

White-Collar Crime

Dr. Peter R Stevenson
Keene State College

COURSE DESCRIPTION:

This seminar will explore the criminological subfield concerning corporate and state crime. Although we will deal with the general topic of white-collar crime, our specific focus will be on organizational offenders such as business corporations and nation-states and their agencies. We will start with an examination of the concept of white-collar crime and analyze a number of important definitional and conceptual issues related to that concept. Next we will describe the nature, extent and costs of corporate and state crime. A central feature of the seminar will be an examination of the theories that attempt to explain these crimes. Finally, we will analyze the process whereby corporate and state organizations are defined as criminal or deviant and discuss the problems of attempting to prevent and control their illegal behavior.

COURSE OUTCOMES:

- Knowledge of the nature of white-collar crime.
- The ability to identify the weaknesses in collecting data on white-collar crime.
- An understanding of the extent and costs of white-collar crime
- The ability to explain a specific act of white-collar crime using criminological theory in the research paper
- The ability to articulate the strengths and weaknesses of various white-collar crime control strategies in the research paper.

REQUIRED TEXTS:

David O. Friedrichs, *Trusted Criminals: White-Collar Crime in Contemporary Society*. Belmont, California: Wadsworth Publishing Company (2007).

Raymond Michalowski and Ronald Kramer. *State-Corporate Crime; Wrongdoing at the Intersection of Business and Government*. Rutgers University Press (2006).

Neal Shover and John Paul Wright (eds.), *Crimes of Privilege: Readings in White-Collar Crime*. New York: Oxford University Press (2001).

Gary W. Potter (ed.), *Controversies in White-Collar Crime*. Cincinnati: Anderson Publishing Co. (2002).

TENTATIVE SCHEDULE, COURSE OUTLINE AND READING ASSIGNMENTS:

Meeting 1 INTRODUCTION AND OVERVIEW

- A. Criminology and the Study of White-Collar Crime
- B. Focus on Organizations: Crime and Criminalization
- C. The Structural Context: Capitalism and Imperialism
- D. Globalization and Neoliberalism
- E. Politics, Social Movements and Public Policy

Meeting 2 HISTORICAL BACKGROUND ON THE CONCEPT OF WHITE-COLLAR CRIME (WCC)

- A. Edwin H. Sutherland and the Discovery of White-Collar Crime
- B. Marshall Clinard, Donald Cressey, and Gil Geis
- C. Watergate and the Social Movement against WCC
- D. Critical Criminology
- E. The Organizational Turn
- F. Bringing the State In

Reading Assignment: Friedrichs, Chapter 1; Shover and Wright, Section 1; Potter, Chapters 1 and 2; Michalowski, Chapters 1,7. Additional Readings: Kramer, “Corporate Criminality: The Development of an Idea”; and Poveda, “From Sutherland to the Justice Department: The Evolution of a Concept” from Rethinking White Collar Crime.

Meeting 3 THE DEFINITIONAL ISSUE: FROM WHITE-COLLAR CRIME TO ORGANIZATIONAL CRIME

- A. Sutherland’s Definition
- B. Occupational Crime
- C. The Edelhertz Modification
- D. Organizational Crime
- E. Crimes of Capital
- F. State-Organized and State-Corporate Crime
- G. A Typology of WCC (Friedrichs)

Reading Assignment: Potter, Chapter 3. Additional Readings: Kauzlarich and Kramer, Chapter 1 in Crimes of the American Nuclear State; Friedrichs, “White Collar Crime and the Definitional Quagmire: A Provisional Solution”; Schragger and Short, “Toward a Sociology of Organizational Crime”; and Braithwaite, “Conceptualizing Organizational Crime in a World of Plural Cultures”.

Meeting 4 IS ORGANIZATIONAL CRIME REALLY CRIME?

- A. What is Crime? Two Criminological Paradigms
- B. The Debate over the Definition of Criminal Behavior
- C. Choosing the Standards to Classify Behavior as Criminal
- D. The Criminalization Process

Reading Assignment: Kramer, “Defining the Concept of Crime: A Humanistic Perspective”.

Meeting 5 STUDYING WHITE COLLAR CRIME: EXTENT, VICTIMS AND COSTS

- A. Studying White Collar Crime
- B. Research Methods
- C. Public Perceptions
- D. Measuring White Collar Crime
- E. The Cost and Consequences of White Collar Crime

Reading Assignment: Friedrichs, Chapter 2; and Shover and Wright, Section 2.

Additional Readings: Sutherland, White Collar Crime, Chapter 2; Clinard and Yeager, Corporate Crime, Chapter 5; Cullen et. al., Corporate Crime Under Attack, Chapter 2: “The Corporate Crime Problem”.

Meeting 6 FORMS OF CORPORATE CRIME

- A. Corporate Violence in the Global Village
- B. Corporate Abuse of Power, Fraud and Economic Exploitation
- C. Predatory Globalization: Transnational Corporations

Reading Assignment: Friedrichs, Chapter 3; Falk, Introduction; and Potter, Chapter 6.

Meeting 7 FORMS OF STATE CRIME

- A. Government Violence: State Terrorism in International Affairs
- B. Government Violence: Domestic Repression By States
- C. Political White Collar Crime
- D. State-Corporate Crime
- E. Predatory Globalization: States

Reading Assignment: Friedrichs, Chapter 5 and Chapter 6; Potter, Chapters 5, 7, 9 and 10; Michalowski, Chapters 2, 4, 5, 6. Additional Readings: Friedrichs, “State Crime or

Government Crime: Making Sense of the Conceptual Confusion”; Chambliss, “State-Organized Crime”; Frappier, “Above the Law: Violations of International Law by the U.S. Government”; Barak, “Crime, Criminology and Human Rights: Toward An Understanding of State Crime”; Caulfield and Wonders, “Personal and Political: Violence Against Women and the Role of the State”; F. Hagan, Political Crime, Chapters 2-3; and Perdue, “Terrorism and The State”.

Meeting 8 THEORETICAL EXPLANATIONS OF CORPORATE AND STATE CRIME

- A. Criminological Theory and White Collar Crime
- B. Organizational Perspectives
- C. The Structural Level: Political and Economic Institutions
- D. Integrated Theories of Organizational Crime

Reading Assignment: Friedrichs, Chapter 8; and Shover and Wright, Sections 3, 4 and 5; Michalowski, Chapters 8,9,10, 11. Additional Readings: Barnett, “Corporate Capitalism, Corporate Crime”; Braithwaite, “Criminological Theory and Organizational Crime”; Lofquist, “A Framework for Analysis of the Theories and Issues in Corporate Crime”; and Ermann and Rabe, “Organizational Processes (Not Rational Choices) Produce Most Corporate Crimes”.

Meeting 9 DEFINING CORPORATE AND STATE ORGANIZATIONS AS CRIMINAL

- A. The Criminalization Process
- B. Formal Law and White Collar Crime
- C. Historical Origins of White Collar Crime Laws
- D. Theories of Lawmaking
- E. Globalization and the Spaces Between Laws

Reading Assignment: Friedrichs, Chapter 9. Additional Readings: Schur, “The Struggle to Define”; Swigert and Farrell, “Corporate Homicide: Definitional Processes in the Creation of Deviance”; Cullen, et. al., Corporate Crime Under Attack, Chapter 3; and Snider, “Towards a Political Economy of Reform, Regulation and Corporate Crime”.

Meeting 10 THE SOCIAL CONTROL OF CORPORATE AND STATE CRIME

- A. The Criminal Justice Response
- B. The Regulatory System Response
- C. Global Trade and Investment Agreements
- D. Civil Suits
- E. Private Policing and Self-Regulation

- F. Organizational Intervention
- G. Structural Transformation
- H. International Law
- I. Globalization From Below

Reading Assignment: Friedrichs, Chapters 10, 11 and 12; Shover and Wright, Section 6; Potter, Chapter 8; and Falk, Section III; Michalowski, Chapter 11. Additional Readings: Poveda, “Traditional Approaches to the Problem” and “Is White Collar Crime Enforcement More Symbolic Than Real?” from Rethinking White Collar Crime; Ross, “Controlling State Crime: Toward an Integrated Structural Model”; Stone, “Controlling Corporate Misconduct”; Mokhiber, “Overview” in Corporate Crime and Violence; Simon, “Epilogue: Economic Democracy: A Proposal To Transform Society”; Barak, “Resisting State Criminality and the Struggle for Justice”; Henry, “Corporate Violence: Government Regulations and the Possibility of Reform”; Grabosky, “The System of Corporate Crime Control”; and Grabosky, “Conclusion” (pp. 299-331) in Wayward Governance.

Meeting 11 WHITE-COLLAR CRIME AND THE MEDIA

Additional Readings: Jewkes, “The Construction of Crime News”; Lackey, “Visualizing White-Collar Crime: Generic Imagery in Popular Film”; Sacco, “Media Constructions of Crime” from Media and Crime; Griffin, Actors or Activities? On the Social Construction of "White-Collar Crime" in the United States; Antonowicz, Corporate and White-Collar Crime: An Examination of Media Coverage.

Meeting 12 Epilogue

COURSE REQUIREMENTS:

In addition to attending class regularly and keeping up with the assigned readings, the major requirements of this course are to prepare and hand in a variety of special assignments and to research and write a case study paper as your final exam.

Special Assignments

Throughout the trimester I will hand out various special assignments. These may be take-home essay assignments or in-class exercises. Late assignments will not be accepted and missed assignments cannot be made up unless you have an excused absence.

Case Study Paper

Each student in the class is required to do a research paper. A case study research design typically provides a complete and detailed account or description of a particular phenomenon, along with a careful and systematic analysis of that phenomenon.

To start you need to select a particular act of corporate or state crime on which to focus. You could select a famous case such as the Ford Pinto case or the Iran-Contra case or you could select a lesser-known case. Try to select a case about which there is a fair amount of material readily available or you will have a difficult time doing the research. The textbooks are filled with examples of corporate and state crimes you could pick to study. If you bring a list of cases you are considering I would be happy to help you make a final selection. Once you have made your selection please give me a written notice of the case you will study and at least some of the resources you will be using to carry out the research.

The following is a suggested outline for writing your paper.

I. Description of the Event

Describe the event and the harm that resulted as completely as possible. Who did what? When? Where? How? With what consequences? Who were the victims? How long did the crime go on? Are all important facts covered in your description?

II. Why is this Organizational Crime?

Why is this act classified as organizational crime? What criminal, civil, regulatory or international laws were violated? Were other nonlegal, moral or social standards used to classify this act as crime? Would there be widespread agreement that this is a criminal act?

III. Theoretical Explanation

Why did this crime occur? What factors caused this event to happen? Apply the concepts and theoretical perspectives we will discuss in class to this case. In other words, you are to develop a theoretical explanation for your case in this section.

IV. Legal Action Taken

How was this incident detected and law mobilized in response? Was any legal action taken? What was the outcome of the legal procedures? Were any nonlegal social control responses made? How did the deviant organization respond? Did the organization

attempt any damage control? Summarize the long-term consequences of the social control actions taken.

V. How Could We Respond To This Case

What should or could be done to this organization in response to the crime? Why? How can this type of crime be prevented in the future? What changes in law or in society would allow us to better handle organizational crimes like this one?