

Law-abiding majority?

The everyday crimes of the middle classes

Professor Susanne Karstedt and Dr Stephen Farrall

The Centre for Crime and Justice Studies (CCJS) at King's College London is an independent charity that informs and educates about all aspects of crime and criminal justice. We provide information, produce research and carry out policy analysis to encourage and facilitate an understanding of the complex nature of issues concerning crime.

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Editorial

Professor Susanne Karstedt and Dr Stephen Farrall put forward a thoughtful and challenging contribution to the debate about 'crime' and 'criminality' and role of the market. Whilst politicians have professed to be enacting criminal justice policies in a bid to protect the 'law abiding majority' the findings presented here question to what extent this majority is particularly 'law-abiding'. As the authors point out, 'Consumers are sheep and wolves – easy prey and preying on others. Offending and victimisation are as closely and intricately linked at the core of society as at its margins.' This identification of harmful behaviour taking place amongst 'hard working families,' the middle classes who do not appear in governmental crime rhetoric, suggests that a serious debate about the role and effectiveness of the criminal justice system is required. By highlighting the various economic pressures and moral conditions engendered by neo-liberal policies and deregulation, this research not only challenges Government misconceptions that half of all crime is committed by a small number of persistent offenders, but also points to potentially negative and harmful consequences of current economic and market arrangements. It intimates that rather than the usual identification of individual risk factors in predicting so called 'criminality', it is structural imperatives that need to be addressed by policy responses that go far beyond the limited capacity of criminal justice.

Rebecca Roberts and Will McMahon – *Crime and Society*

THE CRIMES OF EVERYDAY LIFE

There is an area of criminal activity at the very core of contemporary society. These are the crimes and unfair practices committed at the kitchen table, on the settee and from home computers, from desks and call centres, at cash points, in supermarkets and restaurants, and in interactions with builders and other tradespeople. They are committed by people who think of themselves as respectable citizens and who would certainly reject the label of 'criminal' for themselves. Politicians refer to them as the 'law-abiding majority', ignoring the fact that the majority do not abide by

the law, or at least are highly selective about when to and when not to comply.

This, in a nutshell, is the result of our research, which investigated illegal and shady practices with a sample of the population aged 25 to 65 years old in England and Wales (with Germany as comparison). Our survey research probed into the crimes of everyday life, victimisation by large and small business, fear among consumers and their feelings about the contemporary moral economy. In this briefing, we report on the most important findings of our research. We show in which way the seething

mass of morally dubious and outright criminal behaviour is embedded in an erosion of moral standards amongst the respectable middle classes of England and Wales.

The types of crime that we researched and have named the 'crimes of everyday life' might not be regarded as directly 'anti-social', but perhaps they could be termed 'anti-civil' because they show a considerable lack of civility among citizens and consumers in England and Wales. They include: not paying TV licence fees; making false insurance claims; claiming refunds one is not entitled to; requesting and paying cash in hand in order to avoid taxes; and claiming benefits and subsidies one is not entitled to. Not all behaviours are strictly illegal but, in general, all are seen as morally dubious by both victims and offenders. We call these types of behaviour 'crimes of everyday life' to signify that these activities are not unusual or events of an outstanding nature. They form part of many people's experience and, as such, are often treated as 'mundane' and 'just part of life'.

It is exactly these types of behaviour that are indicative of the moral state of society – perhaps much more so than violent and street crime. They reflect changes in the economy in the late twentieth century which have produced a sweeping transformation of the contemporary moral economy. Markets are not by nature devoid of morality, rather the reverse. They are grounded in a morality of fairness, justice, shared notions of acceptable behaviours, profits and entitlements, and the protection of the 'common good'. The moral economy signifies the moral order of markets – a pattern of deeply ingrained beliefs about justice and fairness and what sets fair and acceptable profits apart from unacceptable and excessive ones. We owe the concept of the 'moral economy' to the historian E. P. Thompson (Thompson, 1971). The neo-liberal marketplace of our times has much more in common with the eighteenth century corn markets on which Thompson based his analysis than politicians, business and consumers would assume at first glance.

Newspapers and TV programmes illustrate perfectly the new moral economy embraced by the middle classes, business and consumers alike. When the BBC posed the question, 'What is the difference between ripping off software and shoplifting?' the published emails in response denied any similarities between these behaviours. A week later, reflecting public

opinion, the headline was changed to: 'Why is it OK to nick software?' (BBC News, 7 July 2003). In April 2004, a UK survey reported that more than a quarter of mostly middle class parents would consider faking a religious commitment or using other dishonest tactics, including bribing the headteacher, to secure their child a place at the school of their choice (Guardian, 19 April 2004), arguably showing that they would be willing to commit the crime of fraud. Selling exam essays to students, who presumably pass them off as their own, has become a million pound business in the UK (Guardian, 29 July 2006).

Complaints from insurers and representatives from health services about the increase in fraud committed by their customers and clients have been mounting. Large and small retailers see themselves as victims of those customers who take unfair and often illegal advantage of generous terms and offers. Small tradesmen reported to us that their customers try fraudulently to make them responsible for damages. Citizens do not hesitate to take illegal and unfair advantages, conversely, however, they feel victimised by the practices of insurance companies and financial services. They are sold allegedly useless insurance and financial packages, they are not properly informed about the products, and they feel that they are being defrauded by small-print clauses. They find themselves charged for undelivered services, bogus repairs and used parts sold as new. We were not surprised to see a 'consumer revolt' against overcharging banks gaining momentum in February 2007 (Independent, 20 February 2007). Our survey data from England and Wales in 2002 predicted that consumers would be willing to hit back against what they saw as unfair business practices, even if it meant using illegal measures (Karstedt and Farrall, 2007).

Crimes of everyday life are individually small, but collectively they amount to considerable damage. The following estimations, which are informed guesses rather than firm, reliable figures, are based on information gathered from experts we interviewed from 2001 to 2003 during the course of the project and on the most recent report on fraud in the UK by Levi and his colleagues (Levi et al., 2007). The Department for Work and Pensions estimates that 3 per cent of benefit, pension and allowance claims were fraudulent (interview with SF, 26 February 2002), totalling £573 million or 4 per cent of social security payments. A more recent estimate by Levi and his colleagues (Levi et

al., 2007: 87) ranges between 1 per cent and 4 per cent of payments for different types of benefits and allowances. The Association of British Insurers claims that 4 per cent of household insurance claims made in 2000 were fraudulent (ABI, 2000). The Association for Payments and Clearing Services sets the cost of losses due to counterfeit credit card fraud at £108 million in 2000, with a steep increase on previous years (APACS, n.d.). In 2005, the minimum cost of fraud, including the costs of prevention and responses to the event in different sectors, was estimated by Levi and his colleagues as follows: financial services' losses: £1.005 billion; losses to business in the non-financial services: £934 million; and an additional £1.8 billion that cannot be attributed exactly to the financial or non-financial sector. Fraud against private individuals was estimated at £2.75 billion in 2005; and public sector fraud losses were 'conservatively' estimated at £6.434 billion (this figure does not include income tax fraud, which, presumably, is the most common type) (Levi et al., 2007: 4). In terms of costs and numbers, fraud and similar crimes are on course to surpass 'ordinary' property crimes. In the UK, the costs of fraud outstrip the costs of the more common crimes like burglary (Karstedt and Farrall, 2004; Crime and Society Foundation, Email Bulletin, August 2006).

The moral economy of everyday life crimes

Even if unscrupulous and unfair behaviour appears to be 'normal', it is seen by most offenders as behaviour that needs justification – as an exemption from the rule or as a one-off. It is the ambiguous

relation between the normal and the normative that creates a moral maze for the respectable. Although the middle classes are engaging in this type of behaviour, they are also eager to blame when they find themselves victims of such behaviour. Consumers are sheep and wolves – easy prey and preying on others. Offending and victimisation are as closely and intricately linked at the core of society as at its margins.

Our 2002 survey data of 1,807 people in England and Wales aged between 25 and 65 demonstrate this. Apart from looking at victimisation and engagement in dubious market activities, the survey included measurements of indicators of the moral economy and common values guiding consumer behaviour, as well as household income and demographic data.

Eighty-two per cent of the consumers in England and Wales felt that they had been victims of crime or shady practices in the marketplace at least once.¹ One-third of consumers had experienced one to three of these incidents, and 14 per cent had experienced nine or more. The most common victimisations were being sold poor quality pre-packed food, having items added to bills, being sold holiday packages that did not deliver, and being cheated in second-hand sales (see Table 1).

However, these consumers were no saints either: 61 per cent had committed at least one out of a list of offences against business, government or

TABLE 1: RATES OF VICTIMISATIONS 'EVER'

Victimisation Type (happened 'ever')	%
Sold poor quality pre-packed food	50
Extra items added to bill when shopping/eating	37
Accommodation etc. of lower standard/not provided*	38
Unnecessary repairs, work not carried out, worn parts used	31
Been sold faulty goods when buying second hand*	35
Offered too little by insurer when making a claim*	31
Bank errors continually unrectified	22
Bogus credit card debits after buying over the internet*	6
Any of the above	82

* Does not include answers from those for whom the situation does not apply

¹It should be noted that these represent perceptions by consumers, and no assumptions are made if these were deliberate actions or not. Consumers on the one hand might overestimate their victimisation; on the other hand, they might be ignorant of all dishonest treatment.

against employers at work (see Table 2). Sixty-two per cent of those who admitted to an offence committed up to three of these, and 10 per cent admitted to nine or more. Common practices were paying cash in hand to avoid taxation, keeping money when given too much change, wrongly using and swapping identity cards for own gain (which gives a new meaning to identity theft) and cheating in second-hand sales. More than half (54 per cent) were both victims and offenders, only 11 per cent were neither victims nor offenders, 28 per cent were victims only and a minority (7 per cent) were offenders only.

Victims and offenders in the marketplace are, mostly, average citizens and even more the 'haves' than the 'have-nots', so need can safely be ruled out as a driving factor. We find that it is particularly the better-off who are engaging in such practices as much as they are victimised. Indeed, high-level victims/offenders come from the middle classes and the 'respectable' centre of society. They are from higher social strata, are better educated, have higher incomes and are more likely to be employed.

Even if we assume that the familiar motivations of greed, lust and power (Grabosky et al., 2001) are involved, it is hard to imagine that the seething mass of morally dubious and ethically ambiguous actions found by our research can be explained by these motives on a purely individual level. We need to look at the forces that shape the present state of our moral economy and at the economic and social changes

that inevitably shifted the moral economy during past decades. Neo-liberal market policies and deregulation have been the most powerful ones of these shifts.

While E. P. Thompson's British peasants in the eighteenth century raised up against millers selling corn and flour at inflated prices, consumers are now exercised by value for money, mis-selling, hidden charges and inaccurate product descriptions. They resist this, and hit back by inflating insurance claims as a reaction against small-print rules or overpriced premiums; they retreat into a shadow economy where they pay cash-in-hand to circumvent tax and social security laws. However, they are still willing to revolt. The most recent 'consumer revolt' against overcharging banks, instigated and fuelled over the internet, demonstrates that, just like in the eighteenth century, decisive social battles of our time are fought by middle class consumers in the marketplace.

In what ways did recent economic changes, usually framed as neo-liberal market policies, impact on the moral economy of contemporary societies? First, economic citizenship was transformed into active self-advancement and neo-liberal policies were directed at maximising the 'entrepreneurial comportment' of the individual (Rose, 1996: 340). Second, consumers were declared 'sovereign' and urged to take responsibility and risks. Simultaneously, markets were deregulated, thus creating a new 'risk environment' with little oversight or regulation (Ericson, Barry and Doyle, 1999). Finally, citizens were urged to become 'consumers' in their relations with

TABLE 2: RATES OF 'OFFENDING' 'EVER'

Actual Offending ('ever' committed)	%
Paid cash in hand to avoid taxation	34
Kept the money when 'over-changed'	32
Taken something from work	18
Avoided paying TV licence	11
Wrongly used identity cards for own gain	11
Claimed for refunds they knew they weren't entitled to	5
Not disclosed faulty goods in second-hand sales	8
Asked a friend in a bureaucracy to 'bend the rules'	6
Padded an insurance claim	7
Deliberately misclaimed benefits for own gain	3
Any of the above	61

government agencies, and they were forced into the markets of welfare services, security and other government services. These policies reshaped the relation between risk and blame, responsibility and conformity for consumers and business (Ericson, Barry and Doyle, 1999). Consequently, the definitions and perceptions of unacceptable, unfair or outright criminal practices in the marketplace were shifted.

The dynamics of market anomie: situating everyday life crimes

While the concept of the moral economy directly contributes to explaining everyday life crimes that express grievances and resistance, most of the practices mentioned by the participants in our study seem to be situated in an environment that can best be described as 'market anomie'. What does this imply? Market anomie is defined by an erosion of legal norms, moral standards and trust, culminating in a climate of mutual suspicion and rampant moral cynicism. We argue that the shifts in the moral economy produced an anomic situation in markets and instigated four anomic cycles, which increased the willingness of individuals to engage in practices such as insurance and benefit fraud, claiming for refunds when not entitled, and cheating in second-hand sales. According to Messner and Rosenfeld (2007 [1994]), anomie arises in society when the economic sphere is disembedded from other social institutions. In this situation, economic models of behaviour and the culture and values of markets dominate other sectors and the vital institutions of society such as the family, education and welfare. These changes in the economy and institutional patterns are conducive to violent as well as instrumental crime by increasing perceptions of injustice and creating cynical attitudes towards laws (Sampson and Bartusch, 1998). The impact of such changes should consequently be even stronger within markets and on economic crimes, irrespective of whether they are committed by economic elites or by the majority of consumers and citizens.

We have identified four anomic cycles in contemporary markets. All cycles push up levels of offending and unfair and unethical practices by business and consumers alike, and thus link mass victimisation and offending in markets:

1. Stressing risk and choice blurs the distinction between what is (legal) risk-taking and what is

illegal choice. This induces intentions to engage in illegal and/or shady practices when dealing with business or government.

2. Those victimised by business feel an increased pressure to blame themselves for their victimisation. Allegedly, they have not been sufficiently prudent or they have not done their homework as risk-takers. This intensification of *caveat emptor* decreases the pressure on business not to deceive, not to deal unfairly with customers and not to provide misleading and dishonest information (Ericson and Doyle, 2006).

3. The distinction between fair, shady and illegal practices for citizens – business owner-operators, executives, employees and customers alike – becomes blurred. Deciding what is illegal, or simply unfair or unethical, becomes idiosyncratic and personalised: if it victimises me, it is (or should be) criminal; if it victimises them, it is in neutral terrain; if it benefits me, it is neutral, understandable or even meritorious behaviour. Consequently, individuals adopt cynical attitudes towards laws and regulations and comply or don't comply depending on what suits.

4. The presence of 'too many' rules and regulations decreases the legitimacy of norms and moral obligations, and creates incentives for everyone to circumvent such obligations. This normalises illegal behaviour and encourages disrespect for regulatory law.

The shift in the balance of obligations between consumers and business, as well as obligations toward legal and other rules, cuts into the normative fabric of trust, fairness and legitimacy that regulates the moral economy. This reduces conformity and consensus on acceptable practices. At an individual level, consumers react with distrust, insecurity and cynical attitudes towards legal rules and moral standards. They turn into 'anomic' or lawless consumers.

The anomic consumer

What are the defining characteristics of the anomic consumer? First, we diagnose a lack of trust in big and small business, as well as in generalised others. Consumers do not trust them to adhere to

restraining rules and obligations, whether moral or legal, or not to take advantage or cheat, or 'immorally increase risks for others' (Ericson and Doyle, 2006: 996). Further, we find heightened feelings of insecurity and vulnerability in an environment where unrestrained pursuits of self-interest and profit reign (or are believed to reign). This is expressed in the fear of becoming a victim of shady practices by others. Finally, the anomic consumer is a 'legal cynic', as described by Sampson and Bartusch (1998). They feel disengaged from legal norms and perceive that others are disengaged, so that legal norms have no validity, or they perceive legal norms as useless in guiding behaviour in the marketplace.

Modelling the crimes of everyday life

Our statistical model reflects the different stages in which market anomie and perceptions of it transform individuals into anomic consumers, who are then willing to engage in shady practices.² As markets offer a cornucopia of opportunities to offend, the intention to take advantage would seem a better indicator than actual engagement in such practices, which depends partly on the differential distribution of opportunities. Our research shows that intentions to offend are the strongest predictor of actual offending. In our sample, more than a fifth (22 per cent) would consider padding an insurance claim, one in six (16 per cent) would be willing to cheat in a second-hand sale, one in ten would claim for refunds they knew they were not entitled to, and nearly half (46 per cent) were inclined to pay cash in hand to avoid taxation. In sum, more than half (55 per cent) of the population between 25 and 65 years old would consider engaging in at least one of these practices.

In our model, the first stage of perceptions of the moral economy includes: a) feelings that the profit motive is now reigning unrestrained and that the profits made are not justifiable; b) perceptions that the marketplace and power relations within it have changed in recent years, making consumers more vulnerable and increasing social inequality; c) perceptions of the legitimacy of different market players, ranging from large to small business; d) citizenship or 'commonwealth values' that emphasise the social solidaristic aspects of modern citizenship; and e) self-interestedness, that is, the extent to which people are inclined to pursue their own interests at all costs in both economic and social relationships. The anomic consumer is defined by three attitudes: a) the fear

of becoming a victim of crime and shady practices in the marketplace; b) distrust of market agents and their practices; and c) legal cynicism – the extent to which people feel disengaged from legal norms. The ensuing intention to commit crimes, cheat or act in a way generally considered morally dubious comprised the intentions discussed above.

Our statistical model shows that all moral economy factors have a significant impact, with one exception. Perceptions of change in markets and the power relations within them do not define the individual level of felt market anomie and are therefore not associated with fear, distrust and legal cynicism. Notwithstanding the sweeping changes that have taken place in the UK economy, most adults are not aware of these changes. Presumably, they have relatively little knowledge of the 'ancien régime' and the changes in the 1970s and 1980s that discarded it.³ Beliefs that profit motives are unrestrained do, however, increase fear, distrust and cynicism towards norms. In contrast, perceptions of the legitimacy of market institutions decrease the level of market anomie felt by consumers. Adherence to values that emphasise social solidarity and mutuality as essential for market citizenship act as a strong force in reducing fear, distrust and cynical attitudes towards norms. Self-interestedness – the extent to which individuals are subjecting their social relationships to utilitarian considerations and 'Machiavellian' schemes – is the strongest force in shaping anomic consumers and legal cynics. Self-interested people considerably distrust large and small business, are more fearful of victimisation in the marketplace and generally nourish cynical attitudes toward rules and regulations. It is interesting to note that such Machiavellianism – shown by the support for statements such as: 'It is not so important how one wins, but that one wins'; 'We would be better off if everyone would just look after themselves'; and 'People who are honest at work never get ahead' – has a strong and negative impact on the social fabric of markets, as well as on the peace of mind of those consumers who subscribe to it.

The combined forces of fear of becoming a victim, distrust and legal cynicism have a strong impact on intentions to cheat on insurance claims, resort to the informal economy or prey on others in second-hand sales. The intentions have a range of targets. They do not exclusively reflect resentment against large business or the state; they also

²A detailed description and explanation of the models can be found in Karstedt and Farrall (2006).

³We reach this conclusion from our comparative models and further age-related models. We roughly divided age groups at the age of 45 in order to juxtapose younger cohorts who became consumers and citizens mainly after the changes took place with the older ones who went through an experience of change. These models support the interpretation of the data given here.

show a general inclination to victimise fellow citizens. While distrust and fear of victimisation, which mirrors actual victimisation might make consumers willing to hit back wherever and whenever the opportunity presents itself, their intentions are also bolstered by their cynical attitudes towards rules and laws. Those who think, for example, that 'to make money there are no right and wrong ways, only easy ways and hard ways', that 'people who obey rules often disadvantage themselves' or 'sometimes you need to ignore the law and do what you want to' have strong intentions to carry out such practices and, as our research shows, do not hesitate to act on those intentions. The law-abiding majority not only do not abide by the law, they also do not believe in the value of laws and rules, shrugging them off in pursuit of their interests and desires. They even regard law-abidingness as a disadvantage.

Moral economies, anomic markets and everyday life crimes

Our research shows that attitudes that lead to illegal, unfair and unethical behaviour are embedded in the moral economy of contemporary markets. They are, moreover, endemic in the core of society. Contempt for the law is as widespread in the centre of society as it is perceived rampant at the margins and among specific marginal groups. Anti-social behaviour by the few is mirrored by anti-civil behaviour by the many. Furthermore, it is the core values guiding contemporary societies and their economies that are important forces in shifting the balance towards higher levels of market anomie, victimisation and offending. The extent to which individuals transfer the 'economic metaphor' from the realm of markets into all their social relations and allow economic values to govern their daily lives is a strong predictor of anomic tendencies and subsequent intentions to offend and to exploit opportunities in the market by illegal and unfair practices if they present themselves.

The economy and markets do not thrive without the pursuit of self-interest by business and consumers, nor without the motivation to make profits. The moral economy of late-modern society is based on the pursuit of both, and consequently on the individuals embracing them. However, the moral economy needs to balance self-interest and motivation to make profits through rules of fairness,

and to offset differences in power by protecting the weaker party in market exchanges. If profit motives reign without restraint, if legitimacy is withdrawn from basic market players, and if values of the common good and support for others are too weak to act as countervailing forces, then anomic tendencies become pervasive in markets and individuals withdraw their general goodwill and willingness to comply with legal and other rules.

Although anomic consumers are mostly legal cynics, their distrust of market players and fear of victimisation point towards decisive sources of what could be termed 'contingent compliance', that is, compliance with the law that is easily and occasionally withdrawn (Levi, 1997). Since most of those involved in such practices are also victims, distrust and fear are motives for hitting back and seeking redress when victimised. General feelings of unfair treatment or fears of future victimisation might also instigate a firm resolve to launch a 'pre-emptive strike'. It is here that we find new forms of resistance in our latter-day moral economy. E. P. Thompson showed ways in which changes in the moral equilibrium of markets instigated moral indignation that finally led to rioting. Consumers today are not inclined to dismiss unfair practices in the market, but they are willing to revolt where they feel they have been unfairly treated and they react with strong intentions to hit back whenever the opportunity arises.

Our data show that communication about incidents of victimisation and successful offending are widespread and common among citizens (Karstedt and Farrall, 2005). This provides individuals with a strong belief that 'everybody does it' and that 'it is ok to do it' (Gabor, 1994). Where opportunities are abundant, the willingness to take advantage of them for deceit is decisive. The moral economy of contemporary markets provides a reservoir of motives that is the necessary precondition for the seething mass of illegal and unfair behaviour, offending and victimisation in markets. Citizens discuss justifications and techniques for committing crimes of everyday life with considerable ease in pubs, with friends and with neighbours. This creates a moral climate that encourages such types of behaviour right in the centre of society (Karstedt and Farrall, 2005). The moral economy is not immoral by definition. However, ongoing encouragement of entrepreneurial comportment and pursuit of self-interest has its price in terms of market anomie,

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which shows itself in the centre of society, not at its margins. The 'law-abiding majority', which politicians like to address, is a chimera. The crimes of everyday life that they commit are perhaps less worrying than the contempt for laws and rules and the accompanying cynical attitudes that are spreading among those who think of themselves as respectable citizens.

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This briefing is available as a free download from www.crimeandsociety.org.uk. Susanne Karstedt and Stephen Farrall have written a number of other publications related to these issues: 'Crimes of everyday life: business practices and consumer compliance', *Compliance and Regulatory Journal* (forthcoming); 'The moral economy of everyday crime: markets, consumers and citizens', (2006) *British Journal of Criminology*, 46(6), pp.1011-1036; and 'The moral maze of the middle class: the predatory society and its emerging regulatory order, in Albrecht, H-J, Serassis, T. and Kania, H. (eds.) (2004), *Images of Crime II*, Freiburg: Max Plank Institute, pp.65-93.