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Clues And Legal Liabilities: What Happened After Banksy Shredded His Own \$1.4-million Artwork

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Sotheby's employees with the "newly completed" work by artist Banksy entitled 'Love is in the Bin', a work created when the painting 'Girl with Balloon' was passed through a shredder in a surprise intervention by the artist, at Sotheby's auction house in London in October. The painting 'Girl with Balloon' was passed through a shredder hidden in the frame just after it went under the hammer for £1,042,000 (\$1.4 million, 1.2 million euros). The modified version has now been certified by Banksy's authentication body Pest Control as a new piece of work in its own right, entitled 'Love is in the Bin'. (Photo credit: BEN STANSALL/AFP/Getty Images)GETTY

Of the many high-end art world hijinks in the last year, certainly Banksy's trick of remote-control shredding of his own 'Girl with Balloon' at Sotheby's in London last October as the gavel came down on the \$1.4-million painting took top honors as best-and-most-political defacement ever. With it, he sent up the auction process, and the topping-of-the-top insane prices that many artists bring. It was an embracing, and embraceable trick that even the auctioneers wryly took to heart.

Alex Branczik, Sotheby's head of contemporary art in Europe, summed it up immediately, as the painting was being carted off by two white-gloved Sotheby's handlers: "It appears we just got Banksy-ed."

Thankfully for the auction house, the buyer felt that too, but in an extremely positive way, and chose to love what the artist had done to the work in the first few seconds of her ownership, before she had taken possession of it. Whether intentional or unintentional, a smart move. The market itself reacted with great positive speed, with some experts predicting a huge spike in the value of the \$1.4-million sale price.

Despite the great gobs of Banksy-ish devilment and irony in the elaborate, remote-controlled shredding action, Banksy himself seems to have slightly emerged from his hidey-hole on the matter, confirming the new owner's position by affirming his authorship of the work and its shredding with a new title, 'Love is in the Bin,' on the Pest Control website, the authenticating body for Banksy's work. Banksy is not known for his compliments, but as far as it goes, this authentication was a compliment to his new patron and her largess of artistic vision.

It has taken three months for the effects of all this to sift out, but in late December, a solicitor and lecturer at London's University of Law, Salomé Verrell, posited that Banksy had in fact violated the Criminal Damage Act of 1971, since the ownership of the painting had in fact been legally transferred in the moment that the gavel came down. Okay, it was a technicality, and if the owner was happy, and Sotheby's saw no wrongdoing to its coffers or its own legal sanctity, in fact, Sotheby's now defines the work and by extension the act of shredding it as a "newly completed" work of art. And, since no soul in his right mind would prosecute such a fine, ironic artist at work on a great work-in-progress, then fine. It's a bit sad for London's hard-working paparazzi that they won't get a shot at Banksy's perp walk as he would theoretically be sprung from police custody if he were to be arrested, but they'll just have to live with that disappointment.

But, good for Ms. Verrell for pointing out that Banksy began his illustrious career being chased by the cops as he tagged buildings and bridges with his singular stencil-style in his early career in Bristol and environs. It gives us an extra dollop of Banksy-ish irony that he's still figuring out ways to get on the wrong side of the law, even in big \$1.4-million art trades over which he really doesn't have much control. It was his daring joust to assert a last bit of control over that process that has resulted in everybody basically agreeing that anything the man does is a work of art.

Long assumed to be the Bristol-based artist Robin Gunningham, the reclusive prankster left behind yet another bread crumb of a clue to his identity, in a partial view of his face accidentally caught on a bit of audience cell phone footage from the auction. In other words, it's fair to assume that Gunningham, if as we think that Banksy is that man, was in the room to trigger the shredder he built into the frame at that precise and most theatrical moment of transfer, when it was not being handled. No timer in the world could have predicted when the lot would actually be sold that evening, or when the painting would be perfectly on view and at rest.