

From the streets to the suites: researching corporate crime

Gazing downward at the least powerful members of society is easy compared to finding out what big business is up to. **Steve Tombs** and **Dave Whyte** argue that society needs research to shift its focus.

At the end of last year, one of a seemingly endless stream of introductory textbooks in criminology, designed to feed the growing number of students studying the subject across universities in the UK (see Hillyard, this edition), caught our attention. Sandra Walklate's *Criminology: The Basics* was different to many other such texts: one of its chapters was devoted to what she termed 'Crimes of the Suites', and introduced readers to the routine and large-scale killing of workers, passengers and consumers, to corporate fraud, to environmental devastation, and so on. Though not unique, it is certainly extremely rare for an introductory text to cover corporate crime. For criminological research in general has historically looked down at the relatively powerless rather than upwards at the powerful, and has thus marginalised the study of corporate illegalities. And this despite overwhelming evidence that the social and economic impacts of corporate crimes massively exceed the corresponding impacts of conventional crimes (Slapper and Tombs, 1999).

This lack of criminological scrutiny of corporate crime is no inexplicable quirk. Partly, as Hillyard explains here, it is a product of criminology's slavish, long-standing commitment to studying those crimes deemed most problematic by the state. But it is also explained partly by a series of more micro processes through which research questions consistently get organized off research agendas – as less legitimate, or more problematic to pursue – in day-to-day, highly practical ways.

Getting funded

One of the most basic and practical reasons for the lack of academic attention to corporate crime is the lack of funding available for such research. While Home Office funding for criminological research has grown massively since 1997, the strings attached to this funding have been highly restrictive – thus criminological research increasingly follows Government's own concerns with the 'reduction' of a limited range of crimes and incivilities committed by the usual suspects. At the same time, these demands for 'policy-relevant research' have narrowed the scope for asking politically sensitive research questions, or for focusing upon more fundamental or long-term issues. This is, then, a particularly cold climate for research which might focus critically upon corporations – the most powerful institutions

within capitalist social orders – not least research which might expose corporate crimes. Similarly, in the US, where there has been some criminological tradition of corporate crime research, large-scale funding of corporate crime research, never that significant in the first place, has, to paraphrase Snider, virtually dried up (2003).

If much research funding comes from the state itself, the prospects of this funding being directed at corporate crime research have always been rather slim – for attention to corporate crime also means attention directed to states and state agencies. This is partly due to the likelihood of the state's generally pathetic regulatory efforts being exposed. But more broadly, researching corporate crime raises a whole series of issues relating to state-corporate relationships; critical attention to corporate crime entails critical attention to states. And if the state is unlikely to be a source of funding for such research, then we shouldn't be too optimistic of funding from private sources – it is rather a truism to note that private capital is, all things being equal, not likely to be enthusiastic about sponsoring research into the activities of private corporations!

The corporate veil

Of course, not all research requires significant funding, and corporate crime research does proceed with little or no such backing. But even where large-scale funding is not necessary, the problems for the corporate crime researcher do not end there.

Now, for criminologists, as for all social researchers, access to relevant data sources – offenders, sites of offending, state bodies, statistics, and so on – is problematic. Yet those who research conventional crime are dealing with the relatively powerless, and this, whether we like it or not, renders such work immediately more feasible than dealing with, and seeking to focus upon, the relatively powerful. Many social scientists have observed that the study of relatively powerless groups is much more common than that of elites. One reason for this is that, quite simply, "the inner sanctum of the company boardroom and the senior management enclaves within corporate hierarchies still remain a largely closed and secretive world" (Punch, 1996: 4) – and this inner sanctum is likely to be even more tightly sealed when the aim of an outside researcher is to investigate illegality within it. Corporations are – literally – private entities to which the vast majority



of us have no rights of access. They enjoy almost complete rights of ownership to information about their activities. In this sense, the very legal constitution of corporations – the construction of what is known as the corporate veil -- is designed to avoid public disclosure of the details of their workings.

Thus access needs to be negotiated. And researchers who are not deemed to be safe or friendly are less likely to get into these organizations. Moreover, as Jupp (1989) notes, often within organizations there are hierarchies of gatekeepers to be negotiated, with hierarchies of power and authority distributed among them. Thus the problem of access does not end once you are 'in'; it can be a continual process of negotiation and renegotiation. While these are common issues in criminological research, they are more starkly raised when the objects of research are the powerful, not least those who know their way around complex corporate structures.

Blocking publication

Where research on the crimes of the powerful is successfully conducted, there remains the problem of disseminating that knowledge – that is, getting that work to a wider audience, usually through publication. Crucial here is the issue of the threat or use of libel laws. Many corporations have access to legal resources which dwarf those of most universities, let alone of departments or individuals within them, and corporate crime

researchers have always faced the use of these resources. The threat of libel was one reason behind Sutherland's decision to remove the names of offending companies and one chapter of case histories from the original version of *White-Collar Crime*, the groundbreaking text in this area; and this censorship was demanded by his own university management, who were unprepared to defend Sutherland's academic freedom against the threat of libel action, and were also concerned about the impact of his book on corporate funding of the university (Geis and Goff, 1983: x–xi).

Pre-emptive action taken by universities in anticipation of legal problems, or simply to avoid upsetting corporate sponsors, continues to plague corporate crime researchers. For example, following Tweedale's (2003) research into the major asbestos producer, T&N, Tweedale found his manuscript vetted by his university management – who then, supported by legal advice, demanded that, despite the successful conviction of T&N for health and safety crimes, reference to murder and crime be removed. Maurice Punch noted that his book on corporate deviance (Punch 1996) was delayed for a year because of legal issues, and that ultimately he was forced to make many changes and deletions to avoid threats of libel. Similarly, the publication of John Braithwaite's (1984) classic study, *Corporate Crime in the Pharmaceutical Industry* was held up for two years when managers whom he had interviewed used lawyers to haggle over "300 empirical claims that might be raised in court" (ibid.: 44).

Holding the powerful to account?

One of the key features of power is the ability to operate beyond public scrutiny and thus accountability. Thus it is no coincidence that as corporations become increasingly powerful actors under globalising neo-liberalism, their illegal activities seem even less likely to be researched. After all, this is an era where private corporations are increasingly involved in partnerships or consortia with universities and departments within them, and where companies or senior business figures lend their names to universities themselves (hence Liverpool John Moores University), or to research centres (note British American Tobacco's £3.5m endowment in 2000 to fund the University of Nottingham's International Centre for Corporate Social Responsibility!), or to Chairs within them (the Enron Professor of Economics at the University of Nebraska, Omaha, to name but one). So it is hardly surprising if, at best, there emerge cultures inimical to researching corporate illegalities, or at worst a variety of efforts to block any such research efforts are utilised.

But finding ways to research the crimes of corporations – to overcome some of the problems set out here – are crucial. Crucial not just to redress the imbalance of a discipline that

Continued on page 45

References

- Atkins S., Husain S. and Storey A. (1991) *The Influence of Street Lighting on Crime and Fear of Crime*, Crime Prevention Unit Paper No. 28, Home Office.
- Bland J.M. and Altman D.G. (1994) *Regression Towards the Mean*, British Medical Journal 308 1499; <http://bmj.bmjjournals.com/cgi/content/full/308/6942/1499> available along with much other useful statistical material at: <http://www-users.york.ac.uk/~mb55/>
- Farrington, D. and Welsh, B. (2002) *Home Office Research Study 251, Effects of Improved Street Lighting on Crime: a Systematic Review*. <http://www.homeoffice.gov.uk/rds/pdfs2/hors251.pdf>
- Green, P. (2002) *Letter from the President to the Lord Chancellor regarding the use of statistical evidence in court cases*, 23 January 2002, London: Royal Statistical Society. <http://www.rss.org.uk>
- Institution of Lighting Engineers (2005) *The Outdoor Lighting Guide*. UK: Taylor and Francis.
- Leeds City Council (2004) *Outline Business Case for PFI Credits to the DfT: Street Lighting Scheme*, revised July 2004.
- Marchant P. (2005) 'What Works? A Critical Note on the Evaluation of Crime Reduction Initiatives', *Crime Prevention and Community Safety* 7 (2) 7-13. www.extenza-eps.com/PERP/doi/abs/10.5555/crpr.2005.7.2.7 also see <http://praxis.leedsmet.ac.uk/praxis/Publications/publicationsmarchant.htm> for further papers and presentations.
- Marchant P. (2004) 'A Demonstration that the Claim that Brighter Lighting Reduces Crime is Unfounded', *British Journal of Criminology*, 44, (3) May 2004, pp.441-447. <http://bjc.oxfordjournals.org/cgi/reprint/44/3/441?ijkey=248zvehLpmor2&keytype=ref>
- Markland, F. 'Last Word from Westminster' *The Lighting Journal*, March/April 2004. Rugby: Institution of Lighting Engineers.
- Park, R. L. (2000) *Voodoo Science: the Road from Foolishness to Fraud*, Oxford: OUP, pp 28-31.
- Pease, K. (1999) *Lighting and Crime*. Rugby: Institution of Lighting Engineers.
- United Kingdom Parliament (2006) website. Register of All Party Groups, All Party Parliamentary Lighting Group, note on 'benefits received by group from sources outside Parliament'. London: UK Parliament. <http://www.publications.parliament.uk/pa/cm/cmparty/050902/memi232.htm>

focuses overwhelmingly, as Hillyard points out, on what are in the scheme of things rather petty events. For what is any social science if it does not shine a light on power and its operation, to learn much more about how power operates and is maintained, how resistance to power is neutralized – and thus how that power and its socially corrosive effects might be more effectively challenged?

Steve Tombs is Professor of Sociology at Liverpool John Moores University and **Dave Whyte** is a lecturer in the Department of Sociology, Social Policy and Criminology at the University of Stirling.

References

- Braithwaite, J. (1984) *Corporate Crimes in the Pharmaceutical Industry*. London: Routledge and Keagan Paul.
- Geis, G. and Goff, C. (1983) Introduction, in Sutherland, E., *White Collar Crime: The Uncut Version*. London: Yale University.
- Jupp, V. (1989) *Methods of Criminological Research*. London: Unwin Hyman.
- Punch, M. (1996) *Dirty Business: Exploring Corporate Misconduct*. London: Sage.
- Slapper, G. and Tombs, S. (1999) *Corporate Crime*. London: Longman.
- Snider, L. (2003) 'No Funding, No Access, Then You Get Sued: Methodological Obstacles to Studying Corporate Crime', in Tombs, S. and Whyte, D. (eds.), *Unmasking the Crimes of the Powerful. Scrutinising states and corporations*, New York: Peter Lang.
- Tweeddale, G. (2003) 'Researching Corporate Crime: a Business Historian's Perspective', in Tombs, S. and Whyte, D. (eds.), *Unmasking the Crimes of the Powerful. Scrutinising states and corporations*, New York: Peter Lang.
- Walklate, S. (2005) *Criminology: The Basics*. London, New York: Routledge.