

# BANKSY: SUBVERTING LEGAL AUTHORITY

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## **Abstract**

Banksy has a complex relationship with the art world and the law. His works make use of cynical subversion and humour to criticize aspects of contemporary society, often the law or those who wield its authority. In his 2009 work *Devolved Parliament*, a satire of the UK House of Commons, Banksy calls out and mocks the state of British politics by replacing all the human politicians in the painting with chimpanzees. Whilst the point of the work is easily grasped, when one analyses its details, their meaning and the context of the work from the perspective of legal iconology, it becomes clear that *Devolved Parliament* is deceptively complex. The impressively sized oil on canvas, done in the style of history paintings of the neoclassical age, manages to grab the viewer's attention. At the same time, by using chimpanzees engaged in a legislative face-off, it is clear that the work is legal and political satire. Moreover, the work itself has an interesting history, and fits into his greater oeuvre of works that criticize authority (or 'the law'). As one of the most influential and accessible contemporary artists, Banksy's provoking messages are able to reach an enormous audience and raise public awareness.

## **Keywords**

Banksy. House of Commons. Art & Law. Satire.

## **Summary**

1. Introduction. 2. Description. 3. Meaning. 4. Context. 4.1. The history of *Devolved Parliament*. 4.2. Banksy on legal authority in other works. 4.3. Legal implications of Banksy's work. 5. Conclusion. 6. References.

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## 1. INTRODUCTION

Banksy has been called the ‘the artist who matters most right now’.<sup>2</sup> In 2010, already more than a decade ago, *Time Magazine* put Banksy in the list of the ‘100 Most Influential People’ of that year.<sup>3</sup> He is well known for his satirical, cynical, mocking, and subversive art, through which he bitingly criticises contemporary society and politics.<sup>4</sup>

Banksy is the pseudonym of a legendary and notorious, but unidentified, artist from Bristol, United Kingdom. Banksy’s anonymity has allowed him to embody an iconoclastic ‘everyman’.<sup>5</sup> Banksy’s mediums of choice, street art and graffiti, have gained credibility and legitimacy in the art world over the years. The genres now hold an important place within contemporary art.<sup>6</sup> This popularisation is often attributed to Banksy himself.<sup>7</sup> His ability to make outsider art palatable - desirable even - to the commercial mainstream of the art world has been dubbed the ‘Banksy effect’.<sup>8</sup>

Blanché recognises Banksy’s significance in world of street art, but rightly argues that calling him a street artist would be too limiting.<sup>9</sup> He has gone very far since his beginnings in and around Bristol in the early 1990s. From continental Europe to the United States of America, Palestine, and other locations still, Banksy has been all over.<sup>10</sup> He (she? they?) has not only

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<sup>2</sup> JONES 2018.

<sup>3</sup> ELLSWORTH-JONES 2013.

<sup>4</sup> Sotheby’s, Contemporary Art Evening Auction, 3 October 2019, Lot 28, <https://www.sothebys.com/en/auctions/ecatalogue/2019/contemporary-art-evening-auction-119024/lot.28.html>, accessed 23 May 2022.

<sup>5</sup> WOCKE 2019, 102.

<sup>6</sup> ELIAS & GHAJAR 2015, 48.

<sup>7</sup> *Ibidem*; ELLSWORTH-JONES 2013.

<sup>8</sup> ELLSWORTH-JONES 2013.

<sup>9</sup> BLANCHÉ 2016, 11.

<sup>10</sup> WOCKE 2019, 102-103.

expanded in his activities geographically, but he has also used increasingly varied mediums.<sup>11</sup> No longer restricted to concrete or brick walls and spray paint, Banksy has made works on canvas and paper, but also produced sculpture, performance art, animation, and even an Academy award nominated documentary film: *Exit Through the Gift Shop* (2010).<sup>12</sup> As argued by Perpignan cultural studies scholar Brendon Wocke, it is clear that Banksy has, regardless of the medium used, always maintained his idiosyncratic sense of iconoclastic and subversive irony.<sup>13</sup> Art scholars are right to classify Banksy as a ‘post-graffiti’,<sup>14</sup> or simply ‘contemporary’ artist.<sup>15</sup>

He has a famously intricate relation with both the high art world, and legal authority, be it politics, law enforcement or human rights. It is probably exactly this tension that makes Banksy so successful as an artist.<sup>16</sup> It is also the reason why his artworks are so interesting from the perspective of legal iconology.<sup>17</sup> As such, the topic of research of this article is how Banksy uses art to subvert and criticise both the law and lawmakers.

Whilst many works could have been chosen as the core of this analysis, none are more fitting than the fiercely absurd *Devolved Parliament* (2009), which depicts the British legislators in the House of Commons as chimpanzees.<sup>18</sup> There is a plurality of reasons why this landmark painting

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<sup>11</sup> *Ibidem*.

<sup>12</sup> ELLSWORTH-JONES 2013; WOCKE 2019, 103.

<sup>13</sup> WOCKE 2019, 102-103.

<sup>14</sup> *Ibidem*.

<sup>15</sup> BLANCHÉ 2016, 11.

<sup>16</sup> See ‘Morons 2006-2007’, <https://banksyexplained.com/morons-2006-2007/>, accessed 23 May 2022.

<sup>17</sup> Regarding the iconological research method used for this article, see PANOFKSY 1939, 3-17; MARTYN & HUYGEBART 2018, 3-24.

<sup>18</sup> Sotheby’s, Contemporary Art Evening Auction, 3 October 2019, Lot 28, mentioned before.

is worthy of analysis. When *Devolved Parliament* was originally shown in an exhibition of Banksy at the Bristol Museum in 2009, it was extremely popular. It managed to attract over 300,000 visitors, some of whom had to wait in line for no less than seven hours.<sup>19</sup> Moreover, when the artwork was auctioned at Sotheby's in London for £9.9 million on 3 October 2019, it became, at the time, Banksy's most valuable piece.<sup>20</sup> Last, but certainly not least, *Devolved Parliament* is fascinating because Banksy has mysteriously reworked the piece. When it was first shown in the Bristol Museum the work was named *Question Time* and its details were slightly different.<sup>21</sup> This article will not make assumptions about the identity of Banksy and considers him as an anonymous artist when analysing his works of art. It has been argued in a 2016 article, through the use of geographic profiling of his artworks, that Banksy is linked to Robin Gunningham.<sup>22</sup> However, Banksy has never officially revealed his identity and the study has been criticized for imprecisions, because Banksy works anonymously and identifying which works belong to him is therefore not a straightforward matter.<sup>23</sup>

## 2. DESCRIPTION

The work called *Devolved Parliament* is an oil painting on canvas. It is 2.5 meters high and 4.2 meters wide, making it an imposingly large painting.

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<sup>19</sup> REYBURN 2019.

<sup>20</sup> DAVIES 2019. This enormous sum has since been superseded, *infra* section 4.

<sup>21</sup> Sotheby's, Contemporary Art Evening Auction, 3 October 2019, Lot 28, mentioned above; HOLMES 2019; LUDEL 2019. These changes will be analysed *infra* section 4.

<sup>22</sup> HAUGE *et al.* 2016, 185-190.

<sup>23</sup> SHERWIN 2016.

In fact, it is Banksy's largest canvas to date.<sup>24</sup> The painting depicts the House of Commons of the United Kingdom, but instead of human politicians, it is occupied by chimpanzees. The style of the painting, and the highly ornate frame in which it is placed, are reminiscent of history paintings of the Neoclassical Age.<sup>25</sup>

There are no visible light sources, yet the scene has dim and even lighting, seemingly originating from the top centre of the space. Most of the upper half of the painting is dedicated to the gallery, which is filled with roughly three dozen spectating chimpanzees. In the middle of the lower half of the painting stands a table in an aisle between two rows of opposing benches. One leans in from behind the table and another nonchalantly stands next to it. This closely reflects the actual rules and traditions of the House in session, as the chimpanzee in the middle represent the Speaker of the House, and the one standing next to it a Member of Parliament called forward to speak.<sup>26</sup>

The chimpanzees on the first row to the right of the aisle (the viewer's left), have a serious and stoic demeanour. This is a fitting representation, as this bench is conventionally occupied by the Ministers of Government.<sup>27</sup> A notable detail is the chimpanzee sitting closest to the viewer, who is holding a downturned banana.<sup>28</sup> The second row is occupied by slightly more lively chimpanzees. Half of them have their mouths opened, as if taunting the Opposition on the other side of the aisle. The other half of the Government chimps look more contemplative, as illustrated by one who covers its mouth with a hand, seemingly rubbing

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<sup>24</sup> Sotheby's, Contemporary Art Evening Auction, 3 October 2019, Lot 28, mentioned above.

<sup>25</sup> *Ibidem*.

<sup>26</sup> UK Parliament, 'Rules and traditions of Parliament', <https://www.parliament.uk/about/how/role/customs/>, accessed 28 May 2022.

<sup>27</sup> *Ibidem*.

<sup>28</sup> Regarding the possible meaning of the downturned banana, *see infra* section 4.1.

its chin. These chimpanzees represent Parliamentary Private Secretaries who normally sit behind their respective Ministers.<sup>29</sup> The benches behind the two front rows are filled with mostly calm chimps ('back benchers'), although a few of them do have their mouths opened, as if in disagreement.

The benches on the other side of the aisle are filled with chimpanzees who are more animated; their mouths agape, their fists clenched. This gives the impression that these chimpanzees are highly displeased with what is going on. Considering that these benches are traditionally occupied by the members of the Opposition, this too is an appropriate depiction of behaviour in the House of Commons.<sup>30</sup> There are two remarkable chimpanzees on the right-side of the painting. On the first row, closest to the viewer, a chimp is closing its nose with its fingers. On the last row, one can be seen staring vacuously into an empty bottle.

### 3. MEANING

Banksy comes from a background of graffiti art. Whilst *Devolved Parliament* is not a work of graffiti art, it shares many of the iconological characteristics of his stencil art; simplicity being one of these core features.<sup>31</sup> This is because graffiti, as a mostly illegal medium of art, must be produced in a limited amount of time, to minimise the chances of getting caught. Additionally, because graffiti exists in the streets, it must fight for the attention of passers-by, who in all likelihood have limited time

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<sup>29</sup> UK Parliament, 'Rules and traditions of Parliament', mentioned above.

<sup>30</sup> *Ibidem*.

<sup>31</sup> Banksy uses stencils for both his street art and screen prints. The method works as follows: he places a sheet with shapes cut out of it against a surface and sprays over it with paint, leaving only the parts that have been cut out painted on the surface. For a more detailed explanation of the process and specific examples, see SYER 2022.

available to stop and gaze. Therefore, the message of a work must be simple and easily comprehensible. Consequently, graffiti art with a socio-political purpose must make use of a high degree of ‘semiotic compression’, a notion which Wocke explains as the ‘compression of a central concept or argument in visual terms’.<sup>32</sup> As such, Banksy uses well-known symbols within the socio-political landscape, which are subsequently subverted, to convey his messages.<sup>33</sup>

The same *modus operandi* rings true for *Devolved Parliament*. Even though the painting process was not restricted in production time the same way a work of graffiti art would be, the artwork makes use of semiotic compression to convey its message. The two easily recognisable *topoi* used in the analysed work are the United Kingdom House of Commons, the seat of the legal and political authority in Banksy’s home country, and chimpanzees, our evolutionary cousins. This in turn makes the point of the work easily graspable because by combining these two symbols Banksy effectively calls the United Kingdom members of Parliament a bunch of apes.

Banksy not only references the House of Commons itself with his painting, but he also contributes to a niche of paintings concerned with legislative face-offs. This is not a very common subject for a painting, but Banksy’s depiction of drama during a session of the House is certainly not unique.<sup>34</sup> June Mendoza’s *House of Commons*,<sup>35</sup> John Lavery’s *The Right Honourable J. Ramsay Macdonald Addressing the House of Commons*,<sup>36</sup> and

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<sup>32</sup> WOCKE 2019, 104.

<sup>33</sup> *Ibidem*.

<sup>34</sup> SUTCLIFFE 2019.

<sup>35</sup> June Mendoza (born 1924), *House of Commons*, 1986, 1987, oil on canvas, 173x234 cm, London, Parliamentary Collection, see <https://artuk.org/discover/artworks/house-of-commons-1986-214079>, accessed 28 May 2022.

<sup>36</sup> John Lavery (1856-1941), *The Right Honourable J. Ramsay Macdonald Addressing the House of Commons*, 1923, oil on canvas, 127x102 cm, Glasgow, Glasgow Museum, see

William Morrison Wyllie's *The House of Commons*,<sup>37</sup> are some examples of the painting type which Banksy has skilfully appropriated for the purposes of his work.

The use of chimpanzees as a *topos* of the work is no surprise either. Apes, monkeys, or chimpanzees have been a beloved subject of Banksy's art. It is important to point out that the depiction of humans as apes, also known as 'simianization', has a history of being used in dehumanising and racist ways.<sup>38</sup> However, in Banksy's case, he uses them to exemplify the arrogance of humanity at large. In his early career his portrayal of apes had a more unrefined feel to them.<sup>39</sup> A perfect example of the recurring motif of monkeys is *Laugh Now* (2003),<sup>40</sup> in which a slouching and dejected chimpanzee carries a board which states 'Laugh now, but one day we'll be in charge'.<sup>41</sup> Indeed, with the refined depiction of chimpanzees occupying the House of Commons, Banksy has made that statement materialise in *Devolved Parliament*. Upon an exhibition of *Devolved Parliament* in 2019,

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<https://artuk.org/discover/artworks/the-right-honourable-j-ramsay-macdonald-addressing-the-house-of-commons-84786/search/keyword:house-of-commons/page/11>, accessed 28 May 2022.

<sup>37</sup> William Morrison Wyllie (1820-1895), *The House of Commons*, 1878, oil on canvas, 76x127 cm, London, Parliamentary Art Collection, see [https://artuk.org/discover/artworks/the-house-of-commons-1878-214310/view\\_as/grid/search/venue:parliamentary-art-collection-7391--category:parliaments-and-councils/page/1](https://artuk.org/discover/artworks/the-house-of-commons-1878-214310/view_as/grid/search/venue:parliamentary-art-collection-7391--category:parliaments-and-councils/page/1), accessed 28 May 2022.

<sup>38</sup> LIVINGSTONE SMITH & PANAITIU 2015.

<sup>39</sup> ELLSWORTH-JONES 2013.

<sup>40</sup> Banksy, *Laugh Now*, screen print on paper, 2003, 50x70 cm, available at Hexagon Gallery, see <https://hexagongallery.com/catalog/artist/banksy/laugh-now/>, accessed 27 May 2022.

<sup>41</sup> Sotheby's, Contemporary Art Evening Auction, 3 October 2019, Lot 28, mentioned above; see also <https://www.myartbroker.com/artist-banksy/series-laugh-now>, accessed 27 May 2022.



Banksy himself had ominously remarked ‘Laugh now, but one day no-one will be in charge’.<sup>42</sup>

The auction house Sotheby’s, in its catalogue note on *Devolved Parliament*, points out that the use of animals in allegory has strong foundations in political satire, of which George Orwell’s novella *Animal Farm* (1945) is a famous example.<sup>43</sup> Besides political satire, animals have also been used in legal satire. In 1629, Cornelis Saftleven (1607-1681) painted *Die wil rechten om een koe*.<sup>44</sup> It depicts a seventeenth-century law office in which farmers petition an advocate to sue over a cow. However, instead of humans, all the people in the painting are replaced by animals. The fact that the office is populated by animals instead of humans, is meant to make a mockery of the greedy farmers and lawyers.<sup>45</sup> Considering that the House of Commons is the main legislator in the United Kingdom, the use of chimpanzees in *Devolved Parliament* can be considered to be both legal satire, as well as political satire. Banksy thus follows a long tradition of societal critique through zoological symbolism.<sup>46</sup>

The title of the work is a clever play on words which also brings together the aforementioned *topoi* of parliament and animals. Within United Kingdom law, devolution refers to the transference of some power from the United Kingdom parliament in Westminster to the national parliaments. The devolved parliaments are the Pàrlamaid na h-Alba

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<sup>42</sup> Sotheby’s, Contemporary Art Evening Auction, 3 October 2019, Lot 28, mentioned above.

<sup>43</sup> *Ibidem*.

<sup>44</sup> The English language title reads: *Who sues for a cow*, Cornelis Saftleven, *Die wil rechten om een koe*..., 1629, oil on panel, 60x82 cm, Rotterdam, Museum Boijmans-Van Beuningen, <https://www.boijmans.nl/collectie/kunstwerken/2614/die-wil-rechten-om-een-koe>, accessed 28 August 2022.

<sup>45</sup> *Ibidem*.

<sup>46</sup> Sotheby’s, Contemporary Art Evening Auction, 3 October 2019, Lot 28, mentioned above.

(Scottish Parliament), the Senedd Cymru (Welsh Parliament) and the Northern Ireland Assembly.<sup>47</sup> At the same time, the artwork can be seen as a reference to the theory of evolution. The title makes use of a real concept of United Kingdom constitutional law, but by having chimpanzees as the subject of the work, it subverts the meaning of the words to imply that the once human legislators have undergone reverse evolution, or ‘devolution’, and are now chimpanzees.

The meaning of the specific details of the work, like the bottle-gazing chimpanzee or the one holding a downturned banana, are open to interpretation. It is conceivable that Banksy put these details there to impress upon the spectator a feeling of dejection, though it is equally possible that these details merely serve to make the painting livelier. However, by using the symbol that is the House of Commons, and populating it with another symbol, chimps, Banksy’s characteristic use of semiotic compression leaves little room for interpretation as to what exactly the message of *Devolved Parliament* is.<sup>48</sup> A glimpse is enough to discern that the work represents the deterioration of contemporary British politics, through which it calls into question the competence of the United Kingdom legislator.<sup>49</sup>

#### 4. CONTEXT

Now that the composition and the meaning of *Devolved Parliament* have been addressed, it must be placed in the broader context of its own

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<sup>47</sup> UK PARLIAMENT, ‘Devolved Parliaments and Assemblies’, <https://www.parliament.uk/about/how/role/relations-with-other-institutions/devolved/>, accessed 27 May 2022.

<sup>48</sup> WOCKE 2019, 104.

<sup>49</sup> Sotheby’s, Contemporary Art Evening Auction, 3 October 2019, Lot 28, mentioned above.

history, and its place in Banksy's oeuvre related to legal authority. Lastly, it will be described how the artist's work engages the law beyond satire and criticism.

#### 4.1. THE HISTORY OF *DEVOLVED PARLIAMENT*

When *Devolved Parliament* was first shown in the Bristol Museum in 2009, its details were different, and it bore a different name: *Question Time*.<sup>50</sup> Interestingly, according to Pest Control (Banksy's representatives), *Devolved Parliament* is not a variation of the work exhibited in Bristol, but the same painting, reworked and retitled.<sup>51</sup>

The relatively minor - yet notable - differences include the new title, the removal of the two large chandeliers illuminating the painting, the fact that the once up-turned banana held by a chimpanzee in the front row now faces downward, and the altered details of the end posts of wooden benches closest to the viewer.<sup>52</sup>

One can only speculate as to the reason for the changes. Though, a commentator notes: 'Did Banksy perhaps believe the original image had too bright an outlook on the state of British politics? Is that why the lights are now off, and the tell-tale banana now curves down?'<sup>53</sup>

The changes might have been made in relation to Brexit. Ten years after the original exhibition, *Devolved Parliament* was shown again at the Bristol Museum on 29 March 2019, the original deadline for the United Kingdom

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<sup>50</sup> REYBURN 2019.

<sup>51</sup> Sotheby's, Contemporary Art Evening Auction, 3 October 2019, Lot 28, mentioned above; LUDEL 2019; HOLMES 2019.

<sup>52</sup> HOLMES 2019; LUDEL 2019.

<sup>53</sup> REYBURN 2019.

to leave the European Union.<sup>54</sup> Banksy has previously maligned Brexit. In 2017, a giant mural showing a worker chiselling away one of the stars of the EU flag showed up in Dover.<sup>55</sup> Regardless of the meaning or intention behind the changes, *Devolved Parliament* has proven to be a work of art prescient to the ever more tumultuous political landscape in the United Kingdom.<sup>56</sup>

#### 4.2. BANKSY ON LEGAL AUTHORITY IN OTHER WORKS

*Devolved Parliament* is neither the first, nor the last work by Banksy that satirises legal authority. In his 2004 stencil *I Fought the Law*,<sup>57</sup> Banksy uses the recognisable scene of John Hinckley's 1981 assassination attempt on United States President Ronald Reagan, in combination with a reference to the popular 1979 song *I Fought the Law (and the Law Won)* by the Clash, to illustrate a graffiti artist getting pinned to the ground by authorities.<sup>58</sup> The anti-authoritarian piece can be interpreted in two ways. Firstly, it can be argued that the work conveys the cynical view that those who try to fight the law will inevitably be beaten down by those who enforce it. Secondly, despite getting apprehended, the graffiti artist has already put his message on the wall, thus being successful in propagating his message.

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<sup>54</sup> Sotheby's, Contemporary Art Evening Auction, 3 October 2019, Lot 28, mentioned above; GOLDSTEIN 2019.

<sup>55</sup> GOLDSTEIN 2019.

<sup>56</sup> Sotheby's, Contemporary Art Evening Auction, 3 October 2019, Lot 28, mentioned above; HOLMES 2019; LUDEL 2019.

<sup>57</sup> Banksy, *I Fought The Law*, 2004, screen-print in colours on wove paper, 70x70 cm, see <https://banksyexplained.com/i-fought-the-law-2004/>, accessed 26 May 2022.

<sup>58</sup> *Ibidem*.

Another work in the same vein is Banksy's 2011 mural, *If Graffiti Changed Anything It would be illegal*.<sup>59</sup> The work mainly consists of the phrase 'If Graffiti Changed Anything It would be illegal' spraypainted in red on a wall. Underneath the phrase, a stencil of a rat - a typical symbol for Banksy - can be found. The mural references a quote, purportedly from Emma Goldman (1869-1940), a Lithuanian-American anarchist and women's rights activist of Jewish descent, namely: 'If voting ever changed anything, it would be illegal'.<sup>60</sup> A very straightforward piece, the mural implies that graffiti art will never be successful in bringing about changes, as those with the legal power would outlaw it before such changes could occur.<sup>61</sup>

Another example of Banksy's legal commentary is *Spy Booth* (2014).<sup>62</sup> The mural, located in Cheltenham, the seat of the GCHQ (the United Kingdom intelligence organisation), shows three government agents wearing trench coats, hats and sunglasses, supposedly listening in on the conversations held in a phone booth.<sup>63</sup> The mural appeared in the year following the Edward Snowden affair which exposed the NSA's mass surveillance. Considering the fact that the GCHQ is the United Kingdom's equivalent to the United States' NSA, the work humorously

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<sup>59</sup> Banksy, *If Graffiti Changed Anything It Would Be Illegal*, 2011, graffiti, London, Clipstone Street, see <https://banksyexplained.com/if-graffiti-changed-anything-it-would-be-illegal-2011/#:~:text=It%20depicts%20one%20of%20Banksy,%2C%20it%20would%20be%20illegal%E2%80%9D>, accessed 28 May 2022.

<sup>60</sup> The origin of this quote is disputed because no direct source attributing it to Emma Goldman exists.

<sup>61</sup> *If Graffiti Changed Anything It would be illegal* 2011.

<sup>62</sup> Banksy, *Spy Booth*, 2014, Mural, Cheltenham, see <https://banksyexplained.com/spy-booth-2014-2/>, accessed 27 May 2022.

<sup>63</sup> 'Banksy New Mural – Cheltenham, UK', *Street Art News*, 13 April 2014, <https://streetartnews.net/2014/04/banksy-new-mural-cheltenham-uk.html>, accessed 27 May 2022.

calls out the privacy violations perpetrated by the intelligence community.<sup>64</sup>

#### 4.3. LEGAL IMPLICATIONS OF BANKSY'S WORK

Banksy's medium of choice, graffiti, is illegal virtually everywhere. Most of his art engages the law in some way, simply because it is not allowed.<sup>65</sup> Indeed, Banksy himself has said: 'As soon as I cut my first stencil I could feel the power there. I also like the political edge. All graffiti is low-level dissent, but stencils have an extra history. They've been used to start revolutions and to stop wars.'<sup>66</sup>

Graffiti also calls into question intellectual property rights. Whilst an examination of the interplay between street art and intellectual property is outside the scope of this article, it is still relevant to point out that the medium pushes the boundaries of law. Can a work of graffiti art enjoy copyright if created on a wall without authorisation? If not, can there be repercussions for removing the wall and selling it on auction without the artist's consent?<sup>67</sup> A recent example of such a thing happening is the removal of Banksy's mural *Slingshot Rat* (2007)<sup>68</sup> from Palestine and its subsequent reappearance in a Tel Aviv art gallery, which sparked debate on the legality of removing cultural artefacts from occupied land.<sup>69</sup>

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<sup>64</sup> 'Banksy attacks surveillance culture with new mural', *Phaidon*, 15 April 2014, <https://www.phaidon.com/agenda/art/articles/2014/april/15/banksy-attacks-surveillance-culture-with-new-mural/>, accessed 27 May 2022.

<sup>65</sup> WOCKE 2019, 104.

<sup>66</sup> ELLSWORTH-JONES 2013.

<sup>67</sup> ELIAS & GHAJAR 2015, 48-53.

<sup>68</sup> For a picture, see MCKERNAN 2022.

<sup>69</sup> MCKERNAN 2022.

The law sometimes also protects Banksy's work. The mural *Spy Booth*, mentioned above, was to be removed and sold in London. However, because Banksy had painted it on a house protected by heritage legislation, the work could not be removed without the permission of the city council.<sup>70</sup> Moreover, Banksy himself has used lawyers to protect his interests before.<sup>71</sup>

His most expensive work to date, *Love is in the Bin*,<sup>72</sup> also has some interesting legal implications. The work was created at an auction in Sotheby's. Originally, a version of his *Girl with Balloon* (2006) that Banksy had gifted to a private collection was to be sold.<sup>73</sup> However, at the drop of the hammer, the work started to shred itself.<sup>74</sup> Banksy's representatives, Pest Control, then certified the work as an entirely new piece.<sup>75</sup>

Alex Branczik, Sotheby's head of contemporary art for Europe, said the following about the event: 'Banksy didn't destroy an artwork in the auction, he created one', as well as 'the first artwork in history to have been created live during an auction'.<sup>76</sup> The successful bidder realised how

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<sup>70</sup> *Spy Booth* 2014.

<sup>71</sup> WEBB 2016.

<sup>72</sup> Banksy, *Love is in the Bin*, 2018, intervention at Sotheby's London by way of self-destruction, permanent loan to the Staatsgalerie Stuttgart since March 2019, in October 2021 sold at Sotheby's for £18,582,000, [https://en.wikipedia.org/wiki/Love\\_is\\_in\\_the\\_Bin](https://en.wikipedia.org/wiki/Love_is_in_the_Bin), accessed 11 November 2022.

<sup>73</sup> Banksy, *Girl with Balloon* (also *Balloon Girl* or *Girl and Balloon*) is a 2002-started London series of stencil murals (see [https://en.wikipedia.org/wiki/Girl\\_with\\_Balloon](https://en.wikipedia.org/wiki/Girl_with_Balloon)), commercialized as an edition of 25, 2003, 40,5x40,5 cm, see, e.g. <https://www.sothebys.com/en/buy/auction/2021/british-art-modern-contemporary/girl-with-balloon-2>, accessed 28 May 2022.

<sup>74</sup> SUTTON 2021.

<sup>75</sup> GREENBERGER 2018.

<sup>76</sup> *Ibidem*.

important the shredding was and decided to keep the work.<sup>77</sup> This raises some interesting matters of contract law, as Sotheby's did not actually auction the work that was sold, and the buyer did not actually buy the work he received. The work was auctioned again in 2021, where it brought in an astronomical £18.5 million.<sup>78</sup> In doing so, *Love is in the Bin* completely eclipsed the £9.9 million that *Devolved Parliament* brought in at auction in 2019.<sup>79</sup>

The fact that the work has increased in value despite the fact that Banksy destroyed it is ironic and arguably undermines his subversiveness.<sup>80</sup> Still, the irony is not lost upon Banksy. Already in 2006 Banksy created a stencil, *Morons*,<sup>81</sup> which references the 1987 auction at Christies at which Van Gogh's *Still Life - Vase with Fifteen Sunflowers* (1888) was sold for £22.5 million. However, in Banksy's version of the events, the work being sold does not depict sunflowers, but instead reads 'I can't believe you morons actually buy this shit', thus calling out the high art world for spending inordinate amounts of money on art.<sup>82</sup>

## 5. CONCLUSION

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<sup>77</sup> Sotheby's, Contemporary Art Evening Auction, 14 October 2021, Lot 7, <https://www.sothebys.com/en/buy/auction/2021/contemporary-art-evening-auction-2/love-is-in-the-bin-2>, accessed 27 May 2022.

<sup>78</sup> *Ibidem*.

<sup>79</sup> Sotheby's, Contemporary Art Evening Auction, 3 October 2019, Lot 28, mentioned above.

<sup>80</sup> Sotheby's, Contemporary Art Evening Auction, 14 October 2021, Lot 7, mentioned above.

<sup>81</sup> See 'Morons 2006-2007', mentioned before.

<sup>82</sup> See 'Morons 2006-2007', mentioned before.



Banksy is a highly successful contemporary artist who has moved well beyond his original medium of choice: graffiti. *If Graffiti Changed Anything It would be illegal* could well have been an announcement of this shift to other media. Banksy's works use cultural symbols and subsequently subverts them in satirical, ironic, and critical ways to make a statement. This use of well-known symbols makes his art very accessible. Banksy has a long history of addressing legal authority in his works. Not only that, his usual medium, graffiti, and some of his other works too, challenge the law by their very nature.

The analysed work, *Devolved Parliament*, fits perfectly in this oeuvre and is a shining example of Banksy's attitude towards art, as well as law. As a work, it is all the more interesting for being reworked and retitled, possibly reflecting a darker view of British politics (literally, as the chandeliers have been removed). Whatever the meaning of the changes, they too fit within Banksy's subversive practices. The size and medium of *Devolved Parliament* lend it an ironic grandeur. Its subject, chimpanzees in the House of Commons could not convey a clearer message: the raucous deterioration of British political and legal power. The brash form of the work, in conjunction with its poignant message, manages to capture the viewers' attention and invites them to consider the state of affairs of the United Kingdom legislator.

The fact that *Devolved Parliament* was sold for millions at Sotheby's, only adds to the subversive irony of Banksy's art, as he had called out such auctions many years earlier. Taken together with its context, *Devolved Parliament* is a stellar example of how Banksy's art subverts legal authority and awakens the public's awareness to contemporary issues of society, politics and law.

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