Ann. Rev. Sociol. 1985. 11:1–25

WHITE COLLAR CRIME

John Braithwaite

Senior Research Fellow, Department of Sociology, Research School of Social Sciences, The Australian National University, Canberra 2601, Australia

Abstract

Only banal generalizations are possible in answer to questions of who engages in white collar crime and why. Doubt is cast on the common assertion that firms in financial difficulty are more likely to offend than profitable ones. Qualitative studies of how white collar offenses are perpetrated and how regulatory agencies seek to control offenses constitute the most illuminating part of the literature. This literature depicts consistent pressure for blame for white collar crime to be passed downwards in the class structure, widespread use of international law evasion strategies, and a preference of control agencies for informal, "direct action" modes of social control over litigious regulation. The thesis that the latter reflects "capture" by ruling class interests is critically examined. It is contended that community attitudes toward white collar crime have become increasingly punitive. The review concludes that theoretical progress is most likely via organization theory paradigms, but that partition of white collar crime into "corporate (or organizational) crime" and "occupational crime" is necessary to facilitate such progress.

INTRODUCTION

The number of scholars who have worked on white collar crime has been modest, and the impact of white collar crime research on mainstream sociological theory unimportant. But we will see that white collar crime research marks a rare case of sociological scholarship having a substantial impact on public policy and public opinion. Even more unusual, this impact is largely attributable to the work of one great sociologist—Edwin H. Sutherland.

0360-0572/85/0815-0001$02.00

WHITE COLLAR CRIME RESEARCH BEFORE SUTHERLAND

There were great scholars on whose shoulders Sutherland could stand. The Dutch Marxist, Willem Bonger, in his *Criminality and Economic Conditions* (1916), was the first to develop a theory of crime which incorporated both "crime in the streets" and "crime in the suites". Bonger's contention was that capitalism "has developed egoism at the expense of altruism". Bonger argued that a criminal attitude is engendered by the conditions of misery inflicted on the working class under capitalism, and that a similar criminal attitude arises among the bourgeoisie from the avarice fostered when capitalism thrives.

Influential criminological theory between Bonger and Sutherland continued to focus on class as the critical variable, but it was a truncated focus concerned with explaining why the poor seemed to commit more crime than the rest of us. Bonger's insight—that to assume poverty causes crime is to neglect the widespread nature of ruling class crime—was largely ignored until Sutherland revived it.

The important American antecedents in the early part of the century were the sociologist E. A. Ross (1907) and the muckrakers—e.g. Tarbell (1904); Steffens (1904); Norris (1903); Sinclair (1906). In journalistic exposés and fictionalized accounts, these writers laid bare the occupational safety abuses of mining magnates, the flagrant disregard for consumer health of the meat packing industry, the corporate bribery of legislatures, and many other abuses. The muckrakers were responsible for some of the important statutes, like the US Federal Food, Drug, and Cosmetic Act of 1906, which criminalized many forms of corporate misconduct that Ross had been forced to label as "criminaloid". Sutherland's mission was to turn muckraking into sociology.

SUTHERLAND

White collar crime became part of the English language when Edwin Sutherland gave his Presidential Address to the American Sociological Society in 1939 (Sutherland 1940). Sutherland's talk, "The White Collar Criminal", scorned traditional theories of crime which blamed poverty, broken homes, and disturbed personalities. He noted that many of the law breakers in business were far from poor, from happy family backgrounds, and all too mentally sound. After ten years of further research, Sutherland published *White Collar Crime* (1949). The book was a devastating documentation of crimes perpetrated by America's 70 largest private companies and 15 public utility corporations. His publisher, Dryden, insisted that all references to the companies by name be deleted for fear of libel suits. It was another 34 years before the uncut version was published (Sutherland 1983).

Sutherland (1983:7) defined white collar crime as "a crime committed by a person of respectability and high social status in the course of his occupation." The definition has its problems. The concept of "respectability" defies precision of use. The requirement that a crime cannot be a white collar crime unless perpetrated by a person of "high social status" is an unfortunate mixing of definition and explanation, especially when Sutherland used the widespread nature of white collar crime to refute class-based theories of criminality.

These deficiencies have rendered white collar crime an impotent construct for theory building in sociology. No influential theory of white collar crime has developed, let alone an attempt to link such work to wider sociological theory. Sutherland's theory of differential association in *White Collar Crime* was a general theory of all crime, one whose generality borders on a platitudinous restatement of social learning theory (cf Mathews 1983; Albanese 1984).

As Farrell & Swigert (1983) point out, while there have been those who dabbled with differential association (e.g. Clinard 1946), anomie theory (Sherwin 1963), labelling theory (Waegel et al 1981; Swigert & Farrell 1980), and social psychological and personality theories (Stotland 1977; Monahan & Navaco 1980), theoretical progress began only in the late 1970s when the individualistic theorizing spawned by the Sutherland tradition was rejected in favor of applying organization theory paradigms to the phenomenon. Ironically, it was lawyers (Stone 1975, Coffee 1977) who led this theoretical reorientation rather than sociologists (but note the important roles of Cohen 1977, Schrager & Short 1978, Ermann & Lundman 1978, and Gross 1978). The reorientation became possible only when ties to the Sutherland definition were cut in favor of a focus on the narrower domains of organizational or corporate crime.

The only justification for locating contemporary research in the white collar crime construct is phenomenological. The concept is shared and understood by ordinary folk as more meaningful than occupational crime, corporate deviance, commercial offenses, economic crime or any competing concept. Moreoever, as Geis & Goff (1983:xi–xii) point out, Sutherland's Americanism soon became "crime en col blanc" in France, "criminalita in colletti bianchi" in Italy and "weisse-kragen-kriminalität" in Germany.

Most researchers have dealt with the problem of definition by simply studying violations of particular laws (tax, environmental, antitrust, consumer protection, fraud). Patterns and processes of violations of such laws are all phenomena worthy of study in their own right, yet it is a pity that the phenomena do not comfortably sit as building blocks for theorizing around a more all-encompassing concept. In the conclusion to this review, I argue that we should cling to Sutherland's overarching definition, but then partition the domain into major types of white collar crime which do have theoretical potential.

Sutherland's operationalizing of the new concept also came under attack from lawyers. Sutherland was content to consider illegal behavior as white collar crime if it were punishable, even if not punished, and if the potential penalties for infringement were civil rather than provided for in a criminal code (Sutherland 1983:51). Tappan (1947) led a tradition insisting on proof beyond reasonable doubt in a criminal court before anything could be called a crime (Burgess 1950; Orland 1980). Sutherland's counter is today accepted by most sociologists—that to do this would be to sacrifice science to a class-biased administration of criminal justice that neglects the punishment of white collar offenders, often giving them the benefit of civil penalties for offenses that in law could equally be punished criminally. Sutherland was right in principle, but in practice he and his disciples often counted actions that were not violations of law (e.g. recalls of hazardous consumer products) as instances of white collar crime.

THE LEGACY OF SUTHERLAND

Two young scholars who later became preeminent in criminology quickly followed in Sutherland's footsteps—Marshall Clinard and Donald Cressey. Clinard produced a book on price control violations during World War II (Clinard 1952), and Cressey wrote *Other People's Money,* a study of embezzlement (Cressey 1953). There followed a twenty year hiatus during which a few diehards, notably Gilbert Geis and Herbert Edelhertz, kept the flickering flame of white collar crime research alight (Geis 1962, 1967, 1968; Edelhertz 1970). As a result, white collar crime continued to penetrate criminological textbooks and sociological teaching on crime.

When Watergate and then the foreign bribery scandal took America and the world by storm in the mid 1970s, a generation of students had been educated in the vocabulary of white collar crime. Public interest in the subject overflowed; American research dollars were for the first time unleashed in significant quantities. By the late 1970s, an international community of white collar crime scholars had been established.

STYLES OF CONTEMPORARY RESEARCH

The Search for Generalizations

Who engages in white collar crime and why? An unimpressive tradition of positivist criminology has developed around these two questions. The only generalizations that can reasonably be made about the characteristics of white collar criminals are banal. White collar criminals are not likely to be juveniles and are not likely to be female or poor. These generalizations are virtually true

by definition, since juveniles, women, and the poor do not generally occupy the occupational roles required for white collar offending.

The only answers to "why" questions that can be made safely are also of no explanatory power. As Shichor (1983:1) suggests, "The most obvious explanation—that greed is the major causal factor of white collar crime—is very probable but it is too general". The same can be said of Sutherland's (1983:240) differential-association explanation, that "criminal behavior is learned in association with those who define such criminal behavior favorably and in isolation from those who define it unfavorably."

What of more tantalizing questions about which cultures, which periods of history, what types of organizations are associated with high rates of white collar crime? There is a tradition of comparative politics which persuasively concludes that as nations become more economically developed, corruption of public officials decreases (Wraith & Simpkins 1963; Scott 1972). These scholars interpret the historical decline of corruption in countries such as Britain in essentially Weberian terms—as legitimacy shifts from loyalty to family and tribe to authority for a national administrative order, new national elites mobilize public disapproval against the determination of administrative priorities by bribes.

But few other credible claims to this kind of generalization can be made, largely because of the elusiveness of adequate data. The nature of white collar crime—its complexity, the power of its perpetrators—means that only an unrepresentative minority of offenses is detected and officially recorded. Not only is the problem of nonreporting less severe with regard to common offenses, but there are alternative measures—self-reports and victim surveys. The latter are ruled out because victims of white collar crime are rarely aware that they have been so victimized (but see McCaghy & Nogier 1982), the former because company directors do not respond to questionnaires about their criminal activities. Reiss & Biderman (1980) in their encyclopedic study for the US Justice Department have demonstrated the enormous difficulties of assessing the level of white collar crime in one country at one point in time.

Questions as to which types of organizations generate greater white collar criminality are somewhat more manageable and consequently have attracted significant empirical work. I am aware only of one data set in the world that would be adequate to address such questions and this is a very narrow one. Approximately 140,000 health and safety violations are recorded each year against American coal mining companies. Systematic bias is less than in other data sets because the US Mine Safety and Health Act requires four random inspections of each coal mine per year and, unlike most regulatory statutes, it requires the inspector to cite every violation observed. Since the source of data is semirandom patrol by the agency rather than nonrandom reporting to the

agency, and since the policy of nondiscretionary citation, while frequently ignored in practice, at least substantially reduces selective bias by inspectors, the US Mine Safety and Health Administration data are the closest we can approach to an indication of offending rates for organizations of different types. While there has been work on which kinds of companies have lower accident rates (DeMichiei et al 1982; Braithwaite 1985), no criminologist has yet explored the characteristics of companies with high violation rates and the settings and other variables that seem to bear on such rates.

Use of other, more doubtful data sets has failed to yield a crop of generalizations about criminogenic organizations. It has been common for reviews, on the basis of limited studies by Lane (1953), and Staw & Szwajkowski (1975), to assert that firms in financial difficulty are more likely to offend than profitable ones. However, the two studies on the most substantial samples both found no association between company profitability and corporate crime (Perez 1978:124; Clinard et al 1979:304). The latter found a slight negative association between firm liquidity and corporate crime. Review of the literature on industry concentration, company size, and similar economic variables yields highly conflicting findings (Clinard & Yeager 1980:50–1). Moreover, there is some evidence suggesting that regulatory stereotypes of large firms as law-abiding leads to less punitive treatment of them in comparison to smaller companies (Lynxwiler et al 1984). Contrary to the perceptions of many casual readers of the white collar crime literature, we may ultimately find that Aristotle (Book II:65, from Greek) was right all along, that "The greatest crimes are caused by excess and not by necessity".

It may seem odd to argue that quantitative comparisons of offending rates for different companies are the kinds of research least needed when the two most influential studies of white collar crime—those of Sutherland (1983) and Clinard & Yeager (1980)—were precisely of this kind. There are three answers to this. First, the quantification of white collar crimes in both works was important in demonstrating to a disbelieving world that the biggest and best companies are widely involved in criminality; it was not, however, very important for correlational analysis. Second, the major intellectual contributions of both works concerned their syntheses of theory and qualitative data. Third, even if the quantitative aspect of their work did have substantial intellectual as opposed to polemical significance, it is doubtful, given the problems outlined above, that future scholars will be able to advance much upon it.

It is remarkable that a reviewer can say so little about what quantitative and motivational studies of white collar crime have established. Ideas that at first seemed fruitful, such as Cressey's (1953) explanation of embezzlement in terms of "nonsharable financial problems", have failed to attract a body of literature to support them (Nettler 1974). American sociologists have domi-

nated the first forty years of white collar crime research, and their continued attachment to "who" and "why" questions has slowed progress. "In their obsession with the motivational issues surrounding why people do what they do, criminological theorists have tended to neglect the equally (if not more) important issue of *how* they are able to do what they do" (Levi 1984).

There may be some further progress with motivational research. To make strides, however, this work would have to stop asking "Why do people commit white collar crime?" and begin to ask, "Given the great rewards and low risks of detection, why do so many business people adopt the 'economically irrational' course of obeying the law?"

Modus Operandi Studies

A number of recent studies, both scholarly and journalistic, of how people and organizations offend have enhanced our understanding of white collar crime (e.g. Carson 1982, Knightley et al 1979, Doig 1984, Boulton 1978, Vandivier 1982, Stone 1977, Parker 1976, Waters 1978). Levi's (1981) study of long-firm fraud showed the low likelihood of legal control when frauds cross several national boundaries; it also showed the trade-offs enforcement agencies must make between stopping fraud to protect creditors and waiting until there is evidence for a conviction. The modus operandi literature repeatedly demonstrates international law evasion strategies that utilize Swiss banks, tax havens, pollution havens, or international dumping of banned products. This points up the limitations of both research and control strategies confined to behavior within one set of national boundaries (Sheleff 1982, Delmas-Marty 1980, Edelhertz 1980, Delmas-Marty & Tiedemann 1979).

The modus operandi literature demonstrates the existence of consistent pressures to pass blame for white collar crime downward in the class structure. It is not difficult for powerful actors to structure their affairs so that all of the pressures to break the law surface at a lower level of their own organization or in a subordinate organization. Examples include company presidents appointing "vice-presidents responsible for going to jail", respectable companies engaging contractors to do illegal dirty work such as disposing of toxic wastes or producing fraudulent scientific data about the safety of a product, or hiring agents to pay bribes (for a review of such studies, see Braithwaite, 1982a:71–5).

Combined with the recurrent demonstration of the capacity of organizations to manufacture an impression of confused accountability for wrongdoing, the scapegoating literature has underpinned a tradition of legal scholarship defending the need for a capacity to impose criminal liability on corporations (Yale Law Journal 1979, Harvard Law Review 1979, Coffee 1984, Stone 1980, Fisse 1978, 1983, 1984; Leigh 1977; Schudson et al 1984).

Vaughan's (1983) study of Medicaid fraud by the Revco drug store chain

illustrated how complexity in a regulatory system can increase risks of noncompliance. It also showed how organizations are less easily controlled when governments are dependent on them for a service, more easily controlled when the organization is dependent on the government. Reisman's (1979) work on corporate bribery showed that while bribes are deviations from a "myth system", they may be deemed appropriate under the "operational code"—the private and unacknowledged set of rules that selectively tolerates bribery as an ordinary and necessary form of business. Reisman warns that unless we realize that not only business people but also Presidents of the United States subscribe to both the "myth system" and the "operational code", we will never understand the social realities of bribery. Studies of the Ford Pinto homicide prosecution have illuminated how intra- and inter-organizational struggles occur between those who wish to put human lives into a cost-benefit calculus and those who wish to treat human life as sacrosanct (Strobel 1980, Kramer 1982, Cullen et al 1984).

The literature documents criminality on such a scale among public organizations (Douglas & Johnson 1977)—from corruption of police departments (Duchaine 1979, Sherman 1978), to massive illegal mail interception programs by the CIA (Ermann & Lundman 1982:144–54), to the US army intentionally exposing soldiers to fallout from nuclear explosions (Stone 1982:1459–60)—that the profit motive must be questioned as the supreme cause of white collar crime. All organizations, capitalist or socialist (Los 1982), experience pressure to resort to illegitimate means of goal attainment when legitimate means are blocked. As Gross (1978:72) points out: "Some organizations seek profits, others seek survival, still others seek to fulfill government-imposed quotas, others seek to service a body of professionals who run them, some seek to win wars, and some seek to serve a clientele. Whatever the goals might be, it is the emphasis on them that creates the trouble".

Sherman's (1978) study of corruption in police departments concluded that a scandal might cause corruption to be submerged while media coverage of the scandal runs its course, but that the corruption resurfaces unless the adverse publicity produces internal organizational countermeasures, such as a proactive internal affairs branch which uses anticorruption techniques verging on entrapment.

The modus operandi literature merges with a literature on what organizations do when their misconduct reaches public attention. This research has significant implications. Demonstrating the importance of adverse publicity as a control mechanism raises the question of regulatory strategies that mobilize adverse publicity and of publicity orders by courts that are used as sanctions against white collar offenders. Empirical findings that newspapers often do not take up stories of white collar crime (Dershowitz 1961, Evans & Lundman 1983, Randall & DeFillippi 1984, cf Brants & de Roos, in press) imply reliance

on formal court-ordered rather than informal publicity. And Sherman's finding that white collar crime just bobs up again once the heat is off unless internal controls are introduced suggests consideration of management restructuring orders to guarantee that the impact of reforms is enduring (Mathews 1976, Solomon & Nowak 1980).

On the other hand, Fisse & Braithwaite (1983) showed with their 17 case studies that white collar crime scandals often produced substantial preventive reform prior to or even in the absence of conviction. Waldman's (1978, 1980) studies of the impact of antitrust prosecution showed that some of the most dramatic changes in the competitiveness of markets occurred where the government failed to secure convictions. When companies had the threat of divestiture or prosecution hanging over their heads throughout the many years during which an antitrust case incubates, they generally improved their antitrust compliance. To be able to present themselves more favorably to the court they may, for example, pull down barriers to entry, cease retaliating (as by predatory pricing) against competing firms, or even become industry leaders in the development of antitrust compliance codes, as IBM did during its years of antitrust litigation (Fisse & Braithwaite 1983:204–12). They may even actively recruit a competitor into the industry. Thus, du Pont, acquitted in 1956 for monopolizing the cellophane market, during the nine-year court battle recruited the Olin corporation to enter the industry as a competing cellophane manufacturer. Substantial white collar crime control often occurs in cases prosecutors lose.

Similarly, qualitative empirical studies of regulatory agencies (to be reviewed in the next section) show that most of the compliance with the law achieved by such agencies is without recourse to criminal conviction. Qualitative research of a variety of kinds therefore suggests the need for a theory of organizational crime control without conviction—a theory which incorporates the significance of the reaction of white collar offenders to informal publicity, prosecutorial threats, and negotiation with inspectors. This would involve a major shift from the current preoccupation with deterrence and incapacitation following conviction.

Control Agency Studies

Until the 1970s, sociologists had a simplistic conception of business regulatory agencies as "captured" law enforcement bodies, the members of which were responsible for the inequality of a justice system which turned a blind eye to the crimes of the powerful while bludgeoning those of the poor. The only systematic empirical investigations of the "capture" thesis (Quirk 1981, Freitag 1983) lend little support to this conception (see also Weaver 1977).

A proliferation of studies since 1970 tend to show that from the top administrator to the junior inspector, most officers of regulatory agencies never saw

themselves as law enforcers (Kagan 1978, Cranston 1979, Richardson et al 1982, Carson 1970, Shover et al 1983, Gunningham 1984; cf Katzmann 1980, Weaver 1977). Beyond the control agency studies mentioned in this review, Hawkins (1984:3) has cited an additional 35 which sustain the conclusion that regulatory agencies that deal with pollution, occupational health and safety, consumer protection, housing, discrimination, wage and price control, forestry, meat inspection, and agriculture all tend to conciliatory compliance styles rather than a punitive law enforcement approach (cf Bardach & Kagan 1982). Regulators are mystified by the sociologists' charge that their role creates structural inequality in the criminal justice system because they had never thought of themselves as part of the criminal justice system. Some of them have a tougher, more adversarial stance toward business than their critics in criminology textbooks. It is just that often they reject prosecution as the best way of getting tough.

Perhaps the most powerful of the early control agency studies was Schrag's (1971) account of what happened when he took over the enforcement division of the New York City Department of Consumer Affairs. When Schrag began in the job he adopted a prosecutorial stance. In response to a variety of frustrations, however, especially the use of delaying tactics by company lawyers, a direct action model was eventually substituted for the judicial model. Nonlitigious methods of achieving restitution, deterrence, and incapacitation were increasingly used. These included threats and use of adverse publicity, revocation of licence, writing directly to consumers to warn them of company practices, and exerting pressure on reputable financial institutions and suppliers to withdraw support for the targeted company.

The studies of business regulatory agencies cited above showed that regulatory officials view their primary objective as achieving substantive regulatory goals (safer factories, cleaner air, stronger competition); the fact that they were creating an inequitable criminal justice system by rejecting prosecution as the way to achieve those goals hardly occurred to them. Reiss (1983, 1984) dubbed the predominant regulatory strategy revealed in the literature as "compliance" rather than "deterrence" law enforcement systems: "The principal objective of a compliance law enforcement system is to secure conformity of law without the necessity to define, process, and penalize violations." (Reiss 1983:93–4). Optimism about the efficacy of compliance systems should be tempered by McCormick's (1977) conclusions concerning nonenforcement of US antitrust law. He argues that the lack of a continuously identifiable body of criminal violations symbolizing and reinforcing reaction has led to a "neutralization of indignation", which in turn has permitted some legitimation of illegality.

If the regulators are right and the public best protected when regulators deal with most business crime by negotiation, bluff, adverse publicity, and other informal sanctions, then what of sociological theories which assume that

nonprosecution reflects the unwillingness of the state to confront ruling class interests? What of jurisprudential theories that insist it is right to deploy the criminal law equally against rich and poor? Will it still be right if it is shown that the poor are left worse off in more dangerous factories, marketplaces, and environments when compliance strategies are rejected in favor of less effective retributive strategies? Should resources for policy evaluation research now be directed away from the effectiveness of law reform, of various court-ordered sanctions and remedies, in favor of evaluating different regulatory negotiation strategies (DiMento 1984)?

It will be some time before we are ready to hazard answers to these policy questions. The point here is that the qualitative studies of control agencies have prompted a fundamental rethinking of theory and policy implied by the questions. I suspect that some of the sociologists enraptured with the proposition that regulatory agencies opt for compliance law enforcement systems because this is the only way to achieve their mission are too quick to explain away capture. Nor is there really any evidence to support the reverse-capture views of scholars such as James Q. Wilson who see regulatory agencies as captured by "the new class" (Weaver 1978). As I have argued elsewhere, no matter what view one has of the efficacy of compliance law enforcement systems, that efficacy might be enhanced when it is complemented by criminal punishment (Braithwaite 1985).

We need more studies of what regulatory agencies actually do. In addition to the intensive single agency studies that have been so important in beginning to reshape our thinking about crimes of the powerful, we need some more adventurous studies that paint a broad canvas, comparing a large number of agencies. Cross-cultural studies are also needed, given what we already know about how much regional cultures can affect the enforcement strategy of a single agency (Shover et al 1984). Kelman's (1981) research, which showed a more negotiated style of occupational health and safety enforcement in Sweden, compared with a more punitive style in the United States, is a promising beginning to this type of work.

Another dimension coming into focus from the control agency studies is the importance of private justice systems. As Reiss (1983:81) points out, we know more about the way the Securities and Exchange Commission controls illegal behavior in marketing securities (Shapiro 1984) than we know about the role of the New York Stock Exchange in detecting such behavior. It is becoming clear that many regulatory agencies attempt to maximize their impact for the taxpayer's dollar by effectively delegating important areas of enforcement to private justice systems, some of which may be puny in the extreme, others of which may invoke draconian sanctions such as withdrawing a doctor's right to practice with minimum due process protections. A few scholars are now beginning to grapple with the implications of the staggering growth of pri-

vate law enforcement systems in modern societies (Shearing & Stenning 1981).

THE WIDER IMPLICATIONS OF WHITE COLLAR CRIME RESEARCH

The literature on white collar crime has contributed significantly to our understanding of how enormous class inequalities are maintained even in welfare states with nominally progressive taxation systems. The billions of dollars transferred annually from the poor to the rich by antitrust offenses (Barnett 1979, Shepherd 1970, 1975; Goff & Reasons 1984) and tax evasion (Levi 1982:37; Barnett 1984; cf Long 1982) are particularly important. For example, some data suggest that illegal returns to monopoly power may account for perhaps one-quarter of the total value of corporate stock held by the four million top wealth holders in the United States (Barnett 1979:184).

The study of white collar crime probably also contributed a little to rendering some reality to the sociology of law. There was a time when it was common for Marxists to argue that "law is a tool of the ruling class" (Quinney 1974:52). The reified class interest analysis that one sees in the earlier work of scholars like Quinney has been demolished by both liberal and Marxist scholars who grant some autonomy to social control agencies (e.g. Chambliss & Seidman 1971, O'Malley 1980). In modern capitalist societies there are many more statutes which criminalize the behavior of corporations (anti-pollution laws, occupational health and safety laws, antitrust laws, laws to enforce compliance with standards for everything from elevators to cleaning animal cages in laboratories) than there are laws which criminalize the behavior of the poor. Moreover, under many of the business statutes, mens rea is not required for proof of guilt; self-incrimination can be forced on defendants; search and seizure without warrant are provided for; and due process protections are generally weak (cf. Hopkins 1981).

None of this is to deny the existence of profound class bias in the way laws are often administered. The common disjunction between tough laws against business and weak enforcement of them indicates a need to separate the instrumental and symbolic effects of legislation (Edelman 1964, Gusfield 1967, Carson 1975, O'Malley 1980, Hopkins & Parnell 1984). Edelman is undoubtedly correct that unorganized and diffuse publics tend to receive symbolic rewards, while organized professional ones reap tangible rewards. Equally, it is true that traditionally unorganized interests—consumers, women, environmentalists, workers—are becoming organized. Even if the failure of regulatory agencies to mobilize available laws against business can be justified on grounds that this is not the most effective way of safeguarding the public, the fact of unequal enforcement of the law in ruling class interests cannot be

escaped. Note also Hagan's (1982) findings that the justice system gives greater assistance to corporate than to individual victims of crime.

The fundamental class bias in the criminal justice system is that white collar offenders, if they get to court at all, are punished less severely than traditional criminals (Snider 1982). Notwithstanding that, two major studies have now found that higher status individuals who are white collar offenders do not tend to be treated more leniently by US courts than lower status white collar offenders (Hagan et al 1980; Wheeler et al 1982). Indeed, the study by Wheeler et al surprisingly found a positive correlation between the socioeconomic status of white collar offenders and the probability of imprisonment (cf Geis 1984).

The white collar crime literature does have important implications for jurisprudence. Three elements of the literature come together to establish this relevance. The first of these is the literature demonstrating the massive numbers of unpunished white collar offenders in the community and the enormous damage to persons and property caused by their offending (e.g. Goff & Reasons 1984, Sutherland 1983, Saxon 1980, Clinard & Yeager 1980; Meier & Short 1982). Second is the literature arguing that protection of the public from white collar crime is better achieved by compliance law enforcement systems than by deterrence law enforcement systems. The third is the literature showing that ordinary citizens have had remarkably punitive attitudes recently toward white collar crime (Frank et al 1984; Cullen et al 1982, 1983a; Jones & Levi 1983; Salas et al 1982:512–4; and earlier studies reviewed in Braithwaite 1982b:731–42).

This third stream of the literature is most interesting because it refutes a major plank of Sutherland's original work—that white collar crime is allowed to flourish because of permissive community attitudes toward it. Sutherland of course probably was correct in saying that community attitudes were tolerant in his time. Public interest crusades against white collar crime that drew inspiration from Sutherland possibly were responsible for changing the very community tolerance toward the phenomenon that Sutherland lamented. What this literature shows, in summary, is that the community perceives many forms of white collar crime as more serious and deserving of longer prison sentences than most forms of common crime. There are exceptions to this pattern. Tax offenses and false advertising in most studies are not viewed as serious crimes, and most types of individual homicide are perceived as more serious than all types of white collar crime. Nevertheless, white collar crimes that cause severe harm to persons are generally rated as more serious than all other types of crime and even some types of individual homicide. Meier & Short (1984) have shown that not only do citizens view white collar crime as serious, they rate being victimized by white collar offenses as more likely than being victimized by other life hazards, including common crime.

The importance of these three elements of the literature for jurisprudence is

that they show the political, fiscal, and moral impossibility of fidelity to a pure retributive philosophy of punishment. Whether the deserved punishment is determined by community attitudes toward the offense or by objective harm, retributivists, because of this literature, must judge white collar crimes to deserve heavy punishment. Add this fact together with the literature that concludes there are more white collar offenses and offenders in the community than common criminals, and it follows that equitable application of a retributive philosophy would see more white collar offenders in prison than common criminals. Given the minuscule numbers of prison spaces currently occupied by white collar criminals and the enormous costs of incarceration, this would be a fiscal and political impossibility. Moreover, if the devotees of compliance law enforcement systems for business crimes are even partially right, a policy of consistent administration of just deserts to convictable offenders would undermine compliance and jeopardize more lives and cost millions of dollars. Equal retributive justice would have been achieved over the bodies of victims of those white collar crimes that cause physical harm (the very white collar crimes toward which the community is most punitive).

Thus, the white collar crime literature implies that if equitable retributivist philosophies are to be relevant to moral choices in the real world, they must be tempered with utilitarian considerations, including those of crime control and fiscal restraint. Retributivists can reject this, as von Hirsch (1982) has done, by denying these conclusions from the white collar crime literature—by denying that white collar crime is subjectively and objectively more serious than common crime, by disputing that white collar crime is more pervasive than common crime, by scoffing at suggestions that consistent, proportional punishment could be less effective in preventing crime than compliance or mixed compliance/deterrence law enforcement systems—see also van den Haag (1982 a,b). How these differing streams of white collar crime literature develop should have important implications for those who seek a philosophy of punishment that can be equitably implemented in the real world, rather than in some possible or impossible world.

THE WHITE COLLAR CRIME LITERATURE AND PUBLIC POLICY

The first two sentences of the 1949 edition of *White Collar Crime* read, "This book is a study of the theory of criminal behavior. It is an attempt to reform the theory of criminal behavior, not to reform anything else" (Sutherland 1949:v). Sutherland's book did not reform the theory of criminal behavior; its significance in the way it influenced people like Ralph Nader was more profound than its impact on any criminological theorist.

It has already been speculated that there may have been an element of self-defeating prophecy in Sutherland's observation about "the unorganized resentment of the public toward white collar crimes" (Sutherland 1983:59). Without the impact Sutherland has had on criminolological and legal education, one wonders whether governments would be under pressure in the Western democracies to "do something" about at least the most visible kinds of white collar crime. In some measure, governments have responded. Pointing to examples like Abscam, some would even argue they have overreacted (Marx 1982). Under the Carter administration, the crusade against white collar crime, with high profile endorsement by the President, reached the point where the FBI to some degree downgraded efforts to solve offenses such as bank robbery in order to concentrate more intensively on fraud, corruption, and other white collar crime (Geis & Goff 1983:xxxi). Much of this, though not all, has changed under the Reagan administration. Coffee (1983:24) recently pointed out that 17% of the criminal cases handled by US Attorneys' office in 1981 were classified by the Attorney as "White Collar Crimes." Another 8 percent were classified either as "Government Regulatory Offenses" or "Official Corruption". This of course means that considerably more than 25 percent of federal prosecutorial resources were involved because white collar cases are more complex than average. Admittedly, the bulk of these numbers consist of small-time white collar criminals. So numerous have been the corruption convictions of New York politicians that one study found members of the state legislature during the 1970s to have four times the probability of a criminal record as other citizens (Katz 1980:162).

Sutherland would be surprised to see the appearance since his death of agencies such as the Environmental Protection Agency, the Consumer Product Safety Commission, the Occupational Safety and Health Administration, the Office of Surface Mining Reclamation and Enforcement, and the Mine Safety and Health Administration.

The number of fatalities from coal mining accidents is today less than a tenth of its level earlier in the century for the United States, United Kingdom, Australia, France, and Japan (Braithwaite 1985). [For the more skeptical views on the impact of occupational safety enforcement, see Smith (1979), Viscusi (1983).] In Japan, where criminal pollution convictions number over 6,000 a year, the rate of noncompliance with water quality standards for lead, cyanide, cadmium, arsenic, and PCBs by 1980 was at a tenth of the levels prevailing at the beginning of the 1970s (Japanese Environment Agency 1981). Even in the United States (Gallese 1982, Bardach & Kagan 1982:94) and Britain (Storey 1979) with their less rigorous environmental enforcement, the fish are returning to many rivers that were once heavily polluted (cf MacAvoy 1979, Barnett 1981, 1983). Modest consumer product safety enforcement in the United States during the 1970s produced a 40 percent drop in ingestion of poisons by

children, a halving of crib deaths of babies, and virtual elimination of children's sleepwear as a cause of flameburn injuries [Costle 1979, see also Consumers' Federation of America (1983) for an estimate of 5 million disabling injuries prevented by the Consumer Product Safety Commission].

In a recent work, I have become persuaded that reforms whereby governments give bargaining clout to regulatory agencies, and companies give top management backing to internal compliance groups, can reduce and have substantially reduced white collar crime (Braithwaite 1984, 1985; cf Vaughan 1983). Interestingly, Ralph Nader, the world's most celebrated cynic on regulatory agencies, has also experienced some transition in view. His organization recently reviewed the evidence of the hundreds of thousands of lives saved by the Occupational Safety and Health Administration, Environmental Protection Agency, National Highway Traffic Safety Administration, Food and Drug Administration, and the Consumer Product Safety Commission (Green & Waitzman 1981).

As Chambliss (1967) has argued, white collar criminals are among the most deterrable types of offenders because they satisfy two conditions: they do not have a commitment to crime as a way of life and their offenses are instrumental rather than expressive. White collar criminals are also more deterrable than working class criminals because they have more of those things that can be lost by criminal conviction or informal means of stigmatization—status, respectability, money, a job, a comfortable home and family life. This view is supported by some quasi-experimental time series and interview studies, which suggest that white collar offenders are deterred by prosecution (Hopkins 1978, Holland 1982, Fisse & Braithwaite 1983; Lewis-Beck and Alford 1980; Perry 1981; Stotland et al 1980, Block et al 1980, Boden 1983, Epple & Visscher 1984, cf Jesilow et al 1980).

Indeed, Geis and I have argued that not only deterrence, but also two other discredited doctrines of traditional criminology—rehabilitation and incapacitation—are effective when applied to white collar crime (Braithwaite & Geis 1982). Incapacitation of criminal doctors or mine managers can be achieved by withdrawing their licence to practice their profession or stopping production at a work site rather than by imprisonment; rehabilitation does not occur on the psychiatrist's couch, but at the hands of the management consultant. State-imposed rearrangements of criminogenic organizational structures are easier to effect than state-imposed rearrangements of individual psyches.

On the other hand, the literature also supports the view that proving the guilt of white collar suspects is more difficult, particularly because of the complexity of the evidence and the capacity of wealthy defendents to mobilize legal talent (Levi 1981, Sutton & Wild 1978, 1979; Rider & Ffrench 1979; Ogren 1973; Green 1978). This reality is a major plank of those who argue for compliance over deterrence law enforcement systems.

Empirical observation of organizational crimes also indicates considerable

scholarly agreement on a few additional matters of policy relevance. With large corporations, rarely do the boards of directors become involved in preventing, participating in, or even knowing about corporate offenses (US Senate 1976, De Mott 1977, Coffee 1977, Eisenberg 1976, Mace 1971). This raises doubts about the Ralph Nader proposal of public interest directors for major corporations as a white collar crime countermeasure.

Case studies of crimes committed on behalf of large organizations repeatedly document either orchestrated or negligent communication blockages that prevent knowledge of white collar crime from reaching the desks of top management (Geis 1967, Stone 1975, Conklin 1977, Coffee 1977, Katz 1979). This can be functional for the organization; it allows top management to say to underlings, "I want you to achieve this result, but I don't want to know how you do it", and it protects the corporation as a legal person from the taint of knowledge necessary to prove corporate crime. It can also be dysfunctional in depriving top management of knowledge of white collar crimes pursued to achieve subunit goals or personal ambitions that are at odds with the overall goals of the organization. Governmentally mandated compliance auditing and reporting, corporate ombudsmen and other free routes of communication to the top, staff rotation and laws to protect whistle blowers are among the policy options that have been suggested by this strand of the literature.

Finally, interview research with company executives consistently elicits the view that it is top management attitudes, most particularly those of the chief executive, which determine the level of compliance with the law in a corporation (Clinard 1983, Brenner & Molander 1977, Baumhart 1961, Cressey & Moore 1980:48; cf Kantor 1978, Schelling 1974). Moreover, middle managers are frequently reported as squeezed by a choice between failing to achieve targets set by top management and attaining the targets illegally (Getschow 1979). In other words, while it is middle management who perpetrate the criminal acts, it is top management which set the expectations, the tone, the corporate culture that determines the incidence of corporate crime. These findings again imply reforms to ensure that top management will be tainted with knowledge of illegalities, as well as reforms to facilitate prosecution of chief executives who are willfully blind (Fisse 1973, Wilson 1979) to the creation of criminogenic corporate cultures.

PUTTING WHITE COLLAR CRIME ON A SOUNDER CONCEPTUAL FOOTING

Some of the deficiencies of white collar crime as a concept have become clear in this review. But what are the alternatives? Many Marxists, following the tradition of Taylor, Walton, and Young (1973) would have us abandon the laws of capitalist societies for defining our domain. Yet by accepting the laws of the capitalist state, sociologists hardly legitimate ruling class interests when they

deal with that subset of laws that criminalize predominantly the behavior of the ruling class. Survey data show that the critical criminologists of the 1970s were essentially wrong in arguing that there is no consensus around the laws of capitalist societies [see the fifteen studies cited in the reference Braithwaite (1982b), but note the methodological caveats of Miethe (1982) and Cullen et al (1983b)].

If it is false consciousness which drives working class people toward this consensus, then it is an odd sort of false consciousness which, inter alia, consensually supports draconian penalties against ruling class crimes. Liberal and Marxist sociologists alike should feel no embarassment at taking the considerable progressive democratic support for laws prohibiting white collar crime as the basis for their research. Those who choose to study violations of "politically defined human rights" (Schwendinger & Schwendinger 1975), or some other imaginative definition of deviance, will deserve to be ignored for indulging their personal moralities in a social science that has no relevance for those who do not share that morality.

The alternative influential definition of white collar crime was formulated by Edelhertz (1970) as "an illegal act or series of illegal acts committed by non-physical 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". The first drawback of this alternative is that it turns attention away from white collar crimes that do physical harm to persons, which, as we have seen, are the kinds of crime that arouse greatest concern in the community. Second, the Edelhertz definition deletes the Sutherland requirement that the offenses be perpetrated in the performance of occupational roles. The practical consequences for empirical research have been that most white collar criminals end up having blue collars (e.g. Hagan et al 1980). This is because the offenders who use concealment or guile to obtain money illegally and who are most likely to be convicted by courts are welfare cheats. A white collar crime literature dominated by studies of welfare offenders would require a very different theoretical orientation than that which has developed. On the other hand, as Edelhertz and Rogovin (1980:3) point out, a definition which is neutral concerning the social standing of the offender is imperative for public policy because it is unacceptable for the state to target enforcement that is contingent on the status of the offender.

Bloch & Geis (1970:307), seeking clearly homogeneous types of offenses, suggested the following distinctions: offenses committed by (1) individuals as individuals, (2) employees against their employers, (3) policymaking officials for the corporation, (4) agents of the corporation against the general public, and (5) merchants against customers. A variety of such classifications have been proposed (Shichor 1983), none of them with the force to command an authoritative partition of the field.

The most influential partition has been that of Clinard & Quinney (1973)

which divides white collar crime into occupational and corporate crime. "Occupational crime consists of offenses committed by individuals for themselves in the course of their occupations and the offenses of employees against their employers." Note that this brings in many "blue collar" occupational crimes. Corporate crime, in contrast, is defined as "the offenses committed by corporate officials for the corporation and the offenses of the corporation itself". A variation is Schrager & Short's (1978) definition of "organizational crime"; this has the advantage over corporate crime of making it clearer that crimes committed on behalf of public as well as private organizations are within the ambit of the concept. The Clinard & Quinney partition is now supported by Geis (1982:x), Kramer (1984), and Grabosky (1984).

Probably the most sensible way to proceed with organizing work in this area is first to stick with Sutherland's definition. This at least excludes welfare cheats and credit card frauds from the domain. Second, following Clinard & Quinney, occupational crimes should be separated from corporate or organizational crime.

Corporate crime, as the core area of concern, is then left as a broad but reasonably homogenous domain for coherent theorizing. While useful theories of white collar crime have proved elusive, influential corporate or organizational crime theory is a possibility. Occupational crime is a much less homogenous category—employees who offend against employers engage in a very different activity from doctors who rip off their patients. General theories of occupational crime might be as difficult as theories of white collar crime. Progress here might be confined to studies of specific types of occupational crime (e.g. Quinney 1963; Pontell et al 1982).

ACKNOWLEDGMENTS

I wish to thank Gilbert Geis, James F. Short, Jr., Marshall Clinard, Frank Jones, Peter Grabosky, and Philip Petit for comments on an earlier draft of this paper.

Literature Cited

Albanese, J. S. 1984. Corporate criminology: explaining deviance of business and political organizations. *J. Crim. Justice* 12:11–19

Aristotle. *Politics*. Transl. J. E. C. Welldon, 1932. London: Macmillan. 412 pp

Bardach, E., Kagan, R. A. 1982. *Going by the Book: the Problem of Regulatory Unreasonableness*. Philadelphia: Temple University Press. 375 pp

Barnett, H. C. 1979. Wealth, crime and capital accumulation. *Contemp. Crises*. 3:171–86

Barnett, H. C. 1981. Corporate capitalism, corporate crime. *Crime Delin.* 27:4–23

Barnett, H. C. 1983. *Hazardous waste clean-up: the benefit and cost of the Reagan Economic Recovery Program*. Presented to Ann. Meet. Am. Soc. of Criminol., Denver

Barnett, H. C. 1984. Tax evasion by proxy: the gray market in welfare capitalism. *Contemp. Crises* 8:107–23

Baumhart, R. C. 1961. How ethical are businessmen? *Harv. Bus. Rev.* 39:5–176

Bloch, H., Geis, G. 1970. *Man, Crime and Society*. New York: Random House. 552 pp., 2nd ed.

Block, M. K., Nold, F. C., Sidak, J. G. 1980. *The deterrent effect of antitrust enforcement: a theoretical and empirical analysis*. Technical Report ISDDE-1–78, Hoover Institution, Stanford University. 98 pp

Boden, L. I. 1983. *Government regulation of occupational safety: underground coal mine accidents 1973–1975*. Unpublished manuscript. Boston, Harvard School of Public Health

Bonger, W. A. 1916. *Criminality and Economic Conditions*. Boston: Little, Brown. 706 pp

Boulton, D. 1978. *The Grease Machine: The Inside Story of Lockheed's Dollar Diplomacy*. New York: Harper & Row. 289 pp

Braithwaite, J. 1982a. Paradoxes of class bias in criminal justice. In *Rethinking Criminology*, ed. H. E. Pepinsky, 61–84. Beverly Hills: Sage. 160 pp

Braithwaite, J. 1982b. Challenging just deserts: punishing white-collar criminals. *J. Crim. Law Criminol.* 73:723–63

Braithwaite, J. 1984. *Corporate Crime in the Pharmaceutical Industry*. London: Routledge & Kegan Paul. 440 pp.

Braithwaite, J. 1985. *To Punish or Persuade: Enforcement of Coal Mine Safety*. Albany: State Univ. of New York Press.

Braithwaite, J., Geis, G. 1982. On theory and action for corporate crime control. *Crime and Delinquency* 28:292–314

Brants, C. H., de Roos, Th. 1984. Pollution, press and penal process. *Crime and Social Justice*. In press

Brenner, S. N., Molander, E. A. 1977. Is the ethics of business changing? *Harv. Bus. Rev.* 55:59–70

Burgess, E. W. 1950. Comment. *American Journal of Sociology* 56:34

Carson, W. G. 1970. White-collar crime and the enforcement of factory legislation. *Br. J. Criminol.* 10:383–98

Carson, W. G. 1975. Symbolic and instrumental dimensions of early factory legislation: a case study in the social origins of criminal law. In *Crime, Criminology, and Public Policy*, ed., R. Hood. Glencoe: Free. 650 pp.

Carson, W. G. 1982. *The Other Price of Britain's Oil: Safety and Control in the North Sea*. New Brunswick, N.J.: Rutgers Univ. Press. 320 pp.

Chambliss, W. J. 1967. Types of deviance and the effectiveness of legal sanctions. *Wisc. Law Rev.* Summer:703–19

Chambliss, W. J., Seidman, R. B. 1971. *Law, Order, and Power*. Reading, Mass.: Addison-Wesley. 533 pp.

Clinard, M. 1946. Criminological theories of violations of wartime regulations. *Am. Sociol. Rev.* 11:258–70

Clinard, M. 1952. *The Black Market: A Study of White-Collar Crime*. New York: Holt, Rinehart. 392 pp.

Clinard, M. 1983. *Corporate Ethics and Crime: The Role of Middle Management*. Beverly Hills: Sage. 189 pp.

Clinard, M., Quinney, R. 1973. *Criminal Behavior Systems: A Typology*. New York: Holt, Rinehart & Winston. 274 pp.

Clinard, M., Yeager, P. C. 1980. *Corporate Crime*. New York: Free. 386 pp.

Clinard, M., Yeager, P. C., Brisette, J., Petrashek, D., Harries, E. 1979. *Illegal Corporate Behavior*. Washington D.C.: National Institute of Justice. 314 pp.

Cohen, A. K. 1977. The concept of criminal organization. *Br. J. Criminol.* 17:97–111

Coffee, J. C., Jr. 1977. Beyond the shut-eyed sentry: toward a theoretical view of corporate misconduct and an effective legal response. *Virgin. Law Rev.* 63:1099–1278

Coffee, J. C., Jr. 1983. The metastasis of mail fraud: the continuing story of the "evolution" of a white-collar crime. *Am. Crim. Law Rev.* 21:1–28

Coffee, J. C., Jr. 1984. Corporate criminal responsibility. In *Encyclopedia of Crime and Justice*, ed. S. H. Kadish, Vol. 1:253–64. New York: Free

Conklin, J. E. 1977. *"Illegal But Not Criminal."* Englewood Cliffs: Prentice-Hall. 153 pp.

Consumers' Federation of America. 1983. *On the Safe Track: Deaths and Injuries Before and After the Consumer Product Safety Commission*. Consumers' Federation of America: Washington, D.C. 11 pp.

Costle, D. M. 1979. Innovative regulation. *Econ. Impact* 28:8–14

Cranston, R. 1979. *Regulating Business: Law and Consumer Agencies*. London: Macmillan. 186 pp.

Cressey, D. 1953. *Other People's Money: The Social Psychology of Embezzlement*. New York: Free

Cressey, D., Moore, C. A. 1980. *Corporation Codes of Ethical Conduct*. New York: Peat Marwick and Mitchell Foundation. 101 pp.

Cullen, F. T., Clark, G. A., Mathers, R. A., Cullen, J. B. 1983a. Public support for punishing white-collar crime: blaming the victim revisited? *J. Crim. Justice* 11:481–93

Cullen, F. T., Link, B. G., Polanzi, C. W. 1982. The seriousness of crime revisited: have attitudes toward white-collar crime changed? *Criminology* 20:83–102

Cullen, F. T., Link, B. G., Travis, L. F., Wozniak, J. F. 1983b. *Consensus in crime seriousness: empirical reality or methodological artifact?* Presented to Ann. Meet. American Society of Criminology, Denver

Cullen, F. T., Maakestad, W. J., Cavender, G. 1984. The Ford Pinto case and beyond: corporate crime, moral boundaries, and the criminal sanction. In *Corporations As*

Criminals, ed. E. Hochstedler, 107–30. Beverly Hills: Sage. 168 pp.
Delmas-Marty, M. 1980. White-collar crime and the EEC. In *Economic Crime in Europe*, ed. L. H. Leigh, 78–105. London: Macmillan. 211 pp.
Delmas-Marty, M., Tiedemann, K. 1979. La criminalité, le droit penal et les multinationales. *La Semaine Juridique* 2935, March: 21–8
DeMichiei, J. M., Langton, J. F., Bullock, K. A., Wiles, T. C. 1982. *Factors Associated With Disabling Injuries in Underground Coal Mines*. Washington D.C.: Mine Safety and Health Administration. 72 pp.
De Mott, D. A. 1977. Reweaving the corporate veil: management structure and the control of corporate information. *Law Contemp. Prob.* 41:182–221
Dershowitz, A. 1961. Increasing community control over corporate crime. *Yale Law Journal* 71:281–306
DiMento, J. 1984. *Getting compliance: environmental law and American business*. Unpublished manuscript, University of California, Irvine. 230 pp.
Doig, A. 1984. *Corruption and Misconduct in Contemporary British Politics*. Harmondsworth: Penguin. 437 pp.
Douglas, J. D., Johnson, J. M., eds. 1977. *Official Deviance: Readings in Malfeasance, Misfeasance, and Other Forms of Corruption*. Philadelphia: J. B. Lippincott. 429 pp.
Duchaine, N. 1979. *Literature of Police Corruption*. New York: John Jay. 200 pp.
Edelhertz, H. 1970. *The Nature, Impact and Prosecution of White Collar Crime*. Washington, D.C.: National Institute of Law Enforcement and Criminal Justice. 77 pp.
Edelhertz, H. 1980. Transnational white-collar crime: a developing challenge and a need for response. *Temple Law Quarterly* 53:1114–26
Edelhertz, H., Rogovin, C. eds. 1980. *A National Strategy for Containing White-Collar Crime*. Lexington: Lexington Books. 138 pp.
Edelman, J. M. 1964. *The Symbolic Uses of Politics*. Urbana: Univ. of Ill. Press. 201 pp.
Eisenberg, M. A. 1976. Legal models of management structure in the modern corporation: officers, directors and accountants. *Calif. Manag. Rev.* 63:363–439
Epple, D., Visscher, M. 1984. Environmental pollution: modeling occurrence, detection and deterrence. *J. Law Econ.* 27:29–60
Ermann, M. D., Lundman, R. J. 1978. Deviant acts by complex organizations: deviance and social control at the organizational level of analysis. *Sociol. Q.* 19:55–67
Ermann, M. D., Lundman, R. J., eds., 1982. *Corporate and Governmental Deviance*. New York: Oxford Univ. Press. 2nd ed., 294 pp.
Evans, S. S., Lundman, R. J. 1983. Newspaper coverage of corporate price-fixing. *Criminology* 21:529–41
Faberman, H. A. 1975. A criminogenic market structure in the automobile industry. *Sociol. Q.* 16:438–57
Farrell, R. A., Swigert, V. L. 1983. *The corporation in criminology: new directions for research*. Presented to Ann. Meet. American Sociological Association
Fisse, B. 1973. Responsibility, prevention, and corporate crime. *New Zealand Universities Law Review*. 5:250–79
Fisse, B. 1978. The social policy of corporate criminal responsibility. *Adelaide Law Rev.* 6:361–412
Fisse, B. 1983. Reconstructing corporate criminal law: deterrence, retribution, fault, and sanctions. *Southern California Law Review* 56:1141–1246
Fisse, B. 1984. The duality of corporate and individual criminal liability. In *Corporations as Criminals*, ed. E. Hochstedler, 69–84. Beverly Hills: Sage. 168 pp.
Fisse, B., Braithwaite, J. 1983. *The Impact of Publicity on Corporate Offenders*. Albany: State University of New York Press. 393 pp.
Frank, J., Cullen, F. T., Travis, L. F. 1984. *Sanctioning corporate crime: public support for civil and criminal intervention*. Presented to Ann. Meet Midwest. Crim. Justice Assoc.
Freitag, P. J. 1983. The myth of corporate capture: regulatory commissions in the United States. *Soc. Prob.* 30:480–491
Gallese, L. R. 1982. Connecticut's Naugatuck River became a sewer; now even its polluters are cheering the cleanup. *Wall Street J.* 16 July:36–7
Geis, G. 1962. Toward a delineation of white-collar offenses. *Sociol. Inq.* 32:160–71
Geis, G. 1967. The heavy electrical equipment antitrust cases of 1961. In *Criminal Behavior Systems*, eds., M. Clinard, R. Quinney. New York: Holt, Rinehart & Winston. 498 pp.
Geis, G., ed. 1968. *White-Collar Criminal: The Offender in Business and the Professions*. New York: Atherton. 448 pp.
Geis, G. 1982. *On White-Collar Crime*. Lexington, Mass.: Lexington. 217 pp.
Geis, G. 1984. White-collar and corporate crime. In *Major Forms of Crime*, ed. R. F. Meier, Beverly Hills: Sage
Geis, G., Goff, C. H. 1983. Introduction. In *White Collar Crime: The Uncut Version*, E. H. Sutherland. New Haven: Yale Univ. Press. 291 pp.
Getschow, G. 1979. Some middle managers cut corners to achieve high corporate goals. *Wall Street J.* November 8

Goff, C. H., Reasons, C. E. 1984. Organizational crimes against employees, consumers and the public. In *The Political Economy of Crime: Readings for a Critical Criminology,* ed. B. D. MacLean. Toronto: McClelland and Stewart

Grabosky, P. N. 1984. Corporate crime in Australia: an agenda for research. *Australian and New Zealand J. Criminol.* 17:95–107

Green, M. 1978. *The Other Government: The Unseen Power of Washington Lawyers.* New York: Norton. 340 pp.

Green, M., Waitzman, N. 1981. *Business War on the Law: An Analysis of the Benefits of Federal Health/Safety Enforcement.* Washington, D.C.: Ralph Nader. 162 pp., 2nd ed.

Gross, E. 1978. Organizational crime: a theoretical perspective. In *Studies in Symbolic Interaction,* ed. N. Denzin, 55–85. Greenwich, Conn: JAI

Gunningham, N. 1984. *Safeguarding the Worker: Job Hazards and the Role of Law.* Sydney: Law Book. 426 pp.

Gusfield, J. 1967. *Symbolic Crusade.* Urbana: Univ. Ill. Press. 198 pp.

Hagan, J. 1982. The corporate advantage: a study of the involvement of corporate and individual victims in a criminal justice system. *Soc. Forc.* 60:993–1022

Hagan, J., Nagel, I., Albonetti, C. 1980. The differential sentencing of white-collar offenders in ten federal court districts. *Am. Sociol. Rev.* 45:802–20

Harvard Law Review, 1979. Corporate crime: regulating corporate behavior through criminal sanctions. *Harv. Law Rev.* 92:1127–375

Hawkins, K. 1984. *Environment and Enforcement: Regulation and the Social Definition of Pollution.* Oxford: Clarendon. 253 pp.

Holland, P. A. 1982. The effectiveness of prosecutions under the Environment Protection Act. *Environmental Paper No. 2,* Melbourne: Graduate School of Environmental Science, Monash University. 55 pp.

Hopkins, A. 1978. The anatomy of corporate crime. In *Two Faces of Deviance: Crimes of the Powerless and Powerful,* ed. P. R. Wilson, J. Braithwaite, 214–31. Brisbane: Univ. Queensland Press. 309 pp

Hopkins, A. 1981. Class bias in the criminal law. *Contemp. Crises* 5:385–94

Hopkins, A., Parnell, N. 1984. Why coal mine safety regulations in Australia are not enforced. *Int. J. Sociol. Law* 12:179–84

Japanese Environment Agency. 1981. Unpublished data available from the author on request

Jesilow, P., Geis, G., O'Brien, M. J. 1980. *The importance of experimental research in deterrence studies.* Presented to Ann. Meet. Am. Soc. Criminol. San Francisco

Jones, S., Levi, M. 1983. *Police-Public Relationships.* Unpublished research report, University College, Cardiff

Kagan, R. 1978. *Regulatory Justice: Implementing a Wage-Price Freeze.* New York: Russell Sage. 200 pp.

Kantor, R. M. 1978. *Powerlessness corrupts: effects of structural variables on organizational behavior—as seen from the top.* Presented to Ann. Meet Am. Sociol. Assoc., San Francisco

Katz, J. 1979. Concerted ignorance: the social construction of cover-up. *Urban Life* 8:295–316

Katz, J. 1980. The social movement against white-collar crime. In *Criminology Review Yearbook, Vol 2,* ed. E. Bittner, S. L. Messinger, 161–81. Beverly Hills: Sage. 733 pp.

Katzmann, R. A. 1980. *Regulatory Bueaucracy: The Federal Trade Commission and Antitrust Policy.* Cambridge: MIT Press. 223 pp.

Kelman, S. 1981. *Regulating America, Regulating Sweden: A Comparative Study of Occupational Safety and Health Policy.* Cambridge: MIT Press. 270 pp.

Knightley, P., Evans, H., Potter, E., Wallace, M. 1979. *Suffer the Children: The Story of Thalidomide.* New York: Viking. 309 pp.

Kramer, R. C. 1982. Corporate crime: an organizational perspective. In *White-Collar and Economic Crime,* ed. P. Wickman, T. Dailey, 75–94. Lexington: Lexington. 285 pp.

Kramer, R. C. 1984. Corporate criminality: the development of an idea. In *Corporations as Criminals,* ed. E. Hochstedler, 13–38. Beverly Hills: Sage. 168 pp.

Lane, R. E. 1953. Why businessmen violate the law. *J. Crim. Law, Criminol. Police Sci.* 44:151–65

Leigh, L. H. 1977. The criminal liability of corporations and other groups. *Ottawa Law Rev.* 9:246–302

Levi, M. 1981. *The Phantom Capitalists: the Organisation and Control of Long-Firm Fraud.* London: Heinemann. 346 pp.

Levi, M. 1982. The powers of revenue agencies: an overview. *Br. Tax Rev.* 1:36–51

Levi, M. 1984. Giving creditors the business: dilemmas and contradictions in the organisation of fraud. *Int. J. Sociol. Law* 12:321–33

Lewis-Beck, M., Alford, J. R. 1980. Can government regulate safety? The coal mine example. *Am. Polit. Sci. Review* 74:745–56

Long, S. 1982. Growth in the underground economy? An empirical issue. In *White-Collar and Economic Crime,* ed., P. Wickman, T. Dailey, 95–120. Lexington: Lexington. 285 pp.

Los, M. 1982. Crime and economy in the Com-

munist countries. In *White-Collar and Economic Crime,* ed. P. Wickman, T. Dailey, 121–38. Lexington: Lexington. 285 pp.
Lynxwiler, J., Shover, N., Clelland, D. 1984. Determinants of sanction severity in a regulatory bureaucracy. In *Corporations as Criminals,* ed. E. Hochstedler, 147–65. Beverly Hills: Sage. 168 pp.
McCaghy, C. H., Nogier, J. M. 1982. *A pilot survey on exposure, victimization, and susceptibility to consumer frauds.* Presented to Ann. Meet. Am. Soc. Criminol. Toronto
McCormick, A. E., Jr. 1977. Rule enforcement and moral indignation: some observations on the effects of criminal antitrust convictions upon societal reaction processes. *Soc. Prob.* 25:30–39
MacAvoy, P. W. 1979. *The Regulated Industries and the Economy.* New York: W. W. Norton
Mace, M. L. 1971. *Directors: Myth and Reality.* Boston: Harvard Business School Division of Research. 207 pp.
Marx, G. T. 1982. Who really gets stung? Some issues raised by the new police undercover work. *Crime and Delin.* 28:165–93
Mathews, A. F. 1976. Recent trends in SEC requested ancillary relief in SEC level injunctive actions. *Bus. Lawyer* 31:1323–52
Mathews, M. C. 1983. *Corporate crime: self-regulation vs. external regulation.* Presented at Ann. Meet. Am. Sociol. Assoc., Detroit
Meier, R. F., Short, J. F., Jr. 1982. The consequences of white-collar crime. In *White-Collar Crime: An Agenda for Research,* ed. H. Edelhertz, T. D. Overcast, 23–49. Lexington, Mass.: Lexington. 235 pp.
Meier, R. F., Short, J. F., Jr. 1984. *White-collar crime as hazard: perceptions of risk and seriousness.* Unpublished paper, Washington State University
Miethe, T. D. 1982. Public consensus on crime seriousness: normative structure or methodological artifact? *Criminology* 20:515–26
Monahan, J., Navaco, R. W. 1980. Corporate violence: a psychological analysis. In *New Directions in Psychological Research,* eds. P. Lipsitt, B. Sales, 3–25. New York: Van Nostrand Reinhold. 336 pp.
Nettler, G. 1974. Embezzlement without problems. *Br. J. Criminol.* 14:70–77
Norris, F. 1903. *The Pit.* New York: Doubleday Page. 421 pp.
Ogren, R. W. 1973. The ineffectiveness of the criminal sanction in fraud and corruption cases: losing the battle against white-collar crime. *Am. Crim. Law Rev.* 11:959–88
O'Malley, P. 1980. Theories of structural versus causal determination: accounting for legislative change in capitalist societies. In *Legislation and Society in Australia,* ed. R. Tomasic, 50–65. Sydney: Allen & Unwin. 420 pp.
Orland, L. 1980. Reflections on corporate crime: 'law in search of theory and scholarship'. *Am. Crim. Law Rev.* 17:501–20
Parker, D. B. 1976. *Crime by Computer.* New York: Charles Scribner. 308 pp.
Perez, J. 1978. *Corporate criminality: a case study of the one thousand largest industrial corporations in the U.S.A.* PhD thesis. Univ. Penn.
Perry, C. S. 1981. *Safety laws and spending save lives: an analysis of coal mine fatality rates 1930–1979.* Unpublished, Department of Sociology, University of Kentucky
Pontell, H. N., Jesilow, P. D., Geis, G. 1982. Policing physicians: practitioner fraud and abuse in a government medical program. *Soc. Prob.* 30:117–25
Quinney, R. 1963. Occupational structure and criminal behavior: prescription violations by retail pharmacists. *Soc. Prob.* 11:179–85
Quinney, R. 1974. *Critique of Legal Order: Crime Control in Capitalist Society.* Boston: Little, Brown. 206 pp.
Quirk, P. J. 1981. *Industry Influence in Federal Regulatory Agencies.* Princeton, N.J.: Princeton Univ. Press. 260 pp.
Randall, D., DeFillippi, R. 1984. *Media coverage of corporate malfeasance: a comparison of media source coverage of corporate violations in the oil industry,* Unpublished paper, Washington State University
Reiss, A. J., Jr. 1983. The policing of organizational life. In *Control in the Police Organization,* ed. M. Punch, 78–97. Cambridge: MIT Press. 346 pp.
Reiss, A. J., Jr. 1984. Selecting strategies of social control over organizational life. In *Enforcing Regulation,* ed. K. Hawkins, J. M. Thomas, 23–35. Boston: Kluwer-Nijhoff. 198 pp.
Reiss, A. J., Biderman, A. 1980. *Data Sources on White-Collar Law Breaking.* Washington, D.C.: USGPO (LXXXVI) 486 pp.
Reisman, W. M. 1979. *Folded Lies: Bribery, Crusades, and Reforms.* New York: Free. 277 pp.
Richardson, G., Ogus, A., Burrows, P. 1982. *Policing Pollution: A Study of Regulation and Enforcement.* Oxford: Clarendon
Rider, B., Ffrench, L. 1979. *The Regulation of Insider Trading.* New York: Dobbs Ferry
Ross, E. A. 1907. *Sin and Society: An Analysis of Latter-Day Iniquity.* Boston: Houghton Mifflin
Salas, L., Solano, S. N., Vilchez, A. I. G. 1982. Comparative study of white collar crime in Latin America with special emphasis on Costa Rica. *Revue Internationale de Droit Penale* 53:505–21
Saxon, M. 1980. *White Collar Crime: The*

Problem and the Federal Response. Washington, D.C.: Congressional Research Service. 98 pp.
Schelling, T. C. 1974. Command and control. In *Social Responsibility and the Business Predicament*, ed. J. W. McKie, 79–108. Washington, D.C.: Brookings. 361 pp.
Schrag, P. G. 1971. On Her Majesty's secret service: protecting the consumer in New York City. *Yale Law J.* 80:1529–1603
Schrager, L. S., Short, J. F., Jr. 1978. Toward a sociology of organizational crime. *Soc. Prob.* 25:407–19
Schudson, C. B., Onellion, A. P., Hochstedler, E. 1984. Nailing an omelet to the wall: prosecuting nursing home homicide. In *Corporations as Criminals*, ed. E. Hochstedler, 131–46. Beverly Hills: Sage. 168 pp.
Schwendinger, H., Schwendinger, J. 1975. Defenders of order or guardians of human rights? In *Critical Criminology*, ed. I. Taylor, P. Walton, J. Young, 113–46. London: Routledge & Kegan Paul. 268 pp.
Scott, J. C. 1972. *Comparative Political Corruption*. Englewood Cliffs: Prentice-Hall
Shapiro, S. P. 1984. *Wayward Capitalists: Target of the Securities and Exchange Commission*. New Haven: Yale Univ. Press. 248 pp.
Shearing, C. D., Stenning, P. C. 1981. Modern private security: its growth and its implications. In *Crime and Justice: An Annual Review*. ed. M. Tonry, N. Morris. Chicago: University of Chicago Press. 353 pp.
Sheleff, L. 1982. International white-collar crime. In *White-Collar and Economic Crime*, eds. P. Wickman, T. Dailey, 39–58. Lexington: Lexington Books. 285 pp.
Shepherd, W. G. 1970. *Market Power and Economic Welfare*. New York: Random House. 302 pp.
Shepherd, W. G. 1975. *The Treatment of Market Power*. New York: Columbia Univ. Press. 326 pp.
Sherman, L. 1978. *Scandal and Reform: Controlling Police Corruption*. Berkeley: Univ. Calif. Press. 273 pp.
Sherwin, R. 1963. White-collar crime, conventional crime and Merton's deviant behavior theory. *Wis. Sociol.* 2:7–10
Shichor, D. 1983. *On corporate deviance and corporate victimization: some elaborations*. Presented to Ann. Meet. American Society of Criminology, Denver
Shover, N., Clelland, D. A., Lynxwiler 1983. *Developing a Regulatory Bureucracy: The Office of Surface Mining Reclamation and Enforcement*. Washington, D.C.: National Institute of Justice. 118 pp.
Shover, N., Lynxwiler, J., Groce, S., Clelland, D. 1984. Regional variation in regulatory law enforcement: the Surface Mining Control and Reclamation Act of 1977. In *Enforcing Regulation*, eds. K. Hawkins, J. M. Thomas, 121–46. Boston: Kluwer-Nijhoff. 198 pp.
Sinclair, U. 1906. *The Jungle*. New York: Doubleday and Page. 413 pp.
Smith, R. S. 1979. The impact of OSHA inspections on manufacturing injury rates. *J. Hum. Res.* 14:145–70
Snider, L. 1982. Traditional and corporate theft: a comparison of sanctions. In *White-Collar and Economic Crime*, ed. P. Wickman, T. Bailey, 235–58. Lexington: Lexington. 285 pp.
Solomon, L. D., Nowak, N. S. 1980. Managerial restructuring: prospects for a new regulatory tool. *Notre Dame Lawyer* 56:120–40
Staw, B. M., Szwajkowski, E. 1975. The scarcity-munificence component of organizational environments and the commission of illegal acts. *Admin. Sci. Q.* 20:345–54
Steffens, L. 1904. *The Shame of the Cities*. New York: McClure, Phillips. 406 pp.
Stone, C. 1975. *Where the Law Ends: The Social Control of Corporate Behavior*. New York: Harper & Row. 273 pp.
Stone, C. 1977. A slap on the wrist for the Kepone mob. *Bus. Soc. Rev.* Summer:4–11
Stone, C. 1980. The place of enterprise liability in the control of corporate conduct. *Yale Law J.* 90:1–77
Stone, C. 1982. Corporate vices and corporate virtues: do public/private distinctions matter? *Univ. Penn. Law Rev.* 130:1441–509
Storey, D. J. 1979. Has economics of environmental law enforcement or has the prosecution of polluters led to cleaner rivers in England and Wales? *Environ. Plan. A* 11:897–918
Stotland, E. 1977. White-collar criminals. *J. Soc. Iss.* 33:179–96
Stotland, E., Brintnall, M., L'Heureux, A., Ashmore, E. 1980. Do convictions deter home repair fraud? In *White-Collar Crime: Theory and Research*, ed. G. Geis, E. Stotland, 252–65. Beverly Hills: Sage. 320 pp.
Strobel, L. P. 1980. *Reckless Homicide? Ford's Pinto Trial*. South Bend, Ind.: And Books. 286 pp.
Sutherland, E. H. 1940. The white collar criminal. *Am. Sociol. Rev.* 5:1–12
Sutherland, E. H. 1949. *White Collar Crime*. New York: Dryden 272 pp.
Sutherland, E. H. 1983. *White Collar Crime: The Uncut Version*. New Haven: Yale Univ. Press. 291 pp.
Sutton, A., Wild, R. 1978. Corporate crime and social structure. In *Two Faces of Deviance: Crimes of the Powerless and Powerful*, ed. P. R. Wilson, J. Braithwaite, 177–98. Brisbane: Univ. Queensland Press. 309 pp.

Sutton, A., Wild, R. 1979. Companies, the law and the professions. In *Legislation and Society in Australia,* ed. R. Tomasic, 200–12. Sydney: Allen & Unwin. 420 pp.

Swigert, V. L., Farrell, R. 1980. Corporate homicide: definitional processes in the creation of deviance. *Law Soc. Rev.* 15:101–22

Tappan, P. W. 1947. Who is the criminal? *Am. Sociol. Rev.* 12:96–102

Tarbell, I. M. 1904. *The History of the Standard Oil Company*. New York: Macmillan

Taylor, I., Walton, P., Young, J. 1973. *The New Criminology: For a Social Theory of Deviance*. London: Routledge & Kegan Paul. 325 pp.

U.S. Senate 1976. *Report of the Securities and Exchange Commission on Questionable and Illegal Corporate Payments and Practices; Hearings of Banking, Housing and Urban Affairs Committee,* 94th Cong., 2nd Sess.

van den Haag, E. 1982a. Comment on "Challenging just deserts: punishing white collar criminals". *J. Crim. Law Criminol.* 73:764–9

van den Haag, E. 1982b. Reply to Dr. John Braithwaite. *J. Crim. Law Criminol.* 73: 794–6

Vandivier, K. 1982. Why should my conscience bother me? In *Corporate and Governmental Deviance: Problems of Organizational Behavior in Contemporary Society,* ed. M. D. Ermann, R. J. Lundman, 102–22. New York: Oxford Univ. Press. 294 pp.

Vaughan, D. 1983. *Controlling Unlawful Organizational Behavior: Social Structure and Corporate Misconduct*. Chicago: University of Chicago Press. 174 pp.

Viscusi, W. K. 1983. *Risk by Choice: Regulating Health and Safety in the Workplace*. Cambridge: Harvard Univ. Press. 200 pp.

von Hirsch, A. 1982. Desert and white-collar criminality: a response to Dr. Braithwaite. *J. Crim. Law Criminol.* 73:1164–75

Waegel, W., Ermann, M. D., Horowitz, A. M. 1981. Organizational responses to imputations of deviance. *Sociol. Q.* 22:43–55

Waldman, D. E. 1978. *Antitrust Action and Market Structure*. Lexington, Mass.: Lexington Books. 182 pp.

Waldman, D. E. 1980. Economic benefits in the IBM, AT&T, and Xerox Cases: government antitrust policy in the 70s. *Antitrust Law Econ. Rev.* 12:75–92

Waters, J. A. 1978. Catch 20.5: corporate morality as an organizational phenomenon. *Organ. Dynam.* Spring: 3–19

Weaver, P. H. 1978. Regulation, social policy and class conflict. In *Regulating Business: The Search for an Optimum,* ed. D. P. Jacobs, 193–218. San Francisco: Institute for Contemporary Studies. 261 pp.

Weaver, S. 1977. *Decision to Prosecute: Organization and Public Policy in the Antitrust Division*. Cambridge: MIT Press. 196 pp.

Wheeler, S., Weisburd, D., Bode, N. 1982. Sentencing the white-collar offender: rhetoric and reality. *Am. Sociol. Rev.* 47:641–59

Wilson, L. C. 1979. The doctrine of wilful blindness. *Univ. New Brunswick Law J.* 28:175–94

Wraith, R., Simpkins, E. 1963. *Corruption in Developing Countries*. London: Allen & Unwin

Yale Law Journal 1979. Structural crime and institutional rehabilitation: a new approach to corporate sentencing. *Yale Law J.* 89:353–75