Vandalism and Anti-Social Behaviour

Matt Long and Roger Hopkins Burke

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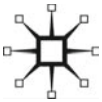

Softcover reprint of the hardcover 1st edition 2015 978-0-230-58085-5

First published 2015 by
PALGRAVE MACMILLAN

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

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ISBN 978-1-349-36877-8 ISBN 978-1-137-51926-9 (eBook)
DOI 10.1057/9781137519269

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

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Acknowledgements

The authors are primarily indebted to James Irving of Sheffield Hallam University and Phil Hodgson of Derby University for their data collection and contribution to the early drafts of this work. We wish to credit their intellectual input during the process of the writing of this book.

We further acknowledge the support of our colleagues both on the wider Division of Sociology under the leadership of Jason Pandya-Wood and our more immediate colleagues in the Department of Criminology at Nottingham Trent University. The lead author has been based at NTU since 2006, and the second author since 1999.

We also appreciate the moral support of our respective families and friends.

Introduction

It is astonishing to the authors of this book that Stanley Cohen's (1973) undoubtedly ground breaking work on vandalism is now over four decades old. Since then, others have endeavoured to review Cohen's typology, for example, Wilson and Healy (1987), who added the notion of 'innocuous vandalism', yet in our opinion the original remains pivotal.

That said, Cohen's work is in need of revisiting, not least because of the rapid development of the consumer society over the past 40 years and the parallel rise of the politics of individualism. The world was a very different place during the early 1970s than it is now in the second decade of twenty-first century. Cohen (1973) observed that most acts of vandalism were (at that time) committed against public rather than private property. Forty years on, with the growth of consumer culture in late-modern societies and with more and more sections of the working class (and indeed the workless classes, which were much smaller during the earlier period) owning more and more commodities such as the motor vehicle and indeed their own homes, it is not surprising that vandalism (or criminal damage as we shall discover later in this book) has been increasingly targeted at private property. We will commence our discussion by revisiting the year of 1973 so that we can locate Cohen's important contribution within its cultural context.

That was the year that was – 1973

The year of 1973 was a landmark year politically as the United Kingdom, Ireland and Denmark entered what was then referred to as the European Economic Community (EEC), later to become the much expanded European Union (EU). This was all taking place at the same time that

the Provisional Irish Republican Army (IRA) was conducting a major bombing campaign on the mainland and in particular London, with Whitehall and the Old Bailey symbolic targets. Ironically, the House of Commons was to vote against the restoration of capital punishment by a margin of 142 votes.

The country was in even more economic turmoil than is usually the case in United Kingdom. In May, more than 1.5 million workers went on strike in support of a Trades Union Congress (TUC) 'day of national protest and stoppage' against the Government's anti-inflation policy, which involved significant cutbacks in the public sector and an unprecedented wage freeze. These are policies with which we are, again, very familiar at the time of writing, although the levels of support from a now emasculated trade union movement are much smaller today. Things came to a head in December of that year when, in response to Western support for Israel in the Yom Kippur War, the Arab-dominated Organisation of Petroleum Exporting Countries (OPEC) eventually quadrupled the price of crude oil, thus instigating a worldwide 'oil crisis'. It was in this context – and because of significant coal shortages caused by regular industrial action on the part of the miners – that the electricity consumption reduction measure famously known as the 'three-day week' was introduced in the United Kingdom. The average salary for UK workers was £2263, with the average house price around £9000. According to the National Travel Survey (2007), car ownership in the mid-1970s was just over 40 per cent. This figure was to almost double by the twenty-first century, which is significant when we come to consider the motor vehicle as a specific cultural target for the vandal (RAC Foundation, 2014).

In the United States, the country's involvement in the Vietnam War was coming to an end, with the signing of the Paris Peace Accords. Domestically, there was no escaping trouble for President Richard Nixon with the aftermath of the Watergate Scandal and the so-called Saturday night massacre leading to calls for his impeachment. Meanwhile, the American Psychiatric Association removed homosexuality from its list of mental illnesses.

In terms of popular culture, the Yorkshire-based television comedy series *Last of the Summer Wine* was first screened, thus instigating decades of Compo chasing the wrinkly-stocking-clad Nora Batty! The music world was well and truly rocked by the release of Pink Floyd's iconic album *The Dark Side of the Moon*, and Elvis Presley's *Aloha From Hawaii* television special was seen around the world by more than one billion viewers.

In the world of sport, heavyweight champion Smokin' Joe Frazier was lifted off his feet and sent to second-round oblivion against the huge and seemingly indestructible George Foreman in a fight which saw the former's promoter Don King utter the appallingly unashamed line, 'I came with the champion and I left with the champion' as he departed with the man who would later make millions through selling barbecue grill products. Long before he waved that infamous glove at us on the golf course after his controversial acquittal for murder in a case which divided America, O.J. Simpson became the first running back in history to rush for 2,000 yards in a season for the Buffalo Bills. Back at a packed Wembley stadium, Ian Porterfield's winner made huge underdogs Sunderland unlikely FA Cup winners over Don Revie's mighty Leeds United.

So 1973 was indeed a very different world to that of today, and as we will argue, a newer and more culturally informed consideration of vandalism is needed for the second decade of the new millennium. It would, however, to borrow the words of the Tenpole Tudor Song, be a mistake to 'throw the baby out with the bathwater' by completely overlooking Cohen's (1973) typology. Cohen made a fantastic original contribution to knowledge, not least because of two things. Firstly, he acknowledged the patterned nature of vandalism, and secondly, his work located the social practice of the vandal in terms of specific subcultural contexts.

Cohen's typology of vandalism

Cohen (1973) identified six major categories of vandalism, namely (1) *acquisitive* – in which the vandalism is incidental in the process of material acquisition; (2) *ideological* – in the sense that the act is motivated recourse to a wider belief system, with people acting upon so-called principle; (3) *tactical* – in which acts are conducted in pursuance of achieving some personal advantage; (4) *vindictive* – in that the act is committed as a mode of revenge for real or perceived wrongdoing against oneself; (5) *malicious* – in which acts are generically anti-social rather than specifically targeted against an individual victim; and (6) *play* – in that such acts are carried out ordinarily by children who are keen to explore the axiomatic 'boundaries' as far as their engagement with property is concerned. We will reflect and build upon this typology throughout this book.

Cohen's work (1973: 23) was clearly innovative in describing vandalism as 'institutionalised rule-breaking', and he was perhaps

the first academic to observe that vandalism is *patterned* behaviour – arguing that 'some patterning in the physical characteristics of the target is also apparent' (ibid.: 50) – in that its forms and specific styles are repeated generation after generation. In this sense the social practice of vandalism involves a form of 'ritualism' (ibid.). He cites the examples of 5 November Guy Fawkes Night celebrations in the United Kingdom and the routine destruction of property on Halloween night in the United States. This is significant in that vandalism is often censured as being random or sporadic. Take, for example, an article which appeared in the *Washington Post* in 1992, entitled '3 Arrested in Random Vandalism; Teens Blame Boredom for Actions, Police Say' (Redding, 1992). In this case, damage to both cars and houses committed by three youths, is presented as being a sporadic outburst. Likewise, an article in the *Miami Student* newspaper in February 2010 (Miami Student, 2010) made reference to 'sporadic' vehicle vandalism on the college campus. Cohen (1973) was the first criminologist to make the point that, far from being 'random' and 'sporadic', much vandalism is often patterned, repeated and as we will see highly predictable.

Cohen's (1973: 50) second major contribution which we aim to build on, was to assert the subcultural nature of vandalism in that 'vandalism is almost always a group rather than an individual offence'. This is of massive importance as it already takes us way beyond the realms of black letter law, whereby it is only ever individuals who are culpable for damage and are prosecuted separately. Hopkins Burke (2005: 105) observes that there are many different deviant subcultural theories, but they all share the conviction that 'certain social groups have values and attitudes that enable or encourage delinquency'. Taken collectively, the deviant subcultural tradition is of paramount importance to the study of vandalism because it tells us that such acts are *meaningful* to those who commit them. This is hugely important as vandalism is often censured as being 'mindless'. For example, the South Ayrshire Council censured the vandalism of signs intended to educate dog owners in Ayr as 'mindless' and 'wanton' (South Ayrshire Council, 2013). Similarly, in March 2010, a 17-year-old teenager from Jaywick was given an Anti-Social Behaviour Order (ASBO) by the Harwich Magistrates Court for anti-social behaviour and so-called 'mindless vandalism' (Clacton Gazette, 2010). Cohen taught us that very often what appears to be 'mindless' and 'meaningless' is in fact, when taken from the viewpoint of the detached observer, invested with meaning for the vandals themselves.

Revisiting vandalism through a cultural criminological lens

It is worth speculating as to why four decades on, the work of Cohen on vandalism remains quite simply 'the best there is'. The answer possibly lies in the rise of right realist or populist conservative criminology which infused criminological discourses from the early 1980s and which is still popular in today's times of austerity in the second decade of the new millennium. Cohen was writing at a time in the early 1970s when the neo-Marxist revival across the social sciences was in full swing and radical criminology was in many ways at its peak, evidenced by the publication in that year of the seminal text *The New Criminology*, by Ian Taylor, Paul Walton and Jock Young.

The Americans had just gone through the horrors of the Vietnam War in the 1960s, and the abuses of power with President Nixon and the Watergate scandal meant that people were seeking to challenge the proverbial 'system' – and with a desire to challenge came the belief that one must first understand. It was in that context that Cohen's work in many ways represented the last serious intellectual attempt to *understand* vandalism. Back in the 1970s, it was still acceptable for academics like Cohen to try and understand vandalism because criminal justice practitioners still held on to the belief that the rehabilitative ideal carried some possibilities. There was a conviction that the psychological outlook and the social conditions of the vandal could be changed and that if that were to occur, then desistance could occur – so there was merit in attempting to *understand* vandalism.

With the onset of the Reagan and Thatcher administrations in the United States and United Kingdom, the 1980s witnessed a return to the rational actor model of criminal behaviour in the form of rational choice theory (see Cornish and Clarke, 1986). The vandal was no longer the victim of circumstance, but rather *chose* to engage in his (and it was normally his) destructive and anti-social activity. The politics of individual self-responsibilisation took over, and there was nothing left to understand. The always anti-social and never politically progressive acts of the vandal were now open to censure as being 'mindless' and 'moronic' by an invigorated realism of the Right (see Wilson and Herrnstein, 1985; Hopkins Burke, 2014a).

There is clearly a need to revisit the issue of vandalism because we live in a very different world from that when Cohen conducted his research and wrote his seminal work. Cultural criminology is alive and receptive to the contested 'reality' that we inhabit, what is often described as

a 'postmodern' world or the 'postmodern condition' (Hopkins Burke, 2014b). This is a world in which objective truths are increasingly challenged and rejected, a world in which reality and truth are fragile, negotiable and socially constructed. Cultural criminology follows the postmodern perspective and rejects the previously dominant modernist approaches to attempting to understand the world based upon making assumptions about the 'progress' offered by science and rationality which followed the Enlightenment period.

Having acknowledged the primary contribution made by Cohen (1973) we must now address the inherent problems in producing ANY typology of vandalism.

Problems with typologies

Cohen offers us a useful typology which enables us to appreciate the sheer diversity of social practices subsumed under the catch-all notion of 'vandalism'. It was nevertheless a product of its time in the early 1970s. Whilst 'sociologists of deviance' such as Taylor, Walton and Young were preaching a 'new criminology' (1973), practitioners still believed in the ideals of rehabilitation for offenders. The political 'New Right' was still lurking in the political shadows, while associated criminological ideas around risk management and actuarialism had not yet come to the fore. It was a world of certainties in which people still believed in the pursuit of objective truths. This links with one of the problems of this earlier typology when viewed from the perspective of today, in that it tends to objectify the act of vandalism. It tends to assume there is one singular truth or rationale behind the act of vandalism itself. The typology is itself distinctively objectivist. There is one and only one meaning that the act of vandalism can have. This is distinctly problematic when viewed through the lens of a postmodern social order. In reality, meanings and motives for vandalism are multiple. Where does 'play' vandalism stop and 'malicious' vandalism begin, for instance? Moreover, this earlier typology ignores the possibility that the act of vandalism may have completely different interpretations from the point of view of the 'offender' and the 'victim'. This is clear from the following conversation.

A female in her twenties described her experiences as a member of a family who were the only Asians on the street. She described how what started off as racial harassment and incidents with cigarettes being pushed through the letterbox then began – according to her quite

understandable *perception* – to escalate in intensity when the car windscreen was vandalised:

> Our neighbours were hosting what you'd basically call a Chav house party. They pretty much had some kind of party every weekend. Soon enough, the house party turned into a street party. We heard a loud bang in the middle of the night and the next day woke up to find that a bottle had been thrown through the car window – there was glass everywhere. It could just have been an accident or high spirits during the party but I think it was intentional. We'd had trouble before – out of all the cars in the street, why did our car get damaged? – It's just too coincidental.

The point drawn from the above quote is that what for the offender(s) *may* have been a prank or even an accident, is for the victim perceived to be something entirely different – namely an act of vindictive vandalism with distinctly racial undertones. What is the 'truth' behind the act of vandalism described above? For Cohen, this act would have to fit in with one of his six types: (1) acquisitive; (2) ideological; (3) tactical; (4) vindictive; (5) play; or (6) malicious. It is a central component of modernist thought that things need to fit neatly into categories, and has long been a criticism of traditional positivist social science (see Foucault et al., 2001). Social practices such as vandalism cannot belong in more than one category. Yet, on reflection, there are multiple possible meanings of this act, and they certainly are open to contestation. It may have been committed in the spirit of 'high jinks', in which the alcohol was flowing and the music at the party was banging away, with a bottle being carelessly tossed out of a window into the night sky, with the car being hit almost by accident. At the other extreme, it may have been a deliberately calculated and targeted act of vindictive vandalism aimed at one particular family in the street purely because of the colour of their skin. The point is, the 'truth' will never be known, as is so often the ambiguous case where vandalism is concerned. It is thus worth at this point offering some thoughts on the methods which have informed this piece of work.

A note on methodology

This work is clearly located in a qualitative tradition of study. The authors attempt to develop a reflexive and culturally informed criminological perspective which rejects positivist epistemologies underpinned

by cause and effect and multivariable analysis. Our work involves a triangulation of both secondary and primary data sources. Whilst we have included the usual academic books and journals, these secondary data sources have relied heavily on the Internet to provide empirical examples of various modes of vandalism and anti-social behaviour. Whilst we acknowledge the problems of utilising Internet-based sources in terms of reliability and verification, we were also keen to acknowledge that engagement with this mediated form of technology provides us with good research material. This has provided us with a range of examples from both across the United Kingdom and around the world in which to test the strength of this new updated typological model which we develop in this text. Indeed a leaning towards Internet-based sources is becoming increasingly common in a postmodern world where people are more likely to identify with each other as members of virtual communities of interest rather than real communities which are fixed geographically in time and place.

As well as secondary data sources, we have engaged in primary data collection. As well as the self-reflections of the authors, this has taken the form of conversations with 'key informants' in the field. Rather than attempt to select a random or systematic sample of so-called 'vandals' from probation reports or prison records, which may have been both ethically dubious and certainly pragmatically difficult, we have once again rejected all claims to positivistic science by relying on a small volunteer sample of key informants who were purposefully sampled due to convenience. We make no apology for this as we feel that the insight gained from a variety of sources, including police officers, social workers, environmental protesters and those who have gone on to desist from their anti-social practices, adds considerable insight. Had we attempted to generate a large sample of unwilling and 'captive' interviewees (in the literal as well as the metaphorical sense of the word), our insight would have been limited. The conversations we have captured do not provide us with a direct window of light into social practice, but what they can do if employed appropriately, is to provide a degree of phenomenological insight into 'what actually goes on'. We felt that our decision to use key informants to speak to rather than to generate some random sample with ambiguous claims to representativeness, was far more beneficial as our respondents were talking to us of their own volition and many were well motivated to actively engage with our project because they were not coerced into doing so.

It would have been ethically and practically impossible to conduct research with current offenders. First, to interview those under the age

of criminal responsibility about their potential misdemeanours would have led these authors to be accountable to a plethora of institutional ethics committees (see Ferrell et al., 2008) which might well have stopped us anyway or at least place impossible restrictions upon our practice to have made the project undoable. Second, to have attempted to interview offenders motivated to vandalise through hatred of minority groups would have been illuminating, but may have risked creating moral outrage as we may have risked the accusation that we were offering the 'oxygen of publicity' to such offenders. Any ethnographic attempt to understand the 'position of the other' on this matter may not have been tolerated by the aforementioned ethics committees in light of the 'zero tolerance' policy which purports to exist where sensibilities risk being offended on issues of race and diversity in today's society. This type of ethnography, whilst by no means impossible, arguably had its peak in the 1970s and is perhaps best evidenced with reference to the covert work of Fielding (1981) on Far Right groups. This sort of work is extremely difficult to conduct nowadays because of the requirement to secure written consent from research participants. Despite using an example of the US practice of 'institutional review boards' (TCU, 2007: 7, 10), this is best articulated by Ferrell et al. (2008: 164), who argue that 'they (ethics committees) reserve especially harsh consideration for proposed research that might put subjects "at risk of criminal or civil liability", or for research involving "vulnerable populations" (including prisoners)'.

Having offered some rationale with regard to method, we now end this introductory chapter with an outline of the structure of the book.

Book structure

Chapter 1 on cultural and political contexts asserts the need for a discussion informed by cultural criminology on the most common of all criminal offences by arguing that both vandalism and anti-social behaviour have been repoliticised by recent political and policy discourses.

Part 2 suggests that vandalism is a culturally created artefact and that for it to be fully understood, it is necessary to locate the actions in the context in which they occur. Thus, Chapter 2 begins by examining the type of vandalisms which orthodox criminology has chosen to fetishize, namely the 'exploratory' and 'drift' vandalisms of children and adolescents. In beginning to offer a more critical perspective, Chapter 3 argues that the conventional vandalisms of the young are far from 'sporadic' and 'random', but rather that they are highly patterned and to a certain extent predictable due to the targeting of certain cultural objects such as

the motor vehicle. Chapter 4 develops the idea that conventional vandalisms of the young become normalised in certain contexts depending on the type of people who engage in its social practice.

Part 3 discusses 'cultural criminology and vandalism', and the chapters move away from the conventional vandalisms of 'exploration' and 'drift', reminding the reader that some 'anti-social' vandalisms are driven by the drive for material acquisition ('collateral vandalism'). In continuing the links to strain theory, Chapter 6 moves on to explore how a rise in profoundly 'anti-social' hate vandalism can partly be explained by the material conditions generated by a double-dip economic recession.

Part 4 discusses 'cultural criminology, the anti-social state and the pro-social vandal. This section of the book rejects the orthodox criminological view that the private individual is to be the locus of the blame for 'anti-social' vandalism and asserts that the state has the capacity to act in a malevolent and profoundly anti-social way in its vandalism of the environment, and yet this is very rarely censured as 'vandalism'. Chapter 8 moves on to consider that many vandalisms committed by individuals and collectivities can actually be 'pro-social' in attempting to challenge the 'anti-social' practices of the state.

Part 5 begins to draw the book to a conclusion by exploring the possible futures of vandalism. Chapter 9 assesses the impact of mediated communication on vandalism, arguing that the late-modern focus on virtual as well as real geographical communities fundamentally challenges the way in which we must assess the vandalisms of both the present and the future. Chapter 10 continues its focus on the future by developing a more international perspective on vandalism and anti-social behaviour, looking at likely future trends through an informed cultural criminological lens.

So without further ado, we now move Towards a Cultural Criminology of Vandalism and Anti-Social Behaviour as our starting point.

Part I
Political Context

1
Towards a Cultural Criminology of Vandalism and Anti-Social Behaviour

All of us will have broken something on many occasions in our lives – it could be in a domestic context like a plate or a vase. It could be in a social context, like a glass. Accidental damage aside, evidence suggests that at some point or other in our lives, many of us will have also wilfully broken something. It is the shift from the former as in the 'accident' to the latter in terms of intentionality, which signifies what we term 'vandalism' in our culture. We begin this chapter by asking what this term actually means and by tracing where it actually comes from.

The origins and history of the notion of vandalism

It is important to trace the genealogy of the term vandalism, as this kind of 'archaeological method' advocated by Michel Foucault (1969) encourages us that an understanding of the past can forge a healthier and more rounded comprehension of the present.

As we observed in the introduction to this text, the work of Stan Cohen (1973) remains highly influential for those seeking to understand our subject matter. Over 40 years ago, he observed that the notion of vandalism derives its meaning from an East German tribe known as the Vandals, who during the fourth and fifth centuries CE invaded Western Europe and destroyed cities. Cohen (1973: 33–34) commented that 'they were traditionally regarded as the great destroyers of Roman art, civilization and literature and their actions were associated with a general barbaric ignorance'. It was thus Renaissance and Early Modern writers who were keen to censure the vandals, and historian Lisa Jardine (1998) reminds us that the artists of the Renaissance period were patronised by the ruling elites and that any artefact critical of those in power would be unlikely to be bought.

In the year 406, the Vandals moved from their homeland in Pannonia – in present-day Hungary – and travelled along the Danube, but met resistance from the Franks when they reached the Rhine. Having defeated the Franks in a bloody battle, the Vandals invaded Gaul (now France) and in 409, they crossed into the Iberian Peninsula (Spain) via the Pyrenees, later moving into North Africa in 429. The infamous 'Sack of Rome' occurred in 455, with Pope Leo the Great begging King Genseric of the Vandals merely to pillage the city rather than to murder, rape and commit arson. The Vandals duly obliged and departed with the spoils of the Temple in Jerusalem booty, which had been brought to Rome at the beginning of the millennium by Titus. Interestingly, regardless of their label as the masters of destruction, it is thought by some that the original Vandals were actually no more destructive than comparable invaders in existence in ancient times (see Cohen, 1973). It was simply what invaders at that time in history did, and this is interesting in terms of an assessment as to how and why the label of the vandal has survived many centuries and endures in postmodern times.

The Romans unsuccessfully retaliated against the Vandals in 460 with attacks from both their Western and Eastern empires, and by 470 they had signed a peace treaty signed with the Vandals in Constantinople. The Vandals were subsequently heavily defeated by the Berbers in two major wars in North Africa between 496 and 530, and the Vandal King Gelimer surrendered to the Romans in 534, effectively bringing an end to the Vandal Empire.

In an interesting shift from a focus on a subculture of people to that of property, Cohen (1973: 34) notes that during the nineteenth century, the term 'vandalism' came to refer to the planned destruction of medieval buildings in order to make way for ones which were representative of the new Churchwarden Gothic era, and observes that:

> It is not clear when the term 'vandalism' became used to describe destruction of property in general. Its etymological connection with the destruction of aesthetic objects is obviously too restrictive to cover the range of behaviour conventionally described as vandalism. Nevertheless, the original connotations of the term should not be lost sight of.

The above connotation has recently resurfaced in our present-day culture with the Prince of Wales reportedly bemoaning the apparent 'madness' of seeing heritage buildings abandoned to 'arsonists and vandals'. Prince Charles is reported to have made these comments to distinguished guests who appeared at the reopening of the English Heritage managed Kenwood house on Hampstead Heath in December 2013 (see Furness, 2013; Wright, 2013).

Whether we are talking about medieval buildings in the nineteenth century or former stately homes in 2013, what is significant is that from the former period onwards the notion of the vandal was no longer used merely to refer to a specific tribe of people, but rather to describe a social practice – namely that of property destruction. This observation is worthy of further reflection because as we have seen, the original Vandals were a force to be reckoned with in terms of colonial expansion. Thus, they murdered, raped, pillaged and looted. These original connotations all seem far removed from the label of the modern-day vandal, for example, the so-called 'feral child' of the socially excluded housing estates so beloved by popular media reports. In writing for the Daily Mail, for instance, Harriet Sergeant (2009) wrote how a generation of so-called 'violent, illiterate' young men were 'living outside the boundaries of civilized society' and could as such be labelled as 'feral youths'. Nonetheless, this can all be taken too far, for exactly who, outside the esoteric academy, makes any connection between the present day 'vandal' and a once to be feared buccaneering, force of colonial expansion?

Therefore, our first point requiring cultural criminological analysis is that the contemporary understanding of the term vandalism differs radically from its original meaning. Having established this, we now turn to an exploration of what is understood by the notion of vandalism in contemporary society.

What is vandalism in contemporary society?

A good starting point is to take a look at black-letter law. A glance at the statute book tells us that there is no such offence as vandalism, which is a term used more as a label or a censure (Sumner, 1994) and possibly a catch-all term for something else. The correct legal term is of course 'criminal damage', and this unambiguously refers to 'crime':

> Criminal damage refers to crimes where any person without lawful excuse intentionally or recklessly destroys or damages any property belonging to another. Activities resulting in non-permanent damage (i.e. that can be rectified, cleaned off or removed at no cost) such as letting down of car tyres should not be classed as criminal damage, nor should accidental damage.
>
> (Home Office, 2006a)

In a strict legalistic sense, according to case law if no damage in fact occurs, then no liability for criminal damage can arise (see for example *A [a Juvenile] v R* [1978] Crim LR 689). Black letter law can, however,

only take us so far in that there is ambiguity with judgment, and police officer discretion is required in order to decide what actually constitutes 'permanent' or 'non-permanent' damage. Whilst letting down car tyres might constitute non-permanent damage, it may actually represent more of an inconvenience for the car owner than having their wing mirrors broken. The former temporarily incapacitates the car owner and might mean a missed hospital appointment or a later appearance at work, whereas the latter does not mean the car cannot be driven. In practice, therefore, 'damage' may not be strictly defined by the legislation, and is thus not limited to permanent damage. One such example may be the smearing of mud on the walls of a police cell by a suspect, which may be classified as criminal damage even though technically it can be removed. In practice, therefore, what constitutes damage is a matter both of fact and degree, and it is for the court, using its common sense, to decide whether what occurred is damage (Crown Prosecution Service, 2011).

There is nevertheless legal recognition that some forms of criminal damage are significantly more serious than others, and this begins to give us a clue as to the fact that vandalism is diverse. Criminal damage may not just desecrate property, but can in certain cases endanger human life. To this end, the Criminal Damage Act 1971 prescribes a maximum sentence of life for arson or criminal damage that endangers life and for any threat/possession with intent to commit criminal damage involving explosives. Indeed, few would dispute that these are serious offences worthy of significant sanction. This is, however, once again an ambiguous area, particularly when what we will define as 'political' acts of vandalism are considered. The waters are muddied in the sense that, as we shall see later, members of organisations such as Greenpeace, for instance, may claim that their protests, although dangerous, are morally justifiable as they are carried out for the purpose of the wider social good, environmental concerns and sometimes to prevent what are perceived to be potentially greater long-term harms to humanity.

There are much tougher sentences for racially and/or religiously aggravated offences of criminal damage, but whether an offence is judged to be religiously or racially motivated depends on (a) the perception of the victim and (b) the awareness of the police officer(s) investigating in terms of their appreciation of current legislation and good practice. An offender may receive a maximum prison sentence of 14 years when the offence of criminal damage is racially motivated or religiously aggravated, and there is a 10-year maximum sentence for all other forms (see Crown Prosecution Service, 2011). As we shall see later in the book, some forms

of vandalism are regressive and aimed at undermining attempts at diversity, inclusion and multiculturalism, and considered deserving of the full weight of the criminal law. These are what are collectively known as Hate Crimes, and what we term 'hate vandalism' is a subcomponent of this.

The 'seriousness' of vandalism is invariably related to the cost of the damage rather than taking into account motivations of the offender, which is a fundamental underpinning of criminal law, taking us back to the utilitarian philosophy of Jeremy Bentham and John Stuart Mill (Hopkins Burke, 2013). It is not so much the intention of the perpetrator that is important but the damage they cause to the victim or society. Thus, if the cost of damage in value terms exceeds £5,000, the maximum penalty is six months in prison and a £5,000 fine. If the value is less than £5,000 the maximum sentence is three months in prison or a £2,500 fine (see Crown Prosecution Service, 2011). The Criminal Damage Act of 1971 has in some respects been complemented by more recent legislation such as The Anti-Social Behaviour Act 2003, which introduced £50 Fixed Penalty Notices for offences relating to minor graffiti and flyposting, with clearly some ambiguity existing here as to what constitutes 'minor' in such cases and the impact of the damage on the wider community.

The above being taken into account, a cultural criminological perspective on vandalism, however, rejects a narrow legalistic conception of how the criminal justice system deals with acts of 'criminal damage'. Whilst the criminal justice system does arbitrate on the level of seriousness of the offence of property damage which has been committed, a dry black-letter legalistic approach says very little about the sheer diversity of social practices which can be subsumed under the label of vandalism. Vandalism, as we shall see, covers a diverse range of social practices.

The diversity of vandalism

There is considerable diversity in the acts that are included in the black-letter legalistic category of criminal damage including arson. This is important for us to acknowledge because 'fire starting', for example, is materially different from, say, tagging a bus shelter. The definition of arson favoured by the British Crime Survey is 'deliberate property damage caused by fire to a person's home or vehicle' (Nicholas et al., 2007). This again warrants criminological attention in that we might ask ourselves whether the sort of person who knocks a wing mirror off a car as a drunken prank is the same as one who would deliberately sets fire to a school to cause millions of pounds worth of damage. Some might think not and consider these to be completely mutually exclusive

acts at the polar ends of a seriousness spectrum, but others might note a linkage with a 'one thing leading to another' syndrome located in the context of a spiral of decline or increased activity (see Knights, 1998).

Unlike some forms of damage, arson is a serious criminal offence as it has been estimated that more than half of all fires which cause property damage are started deliberately, with the wider costs to the economy amounting to £2.2 billion a year. Despite the creation of an Arson Control Forum, with an annual budget of £4million, a typical week sees arsonists start 21,000 fires. As well as damage to property, these vandalistic acts can lead to the far more serious eventuality of injuries (estimated at 55 per week), with an average of one death per week (Daily Mail Online, 2013). As with simple property destruction, we again find that arson, far from being random and sporadic, is remarkably patterned, and it is this patterning which provides us with one of the golden threads of this book. It is estimated that approximately 50 per cent of arson is targeted at cars (usually stolen), with other targets including garages, sheds and schools. Over one in five fires in homes are started deliberately, and on an average day, 17 schools will be targeted. The Association of British Insurance estimates arson costs over £1million per day, with 'direct losses' being related to property damage, emotional suffering due to injury/loss of life, health service costs, fire service response, environmental costs and lost production. Additionally there are 'indirect costs' related to fire protection, for example, smoke alarms and prevention activity by the Fire Service (Home Office, 2013).

The peak period for fire starting is between 7 p.m. and midnight, which, at first sight, might suggest a rational actor model motivation with people choosing to commit these acts under the cover of darkness, while a predestined actor model suggestion might be that offenders are more likely to be drunk during the more conventional 7 p.m. until 11 p.m. pub drinking hours. As a cultural criminologist, the late Mike Presdee (2007), reminds us that fires have more of a visual effect at night and that there is something seductive about the partaking of acts of transgression under the blanket of the hours of darkness, demonstrating the compatibility, rather than exclusivity of these theoretical approaches. Detection rates for arson are low, 8 per cent compared to 24 per cent for all other criminal damage offences, probably because fingerprint and even DNA evidence can be easily destroyed in the flames, which also suggests torching a crime scene to be a very rational criminal action (see Association of British Insurers, 2009).

In further considering the diversity of acts of vandalism, it should be noted that the category 'criminal damage' also includes the very

ambiguous notion of 'graffiti'. Thus, what some consider an artistic and creative process offering a social commentary through both image and word is not allowed for in a criminal code, which does not recognise such a diverse form of expression. At its simplest form graffiti involves images, lettering, scratchings, scrawlings, paintings and/or markings on property. It derives from the Italian word *graffiato*, or 'scratched', and its origins can be traced to Ancient Greece and the Roman Empire, for example, with figure drawings on walls, ancient sepulchres/ruins. There is evidence of Viking graffiti in Rome and Ireland, as well as Chinese graffiti on the Great Wall of China. Cohen (1973: 29) observes that 'graffiti are hailed as legitimate and amusing forms of self-expression', but we might be less charitable if the graffiti is ugly, offensive and on our own property. Black-letter law aside, and again from a cultural criminological perspective, we might ask ourselves whether the 'tagging' of a bus shelter or a grave is the same thing as a work of art produced by the revered (in some quarters) graffiti artist Banksy? Indeed, we might well ponder – as some clearly do – whether Banksy has the (human or civil) right to paint his murals on your property without your consent in the name of art and, furthermore, are you some awful philistine because you object? According to Jeff Ferrell (1996: 5), the importance of disaggregating different forms of graffiti which are unhelpfully subsumed under the label of vandalism is paramount:

> (T)hose who shape public perceptions of urban graffiti-local and national media, anti-graffiti campaigners, and others – intentionally and unintentionally muddy the boundaries between types of graffiti and graffiti writing, confusing one with the other in their condemnations of all graffiti as vandalism and crime.

In his study of hip-hop graffiti in Denver, Ferrell observes how *Life on Capitol Hill* repeatedly referred to graffiti artists by means of the derogatory censure 'graffitiodiots'. Paige (1989), a well- known talk show host in the United States, has referred to graffito artists as 'gauche graffiti goons' and 'spray-can cretins' (cited in Ferrell, 1996: 137), and in so doing graffiti is censured and denied status as an activity of artistic pursuit. Ferrell (1996: 138) noted how in July 1988, the *Rocky Mountain News* equated graffiti with other different sprees of vandalism (see also Pugh, 1988), and according to the author (1996: 138), 'the effect, of course is to lock graffiti into the context of vandalism, to tie it to activities like window smashing and cemetery desecration'. So we have in effect the lumping together of people who smash up bus shelters, start

fires by pouring petrol through letterboxes and those who use a spray can to perform a work of art. The criminal law apparently allows little room for acknowledging the diversity and motivations which lie behind these totally different social practices, although we might add that these apparently disparate acts do have something significant in common. All are criminal damage, and they are so because, for the simple reason, they are damaging someone's property without their permission, regardless of how aesthetically pleasing the outcome might be to some observers. As cultural criminologists, however, we have to be more ambitious in our attempts to understand the sheer diversity of social practices alluded to above, and our starting point is an attempt to understand vandalism through popular cultural depictions. By exploring these popular cultural depictions we can begin to see how certain stereotypes of who vandals are and what vandalism actually is have taken root in our culture.

An understanding of the vandal through popular culture

If there are two fictional figures who occupy prime spots in the public consciousness when the notion of 'the vandal' is brought to mind, it has to be Dennis the Menace and The Smasher. The comic strip *Dennis the Menace* first appeared in *The Beano* on 17 March 1951, featuring Dennis as the archetypical 'naughty schoolboy', along with his Abyssinian wire-haired tripe hound, Gnasher. The 'uncontrollable' youngster has historically been presented as taking pride in causing chaos to those with whom he comes into contact through his insubordination and disdain for the rules made by those in authority. Armed with catapult, peashooter and water gun, Dennis would add excitement to the drudgery of his day through minor acts of vandalism and incivility.

In an interesting commentary on how the morality of crime is often made to play out in depictions of transgression (see Sparks, 1992), Dennis would very often be made to get his proverbial 'comeuppance', thus reinforcing the message that ultimately 'crime never pays'. In more recent years the Dennis the Menace character has been subject to more commodification through the medium of television, with a series being launched in 1996 and once again in 2009. The character has taken on an even further satirical twist in recent years with the magazine *Private Eye* inventing the character often referred to as Beano Boris or alternatively Boris the Menace, widely assumed to be a parody of the Mayor of London, Boris Johnson, who features in greater detail later in this book.

Somewhat reminiscent of Dennis the Menace is the fictional character The Smasher, who regularly appeared in the iconic British comic *The*