

## Preface

Ever since sociologist Edwin Sutherland first introduced the concept of "white-collar crime" (WCC) at an American Sociological Association conference in 1939, it has been subject to challenge, criticism and ignorance—ignorance in that it has been largely neglected by mainstream criminology (as Danielle McGurrin and her colleagues show in this issue). There is an essential sense in which white-collar crime feels different from conventional "street" crime; it is difficult to understand; it is highly dispersed, such that victims often don't even realize they are victims, and there are no obvious individual "robbers." Instead there are systems and processes, shadows and shavings, scamming and skullduggery. Not surprising then that WCC is more harmful, to more people, more frequently, than its conventional counterpart, "street crime." Street crime harms far less people, far less intensely.

Issues about whether WCC is a "real" crime, whether it produces physical as well as financial harm, whether its offenders should be treated as criminals, and what types of offenses should be included, remain unresolved. Such problems, together with the complexity of many white-collar offenses, their relative invisibility, the wide dispersal of their victims, the difficulty of enforcement, and their historical neglect by academic criminology, have brought numerous attempts at redefinition. Sutherland originally defined white-collar crime as offenses by persons of respectability and high social status committed in the course of their legitimate occupation. He was largely referring to business crime at a time when businesses were weakly regulated. Thus, what Sutherland called "socially injurious harms," were seen by his contemporary critics, such as Paul Tappan, as normal business practices; according to the law and courts, so called "white-collar crimes" were not criminal. Tappan argued that a crime can only be committed if it violates criminal law; to be a criminal one must be convicted by criminal courts of such an offense. However, because corporations influence law making, such practices were not seen as crimes. Sutherland argued that they should be redefined as crimes, and he

asserted that repeated violators of regulatory statutes should be seen as corporate recidivists.

Three features of white-collar crime are particularly important in defining it. First, the offender must occupy a legitimate occupational position in society, which constitutes his or her primary activity.<sup>1</sup> This excludes criminal enterprises, such as organized crime and avoids confusing activities of the Mafia with those of corporations such as Enron.<sup>2</sup> Second, the offense must involve use of the power afforded by legitimate positions for the purpose of increasing the economic, political, or social standing of the perpetrator and/or the organization that results in harm to one or more victims. Third, individuals or large groups of individuals can be offenders and victims of white-collar crime. Thus white-collar crime focuses on systemic problems; on "bad barrels" (organizations and processes) as well as "bad apples" (individuals).

Corporate crime, also called business crime, organizational crime, elite deviance, crimes of privilege, and corporate deviance, is referred to by some as "crimes of the powerful" or "suite crime." Here power refers to the offenders' position in society's occupational or class hierarchy, rather than to their use of power in offending (some power, e.g. physical force, weapons, threats, etc., is used by all criminals to commit their offense). The use of power is particularly true for corporate and governmental crimes, arguably the most consequential forms of white collar crimes. With respect to occupational (individual-level) crimes, there is still some debate as to whether white collar crime should refer only to higher status (versus lower status) individuals, though many WCC researchers study both. "Elite deviance" also refers to crimes by governments, or "state crime." Crimes include bribery and corruption, police entrapment, systemic police corruption, invasion of privacy, government medical experiments, human rights violations against U.S. citizens, and political repression against other nations.

This issue of the *Western Criminology Review* starts with a devastating analysis by Danielle McGurrin and her colleagues demonstrating a consistent neglect of white-

collar crime that borders on the tragic, but more positively points to solutions. Some of those solutions involve volumes such as this, highlighting the problem.

### Stuart Henry and Danielle McGurrin

#### Notes

<sup>1</sup> Friedrichs also typologizes avocational crimes—committed by individuals outside of their occupations because “the people involved, their motivations, and the consequences of avocational crime are often similar or identical to occupational white collar crimes (Friedrichs 2010:121).

<sup>2</sup> There is an intersection between enterprise crime and white collar crime; some white collar crime researchers do include enterprise or organized crime as fitting

appropriately under the domain of white collar crime studies. (See Friedrichs 2010; Kappeler and Potter 2005).

#### References

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