposed by Moser takes into account all these aspects and also uses a behavior classification scheme between intentional and negligent. According to this scheme, graffiti is considered a form of expression with communicative intentions, which puts it outside most

12 The process of proposing, discussing, voting, approving and publishing this law happened in 2013 and is very well documented and publicly available online.

13 Gabriel Moser. "What Is Vandalism? Towards a Psycho-Social Definition and Its Implications." In von Benda-Beckmann, Franz, von Benda-Beckmann, Keebet and Wiber, Melanie. (coord.). *Vandalism: Research, Prevention and Social Policy*. (Portland: U.S. Department of Agriculture., 1992, 49–70).

14 Ibid., 54.

definitions of vandalism and, above all, outside any definition based on the idea of destruction.

From this study on the concept of vandalism, it is also clear that the laws that regulate a certain place or behavior coexist with a set of social norms - which Moser refers to as "social consensus" - and that are constructed in conjunction with the context that produces and applies them. From its application different reactions and behaviors may also emerge, so we can say that both laws or norms and creators of graffiti and street art co-create visual urban space by playing a certain role in this permanent dialogue between forces.

Assuming that vandalism, in the case of graffiti, is then a form of destruction with expressive, communicative intentions and not based on the pure violence of destroying objects, it becomes more pertinent to analyze these practices as communicative gestures and their approach in the context of the city as a communication space. Graffiti and street art can be carried out legally, through a set of authorizations from owners or authorities or outside this framework, without authorizations. When taken as a whole, these practices expose, underline, make visible the regulatory role of the State in controlling public space, the limits of public use of that space, the distribution of territory, access and visibility, revealing inequalities and spatial injustice, to mention just a few.

So, we have seen that, apart from the questions that may arise from the definitions of certain behaviors or practices, as well as from the writing of texts that establish the rules that seek to regulate or punish them, there is still a difference between the text and its real application by the delegated forces. On his study about norms for public space regulation, Lucas Pizzolatto Konzen speaks about this discrepancy between legal norms and legal practices, because legal norms do not always reflect the social norms nor the abovementioned social consensus.¹⁵

Public space, especially urban public space, should be heterogeneous, diverse, and allow participation, and legal norms should reflect this diversity. However, laws are mostly designed for national enforcement, and while some of them are meant for local enforcement, they usually regulate extensive and complex territories such as large cities composed of very diverse areas and neighborhoods with diverse communities, activities, and even geographical specificities.

What Pizzolatto Konzen ultimately underlines is how insufficient and unfair can blind, flat norms be and how they are unable to reflect the behaviors or practices which they were meant to address in the first place and even produce more spatial injustice: "Norms perform an important role in the production of space and can be understood in relation to other

15 Lucas Pizzolatto Konzen. *Norms and Space. Understanding Public Space Regulation in the Tourist City*. (PhD Dissertation - <https://portal.research.lu.se/en/publications/norms-and-space-understanding-public-space-regulation-in-the-tour>, 2013).

social processes that take place in structuring the urbanization of cities.”¹⁶

The laws tend to reinforce and formalize this idea that there are people, behaviors or gestures/images that are appropriate and others that are not. Who decides what is and is not appropriate for the law to be written: a set of people, alleged experts in public policy, legislation, etc. whose power was granted by popular mandate through democratic election processes. This can leave behind all the debate around public space, public sphere and true democratic participation when it comes to creating urban space by and for the people.

III. Case studies: how Lisbon and Bologna manage graffiti and street art

Lisbon

1. Legislation

The legal texts that regulate visual space in Lisbon can be divided in two groups: the ones that establish penalties for unauthorized, illegal, considered damaging behavior, and the ones establishing rules and financial contribution for communication in public space.

The laws and norms that can be used to apply penalties are both nationwide. The first is Article 212 of the Penal Code, updated in 1995, and penalizes all damages caused to property or animal belonging to others. The second is the so-called anti-graffiti law, from 2013, that “establishes the regime applicable to graffiti, postings, pecking and other forms of alteration, even if temporary, of the original characteristics of exterior surfaces of buildings, pavements, walkways, walls and other infrastructure.”¹⁷

The laws that regulate publicity and other communication or expression in public space are local or of local enforcement: Law 97/88 of August 17, regulates the posting and registration of publicity and advertising messages and is applied by the municipalities. In the case of Lisbon, the municipal regulation dates from 1990, was updated in 1992, and 1995. The text of the regulation derives from Law 97/88 and adds details regarding permitted or prohibited supports and materials, licensing and inspection procedures.

There are also two local laws: Order No. 92/P/2015 of August 13 that regulates “Occupation of public roads with screens and advertising banners on buildings and scaffolding;” and Regulation for Occupancy of Public Roads with Construction Sites (ROVPEO), published in Municipal

¹⁶ Ibid., 28.

¹⁷ Translated from Portuguese.

Bulletin No. 1079, of October 23, 2014.

Inspection and law enforcement is carried out by the security forces that have jurisdiction in the city, namely the national police force – Polícia de Segurança Pública - and the local police force – Polícia Municipal. The penalties and fines charged, as well as the licensing fees are paid to the City Council.

2. Visual Space management

In Lisbon, the creation of graffiti and street art is addressed in two ways: there is a set of laws that regulate what you can and cannot do, both in public space and private property, and then there is occasional promotion of artistic, cultural, communal activities developed around these practices. This difference is discursively reflected around the dichotomy 'graffiti vs street (or urban) art,' where the first is usually the one associated with illegal, unauthorized, unsanctioned interventions, taken as vandalism, and the second with aesthetically valuable interventions, commissioned and even highly paid.

This contrast is evident in most of the news published in local and national newspapers, where the arts and culture sections usually present big murals, street art festivals, exhibitions or interviews with renowned street artists, whereas the local and/or management sections mostly mention the expenditures incurred by the city council or public transports networks in the cleaning of graffiti writing, mostly referred to as vandalism. Joe Austin analyses with detail the early origins of this approach by the media and how NYT contributed to create a negative image of graffiti since the first tags in New York City. The press, in print or online, still plays a role in reinforcing the idea that tags and graffiti writing are mostly acts of vandalism with no other intent than destroying public or private property that demand a huge amount of funding to be dealt with.

The management of these practices in Lisbon is centralized under the responsibility of the City Council, mainly in two structures: the Urban Art Gallery (Galeria de Arte Urbana, henceforth referred to as GAU), under the Culture and Heritage branch, created in 2008 specifically to manage graffiti and street art in the city,¹⁸ in charge of the programming, authorization and production of every intervention; and the Urban Hygiene who coordinates all the removal of self-authorized interventions, executed by outsourced companies.

Public management appears to be based on this idea that there is good and bad graffiti or street art, based mostly on the placement and bureaucratic processes involved: if it is created on a private property

18 About the creation of this structure and the local management of graffiti and street art please see Ana Gariso. *O potencial transformador da street art e o caso das Galerias Gap e Gau*, (Master Dissertation, available at <http://hdl.handle.net/10437/9191>, 2017).

without the sanctioning authorization of both the owner and the City Council, it's usually not recognized or addressed as art and it's mostly referred to as vandalism. GAU has, in its own web page, under the Mission title, a clear distinction between practices:

The Galeria de Arte Urbana of the Departamento de Património Cultural (Department of Cultural Heritage), from Câmara Municipal de Lisboa (Lisbon's City Council) has as it's main mission the promotion of graffiti and Street Art in Lisbon, in an official and authorized scope and in a pathway of respect for the patrimonial and landscaped values, in opposition with the illegal acts of vandalism that harm the City.¹⁹

This seemingly rigid line dividing "good street art" from "vandalism" is breached when the workers who paint over or remove interventions in the city find something they think may be of artistic value. Then, they contact the GAU and ask for their advice on whether to keep it. If the GAU considers it of interest, it is preserved. None of these procedures is formalized, and they happen on a case-by-case basis:

There are spaces where, although not legal, we realize that that artistic intervention is a strong artistic intervention that has the capacity to last. And this, when we are called into the spotlight, we try to preserve it, to keep it. It's not worth erasing, if it's in good conditions, if it's a good piece of work, it's better to keep it.²⁰

When the walls are in public space and when it is seen or verified that we are not talking about a situation of pure vandalism, there is quality in what we are printing, from our side there is also the sensitivity of asking GAU if they actually consider that these should remain in the public space. (...) Sometimes the pieces have such great importance from an artistic point of view and they are a much more enriching means than just to remove and transform the place in a voiceless white wall that ends up being much more appealing to more vandalistic acts.²¹

Nonetheless these criteria still seem to reflect the 'broken window' theory²² which posits that when a neighborhood allows physical manifestations of disorder, like broken windows and graffiti, to go unrepaired, it will then begin to experience social disorder, higher crime rates, and decreased safety, a theory that has long been questioned by many scholars from different fields of study.

When it comes to policing and law enforcement, however, Lisbon seems like a very friendly environment for graffiti writers and street artists who come from everywhere to paint in the city. Most places are not heavily

19 GAU website, <http://gau.cm-lisboa.pt/en/gau.html> (last accessed April 08, 2024).

20 Interview with Hugo Cardoso, Director of GAU of the Lisbon City Council, 2022.

21 Interview with Célia Costa, Manager of Urban Hygiene of the Lisbon City Council, 2022.

22 Developed by James Q. Wilson and George Kelling, in 1982.



FIG. 1

Jardim Cerca da Graça, self-authorized interventions, Lisboa, 2022. Photo: Ana Gariso.



FIG. 2

Jardim Cerca da Graça, self-authorized interventions after Urban Hygiene, Lisboa, 2022. Photo: Ana Gariso.

surveilled, there are a lot of narrow alleys without car traffic where, especially during night-time, one can easily paint without a permission. There are also four sets of walls,²³ called 'free painting walls' that can be used without previous sanctioning. These walls are mostly located in suburban or peri-urban areas of Lisbon, far from the cultural, economic and symbolic center of the city. Nonetheless, interviewed artists still complain about the lack of Halls of fame in the city. If someone wants to ask permission to make an intervention legally, they have to apply for it with the GAU. However, the requirements are so many and so detailed that only big murals or big art projects would probably pass through all the evaluation phases.

²³ The City Council has stated that there was a plan for the creation of 24 free walls – one on each parish – until 2022. However, at the time of the writing of this paper, they are only four.



FIG 3

Free painting walls at Street Art Park Lumiar, Lisboa, 2024. Photo: Ana Gariso.

Most of the initiatives and cultural programming developed around graffiti and street art are developed by GAU and sometimes Underdogs Gallery²⁴, a platform who plays an important role in curating walls in the city. GAU organizes Muro Festival²⁵ and promotes interventions in public housing neighborhoods managed by a municipal enterprise. In 2022, GAU assumes 48% of the interventions are in this type of context²⁶.

The gallery promotes the painting of murals regularly, inviting artists both national and international, promoting a so-called street art friendly environment in the city, supported by this idea around creativity that became a major factor when developing city branding strategies to attract investors, tourists, digital nomads and other projects and individuals considered relevant for the city's economic growth. With a few exceptions, these works are usually big scale, colorful, monumental murals, with little to no political content, made to please the taste of the most possible people, executed in a few days without public discussions involved in the process.

The cleaning waves have been more frequent in central areas of Lisbon, mostly during international big events and in touristic areas and this grows in parallel with the increase in initiatives like festivals, exhibitions and murals commissioning, in a movement like the one Rafael Schacter²⁷ criticizes when he points out that the greatest danger resides in the fact that, while in its genesis street art made inequalities visible and claimed

24 About Underdogs Gallery please see Ana Gariso. *O potencial transformador da street art e o caso das Galerias Gap e Gau*.

25 The Festival was promoted in 2016, 2017, 2018, 2021 and 2023 in different areas of Lisbon. More information can be found at: <https://www.festivalmuro.pt> (last accessed April 08, 2024).

26 Information stated by the director of GAU in an article published in Observador online newspaper available at: <https://observador.pt/opiniao/valorizados-com-arte-urbana/> (last accessed April 08, 2024).

27 Rafael Schacter. "The ugly truth: Street Art, Graffiti and the Creative City," *Art & the Public Sphere*, 3:2, (2014): 161–176.

space for all those who inhabit the city, now it does precisely the opposite by hiding behind a mantle of color and beauty the inequalities and injustices of the urban space. This is what the author calls the ugly truth of street art, hidden behind the beautiful lie that homogenizes the space that wants to be different.

Bologna

1. Legislation

In Bologna there is a national law from the Penal Code, Article 639 that punishes all the Defacing and soiling of things belonging to others. This more generic law was written in the 1930's and recently, in 2009, it was altered with aggravation of the sanctions applied to the disfiguration or degradation of urban surfaces and prohibition of the sale of acrylic aerosol paint to minors, under 18 years old (punished with a sanction up to 1000 euros).

The cleaning, erasing, repainting of walls happens under particular circumstances: because it is also considered unauthorized intervention on private property, the city council has to notify the property owners in advance and can intervene only after their agreement or after a given period of absence of reply. There is also a set of popular organizations in the neighborhoods where the inhabitants themselves get together to clean, erase or paint over illegal interventions.

2. Copyrights

In Italy there is also a theoretical debate about copyrights and how they conflict with the penalizing law and the erasing actions, because the Constitution states that "art and science are free and free is their teaching" and the Italian law on copyright (law 633 of 1941) states that: "Intellectual works of a creative nature belonging to literature, music, figurative arts, architecture, theater and cinematography, whatever they may be, whatever its mode or form of expression may be, are protected by this law." The jurisprudence of the Italian courts is oriented towards the principle of protection of so-called "illegal works of art" from the point of view of copyright because in the legal text of reference, the application of the law is not expressly excluded in such cases, however, the main individual rights cannot derive from a situation of illegality, in particular with regard to rights of a patrimonial nature, such as those of economic utility. This also raises questions about the commercial use of illegal works, the valorization of certain artists on art markets and the commodification of graffiti and street art.



FIG. 4 "Portici" in Bologna, Via Zamboni, 2023.
Photo: Ana Gariso



FIG. 4 "Portici" in Bologna, Via dell'Indipendenza,
2023. Photo: Ana Gariso

3. Visual Space management

Most of Bologna's buildings have archways, called portici, and this particular structure was recently classified as world heritage by UNESCO²⁸ making them a very specific object of public management. Firstly, because they are this liminal space in the city that cannot be considered interior nor exterior. It is an extension of each building, almost like a ground floor balcony, with polished paving, arched ceilings sometimes decorated with paintings and almost always with lamps or chandeliers.

These are the sidewalks of Bologna. The streets are for cars, bikes and other means of transport. So almost all the self-authorized writing and street art is created on these liminal areas of the city and the city council also has some limits to its intervention there. Secondly, because being

28 In July 28, 2021.

classified as UNESCO's heritage makes them object of a new set of symbolic values that can be used for branding the city and its surface as original, unique, authentic and precious, giving the illegal interventions, by contrast, an even more negative character.

Far from the city center, the city inside the old walls perimeter, there are a few places where one can see graffiti writing be made legally or not



FIG. 6 Via del Chiù Wall of fame, Bologna, 2023. Photo: Ana Gariso.

being penalized. Some walls became informally free and are managed according to the set of rules that graffiti writers have for their work and they end up being the actual managers of these places.

Being a small city with a very cosmopolitan life, with a big number of young people spread throughout the city in all the university buildings, Bologna shows a lot of creativity on its walls and it seems like the cleaning actions are not as frequent as the ones observed in Lisbon.

However, there seems to be a transformation in progress due to the UNESCO classifying and also to a global tendency for gentrification of old city centers. Some artists and cultural organizations state that the City Council is painting the walls more frequently and that there are fewer funding opportunities to small initiatives that do not go through the Councils approval, in a movement of growing centralization.

The City Council is currently (2023) creating a commission involving academics, law makers, public managers, art curators and the public to establish a set of guidelines for the future of public art programming and public space management.

The structures involved in managing graffiti and street art in Bologna seem less centered in the City Council, with some civil society organizations taking part in the processes, whether its art and community initiatives or neighbors associations to clean non-authorized writing. This constitutes a big difference when we think about the Portuguese case, where there is

an evident lack of tradition in civil society participation and a heavy role of the state.

Walking around the city center is possible to find a lot of walls that are covered in drawings, poems, paste ups and other interventions from what looks like a long period of time, even in areas with a heavy touristic flow, like the area around Piazza Maggiore or the two towers.

Bologna also has a strong tradition in wall writing and a historical relation with graffiti and street art culture. In 1984, an exhibition called "Arte di Frontiera" (Frontier Art) takes place at the Modern Art Gallery, curated by Francesca Alinovi, featuring works by the protagonists of the Old School of New York graffiti such as Kenny Scharf, Keith Haring and Jean-Michel Basquiat. In 2012 a project, called Frontier evokes this first official promotion of graffiti culture. Frontier involved arts curators and academics and is a demonstration of how there seems to be a wide dialogue in the city, when it comes to promote these practices.

The city is also known for having a strong tradition in all kinds of wall writing, thoughts, poetry, political phrases, drawings and all kinds of self-authorized interventions. In an interview, Francesco Volta, responsible for the Urban Regeneration and Public Art Department at the Culture and Creativity unit of the City Council, underlines the particular social, cultural and historical set of reasons to explain the existence of so much of these interventions in Bologna, adds that there is a big contrast between how old the city is and how young its population, and that despite being small, Bologna has metropolitan dynamics, also due to the ubiquitous presence of the University infrastructures that are spread around the whole area of the city, particularly the old city.

Final Notes

In conclusion, we can see how in Lisbon initiatives seem concentrated in state institutions, with little civil society projects. The cut is usually between legal and illegal, making it particularly difficult to fight the perception of any self-authorized intervention - particularly the hard to read graffiti writing - as valuable and communicative. Despite the not very strict control, vigilance and repression, and despite there is a lot of people painting, graffiti writers complain about the lack of opportunities and the lack of visibility and lettering is not valued. There is also no talk about copyrighting and deletion - paint covering paint, mostly - is ubiquitous and frequent. Bologna seems to have more civil society initiatives - both to create and to delete - and, despite the smaller size of the urban territory, there is a much bigger number of free walls to paint. Whether they are officially authorized or just collectively accepted. On the other hand, the fact that most of the urban area is now classified by UNESCO will definitely change the levels of tolerance regarding self-authorized interventions.

The institutions that manage urban space have the tendency to eliminate all conflict, dissent, and violence as enemies of democracy, when they are essential to its maintenance. As Rosalyn Deutsche²⁹ states, public art must create the public sphere to fulfill a truly public function, and for that it must be truly inclusive. Programmers and curators cannot claim that the works are representative, accessible or inclusive if they are programmed with a homogeneous audience in mind, selected from the exclusion mechanisms of the institutions themselves.

So we can see a very clear difference both in the ideological and consequent legal framing, and in the cultural promoting of these practices, where graffiti writing or small spontaneous street art interventions are taken as dirt, noise, symbols of disorder, danger and socially disapproved behaviors, wheatear murals and other big art projects are promoted as urban decoration and intangible creative assets to promote the city as a place for marker trades and capital accumulation.

However, not just the main set of style and materials, also this creative aura emanates from the irreverent nature of graffiti in the first place. Alison Young also points to the difference between ownership and function when we speak of public space, and how graffiti writers and street artists operate according to the second when they gather, move around and paint, thus surpassing the value we tend to attribute to property and opening urban space to the creative imagination. Through use, writers and street artists gestures change the function of urban space creating new meanings and possibilities.

The question that arises from this research is how cities, in a context of commodification and competition among themselves, can maintain levels of civic participation in public art projects, promoting true citizenship and the right to the city.

29 Rosalyn Deutsche. *Evictions: art and spatial politics*. (Cambridge: Graham Foundation for Advanced Studies in the Fine Arts, 1996).

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