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The Handbook of White-Collar Crime

Edited by **Melissa L. Rorie**

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The Handbook of White-Collar Crime

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Preface

Melissa L. Rorie

Philosopher Thomas Reid once wrote:

> There is no greater impediment to the advancement of knowledge than the ambiguity of words. To this chiefly it is owing that we find sects and parties in most branches of science, and disputes, which are carried on from age to age, without being brought to an issue. (Reid et al. 1850, p. 1)

This quote succinctly encapsulates the motivation for organizing the *Handbook of White-Collar Crime* in its current form. White-collar criminology has struggled with conceptualizing its primary outcome of interest since Sutherland coined the term "white-collar crime" in 1939. Ultimately, I believe that a failure to define *any* concept results in confusion surrounding how best to observe, record, understand, and improve that concept. This struggle is not unique to white-collar crime, but the failure to clearly conceptualize the term has – in my humble opinion – stymied research and practice in this domain.

Definitional ambiguity means that the behaviors considered "white-collar crimes" by one person likely differ from another person's imagery of the term. In other words, if people consider white-collar crime to be "… a violation of criminal law by a person of the upper socio-economic class in the course of his occupational activities" (Sutherland 1941, p. 112), their recommendations for researching and preventing such crimes will diverge from proposals by someone who defines such crimes as "… an illegal act or series of illegal acts committed by nonphysical means and by concealment or guile, to obtain money or property, to avoid the payment or loss of money or property, or to obtain business or personal advantage" (Edelhertz 1970, p. 3). Adhering to the first definition would promote closer monitoring and enforcement of behaviors by the elites in society, while following the second definition would motivate the examination of common property crimes like credit card fraud or welfare fraud as well as upperworld business frauds. Some argue that the powerful in society use the latter (offense-based) type of definition to their advantage; social control agents tout their efforts to combat white-collar crime, yet such efforts have primarily targeted low-level individuals and fail to address systemic violations and their widespread harms (Pontell 2016). Others argue that prioritizing an offender's status constitutes "antimiddle-class bias" and widens the criminological net to include *immoral* but not necessarily *illegal* behaviors (Toby 1979, pp. 519–520). Ultimately,

in failing to decide what the focus should be, white-collar criminologists risk being ineffective in their recommendations for research and policy.

This handbook covers the usual topics found in discussions of white-collar crime – who the offenders are, who the victims are, how we punish these crimes, theoretical explanations, etc. However, most of the authors were encouraged to think about how the "usual" understanding of these topics is impacted by one's conceptualization of white-collar crime, using Friedrichs's (1992) typology (described in more detail in the following chapters) to delineate such knowledge. As reviewed early in the book, criminologists have spent the past 75 years or so debating about the most appropriate definition, but far less time has been dedicated to thinking about how the choice of one definition over another affects the knowledge that we have. As demonstrated in a recent meta-analysis on corporate crime deterrence (Rorie et al. 2018), the way one conceptualizes these crimes (not surprisingly) impacts the measurement choices one makes. Measurement decisions, in turn, obviously have implications for one's findings and conclusions. Failing to find common ground on a definition means that disparate findings will continue to impede knowledge building. Breaking down crimes into different categories is a great first step, but even within those categories there are a wide variety of behaviors that constitute the domain of interest.

In addition to examining definitional issues, the current handbook is unique for a few other reasons. First, I specifically sought out non-Western perspectives on white-collar crime. In fact, in the section comprising international perspectives, research from all continents outside of Antarctica is discussed. There is also a chapter discussing the need for more comparative research on the topic. Second, I recruited a diverse group of authors with regards to career trajectory. There are world-renowned experts in the field as well as relatively new voices making contributions to this handbook. Third, the last section of this handbook discusses emerging topics in the field. By including this section, I hoped to orient future research endeavors toward "urgent matters" in the current political and social climate. Finally, the authors were encouraged to avoid jargon and make the book approachable for more junior scholars; that said, the topics addressed throughout make great contributions to the white-collar crime canon and are relevant to scholars at all stages of their careers.

I sincerely hope that this book's approach further encourages an appreciation for the role of conceptualization in white-collar crime scholarship. I am incredibly indebted to the scholars who have written extensively on this topic beforehand – some agreeing that definitional ambiguity is a hindrance, others arguing that it is not problematic. These scholars stimulated my interest in definitional issues, in addition to impressing upon me the importance of studying these crimes more generally. Sally S. Simpson, David O. Friedrichs, John Braithwaite, Michael L. Benson, Wim Huisman, Mark A. Cohen, and Judith van Erp are some of the primary names that come to mind, although I'm sure I'm missing quite a few people. I'd also like to acknowledge the chapter authors, all of whom accepted my suggestions with aplomb and worked incredibly hard to achieve the primary objectives of the book. I'd like to recognize some of my "early-career" peers and University of Maryland colleagues (many of whom are chapter authors) for providing such great support throughout the years – Karin van Wingerde, Jay P. Kennedy, Aleksandra Jordanoska, Natalie Schell-Busey, Carole Gibbs, and Nicholas Lord. It has been wonderful to work with all of you, both formally and informally. Finally, I am so grateful to the series editor, Charles Wellford, who gave me the chance to work on this volume and provided invaluable guidance throughout the process. I have learned a tremendous amount and have met many incredible scholars, all of whom share a passion for research and practice that is unparalleled.

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Introduction

Melissa L. Rorie

The White-Collar Crime Concept

In 1939 (published in 1940), Edwin Sutherland used his speech to the American Sociological Society to focus on crimes by upper-status offenders, bringing these crimes front and center in sociological and criminological research. He called such offending "white-collar crime" and – through such a concise, descriptive catchphrase – coalesced the sentiments of himself and others (e.g. Charles Henderson, E.A. Ross, muckrakers; see Geis 2016) that crimes are not simply the territory of the poor and disenfranchised. He later elaborated on the term in his 1949 book titled *White-Collar Crime* by defining it as "crime by a person of high social status and respectability in the course of his occupation." He could not have predicted the everlasting impact of his word choice and his attempts to illustrate the types of crimes that fall under the purview of white-collar offender (Geis 2016). Sutherland's decision to focus on the characteristics (i.e. status) of the offender and his use of regulatory, civil, and criminal *corporate* violations as the primary empirical support for his main points created fundamental schisms in scholarship that remain present, even 80 years after he coined the term.

Historical reviews of the definitional debates in this domain are provided in Section I of this handbook as well as elsewhere (see, e.g., Coleman 2005; Kramer 1984; Simpson 2013; Shover and Cullen 2008), but here it is important to note that white-collar crime can be thought of as an umbrella term that encompasses a wide variety of behaviors. Of most import for this volume, David O. Friedrichs (1992) developed a typology of white-collar offending in which violations can be classified as Corporate Crime, Occupational Crime, Governmental Crime, State-Corporate Crime, and "Residual" forms of white-collar crime (Friedrichs 2009). Much more detail on these is provided in his chapter in this volume (Chapter 2), but it is likely obvious from the Table of Contents that the current volume uses his approach as a framework for discussing the impact of definitional ambiguity. That said, one conspicuous variation in Friedrichs's scholarship and others' (including the present author's) is that he omits the hyphen when employing the term "white collar crime." As he states (2009, xxviii), the use of the hyphen "… suggests too literal a reading of the term, which is better thought of as a metaphor." He also notes, however, that even Sutherland was inconsistent in the use of that punctuation mark.

The Need to Move Beyond Debating What We Mean and Examine How It Impacts What We Know

After decades of deliberation, white-collar crime scholars generally seem to have resigned themselves to choosing which definition or type of white-collar crime best fits each specific research question or study they are working on at the time. This is problematic because allowing scholars to simply pick which definition serves their specific purpose at one point in time removes the motivation to look critically at how definitional ambiguity impacts our ability to build knowledge about these unique offenses. One study of white-collar crime is likely to look *very* different from another study of white-collar crime because definitional choices impact the types of samples a researcher wants to study, the types of data a researcher needs to test their research questions, and ultimately the findings of their research endeavor (Rorie et al. 2018). For example, the Yale Studies on White-Collar Crime in the 1970s (see, e.g., Mann 1985; Shapiro 1987; Weisburd et al. 1995, 2001; Wheeler et al. 1988) relied on "offense-based" definitions that reflected their use of existing criminal justice data and criminal justice actors (see also Edelhertz 1970; Edelhertz and Overcast 1982). In taking an "offense-based" approach (similar to what Shover and Cullen have called a "Patrician" approach) that adheres to existing law enforcement agencies' definitions of crime, scholars argue that those research efforts "trivialize" white-collar crimes and its impacts (Pontell 2016), ignore why certain behaviors (especially those of "elites" in society) are criminalized while others are not, and neglect the public opinion research indicating that citizens view white-collar crimes to be as serious as more traditional crimes (Shover and Cullen 2008). On the other hand, scholars in the "Populist" camp using mainly "offender-based" definitions tend to study crimes by entities seen as "respectable" in larger society, argue that people need to think about behaviors beyond those of focus to law enforcement agencies, and emphasize the public's desire to see white-collar crimes punished to the same extent as harmful traditional crimes (Shover and Cullen 2008). To the extent that a scholar's research questions are guided by their fundamental beliefs about the criminalization of behaviors, governmental capture by powerful interests, and the appropriate scope of criminological research, so too do these beliefs guide their choice of a white-collar crime definition.

To that end, current white-collar crime research papers generally begin with a description of what they mean by the term, but the authors of those manuscripts all too often fail to elaborate on how their definition impacted data collection efforts, analytical decisions, and – ultimately – their findings and conclusions (see Rorie et al. 2018). Furthermore, there is little discussion in the discipline as a whole about the impact of definitional ambiguity on research and knowledge building. If we continue to see the definition of white-collar crime simply as a choice made by the authors, we will be unable to build a body of science that meaningfully informs policy and theory – it is hard to prevent crime if you are unsure what crime it is that you are looking for. Specifically, Simpson (2019) notes that how we define white-collar crime impacts: how we think about it (e.g. the Patrician/Populist conflict discussed above); what we know about white-collar offenders' experiences in justice systems (e.g. Galvin 2018); what we know about how best to prevent or deter white-collar crime (Rorie et al. 2018); and – ultimately – the perceived urgency to make data accessible on *all* white-collar crimes beyond those listed in the Uniform Crime Reports. Thus, as part of an overview of the discipline, this handbook examines how the types of crime and/or offenders included in one's definition might impact typical topics in the white-collar crime domain. Specifically, we detail how failing to clearly conceptualize white-collar crime creates vagueness

in our knowledge of who commits crime, who is victimized by such crimes, and what we can do about them. In addition, we include an international perspective (with chapters focused on white-collar crime research in six continents) and examine "emerging issues" in the field.

We are both broad in scope and specific in this volume. We compile the major research topics in white-collar crime scholarship in one place while also encouraging some definitional clarity to the term "white-collar crime" by distinguishing between the four *main* types of crimes (occupational, corporate, government, state-corporate) falling under Friedrichs's (2009) typology. There are other types of white-collar crimes, of course (see Black 2005; Brody and Kiehl 2010; Edelhertz 1970; Friedrichs 2017; Green 1990), but those are the four categories that seem to appear most often in the literature. The handbook provides an overview of the primary issues involved in understanding and teaching on the topic of white-collar crime. Topics covered in this handbook include the origins of white-collar crime study, definitional ambiguity surrounding the term white-collar crime, complications in research and measurement, the extent and harm caused by such crimes, who the offenders and victims are, theories of offending, prevention and intervention strategies, the study of white-collar crime internationally, and emerging issues in this field. What is unique about this volume, however, is that it encourages readers to think about important differences between those four types of white-collar crimes mentioned above.

This handbook provides a "one-stop shop" for readers who want an overview of research on white-collar crime. As such, a variety of perspectives and types of offending are represented here throughout. Specifically, we elicited chapters from authors relatively new to the field (as well as those firmly established as experts), located in countries around the world, and with different areas of expertise. We believe such a broad overview of the field can serve a variety of purposes. Although the authors almost exclusively hail from academia, they were charged with writing these chapters to be approachable for undergraduate students, practitioners, and the public – but to also contain information relevant for advanced academic scholars. It is our hope, therefore, that a wide variety of people and purposes are served by this book.

The Outline of the Book

The book is separated into six different sections. In Section I, three chapters provide a broad overview of white-collar crime and its study, introducing the reader to the origins of the field, the theme of definitional ambiguity, and the unique obstacles white-collar crime researchers face. In Chapter 1, Aleksandra Jordanoska and Isabel Schoultz discuss the importance of Edwin Sutherland's work in carving out the white-collar crime niche and his criticisms of the young field of criminology. They also detail the enduring nature of his influence, drawing on their recent survey of current white-collar crime scholars who were asked about how Sutherland continues to influence criminology decades after his passing. Chapter 2 provides the template for the book's attention to definitional issues – in this chapter, David O. Friedrichs reviews his well-known typology of white-collar and corporate crimes, as well as the various motives driving scholars' choice of terms. He ultimately concludes that an attempt to derive a single definition is in vain – researchers would be best served by choosing the term that serves their purposes, while students of white-collar crime research must be cautious when consuming scholarship. In Chapter 3, April Wall-Parker discusses the difficulties facing white-collar crime researchers, including the definitional

ambiguity of the term as well as the lack of a systematic database. She provides many alternative data sources that might be fruitful for studying specific types of crimes but concludes that definitional ambiguity will continue to hurt data collection efforts and stymie policymaking.

Section II reviews what is known about the harms caused by white-collar crime, broken down by specific crime types. Petter Gottschalk discusses the harms caused by occupational crime in Chapter 4, paying special attention to cases in the Norway and explaining victimization using his "Convenience Theory." In Chapter 5, Gabrio Forti and Arianna Visconti discuss the multifaceted nature of corporate crime victimization, detailing how corporate harms feed back into various nodes (e.g. social inequality, social morale, social disorganization) and emphasizing the interrelated nature of structural elements of society with corporate criminality. In Chapter 6, Dawn L. Rothe and Corina Medley discuss the harms caused by crimes of the powerful, including malfeasance by state actors as well as state-corporate crimes. They offer a critique of the terms "state crime" and "state-corporate crime," noting that the relationships between the state, corporations, and *consumers themselves* are overlooked when creating typological definitions.

Section III moves our attention from victimization to offending, reviewing the literature describing white-collar offenders. Much previous research acknowledges that the demographics of offenders vary by the type of white-collar crime being studied (Klenowski and Dodson 2016; Weisburd et al. 2001); the chapters here elaborate on those differences. In Chapter 7, Michael L. Benson and Hei Lam Chio discuss what is known about the demographics of occupational offenders, using federal crime statistics. They find that demographic correlates for occupational offending have changed since the Yale Studies, and the criminal careers of these offenders are surprising. Mary Dodge describes corporate crime offenders in Chapter 8. She outlines major definitional and methodological obstacles in identifying who is responsible for these crimes, ultimately relying on case studies to explore offending motivations and potential prevention strategies. Ignasi Bernat and David Whyte attend to the individuals and organizations who commit state and state-corporate crimes in Chapter 9. They begin with a review of the history of state involvement in criminal enterprises as well as the use of such illegitimate organizations by states for their own "defense" purposes. They then review the state crime and state-corporate crime literature, but – like Rothe and Medley in Chapter 6 – argue that we must not oversimplify the nature of the private–public relationship. Bernat and Whyte posit that we must look beyond those obvious moments (i.e. crises) signifying that the relationship has gone wrong; we must instead recognize that corporate crimes are part of the normal business routines and relationships that flourish in state-sponsored capitalist economies. Of course, it must also be recognized that legitimate organizations (e.g. corporations and governments) continue to be complicit (if not directly involved) in crimes by illegitimate organizations (e.g. gangs or cartels). Wim Huisman discusses those relationships in Chapter 10, highlighting the "conceptual conflation" surrounding the study of corporate crime and organized crime as well as articulating the similarities and differences of the two research domains.

Also in Section III, we provide an overview of many theories explaining why white-collar crime occurs. As opposed to explicitly differentiating by types of crime, Chapters 11–13 instead break theories down by the unit of analysis. Chapter 11, by Rachel E. Severson, Zachary H. Kodatt, and George W. Burruss, focuses on individual-level theories. They note that most theories at this level purport to explain both "traditional crimes" and white-collar crimes, and emphasize how definitional ambiguity and data limitations in the study of white-collar crime hamper our ability to establish the explanatory power of any theory. In

Chapter 12, Jay P. Kennedy reviews organizational and macro-level theories, emphasizing the importance of cross-level approaches and noting how globalization will impact our thinking on the reasons that corporations offend. Our final chapter on theories, by Fiona Chan and Carole Gibbs, elaborates on the primacy of cross-level theories in their discussion of theoretical integrations in the white-collar crime domain. In addition to the prevalence of cross-level integrations, they note that most integrated theories rely on rational choice and opportunity perspectives.

After the section explaining what we know about why white-collar crimes happen and who is responsible, a logical next step is thinking through how we prevent and punish such crimes. Section IV begins with a chapter by Francis T. Cullen, Cecilia Chouhy, and Cheryl Lero Jonson that examines how the general public perceives white-collar crimes, particularly in relation to traditional crimes. They also discuss what little is known about how the public perceives specific types of white-collar crimes. After that, Chapters 15–17 examine the prevention and intervention of white-collar crimes by various parties. Benjamin van Rooij and Adam Fine discuss how companies prevent noncompliance on the part of their employees in Chapter 15. Nicholas Lord and Karin van Wingerde discuss formal law enforcement efforts in Chapter 16, while in Chapter 17 Angela Francis and Nicholas Ryder talk about regulatory agencies and their roles/actions in the global financial meltdown of 2008. Chapters 18–20 discuss prosecution and punishment of both individual and corporate offenders. Ronald G. Burns and Michele Bisaccia Meitl review the literature on the prosecution, defense, and sentencing of white-collar crimes broadly in Chapter 18. They note how specialized prosecution and defense is in this area of law, while the judgment of white-collar offenders is often controversial. In Chapter 19, Ben Hunter reviews the scant literature on how individual white-collar offenders experience incarceration, especially the shock they experience upon entry into the correctional system and the role of shaming. Finally in Section IV, Mark A. Cohen discusses more specifically the punishment of corporate entities.

In addition to examining how definitional variation impacts the broad topics common to all books about white-collar crime, we felt that a more inclusive international perspective is very much needed in the contemporary white-collar crime literature. To that end, the seven chapters in Section V come from authors from every continent except for Antarctica – including often-neglected regions like Africa and Central/South America. Some of the chapters are reviews of the literature in their specific regions while other chapters examine a specific white-collar crime in that region.

In Chapter 21, Christian Walburg examines white-collar crime scholarship in Europe, beginning with a historical overview and concluding with recent issues and debates affecting such research. We then move to Asia in Chapter 22, where Henry N. Pontell, Adam K. Ghazi-Tehrani, and Bryan Burton discuss the reasons why white-collar crime flourishes in the People's Republic of China. They focus on the unique political structure and cultural norms associated with corruption in that country, but also discuss other types of crime occurring there. In Chapter 23, Diego Zysman-Quirós offers a compelling description of the "Laundry Room" investigation into South America's largest corruption case – one that spanned many borders beyond that continent. In Chapter 24, Miranda A. Galvin and Sally S. Simpson update the seminal Yale Studies on White-Collar Crime as an example of North American white-collar crime research, while in Chapter 25 Ifeanyi Ezeonu critically examines the corporate appropriation of resources in the Nigeria Delta as an example of research in the emerging domain of "Market Criminology". Our last regionally specific chapter

comes from Arie Freiberg in Chapter 26, who concisely reviews the voluminous work done by Australian white-collar crime scholars. Section V concludes with Tomomi Kawasaki's review of comparative studies, where he emphasizes the strengths of this methodology through a review of both domestic studies set outside of the United States and research explicitly using a comparative approach.

In the final section of the book, Section VI, we examine emerging issues in the white-collar crime research domain – those contemporary social and cultural changes that are likely to dramatically change how we look at white-collar crime. In Chapter 28, Tom J. Holt and Jay P. Kennedy take a close look at how rapidly changing and advancing technologies impact the commission of white-collar crimes as well as how such technologies help us prevent and punish such crimes. Karin van Wingerde and Nicholas Lord tackle the impact of globalization on white-collar crime in Chapter 29. Using three case studies on corporate tax evasion, corporate bribery, and illegal waste disposal, the authors detail how globalization has complicated efforts to regulate and enforce crimes committed in the pursuit of profit. Finally, Chapter 30, by Steven Bittle and Jasmine Hébert, discusses the particularly timely topic of de-regulation and re-regulation, discussing how it affects the control of white-collar crime. They describe how definitions of corporate crime impact how we think about and respond to such crimes, conclude that citizens' inability to see corporations as something other than a force of good for society plays a large role in the unabated offending by corporations as well as lackluster policing efforts by the state, and provide helpful suggestions for inducing the changes needed to protect consumers, employees, and the welfare of global citizens.

Conclusion

It bears repeating that the primary premise of this handbook is the need to not merely discuss and debate definitional ambiguity, but also to think through how this ambiguity impacts what we know about who commits these crimes, how we handle these crimes, and what we think about these crimes. To set the stage for the remainder of the book, let's turn to Chapter 1 and the origins of the study of white-collar crime. The "definitional quagmire" (Friedrichs 1992) is often attributed to Edwin Sutherland and his "failure" to clearly explain what he meant when he coined the term. It is Edwin Sutherland we turn to now before exploring the field of white-collar crime more broadly.

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Section I

What Is White-Collar Crime?

1

The "Discovery" of White-Collar Crime: The Legacy of Edwin Sutherland

Aleksandra Jordanoska and Isabel Schoultz

Introduction

This chapter[1] examines the very beginning of the criminology of white-collar and corporate crime by focusing on one of the most cited criminologists in the history of the discipline – Edwin Sutherland. Sutherland's contributions to the criminology of white-collar crime, beginning with his 1939 American Sociological Society presidential address and culminating with the publication of his book *White Collar Crime* (Sutherland 1949), can hardly be exaggerated. He succeeded in putting white-collar crime permanently on the criminological agenda, with the term itself becoming part of common language across jurisdictions.

The first part of this chapter discusses the life and career of Sutherland as a prominent twentieth-century criminologist. We then move to analyzing the "discovery" of the concept of white-collar crime, its characteristics, and established criticisms. Finally, we address the inspirational legacy of Edwin Sutherland and how he is more relevant now than ever. Exactly 80 years since Sutherland introduced the concept of white-collar crime, and 70 years since his book *White-Collar Crime* was published, he remains a prime source of inspiration for scores of criminologists across generations and jurisdictions who venture into researching the crimes of the upper classes and corporate transgressions.

The Life of Edwin Sutherland and His Rise to His Position as a Leading Criminologist

Edwin Sutherland has been characterized as the single most important criminologist of the twentieth century by a number of prominent scholars (Vold 1951; Gibbons 1979; Cohen 1990; Laub and Sampson 1991). Sutherland began his engagement with the field of criminology in the early 1920s, and would later on establish himself as the leading criminologist of his time. The late nineteenth-century and early twentieth-century period, when Edwin Sutherland was born and came of age, coincided with the emergence of criminology as

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a field of study. Sociology as an autonomous discipline was pretty much in its infancy in the United States at the time of Sutherland's first encounter with the subject. Indeed, the American Sociological Society – of which Sutherland was ultimately elected president in 1939 – was founded in 1905, coincident with the period when Sutherland enrolled in a home study course on sociology (Hinkle and Hinkle 1954).

He began his career at a criminologist at the University of Illinois, where he spent six years (from 1919 to 1925). This came about when his department chair, Edward C. Hayes, invited him to produce a criminology textbook. The book, published in 1924, laid the foundation for Sutherland's growing reputation as a leading criminologist over the course of the next 25 years. During the coming years, Sutherland revised his textbook while working at the University of Chicago, with its second edition published in 1934. He was later informed by his fellow criminologist and friend Henry McKay that he had set forth a theory (subsequently called Differential Association Theory) in a new edition of his book. Apparently, Sutherland then recognized that in identifying general susceptibility to training, failing to follow prescribed norms due to inconsistent influences, and conflict of cultures as core factors in engagement in criminal behavior, he had produced the foundation for a criminological theory. Sutherland's crediting of McKay for having recognized that he had produced a theory of crime may reflect his personal modesty and generosity (Schuessler 1973, p. xv).

Simultaneously, he worked on a descriptive project with Harvey J. Locke that was to result in *Twenty Thousand Homeless Men*, published in 1936, and on the case study that led to the publication of *The Professional Thief* in 1937. During this period, Sutherland also wrote a paper, first published in 1956, on the Michael-Adler Report where he criticized their conclusions on the status of criminology as a science and rejected the development of an institute of criminology and criminal justice consisting of scholars outside of the field of criminology (Sutherland 1956). In addition, two more editions of his criminology textbook (with refinements of his Differential Association Theory) were published during 1936 and 1937.

By this time (as a consequence of his non-reappointment at the University of Chicago), Sutherland had settled at Indiana University, where his professional reputation was enhanced and he produced his immensely influential white-collar crime work. In 1949, near the end of his tenure at Indiana University as well as his life, he published what many regard as his crowning achievement, *White Collar Crime*. Thus, the final decade of Sutherland's life was principally devoted to introducing and advancing the concept of white-collar crime, although he also published on other criminological topics during this time, such as issues relating to crime causation, the punishment of crime, and sexual psychopath laws. By the time Sutherland died in 1950 criminology had established itself as a recognizable academic field (Gibbons 1979, p. 77), and he has been credited for the sociological turn in the discipline – the dominant approach for about 30 years (Goff and Geis 2008). Sutherland was, arguably more than anyone else, responsible for establishing the dominance of a specifically sociological approach to the understanding of crime and its control. Yet, we believe that his most important contribution to criminology is the "discovery" and development of the concept of white-collar crime.

The Concept of White-Collar Crime

At the time when he first introduced the term "white-collar crime," Sutherland was an already well-regarded criminologist and an author of the influential Differential Association Theory (Geis and Goff 1983) as well as the popular *Principles of Criminology* (Sutherland

1947) textbook. His work on white-collar crime, however, is arguably his most important and most enduring contribution to the field of criminology (Friedrichs et al. 2017) since it shifted the criminological paradigms on the types of crime, their causes, and responses to them.

Though various scholars had heretofore been writing about the crimes of the upper classes or of the higher socio-economic strata (e.g. Willem Bonger, Edwin Alsworth Ross[2]), Edwin Sutherland is credited with coining and popularizing the term white-collar crime that has since become the most recognized and used label for this type of deviance. The term white-collar crime was first used on December 27, 1939, in the historic address that Sutherland – as then-President of the American Sociological Society (subsequently the American Sociological Association) – gave at its annual meeting in Philadelphia. The speech, titled "The white collar criminal" and later published as "White-collar criminality" (Sutherland 1940), opened with the criticism that "many sociologists are well acquainted with crime but not accustomed to consider it as expressed in business" (Sutherland 1940, p. 1). Sutherland then proceeded to give his initial definition of such crime as "crime in the upper or white-collar class, composed of respectable or at least respected business and professional men" (1940, p. 1), and provided various examples of such offenses, ranging from insider trading, financial misrepresentations, bribery, and embezzlement, to tax frauds. Specifically, Sutherland stated that the varied types of white-collar crimes in business and the professions can be reduced to two categories: misrepresentation of asset values and duplicity in the manipulation of power (Sutherland 1940, p. 3). Inherent to both of these is the notion of dishonest behavior and the betrayal of trust, though Sutherland makes the distinction between misrepresentation of assets as "the same as fraud or swindling" and duplicity in the manipulation of power as "similar to the double-cross" (Sutherland 1940, p. 3). The example he gives of the latter is self-dealing or the case of the corporate director who, on the basis of inside information, purchases a land of interest to his corporation to then resell it at a fantastic profit (Sutherland 1940, p. 3). In the speech he also made the crucial remark that these types of infringements are commonly remedied through the civil courts (via suits for compensation of damages) rather than through the criminal courts (e.g. Sutherland 1940, p. 7). Here, we can begin to identify the key elements of the concept of white-collar crime as envisaged and elaborated by Sutherland: the status of affluence of the offenders, the perpetration of the offenses in an organizational and occupational setting through violations of trust, and the differential responses by social control mechanisms to white-collar criminality.

White-Collar Crime as Crime of the Upper Classes

A key aspect of Sutherland's presidential address and his subsequent, decade-long work on the development of the concept, characteristics, and explanation of white-collar crime was to emphasize the high social status of business offenders. Sutherland crucially noted that a score of illegal activities in business are committed by well-off, socially well-integrated, and mentally healthy individuals. For example, in his presidential address, he traces the existence of white-collar offenses back to nineteenth-century "robber barons" (Sutherland 1940, p. 2) to then provide further twentieth-century examples of the more deceptive white-collar criminals in the guise of "merchant princes and captains of finance and industry, and by a host of lesser followers" (Sutherland 1940, p. 3). "Respectability" remained a crucially defining element in the concept of white-collar crime throughout Sutherland's work, and

a later definition in his influential book *White Collar Crime* (Sutherland 1949, p. 9) stated that white-collar crime is "a crime committed by a person of respectability and high social status in the course of his occupation."

This view was in stark contrast with the majority of the criminological theory of the time that focused on perpetrators of violent crimes and property crimes and their explanation through individual positivism (e.g. psychiatric and psychological factors), poverty (low socio-economic class), and related socio-pathological conditions. Sutherland criticized these explanations of criminal behavior as based on biased samples of lower-class predatory crime while neglecting upper-class crime. One of Sutherland's key aims was to provide an empirically supported criticism of this criminological myopia (Simpson and Weisburd 2009) and turn the attention of criminological theory and research onto the harms and costs of the crimes of the upper classes. For this reason, the Preface of *White Collar Crime* (Sutherland 1949, p. xiii) stated that the book was attempting to reform the theory of criminal behavior, by including these crimes into general theories and explanations of criminality – something that had not been previously endeavored.

Sutherland justified the need to include transgressions perpetrated by members of the respectable professions into criminological theory and research by emphasizing their pervasiveness and harmfulness. These types of transgressions are frequently reported and are much more harmful and costly than predatory or so-called "street" crime (Sutherland 1940, pp. 4–5). Sutherland argued that "[W]hite-collar criminality is found in every occupation, as can be discovered readily in casual conversation with a representative of an occupation by asking him, 'What crooked practices are found in your occupation?'" (Sutherland 1940, p. 2). These "crooked practices" cause significant financial losses, taint the legitimacy of the professions, and also more widely impact social relations, and the levels of trust, social morale, and social organization in society (Sutherland 1949, p. 13). Therefore, white-collar crimes are not only injurious to individual victims but they also have a fundamentally negative impact on societal institutions (Sutherland 1961, p. 83). Sutherland maintained that these harms are not paralleled by the consequences of "street" crime, though commonly these are the crimes that fill the front pages of newspapers while business transgressions are found on the financial pages.

Despite championing the notion of crimes by upper-class individuals, it should be pointed out that Sutherland did not consider the offender's respectability and high social status as a cause to their criminal behavior. In fact, Sutherland did not consider the offender's respectability, high social status, or employment important in explaining white-collar crime, just as poverty or unemployment is not important for explaining ordinary crimes (Schlegel and Weisburd 1992, p. 5). The focus on the respectability of the offenders was principally used by Sutherland to support his general theory of crime – Differential Association Theory. The concept of white-collar crime was in fact a direct consequence of Sutherland's preoccupation to locate the common factors for the crimes of the rich and the poor that would form the basis of a general theory of criminal behavior (1961, p. 234; also Cohen et al. 1956, p. 45).

Differential Association Theory provides a psycho-sociological explanation for offending, whereby individuals learn criminal behavior from those who already practice it. The relatively simple postulates of the theory are captured in Sutherland's statement that white-collar crime, just like any other crime, is learned: "it is learned in direct or indirect association with those who already practice the behavior; and that those who learn this criminal behavior are segregated from frequent and intimate contacts with law-abiding

behavior" (Sutherland 1949, pp. 10–11). According to the theory, a person would engage in white-collar crime when the number of definitions favorable to offending exceeds the number of unfavorable definitions (Sutherland 1961, p. 234). Individuals become exposed to definitions favorable to crime when they interact with criminal managers and colleagues, and Sutherland specifies two ways (with varying levels of pressure) in which this happens. The first method of socialization into white-collar crime is when more junior employees are ordered by their managers to do things which they regard as unethical or illegal; the second method is when employees learn from peers how to get ahead in business (Sutherland 1961, p. 240). In this way, individuals learn both specific techniques of violations of the law and a particular type of criminal ideology. Sutherland considered that every type of criminality can be linked with definitions favorable to criminality that constitute its folkways.[3] The folkways of business criminality contain definitions such as "business is business" or "no business was ever built on the beatitudes" (Sutherland 1961, p. 240). Such attitudes that excuse criminal behavior enable offenders to accept the illegalities of those around them and provide them with justifications or ways to deny criminal intent (Sutherland and Cressey 1960, pp. 240–247). Sutherland (1961, pp. 235–247) found support for these processes of "differential association" and the crime-positive training that occurs in his qualitative interviews with fraudsters in the used-cars business, retail sales occupation, and accounting industry.

Sutherland outlined the process by which people come to offend, as well as the origins of crime-favorable definitions, in his work on the specific causal factors of white-collar crime. In *White-Collar Crime* (Sutherland 1961, pp. 253–255), Sutherland argues that "social disorganization" (in particular, the change from a system of free competition and free enterprise to a developing system of government regulation) and a corresponding upheaval of traditional social norms are the root cause of white-collar offending. This is also related to the ideology of laissez-faire, or the "folklore of capitalism" (Sutherland 1961, p. 254). Therefore, two conditions are favorable to social disorganization as an explanation for the control of business behavior. The first condition is the fact that business is often complex and technical, so inexperienced citizens cannot easily understand when business practices are harmful (Sutherland 1961, p. 254). Sutherland specifically located the reasons behind the extent of white-collar crime in the inability of the victims to understand the complexity of detrimental business practices. The second condition is the fact that business practices develop and change rapidly in contemporary society. In such periods of change, there is a temporary hiatus in regulating business behavior as old standards break down and new ones have not yet developed (Sutherland 1961, p. 254). Ultimately, these factors contribute to the creation of definitions of the legal code that are favorable or unfavorable to (improper) business behavior, and where a "violation of the legal code is not necessarily a violation of the business code" (Sutherland 1949, p. 219).

The core notion that white-collar criminal behavior is learned and easily justified or rationalized, derived from Sutherland's work, is still relevant and documented in recent research (Soltes 2016; McDonald 2017). Further, his emphasis on the availability of "rationalizations" to white-collar offenders is a predecessor to the influential concept of "techniques of neutralization" developed by Sykes and Matza in 1957 (Sykes and Matza 1957). This concept has found particular prominence in the white-collar crime scholarship since various researchers have found that white-collar offenders commonly use techniques of neutralization when accounting for their crimes (Cressey 1953; Benson 1985; Willott et al. 2001; Klenowski 2012; Jordanoska 2018).

White-Collar Crime as an Organizational Crime

Sutherland's work on the crimes of the upper classes was intrinsically connected to theorizing on the role of the corporation in their causation. Corporations enable individuals to have legitimate and respectable careers (notably of corporate managers) in occupations that rely on trust. Sutherland considered that the violation of this occupational delegated or implied trust is the key trait of white-collar crime (Sutherland 1940, p. 3).[4] Corporations also perpetuate violations of law by: enabling the socialization of employees into criminogenic business cultures, creating anonymity that impedes or clouds the location of responsibility, and increasing rationality in managers' behavior (Sutherland 1961, p. 228). This process is intrinsic to white-collar offending since "a director loses his personality in this corporate behavior and in this respect, but in no other, corporate behavior is like the behavior of a mob" (Sutherland 1961, p. 228).

As evidenced from the last quote, Sutherland (1961) noted that many white-collar offenses are committed through an organization, taking the form of "organized" (Sutherland 1961, chapter 3) or corporate crime. These arguments challenged the traditional notions of criminality since Sutherland conceptualized the "organization" or "corporation" as an offender in its own right, highlighting that corporations publicly adhere to the law, but secretly deflect from it (Sutherland 1961, p. 224). For the first time in the history of criminological research, Sutherland attempted to empirically support his claims of corporations as pervasive offenders through dedicating much space in his book *White Collar Crime* to analyzing a range of violations by 70 of the largest private American companies and 15 public utility companies: trade restraint, rebates, patents, trademarks, and copyrights, misrepresentation in advertising, unfair labor practices, financial manipulations, war crimes, and fraud offenses. A testament to the novelty and controversy of this work is the fact that Sutherland encountered resistance by the publisher of the first edition of the book to reveal the names of the companies in his dataset. Therefore, the original *White Collar Crime* was published with names of the companies redacted (Geis 2015), and they were only revealed in the 1983 uncut version of the book.

Sutherland used the empirical data to support his claims that the criminality of corporations is persistent and that a large proportion of offending companies are recidivists (Sutherland 1961, p. 218). He found that 60% of the corporations in his dataset had been criminally convicted in criminal courts, with an average of approximately four convictions each. The extent of their convictions made them "habitual criminals" since many states at the time had legal provisions that persons with four convictions were to be considered "habitual criminals" (Sutherland 1983, p. 25). Corporate wrongdoing also harms both private and public interests as it victimizes: consumers, competitors, stockholders, inventors, employees, and the State through tax frauds and bribery of public officials (Sutherland 1961, p. 217).

Despite the revolutionary focus on corporate violations, many of which were either not criminalized or rarely prosecuted at the time when Sutherland was writing about them (e.g. patents infringements, unfair labor practices, and adulteration of food and drugs), this has attracted some criticism of Sutherland's work. This specifically concerns the confusion in the levels of Sutherland's analysis and the conflation between the corporation and its human managers. This is, for example, evidenced in statements that attribute rationality to the corporation with regard to illegal behavior and that explain corporate offending also through the process of differential association: "when one corporation violates the law in this respect the other corporations do the same. The illegal behavior of the other corporations, at least,

grows out of differential association" (Sutherland 1961, p. 230). Geis (1968, p. 53) writes that Sutherland has "humanized" or "anthropomorphized" the corporation due to absence of empirical material yet this conflation has caused numerous terminological debates and confusion as to the definition of "white-collar crime" (Braithwaite 1984) and as to whether "organizations" can appear as offenders.

The Differential Response to White-Collar Crime

Sutherland's preoccupation with corporate harms expanded the criminological imagination toward the reality of under-enforced or ineffective criminal law, as well as the predominantly administrative, regulatory, and civil law control of white-collar offending. In fact, Sutherland referred specifically to the commonly employed administrative approaches to crimes in business to highlight the difference between the criminal behavior of the lower socio-economic class and the crimes of the upper classes:

> The crimes of the upper class either result in no official action at all, or result in suits for damages in civil courts, or are handled by inspectors, and by administrative boards or commissions, with penal sanctions in the form of warnings, orders to cease and desist, occasionally the loss of a license, and only in extreme cases by fines or prison sentences. (Sutherland 1940, p. 8)

Here again, Sutherland focuses on the status and respectability of business offenders to explain why they are able to evade criminal justice sanctions. However, the under-enforcement of the criminal law is also explained by the lack of a more significant public reaction to business offenses. Sutherland (1961, p. 52) highlighted that the public resentment toward white-collar crime was relatively unorganized. These characteristics of the social control responses and public attitudes enable white-collar criminals to avoid perceiving themselves as "criminal." Unlike "street" criminals, wealthy offenders are not dealt with under the same official procedures of the criminal law: they are rarely prosecuted and even more rarely sent to prison. In consequence, white-collar offenders are commonly not exposed to intimate personal associations with those who define themselves as criminals (Sutherland 1961, p. 223).

It was important for Sutherland to highlight that these "variations in administrative procedures are not significant from the point of causation of crime" (Sutherland 1940, p. 9). The lack of criminalization of business behavior and its administrative control does not detract from the fact that these behaviors are just as socially injurious as any other criminal offense. This was a further achievement by Sutherland: he advocated for the need to focus on the essence of the harm of a particular illegal activity, rather than its status as a criminalized behavior under positive law. The significance of this approach lies in the fact that, as established by decades of subsequent research by corporate crime scholars (Clinard and Yeager 1980; Braithwaite 1984; Slapper and Tombs 1999; Gobert and Punch 2003; Tombs and Whyte 2015; Barak 2017), corporations are involved in many injurious business transgressions that are not addressed by the criminal justice system. Though incredibly harmful, such violations are handled outside of the criminal justice system for numerous reasons: prosecutorial discretion toward prioritizing "street crime"; lack of resources to investigate and sanction complex corporate crime; lack of criminalization due to political influences and lobbying by corporations.

However, the bifurcation of the boundaries between administrative and criminal law also attracted criticism of Sutherland's white-collar crime concept, specifically by legal scholars. The most immediate and notable challenge came from the lawyer-sociologist Paul Tappan (1947; also Caldwell 1968) in an article titled "Who Is the Criminal?" Tappan contended that the content of white-collar crime is unclear and asked whether a white-collar criminal should be considered to be: "the merchant who, out of greed, business acumen, or competitive motivations, breaches a trust with his consumer by 'puffing his wares' beyond their merits, by pricing them beyond their value, or by ordinary advertising?" or "the white collar worker who breaches trust with his employers by inefficient performance at work, by sympathetic strike or secondary boycott?" (Tappan 1947, p. 99). Tappan concluded that the "white collar criminal" cannot be considered criminal unless he has violated a criminal statute (Tappan 1947, p. 101). Sutherland's response to Paul Tappan, published in the article "Is 'White Collar Crime' Crime?" (Sutherland 1945), reiterated that such conventional, legalistic approaches to defining crime drew attention away from the white-collar crimes of the powerful and supported notions of criminality as a problem belonging to lower socio-economic classes. This response was in line with Sutherland's crucial argument that, largely as a consequence of the application of civil and administrative remedies to business offenders, these "are not regarded as real criminals by themselves, the general public, or the criminologists" (Sutherland 1940, p. 8).

Sutherland revolutionized criminological thinking through arguing for the need of theory and research to take into account the much-neglected crimes of the upper classes, their significant harms to society, and the reality of the differential treatment of white-collar as opposed to street crime offenders. In the next section, we discuss the enduring legacy and Sutherland's lasting influence on contemporary criminological research on white-collar and corporate crime.

Sutherland's Lasting Influence and Relevance

The legacy of Sutherland's work in general, and on white-collar crime in particular, is reflected in both citations and the influence he has had on leading scholars today. Sutherland is regarded as a core source of inspiration for many critical criminologists, especially in terms of adopting broader approaches to the definition of crime that go beyond what is stated in positive criminal law (see, for example, Schwendinger and Schwendinger 1970; Lynch et al. 2015). Sutherland's work on the crimes of the powerful has been especially cited, debated, and developed. In addition, the scope of what is addressed as white-collar crime in contemporary criminological scholarship has broadened substantially since Sutherland's time.

In the Routledge series on "Key Thinkers in Criminology," Friedrichs et al. (2017) take on the life and work of Edwin Sutherland. In the final chapter of that book, we review the empirical evidence that documents the claim that Sutherland has an enduring influence as a "key thinker" in criminology. Here we will discuss some of the core evidence of Sutherland's lasting influence and relevance today with a focus on his influence on white-collar crime research.

Studies evaluating the influence of criminological scholars through citations of their work have ranked Sutherland as one of the most important figures in criminology (i.e. Giblin and Schafer 2007; Gabbidon and Collins 2012; Alalehto and Persson 2013). For example, in a study of the most-cited scholars in criminological theory, Sutherland was second on the list

of the 50 most-cited scholars (Wright and Rourke 1999). In addition, Sutherland's *Principles of Criminology* (with subsequent editions co-authored by Donald R. Cressey and David F. Luckenbill) is third among the 27 most-cited works in criminological theory. Sutherland's *White Collar Crime* came in twentieth on this list (Wright and Rourke 1999).

Looking more closely at the influence of his work on white-collar crime, Sutherland unsurprisingly ranks high in citation studies. Of the 50 most-cited authors in scholarly publications dealing with white-collar crime from 1990 to 1999, Sutherland came in sixth (Wright et al. 2001, p. 388). As noted in Friedrichs et al. (2017), perhaps the biggest surprise is that he did not come in first. But all those ahead of him – John Braithwaite, Gilbert Geis, Marshall B. Clinard, Peter Cleary Yeager, and Stanton Wheeler – were alive and still active in the field during this period of time, while Sutherland had long passed away. When reviewing the most-cited works dealing with white-collar crime, Sutherland's *White Collar Crime* came in second. Marshall B. Clinard and Peter Cleary Yeager's *Corporate Crime* (1980) was listed first and is still considered the principal successor to Sutherland's pioneering work (Wright et al. 2001, p. 392).

In a bibliometric study of Sutherland, Alalehto and Persson (2013) present an overview of the citation patterns associated with Sutherland's work. They conducted a cited-author search in the *Social Science Citation Index* (SSCI), part of Web of Science™ (WoS), which yielded more than 2500 genuine articles between 1955 and 2010 citing Sutherland. Regarding Sutherland's influence, Alaheto and Persson found a decrease in citations from the end of the 1970s up to the year 2000; thereafter Sutherland's impact seems to grow stronger. In 2010, Sutherland is cited in more than 100 journal articles, which is far more than in any other year since 1955. Alalehto and Persson (2013, p. 11) also noted that in the first decade of the twenty-first century the attention given to Sutherland's work on white-collar crime increased. According to their interpretation, the increase derives from a growing interest in white-collar crime in West European countries. Alalehto and Persson's (2013) study does not, however, go into detail on which of Sutherland's works are most cited in the first decade of the twenty-first century and it does not tell us whether this trend of increased influence is still evident in the second decade of the twenty-first century. To complement and update their bibliometric search of Sutherland, we carried out new searches in WoS from 2011 to 2017 and can establish that the trend seems to persist. The number of journal articles citing Sutherland increased to almost 200 during the year 2017. Looking more closely at Sutherland's work cited in 2017, we can conclude that his work on white-collar crime accounts for a fourth of all of the Sutherland citations during 2017, and this includes various editions of his book *White Collar Crime* and the two journal articles "White-Collar Criminality" (Sutherland 1940) and "Is 'White Collar Crime' Crime?" (Sutherland 1945), both published in the *American Sociological Review*. The citations include references to Sutherland's offender-based definition of white-collar crime, to his Differential Association Theory as an explanation for white-collar crime, and his introduction of the use of administrative decisions to the study of white-collar crimes. Sutherland (specifically, for his work on white-collar crime) is also referred to in the citations as one of several scholars who draw attention away from the traditional focus on crimes of the poor and powerless, to how businesspeople provide rationalizations for their illegal activities as well as how white-collar crime is best regulated.

The number and type of citations of Sutherland's work only partly reveals his influence today. In order to understand the influence that his scholarship has had on generations of criminologists we undertook a small qualitative survey (see Friedrichs et al. 2017). We invited scholars involved in academic work in the field of white-collar crime to participate. We ended

up with 30 respondents from a range of jurisdictions and at different stages in their career. In the survey the participants were asked to recall their first encounter with the work of Edwin Sutherland; to trace the ways in which Sutherland was influential to their own work; to assess the strengths and weaknesses of Sutherland's work; and to distinguish the ways in which Sutherland's legacy might be relevant for a twenty-first-century criminology.

The survey revealed that for many of the respondents, Sutherland made an influential and long-lasting scholarly impact. The emphasis here is mostly placed on his concept of white-collar crime, but also on his theory on differential associations. Sutherland's understanding of crime as a broad concept not limited to criminal law seems to have made the greatest impression on some of the scholars. In addition, several respondents had been crucially inspired by Sutherland's groundbreaking challenge of mainstream criminology's focus on the crimes of the poor.

A number of participants, across different generations of scholars, stated that Sutherland's work had significantly impacted their career as scholars. For example, Sutherland's concept of white-collar crime in general and the emphasis on the disproportionate extent of harm caused by the crimes of the wealthy in comparison to the much researched and popular focus on the crimes of the poor, and the equally disproportionate level of social control responses, have inspired scholars to undertake research on crimes of the powerful. Sutherland's construction of the corporation as an "offender" has also been wide-reaching: some scholars have continued researching corporate crime very much within Sutherland's legacy, while others have broadened the focus and incorporated other aspects and traits into the notion of corporate crime such as, for example, corporate culture and corporate power. Finally, Sutherland's original concept of organizational crime has inspired scholars to develop new strands of the criminology of powerful organizations, such as green criminology, the criminology of human rights, and state-corporate crimes. Connected to the expansion of criminological thinking toward organizational offenders, several of our respondents emphasized Sutherland's influence in expanding the understanding of deviant behavior as beyond something that is only stated in the criminal laws of a country.

Scholars participating in the survey asserted that one of the major strengths of Sutherland's work is his ability to move the criminological research agenda away from its preoccupation with crimes of the powerless. Respondents also emphasize that the greatest overall contribution of Sutherland's scholarship is the coining of the concept of white-collar crime. However, even among these respondents, criticisms remained along the lines of the long-standing objection that Sutherland left the definition of white-collar crime muddled. Another relevant criticism is the underdevelopment of a macro structural theory of criminal behavior and the fact that Sutherland overlooked Marxist theory in his analysis of white-collar crime. Despite the criticisms, most of the scholars insist on Sutherland's relevance for a twenty-first-century criminology. Some argue that he – in the current globalized, neoliberal era where corporations are causing massive social harm – is more relevant than ever.

Conclusion

Edwin H. Sutherland is quite uniformly acknowledged to be an iconic figure in the development of the field of criminology. Sutherland's work continues to be widely cited, and his influence is clearly enduring. Sutherland's 1939 presidential address, titled "White-collar criminality" in its 1940 published version, is among the most influential American Sociological Society/Association presidential addresses, given that it introduced a new

term – "white-collar crime" – that entered the common vocabulary, first in the United States and ultimately internationally. Importantly, however, Sutherland challenged the focus of criminology on conventional crime and established a core foundation for what eventually became a significant specialized focus of criminological inquiry – the broader field of white-collar and corporate crime scholarship.

Since Sutherland's days, much criminological research has followed his legacy (see, for example, the range and depth of contributions in this volume). Though white-collar and corporate crime scholarship is still significantly less extensive than the research undertaken on violent, drug, and terrorism offenses, Sutherland would be proud to see that the criminology of white-collar crime is now an established and vibrant discipline in its own right. Our criminological imagination, however, can be pushed further by revisiting some of Sutherland's original theoretical and methodological thinking. For example, more ethnographic or qualitative studies are needed on "crooked" practices in the professions, and how these are shared and learned in association with deviant peers. How do such practices and the "folkways" that support them travel through occupations or through industries? Recent research on the London Inter-bank Offered Rate (LIBOR) manipulation scandal in the global financial markets showed that the manipulative practices were carried out by dozens of individuals across different banks around the world, sharing the same definitions favorable to offending (Jordanoska and Lord forthcoming). How do individuals become socialized into a shared culture across different corporations? To focus the discussion further on modern times, what is the role of technology and online communication in the differential association process in white-collar and corporate crime?

A further issue that merits revisiting is Sutherland's notion of "respectability" of white-collar offenders: does this concept have any analytical value in contemporary society, and if so, what is its substance? How does "respectability" affect public reactions against white-collar crime in times of mass media when reputations may be easily shattered? Eren (2017), for example, compellingly shows how Bernie Madoff (a highly revered financier at one point in time) quickly became a "Wall Street boogeyman," with public anger echoing from the media coverage of his pyramid scheme and with calls to "boil him in oil." More empirical work is therefore needed on Sutherland's claim that white-collar crimes and offenders do not attract meaningful public reactions.

In sum, Sutherland's ability to increase awareness of white-collar crime and his challenge to the traditional approach to defining and conceptualizing "crime" remains his single most important contribution to the field of criminology. If – as we anticipate – criminological attention to crimes of the powerful (including the corporate forms of white-collar crime addressed by Sutherland) increases exponentially during the course of the present century, then Sutherland's name and work will continue to resonate for successive generations of criminologists.

Notes

1 The description of his life, main publications, and the development of the concept of white-collar crime as well as the discussion on his current legacy is based on the research conducted for the book on Edwin Sutherland in the Routledge "Key Thinkers in Criminology" series (Friedrichs et al. 2017).

2 Ross's "criminaloid" is quite widely regarded as having anticipated Sutherland's "white-collar criminal" by more than 30 years (Gaylord & Galliher 1988, p. 32; Geis 2015, p. 10). However, for whatever reason, Sutherland did not cite Ross's concept of "the criminaloid" in his work on white-collar crime (Friedrichs et al. 2017).

3 As defined by the Encyclopaedia Britannica (2018), folkways are "… the learned behavior, shared by a social group, that provides a traditional mode of conduct." See https://www.britannica.com/topic/folkway.
4 The concept of "violating trust" as a defining characteristic of white-collar offenses was more fully developed in a much-cited article by Susan Shapiro (1990).

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2

White Collar Crime: Definitional Debates and the Case for a Typological Approach

David O. Friedrichs

This chapter draws upon some earlier work of the author on defining white collar crime, including an invited Presidential panel presentation at the 2013 Annual Meeting of the American Society of Criminology, on defining crime, as well as the author's text, *Trusted Criminals*.

Introductory Observations

The term "white collar crime" is widely invoked in contemporary public and popular discourse, and has been for a long time now. Public interest in white collar crime has always been more limited than in other forms of crime, including serial killing and terrorism. It waxes and wanes. In the recent era, in the wake of the 2008 financial crisis, interest in white collar crime – at this juncture especially associated with Wall Street "banksters" – was somewhat intensified, and again from 2016 on with the election as American president of Donald Trump, someone accused of multiple forms of white collar crime and with an administration deregulating white collar crime with record speed and aggressiveness. But there can be no question that there is far less consensus and clarity about exactly what types of actions and activities are encompassed by the term white collar crime than is true in relation to street crime, or conventional crime. In the case of most conventional crimes – from murder to rape to burglary to auto theft – the meaning of the key terms is very clear. The boundaries between legal and legitimate business and professional activities and white collar crime (illegal and illegitimate activities) are especially likely to be blurred, however, and often somewhat confusing to a lay public. Many white collar crime scholars have addressed the definitional issue over a long period of time. The present author first published on this topic more than a quarter of a century ago, and as part of the most comprehensive conference (in 1996) to address the issue (Friedrichs 1992, 1996). The late, legendary Gil Geis addressed the definition of white collar crime in an article published in 1962, and periodically over the course of his long career, with a posthumous handbook chapter on this topic published in 2016! The definitional controversy endures.

In part, at least, public understanding of the core definitional dimensions of conventional forms of crime – relative to white collar crime – can be attributed to the long-standing pervasive media attention to such crime. White collar crime by its very nature lends itself less readily to being clearly – and dramatically – represented in journalistic reports, television dramas, films, and other media. There are various reasons for this that need not be addressed here (Friedrichs 2010; Robinson 2011). To the extent that there is a popular image of white

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collar crime, it is most readily associated with the non-violent, financially focused crimes of respectable business*men* – and as is true with conventional crime, such crime is very much associated with men, not women – professionals, or employees within the context of a legitimate business. In one sense, it is understood especially in terms of what it is *not*, which is to say: street crime, or conventional crime. Although the most significant and consequential white collar crime has long been associated with organizations – principally, corporations – this way of characterizing crime is at odds with a deeply entrenched image of crime as perpetrated exclusively by individual human beings, and accordingly there is a bias in terms of defining crime in relation to actions that are carried out by individuals, working independently or in concert with others. But the issue of organizations in relation to the definition of white collar crime will be addressed further on.

The basic thesis of this chapter is as follows: White collar crime today can only be defined as a heuristic term – "a speculative formulation serving as a guide in the investigation … of a problem (Mifflin, H. (ed.) 2004)" – or an "umbrella" term – a broad term encompassing a wide range of different activities. Readers seeking a single, universal, and easily applied definition of white collar crime need to look elsewhere. The premise here is that at this late stage in the history of the term white collar crime it is thoroughly unrealistic and accordingly dysfunctional to imagine that one can insist on a sharply drawn and widely acceptable definition of such crime. The genie is long out of the bottle. That said, an approach to defining white collar crime – and invoking this term – is here advanced with the hope that it proves useful to students of such crime.

One further preliminary observation can be made here about the conundrum of coming up with a definition of white collar crime. The lack of consensus on this term has been so pronounced that there has been no uniformity in whether or not to include a hyphen between "white" and "collar": i.e. white-collar crime or white collar crime. Gil Geis (1968, p. xii), in the "Preface" for the first edition of his landmark collection of readings, *White-Collar Criminal: The Offender in Business and the Professions*, takes the inconsistency with regard to the hyphen as symptomatic of the enduring lack of consensus on the definition of the term. He notes that Sutherland himself was inconsistent in this regard, having used the hyphen in his first article but then dispensing with it in the title for his 1949 book. Geis adopts the hyphen as a matter of "personal preference," but the present author's preference is in the opposite direction. My problem with the hyphen is that it renders "white-collar" too literally, suggesting that it applies to a segment of society where white-collar shirts are worn. Absent the hyphen, it seems to me that the metaphorical (as opposed to literal) nature of white collar crime is more readily suggested. That said, the present author has also sometimes been inconsistent here, using the hyphen in particular contexts where that is the uniform choice of other contributors to, for example, an anthology relating to white collar crime.

Defining White Collar

What is meant by the term "white collar"? According to one dictionary, white collar is "Of or pertaining to workers, salaried or professional, whose work usually does not involve manual labor and who are expected to dress with some degree of formality" (American Heritage 1982, 1378). At a minimum, white collar people are employed; traditionally, they are middle or upper class, not lower class; they have a "respectable" status in society. C. Wright Mills (1956) produced a celebrated book, *White Collar*, with the subtitle "The

American Middle Classes." Mills acknowledged that the "captains" of industry occupied the top of the white collar world but his focus was on "anonymous middle managers, floor-walkers, salaried foremen, county agents, federal inspectors, and police investigators …" (Mills 1956, p. x). As he notes, "By their rise to numerical importance, the white-collar people have upset the nineteenth century expectation that society would be divided between entrepreneurs and wage workers" (Mills 1956, p. ix). One needs to recognize, then, that a tension exists between associating white collar with upper-class elites and with middle-class salaried workers. The income range for "professionals" is sufficiently broad to encompass individuals struggling to make ends meet and those who are wealthy by any criteria.

In a literal sense, for some good time, those occupying any segment of the white collar class are less likely to literally wear "white" collars – as opposed to shirts of many other colors, including pink, and whatever else. Dress standards have evolved, so some famous billionaire CEOs of tech companies – the late Steve Jobs of Apple and Mark Zuckerberg of Facebook – have appeared before investors wearing t-shirts and jeans, not "white collars" and ties. Furthermore, the term white collar crime has been applied to workers outside the ranks of the traditional "white collar" classes, including low-level "blue collar" (or "no collar") workers, and special occupational categories: e.g. khaki-collar crime, for crime committed by military personnel within the context of the military (Bryant 1974). You also have "gold-collar" crime, committed by state officials (Brants 2007). Altogether, it would seem to be a mistake to imagine that the term white collar should be treated literally as opposed to metaphorically.

On the Definition of Crime Itself: Some Preliminary Observations

Any attempt to define white collar crime must also begin with a discussion of the definition of crime itself. There is significant resistance among many criminologists to engaging with the definitional issues relating to crime or to specific types of crime. This author has encountered over the years any number of comments on "tedious" and "interminable" definitional discussions. Many criminologists clearly prefer to "get on with the work" of addressing specific theoretical and empirical questions that arise in relation to crime and its control, as opposed to devoting time and intellectual energy on dialogues relating to definitional and conceptual issues. Such impatience is understandable on a certain level, and the downside of becoming "imprisoned" by definitional conundrums to the point where one is hindered from addressing concrete and consequential "real world" issues needs to be acknowledged. But the premise here is that avoidance of core definitional issues has costly consequences in relation to theoretical and empirical progress.

In taking on a topic such as "the definition of crime" one needs to acknowledge the not inconsiderable risk of "re-inventing the wheel," at least partially, since this topic has been quite extensively addressed by others. I hope I succeed here in introducing a few novel and useful insights, specifically in relation to defining white collar crime, but this is well-trod terrain.

The term crime has had quite diverse meanings throughout the long history of its use, although some understandings of crime have been dominant and others more marginal. Certainly there is a long and enduring history of invoking the term crime without any attempt to define the term. For many people the meaning of the term crime is clearly taken to be obvious, and so obvious that there is no need to define it. It also seems reasonable to claim that the term crime is most widely equated with conventional criminal offenses, or

violations of the criminal law, that are exemplified by the Federal Bureau of Investigation's "index" crimes: murder; rape; assault; robbery; burglary; auto theft; larceny; and arson. This is surely the type of crime of most concern to the American public, along with drug-related offenses and recent concerns about terrorism, and these offenses account for most of the "mass imprisonment" of the recent era (Abramsky 2007). The largest proportion of criminological scholarship addressing crime through the present era encompasses one or more of these types of crime. But it is also indisputably true that there is a long tradition critical of the limitations of a conventional conception of crime (Hall 2012; Henry and Lanier 2001; Lynch et al. 2015; Tifft and Sullivan 1980). Accordingly, the claim is made that much of the focus of mainstream criminology is seriously skewed.

Surely the most common definition of crime is "legalistic": i.e. a violation of the criminal law. The celebrated Sutherland/Tappan debate on the definition of white collar crime – addressed in the previous chapter – exemplifies the conflict over the traditional legalistic approach to defining crime and Sutherland's more inclusive approach, in relation to white collar crime. But one needs to differentiate actions (or failures to act) as defined in statutes (a statutory definition of crime) from findings in a court of law that a specific alleged action was in fact a violation of the law (an adjudicated definition of crime). An arrest by police officers and an indictment by prosecutors represent intermediary dimensions of a legalistic definition of crime. However, actions that appear to be a crime may turn out, on further examination, to be something other than a crime, as defined by the statutory law. But actions taken by criminal justice personnel – be they police officers, prosecutors, or judges – have demonstrable consequences in relation to "crime," whether or not they are "factually" correct. In relation to white collar crime specifically, the characterization of such crime within law, as well as the formal adjudication of such crime by justice system personnel, is typically more problematic than is the case with conventional crime, due to the lines of demarcation between legitimate and illegitimate conduct being more blurred and unclear. As Stuart Green (2012) has noted, the term white collar crime itself rarely shows up in criminal law statutes.

It is often said that all definitions of crime are "political," insofar as in all developed societies (or societies that have developed beyond the tribal level) a political body of some sort defines crime. At odds with an idealistic conception of the political process in democratic societies as reflecting the public will and the interests of citizens collectively, the political process is much skewed in the interests of elite elements of society, especially due to their role in funding political campaigns and careers (Lessig 2011; Vogel 2014). Historically, the kinds of harms committed disproportionately by disadvantaged segments of society are far more likely to be declared crimes by law than are the harms committed by elite segments of society. So in defining white collar crime this inherent bias in the political process needs to be kept in mind.

There are other approaches to conceiving of or defining crime. A "moralistic" approach, in this reading, defines serious violations of some moral code as crimes, irrespective of whether or not they are so defined by the state's criminal law. One need hardly belabor the point that religious community moral beliefs have profoundly influenced formal definitions of crime, and most strikingly in relation to so-called victimless crimes – e.g. prostitution; pornography; sodomy; drug offenses; gambling – or public order offenses. Immorality in relation to crime has always been more strongly associated with the preceding types of activities than with the unethical – and "immoral" – activities of corporate executives, businesspeople, and professionals within the context of business and professional activities.

A humanistic definition of crime focuses on demonstrable harm, more often than not coming from powerful elements of society, rather than legal status as the basis for something

being designated a crime. This approach, and one recent version of it – the call for a shift from a criminological to a "zemiological" framework – is discussed further on in this chapter.

The Mainstream Definitional Bias of Crime

Michael Gottfredson and Travis Hirschi's (1990) *A General Theory of Crime* is – within the American context – the single most widely cited and tested criminological theory during the present era (e.g. Cohn and Farrington 2012; Goode 2008; Madfis 2012). Gottfredson (2011) has subsequently argued *against* adoption of either a legalistic definition of crime or a disciplinary definition of crime (e.g. economists defining crime in terms of economic activity, sociologists in terms of social norm violation, and so forth), in favor of a behavioral definition of crime, as part of "a large scope of acts people engage in as they individually and then collectively seek to maximize gain and minimize loss" (Gottfredson 2011, p. 36). In this view, then, "Crime is part of a much larger set of behaviours that provide (or appear to provide) momentary benefit for the actor but which are costly in a longer term" (p. 36). Accordingly, crime has a generic relationship to "accidents, substance abuse, or inappropriate conduct for school, work or interpersonal relations" (p. 36). It should be obvious that such a definition of crime inherently aligns crime with the behavioral patterns of members of society who are not especially well-educated or bright, who don't have stable and well-compensated jobs, who are disproportionately poor or economically disadvantaged, and who are socially marginalized in many different respects. If crime is impulsive behavior undertaken for immediate reward (regardless of long-term consequences), it is obviously tautological to explain it as a function of low self-control and poor parenting (Goode 2008; Madfis 2012). This "behavioral" definition of crime skews the study of crime almost exclusively to street crime, even more so than the conventional legalistic definition of crime.

The Criminological Critique of the Mainstream Conception of Crime

At least some criminologists who would be classified as falling within the parameters of the criminological mainstream acknowledge the limitations of the traditional way of defining crime. Robert Agnew (2011), in *Toward a Unified Criminology*, specifically engages with the work of a range of critical criminologists and puts forth an "integrated" definition of crime that seeks to find some common ground between mainstream and critical criminological approaches to defining crime. The advantages of this integrated definition of crime, which promotes a broadening of the scope of criminological concerns, are fully addressed by him. John Hagan (2010), in his *Who Are the Criminals?*, offers a potent critique of the conventional, mainstream "framing" of the problem of crime, with its highlighting of street crime or conventional crime and its relative inattention to suite crime or high-level white collar crime.

In addition to concerns proffered by mainstream criminologists, there is a long-standing tradition of critique of conventional conceptions of crime that has been advanced by self-described radical or critical criminologists (e.g. see DeKeseredy and Dragiewicz 2018; Michalowski 2016; Tifft and Sullivan 1980). Richard Quinney's (1970) *The Social Reality of Crime* – characterizing crime as a construct put forth by the powerful to reflect their interests – has been influential. The "humanistic" definition of crime put forth by Schwendinger

and Schwendinger (1970) – defining crime in relation to identifiable harm, independent of how the capitalist state defines crime – is quite familiar and has been widely cited. The approach to conceiving of crime as "crimes of capital" by Raymond Michalowski (1985), in *Order, Law, and Crime*, was another noteworthy initiative, and more recently, Michalowski (2016), in the context of a tribute to the late William Chambliss, has produced a devastating critique of the approach of "orthodox" criminology to the definition of crime. Stuart Henry and Mark Lanier (2001), in an in-depth consideration of the definition of crime, have advanced a "prism of crime" definition. Lynch et al. (2015) have quite exhaustively demonstrated that the conventional criminological definition of crime in legalistic terms is lacking scientific validity. Altogether, the radical and critical criminological critiques of the definition of crime promote attention to the crimes of the powerful – and white collar crime specifically – and take a form that recognizes that such crimes tend to be exponentially more consequential than conventional crimes, or the crimes of the powerless. For some criminologists, the term crime itself is inevitably so limiting and so constrained by its historical meaning that it should be abandoned in favor of "social harm" as the focus of our concern, with criminology itself being replaced by "zemiology," or the study of harm (see Friedrichs and Schwartz 2007; Hillyard et al. 2004). A call on the part of Victoria Greenfield and Letizia Paoli (2013), for creating "a framework to assess the harms of crimes," represents one recent initiative to increase attention to the harm dimension inherent to definitions of crime.

Defining White Collar Crime in the Wake of Sutherland

It is a standard practice to open discussions of the definition of white collar crime with attention to Edwin Sutherland's foundational contribution to this topic. But since Sutherland's contribution and the controversies relating to it are very ably addressed in the previous chapter by Aleksandra Jordanoska and Isabel Schoultz, I will not here address Sutherland (see also Friedrichs et al. 2018). I do offer a few observations on my own take on the legacy of Sutherland's definitional initiative. Eighty years have now passed since Sutherland formally introduced the concept of white collar crime, but confusion about the meaning and most appropriate application of this concept continues (e.g. Geis 2012; Green 2012; Shover and Cullen 2012). Why is this so?

First, a wide variety of terms have been used to characterize activities that could either be classified under the broad rubric of white collar crime or are closely linked with it. *Elite deviance* is one example. The terms "power crime" and "crimes of the powerful" have also been put forth for those forms of white collar crime committed by powerful entities and organizations (Friedrichs and Rothe 2012; Ruggiero and Welch 2009). Other terms include *economic crime, financial crime, commercial crime, business crime, marketplace crime, consumer crime, respectable crime, "crime at the top," "suite" crime, official crime and deviance, political crime, governmental crime, state (or state-organized) crime, corporate crime, occupational crime and deviance, workplace crime, employee crime, avocational crime, technocrime, computer crime, folk crime,* and *invisible crime*.

In some cases, different terms refer to the same activity; in other cases, they refer to specific types of crime. Obviously the invocation of so many different terms, interrelated in such a bewildering variety of ways, contributes to the general confusion about white collar crime. Each term is likely to have some unique connotations, and each tends to emphasize a particular dimension of white collar crime.

White Collar Crime and Economic Crime

Reviewing all of the aforementioned terms is well beyond the scope of the current chapter, but the term "economic crime" warrants a brief discussion here given its proliferation in the European white collar crime literature (e.g. Johansen and Ystehede 2010; Korsell 2001; Larsson 2001). Although this term seeks to link crime to economic activity that occurs within the context of the economy, it unavoidably has ambiguous dimensions (Larsson 2001). From an outsider vantage point, this author has two principal reservations about "economic crime" as a preferred term. First, the term itself fails to capture one important core dimension of Sutherland's "white collar crime" term: i.e. crimes are not simply committed by "those" people – i.e. poor people, minorities, marginal and disenfranchised members of society – but by members of the respectable and economically advantaged and privileged segments of society. Second, the term economic crime also implicitly sends a strong message that such crimes are exclusively economic in character, when it has long been recognized that some of the most significant manifestations of white collar crime – e.g. corporate violence – have huge physical consequences, resulting in death, injury, and disease for citizens, consumers, and workers. In and of itself the term economic crime suggests that it could be applied to an especially broad range of activities with a core economic dimension, including very low-level economic-type offenses committed by poor and powerless members of society. Some of the Europeans with whom this author has raised these concerns assert that for them the term economic crime has distinctive connotations that exclude conventional forms of crime with an economic dimension. Be that as it may, it is not clear that the intrinsic limitations of the term economic crime are overcome.

Some Enduring Controversies in Defining White Collar Crime

The terms "crime" and "deviance" have both been used to describe many of the activities encompassed by the concept of white collar crime. The present author's choice has been to emphasize the term crime for three reasons. First, this term is more closely associated with doing harm to others than is *deviance* (Henry and Lanier 2001). Second, quite a bit of white collar crime unfortunately does not deviate from typical patterns of behavior (e.g. deception in the marketplace). Third, many white collar offenders avoid the stigma that is so central to the notion of deviance; they do not have a deviant self-identity or lifestyle.

Criminologists who study white collar crime have generally been in agreement that it (i) occurs in a legitimate occupational context; (ii) is motivated by the objective of economic gain or occupational success; and (iii) is not characterized by direct, intentional violence. On the other hand, these criminologists have also been divided on many issues, in terms of how they define white collar crime and which attributes of offenders they emphasize (Copes and Vieraitis 2012; Geis 2012; Nelken 2012). In particular, they have been divided between those focused on exposing wrongdoing in high places and those who study occupational or fraudulent offenders. Neal Shover and Francis Cullen (2012) differentiate between a *populist* perspective that focuses upon privileged, powerful offenders and a *patrician* perspective that focuses upon occupation-based offenses, regardless of who commits them.

Michael Benson and Sally Simpson (2009), in their book *White-Collar Crime: An Opportunity Perspective,* review the historical conceptions of white collar crime, and note that Sutherland, although he put forth different definitions, principally emphasized that white collar crime was about the wrongdoing of managers and executives. But they object

to definitions of white collar crime limited to those of high status, as opposed to treating status as a variable to be examined in relation to white collar crime activity. They compare the offender-based and offense-based approaches. They suggest that it is the particular techniques used in white collar crime offenses that should occupy a central role in how we define such offenses, with a definition ideally incorporating overlapping dimensions of the offense- and offender-based definitions.

The present author is wholly in agreement with the claim of Henry Pontell (2016) that the extension over many decades of the concept of white collar crime to offenses by middle-class (and even lower-class) individuals engaged in offenses of little consequence has "trivialized" the problem of white collar crime by deflecting attention away from monumentally consequential crimes of major industrial corporations and financial institutions. The influential Yale White-Collar Crime Project exemplifies this problem. Unfortunately, the present author does not believe that Pontell's call (and John Braithwaite's 1985 similar call) for limiting the term white collar crime to the crimes of rich and powerful corporations and institutions, and the individuals who control them, is a realistic solution to this problem. Whether or not Pontell and I like it, the term white collar crime is widely applied to a very broad range of different types of offenses, by criminologists, by journalists, and by the general public. What we can do is to call for acknowledging (or conceding) this reality and that different types of white collar crime need to be clearly differentiated from each other, and that the forms (or types) of white collar crime carried out by rich and powerful institutions and individuals are vastly more consequential than those carried out by middle-class (to say nothing of lower-class) individuals (or small businesses). It is therefore the white collar crimes of the powerful that should be privileged both for criminological study and for effective public policy (and prosecutorial) responses to such crime.

The lack of consensus on defining white collar crime is consequential in many different ways. Rorie et al. (2018) demonstrate the severe limitations of meta-analysis of white collar crime studies when they typically incorporate studies adopting different definitions of the key dependent variable with considerable variation in the operationalization of the constructs adopted. Arjan Reurink (2016), in his exhaustive review of the evolution of the concept of white collar crime, highlights the limitations of applying traditional conceptions of such crime in a rapidly transforming world with post-modern dimensions, expanding globalization, and increasing financialization (see Chapter 29 by Karin van Wingerde and Nicholas Lord in this volume). The rapid migration of more and more crime from "real space" to "cyberspace" also generates whole new challenges in relation to defining white collar crime (see Chapter 28 by Tom Holt and Jay Kennedy in this volume). On the subject of white collar crimes of the powerful in the context of the world we now inhabit (in which financial markets are increasingly unfettered), Gregg Barak (2012), Vincenzo Ruggiero (2017), and Tillman et al. (2018) are among the white collar crime scholars who have produced potent analyses of such crime.

Some of the principal definitional disputes in relation to white collar crime can be summarized as follows: White collar crime should refer only to violations of criminal law, versus the view that such crime should refer to violations addressed by civil and administrative law or other normative orderings as well. White collar crime should refer only to acts committed by higher-status individuals, versus the view that it should refer to acts committed in the context of any legitimate occupation. White collar crime should refer only to acts involving financial and economic activities, versus the view that it should refer to acts involving physical as well as financial harm. White collar crime should refer only to the acts of individuals, versus the view that it should refer to the acts of organizations as well as individuals. No real consensus on these issues is likely to be realized.

Definitions of White Collar Crime in Contemporary Textbooks

How do the various white collar crime textbooks approach the issue of defining white collar crime? Altogether they take quite different approaches to this issue. It is perhaps inevitable that it is the norm to include some discussion of Sutherland's classic – but perpetually problematic – contribution to the definition of white collar crime. Some textbooks make no attempt to offer a definition of white collar crime. Rosoff et al.'s (1998/2004) *Profit Without Honor* is a quite striking example of this approach. Gary Green's (1990) *Occupational Crime* specifically repudiated the concept of white collar crime, and put forth an argument that it should be replaced with the allegedly more coherent concept of occupational crime. The present author has specifically addressed his disagreement with this initiative (Friedrichs 2002), and some 25 years after the initial publication of Green's book the concept of white collar crime remains, by any criteria, dominant over that of occupational crime. As Coleman (2006, p. 6) has noted, the term white collar crime is now part of everyday English and has been widely adopted.

Brian Payne's (2012) *White-Collar Crime* is an especially recent and comprehensive textbook. Payne (2012, p. 35) notes the conceptual, empirical, methodological, and policy-related ambiguities of the white collar crime concept. He posits that the absence of a definition acceptable to all constituencies is troublesome on several counts, insofar as it hinders detection, hinders the gauging of the most effective response to this type of crime, and renders difficult comparisons relating to white collar crime, identifying its causes, and measuring the extent of such crime (Payne 2012, pp. 37–38). He charts the numerous different modern conceptions of white collar crime as: moral or ethical violations; moral harm; violations of criminal law; violations of civil law; violations of regulatory law; workplace deviance; definitions socially constructed by businesses; research definitions; official government definitions; violations of trust; occupational crimes; and violations occurring in occupational systems. As Payne (2012, p. 42) notes, it may be especially useful to differentiate between definitions of white collar crime that can advance research as opposed to those definitions that can be applied to prosecutorial initiatives. He concludes his substantial discussion of the definitional issues by adopting the view that "White collar crime can … be defined as 'any violation of criminal, civil, or regulatory laws – or deviant, harmful or unethical actions – committed during the course of employment in various occupational systems.'"

Textbook authors have not been wholly in agreement on which definitional attributes of white collar crime are core. Some have adopted the overall approach favored here, to define the term broadly. Hazel Croall (2001), in *Understanding White Collar Crime* – the principal British text on this topic – favors retaining the white collar crime term as an "umbrella" term. Norwegian author Petter Gottschalk (2012), in his *White-Collar Criminals*, also endorses the view that white collar crime must be understood as a "broad" term. Ronald Berger (2011), in his abbreviated text *White-Collar Crime*, endorses an "expansive" definition of white collar crime.

White Collar Crime and Corporate Crime

Increasingly, a number of high-profile encyclopedias, handbooks, and readers have opted for "White Collar and Corporate Crime" as part of their title (e.g. Minkes and Minkes 2008; Pontell and Geis 2007; Salinger 2013). I regard this as somewhat unfortunate because it

potentially increases rather than diminishes definitional confusion. After all, the original classic in the field, Sutherland's (1949) *White Collar Crime*, was in fact *exclusively* about corporate crime, and the application of the term white collar crime to at least some forms of corporate crime continues to this day. So in suggesting that there is a broadly understood division between corporate crime and all other "white collar crime" I believe a misleading view is perpetuated here.

A Multi-stage and a Typological Approach to Defining White Collar Crime

A coherent and meaningful understanding of white collar crime must be approached in stages. The first, most general, definitional stage is *polemical*, the second stage is *typological*, and the third is *operational*. The traditional, "popular" conception of white collar crime – the illegal and harmful actions of elites and respectable members of society carried out for economic gain in the context of legitimate organizational or occupational activity – has an important polemical and pedagogical purpose. This conception challenges a popular tendency to associate criminality with inner-city residents, minorities, young men, and conventional illegal activities such as homicide, robbery, and burglary. The more complex and qualified the concept, the less effective it is likely to be in challenging conventional crime consciousness. It is not clear whether any of the many previously mentioned terms, all with somewhat more restricted connotations, can hope to achieve the easy recognition accorded white collar crime, which has been quite widely invoked for many decades.

In the second stage of conceptual development, the purpose of a criminological typology is to organize patterns of crime and criminal behavior into coherent or homogeneous categories, to facilitate both explaining and responding to crime (Dabney 2013; Gibbons 2002). Because the patterns of actual lawbreakers are so varied, some commentators express a concern that typologies may distort reality rather than clarify it (e.g. Clarke 1990, p. 3). This concern is valid, but what are the realistic alternatives to typologies of some sort? Generalizing about "crime" or "lawbreakers" surely distorts reality even further.

The concept of "occupational crime" was first clearly identified by Quinney (1964) and was specifically defined by Clinard and Quinney (1967, p. 131) as "violation of the legal codes in the course of activity in a legitimate occupation." They considered this formulation more useful than Sutherland's conception of white collar crime, which is restricted to high-status offenders. Typically, occupational crime has been applied to acts in which financial gain or status is sought (or prevention of its loss is involved).

Clinard and Quinney (1973), in the second edition of their influential book *Criminal Behavior Systems,* designated corporate crime as but one distinct form of occupational crime. This distinction has been the single most influential typological scheme of white collar crime. It has been widely adopted within the field and by the more sophisticated media. Corporate crime was defined as "offenses committed by corporate officials for their corporation and the offenses of the corporation itself" (Clinard and Quinney 1973, p. 188) – the type of crime Sutherland was concerned with in *White Collar Crime*. It is widely accepted today that the characteristics and consequences of corporate crime make it fundamentally different from the range of activities subsumed under the heading of occupational crime.

A somewhat parallel but hardly synonymous conceptual differentiation that was refined during the 1970s distinguishes between *organizational* and *individualistic* white collar crime (see, e.g., Friedrichs 2007; Minkes and Minkes 2011; Schrager and Short

1977). The complex mixture of motives and objectives in organizational white collar crime is not easily conveyed by such a dichotomy (Reichman 1986). Various more fully differentiated typologies of white collar crime developed over the years have incorporated offender–victim relationships, offender attributes, offense context, offense form and objectives, nature of harm perpetrated, or some combination of these variables (Coleman 2006; Hagan 2011). We see, then, that different approaches can be applied to the challenge of formulating a typology of white collar crime. We should never lose sight of the fact that such typologies can gloss over complexities and ambiguities involved in some of the most significant manifestations of white collar crime (Haines 2007). Despite the inevitably arbitrary and limited attributes of any classification scheme, typologies provide a necessary point of departure for any meaningful discussion of white collar crime. The synthetic typology offered in this text is adapted from some of the existing typologies but also encompasses the wide range of activities labeled as white collar crime. The principal criteria for differentiating between the types of white collar crime, broadly defined, are as follows:

- Context in which illegal activity occurs, including the setting (e.g. corporation, government agency, professional service) and the level within the setting (e.g. individual, workgroup, organization)
- Status or position of offender (e.g. wealthy or middle class, Chief Executive Officer or employee)
- Primary victims (e.g. general public or individual clients)
- Principal form of harm (e.g. economic loss or physical injury)
- Legal classification (e.g. antitrust, fraud)

The typology that follows includes activities that some students of white collar crime would exclude, but at a minimum these activities have a close generic relationship with white collar crime:

1. *Corporate crime:* Illegal and harmful acts committed by officers and employees of corporations to promote corporate (and personal) interests. Forms include corporate violence, corporate theft, corporate financial manipulation, and corporate political corruption or meddling.
2. *Occupational crime:* Illegal or harmful financially driven activity committed within the context of a legitimate, respectable occupation. Forms include retail crime, service crime, crimes of professionals, and employee crime.
3. *Governmental crime:* A cognate form of white collar crime; a range of activities wherein government itself, government agencies, government office, or the aspiration to serve in a government office generates illegal or demonstrably harmful acts. Forms include state crime and political white collar crime.
4. *State-corporate crime, crimes of globalization, and finance crime:* Major hybrid forms of white collar crime that involve in some combination a synthesis of governmental, corporate, international financial institution, or occupational crime. The term "crimes of globalization" refers to demonstrably harmful products of expanding conditions of globalization, exemplified by many of the policies and practices of international financial institutions such as the World Bank and the International Monetary Fund (Rothe and Friedrichs 2015). Crimes of globalization represent an emerging form of white collar crime likely to become increasingly significant as the twenty-first century progresses.

Finance crime specifically refers to criminal activity in the realm of high-level finance, from banking to the securities markets.

5. *Enterprise crime, contrepreneurial crime, technocrime, and avocational crime:* "Residual" forms of white collar crime, or a variety of miscellaneous illegal activities that include more marginal forms of white collar crime. *Enterprise crime* refers to cooperative enterprises involving syndicated (organized) crime and legitimate businesses; *contrepreneurial crime* refers to swindles, scams, and frauds that assume the guise of legitimate businesses; *technocrime* involves the intersection of computers and other forms of high technology with white collar crime; *avocational crimes* are illegal but non-conventional criminal acts committed by white collar workers outside a specifically organizational or occupational context, including income tax evasion, insurance fraud, loan/credit fraud, customs evasion, and the purchase of stolen goods.

The third stage for defining white collar crime can be called *operational*. On this level, the objective of the definition is to provide a point of departure for focused empirical research or comparative critical analysis. In the positivist tradition, Wheeler and his associates (1988) provide one approach to an "operational" definition of white collar crime. For purposes of systematically comparing white collar criminals and "common" criminals, they define white collar crime as violations of eight federal crime categories: securities fraud, antitrust violations, bribery, tax offenses, bank embezzlement, postal and wire fraud, false claims and statements, and credit and lending institution fraud. Although they recognize that such an operational definition does not encompass a representative sampling of the total body of white collar crime, they consider it to reflect federally prosecuted white collar crime. If such an operational definition allows these researchers to make quantitative comparisons, then obviously any resulting generalizations must be qualified relative to the definition. Many empirical studies of white collar crime adopt much narrower definitions of specific types of white collar crime for purposes of quantitative analysis.

Such definitions, however, are not simply the purview of mainstream white collar criminologists dedicated to a scientific approach to the study of white collar crime. Critical criminologists have also formulated definitions of white collar crime that are intended to facilitate comparative analysis. Michalowski and Kramer (1987), for example, have defined *corporate transgressions* as violations of international standards of conduct (developed by the United Nations) by transnational corporations that result in identifiable social injury. It could be argued that such a definition raises some formidable interpretive questions, but its intent is to facilitate systematic, comparative analysis. Critical criminologists have focused their attention principally on "crimes of the powerful" or "power crime" (Barak 2015; Rothe and Kauzlarich 2016; Ruggiero and Welch 2009). For such criminologists these crimes are infinitely more consequential than the white collar crimes of middle- and lower-class individuals.

The concept of white collar crime is, in the final analysis, somewhat like a Chinese puzzle: Whichever way one turns with it, new difficulties and conundrums are encountered. Perhaps it is most easily defined in negative terms: It refers to illegal or harmful activity that is neither street crime nor conventional crime. More generally, white collar crime is a generic term for the whole range of illegal, prohibited, and demonstrably harmful activities involving a violation of a private or public trust, committed by institutions and individuals occupying a legitimate, respectable status, and directed toward financial advantage or the maintenance and extension of power and privilege. We should give up the illusion that white collar crime can – or even should – have a single meaning or definition. Ideally,

whenever a definition of white collar crime or cognate activities is advanced, it should be done so in conjunction with a clear indication of its purpose.

Concluding Observations

The aspiration to formulate a single, coherent, and universally accepted and invoked definition of white collar crime is an exercise in futility. But the foregoing discussion has taken the position that despite its inevitable, inherent ambiguity, the term white collar crime should certainly be retained; its invocation at a minimum always signals that one is not addressing conventional or street crime, and its polemical message that significant crime is committed by highly respectable individuals (and organizations) remains hugely important. Ideally, those who invoke the term white collar crime are as clear as possible about what they do (and do not) mean by the term. Those who encounter the term white collar crime should be as attentive as possible to the context within which they have encountered the term, and its specific meaning within that context. All students of white collar crime should treat statistical and comparative claims relating to white collar crime with great caution, since the definitional ambiguities and contradictions inevitably lead to cases of comparing apples with oranges. This chapter has argued that a typological approach to white collar crime – with all due acknowledgment of inevitable issues arising out of typologies – nevertheless is the optimal approach for responding to the definitional conundrum.

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