

# editorial

## white-collar & workplace crime

Colleagues who run courses on white collar and corporate crime will have experienced a variety of difficulties in explaining to students what exactly are the appropriate definitions and characteristics, let alone the aetiology of these types of crimes. Such colleagues may have also felt a sense of embarrassment when asked which institutional responses are most likely to be effective in preventing them. Edwin Sutherland's pioneering definition of white collar crime is partly responsible for this, as it encompasses any offence committed during the course of a legitimate occupation. Consequently, employees stealing headed paper and pencils from their employers end up being listed under the same rubric as employers who, by ignoring health and safety regulations, cause the death of their employees. Difficulties in crime are exemplified by the widespread insistence on variables such as invisibility, complexity and ambiguous criminal status, even when some corporate offences, and their victims, are all too visible, simple and overtly deserving of a criminal label. As for the aetiological aspects of this form of offending, it may suffice here to argue that even critical commentators, namely colleagues who reject explanations of crime based on individual pathology, may rely on categories which simultaneously explain criminal as well as conformist conduct. For example, do 'greed' and 'the desire to accumulate wealth' not guide both business deviance and business orthodoxy? Finally, some advocates of punitive (custodial) measures against white collar and corporate offenders may find it difficult to justify why such measures, which they would discard as ineffective when addressed to powerless individuals, should be successful when inflicted on the powerful.

Dispelling these difficulties, of course, would be too big a task for the present issue of *CJM*. However, from this collection some tentative pointers do emerge as to the possible re-tuning of future research. First, thieves of headed paper and pencils are excluded from the following brief panoramic of white collar crime. The omission signals the choice to focus on the specific offence staged against a backdrop in which the distribution of resources is profoundly skewed. In other words, we focus on powerful individuals and groups victimising those less powerful. Second, we present cases in which white collar and corporate criminals act in a very visible fashion against victims who are just as visible. See the example of the illicit arms trade, where at issue is not so much its degree of invisibility as the crucial importance of the trade in arms itself, illicit or otherwise, for the economy of some Western countries. In this respect, one could suggest that some corporate offences enjoy the 'invisible' support of those who may lose their jobs if the illicit practices of their employers were exposed and impeded.

Victimisation is the subject of the first two articles in this issue - thus continuing in relation to white collar crime, the debates raised in the last issue of *CJM*. Hazel Croall explores the ways in which some

victimisation is mediated by gender, class and age. Mike Levi sets the argument within the context of the populist politics of law and order. He discusses the ways in which perceptions of acceptable motivations and behaviours may influence the response of victims, and others, to their victimisation. The third article demonstrates the powerlessness of victims in relation to certain perpetrators of abuse. Mark Phythian shows how, in the illicit arms trade, the victim becomes marginalised as business and government interests over-ride the effective implementation of commercial regulation. Phythian's conclusions are endorsed by the OXFAM report. In both of these articles regulation is depicted as ineffective because of the power of those with interests in evading such regulation. This issue of power which crosses national and geographical boundaries is later explored in the United Nations' report on money laundering. Here the issue of crime in the workplace becomes one of crime as the main purpose of the workplace in proportions sufficiently serious to warrant international concern, if not action, at the highest level.

The articles which follow deal with specific instances of the failure of regulation in the face of entrenched custom and practice. Sport is essentially a rule-governed activity, and regulations abound to ensure 'fair play'. Yet a series of recent scandals have revealed not only the pressures to win at any price but also the financial gains which follow success. Keith Lyons presents the culture of sport as one which, like many others, has a problem with the reconciliation of rhetoric and reality. In sport the attempt to evade regulation by means of drug testing is in contrast to developments in some workplaces, where testing is increasingly widespread. Peter Francis asks if this is linked to the demands of the growing testing industry, rather than being based on proven evidence. Tim Newburn looks at the problems facing police forces in acknowledging corruption within their ranks; he focuses on the temptations inherent in the police role and the problems of addressing these. May a police officer on patrol accept a cup of tea from a household or a cafe? Should all gifts be forbidden? Newburn argues for a clarity and enforcement of standards. A stark example of the lack of such clarity is provided by Zaiton Hamin and David Wall. They cite two examples in which the unauthorised access of the Police National Computer were deemed not to be an offence under current data protection legislation. Existing legislation does not easily cope with the emerging new patterns of work and new patterns of offending which such work allows. Further evidence for this argument is presented in David Wall's article on cyber-crime. If computers are a new weapon in the work-place then the internet provides a place and space which is hardly understood by those who seek to limit the damage to groups and individuals unaware of their potential victim status. Will cyber-crime need a cyber-criminology?

*CJM* concludes with three articles not linked to the theme of this issue. *CJM Update* provides a brief review of some developments within criminal justice during the last quarter. Paddy Costall comments on the targets Keith Hellawell, the UK Anti-Drugs Co-ordinator, has set for reducing repeat offending amongst drug users and the fact that many repeat offenders fail to access help available in the community. Who is to blame for this? The final article is part of a speech given by Martin Narey, Director General of HM Prison Service, at the Centre's annual Eve Saville Memorial Lecture in which he outlines his vision of the service as it approaches the Millennium.

Vincenzo Ruggiero, Mary Eaton and Stephanie Hayman

### Erratum:

On page 26 of *CJM* 35, Max Traver's article should read: The remaining 80% have exercised a right of appeal to an administrative tribunal, but only six per cent have been successful.

CJM Online:  
[www.kcl.ac.uk/istd/cjm](http://www.kcl.ac.uk/istd/cjm)