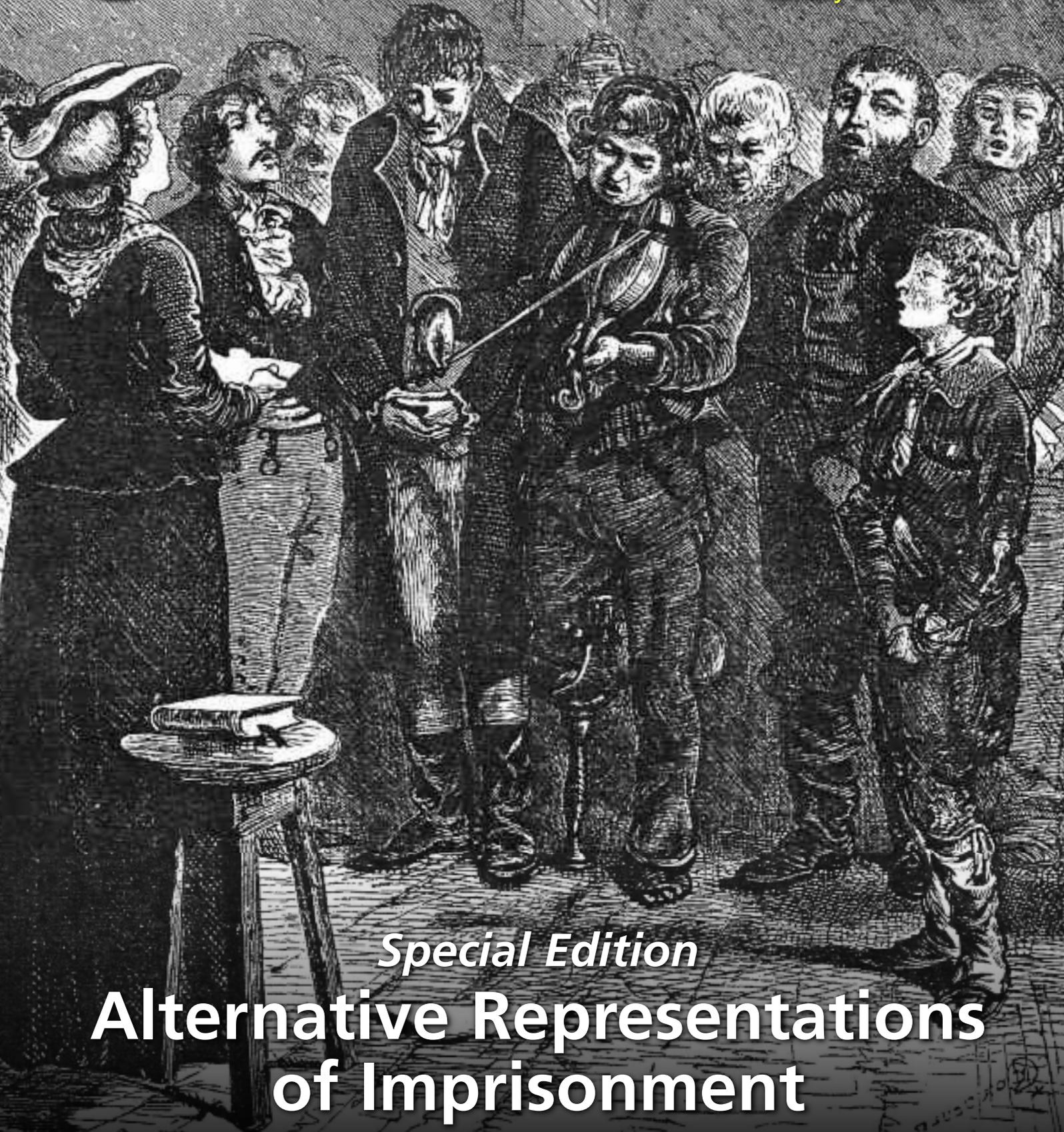


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**Alternative Representations  
of Imprisonment**

# A contrast in lives? White-collar offenders in prison

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**In comparison to the lives of offenders more generally, the way in which white-collar offenders experience and respond to punishment at the hands of the criminal justice system is not well understood. The term white-collar offender as it is used here emphasises the characteristics of the offender rather than their offence, placing a focus on respectability and privilege as key in identifying who they are.<sup>1</sup> That the lives of such offenders and the impact of criminal justice processes and punishment are rarely explored is at least in part due to the difficulty of recruiting white-collar offenders to take part in research.<sup>2</sup>**

Given these difficulties, alternative sources of data are required to access white-collar offenders' experiences of punishment. The most readily available source of such data are published autobiographical accounts. Such accounts vary in style and form, and are not without potential methodological problems, most typically concerning issues of 'truth' and 'fact' in autobiographical writing.<sup>3</sup> Balanced against this however, such accounts provide a way to understand groups that might otherwise be difficult to access and, more importantly, frequently providing rich accounts of subjective experience. It is autobiographical accounts written by white-collar offenders then that are drawn on here to explore the way in which those who are sentenced to prison represent their encounters.

In general criminological parlance, white-collar offenders are inevitably characterised along lines that separate them markedly from other offenders. This is unsurprising. After all, such was Sutherland's intention in highlighting white-collar offenders in his original formulation of the concept that emphasised respectability and high social status as he sought to draw attention to what he perceived as a most

neglected area of criminology. However, the contrast between white-collar offenders and offenders more generally is perhaps nowhere more apparent than in theorising about when the 'typical' white-collar offender, freshly plucked out of the boardroom, is placed in prison.<sup>4</sup> Merely entering the environment of the prison is suggested as being a particularly severe punishment for those more used to being '...treated as if they are special and encouraged to see themselves as such'.<sup>5</sup>

The writings of white-collar offenders who have served prison sentences do little to dispel such perspectives and indeed echo these sentiments. Feelings of shock and disgust are prevalent in their descriptions of induction, couched particularly in terms of the 'alien' nature of the environment they entered. Consider the following:

*The others in the cell looked miserable, and most of them appeared to be either drunk or on drugs. The cell echoed with their begging and hollering. I could not believe the scene, which was completely foreign to anything I'd ever experienced before.<sup>6</sup>*

Other aspects of induction into the prison way of life exacerbate feelings of isolation, which by their own accounts are particularly pronounced for white-collar offenders. So the reader is told of the dehumanisation of being processed,<sup>7</sup> fears over violence that might be suffered<sup>8</sup> and other assaults on the self. The character of such accounts, however, presents such trials as particularly difficult for white-collar offenders because of their backgrounds of privilege and respectability. The distress engendered by prison is a function of their previous existence and it is emphasised that, upon entering prison the white-collar offender is now

1. Sutherland, E. (1940) 'White-collar criminality' in *American Sociological Review* 5:1 p1-11; Sutherland, E. (1983) *White-Collar Crime: The Uncut Version* New Haven: Yale University Press; Shover, N & Hochstetler, A. (2006) *Choosing White-Collar Crime* London: Cambridge University Press.
2. Shover, N. & Hunter, B. (2010) 'Blue-collar, white-collar: Crimes and mistakes' in W. Bernasco (ed.). *Offenders on Offending: Learning About Crime from Criminals* London: Willan p. 205.
3. Maruna, S. (1997) 'Going straight: Desistance from crime and life narratives of reform' in A. Lieblich & R. Josselson (eds.) *The Narrative Study of Lives* vol. 5. London: Sage p. 59; Hunter, B. (2009) 'White-collar offenders after the fall from grace: Stigma, blocked paths and resettlement' in R. Lippens, & D. Crewe (eds.) *Existential Criminology* London: Routledge p. 145.
4. Mann, K., Wheeler, S., & Sarat, A. (1980) 'Sentencing the white-collar offender' in *American Criminal Law Review* 14 p.479-500.
5. Shover & Hochstetler (2006) see n. 1 p. 136.
6. Laite, W. (1972) *The United States vs. William Laite* Washington: Acropolis Books p. 36.
7. Christensen, N. (2005) *Five Years of Bad Coffee* New York: iUniverse p. 32.
8. Aitken, J. (2005) *Porridge and Passion* London: Continuum p. 30.

somewhere quite alien to them. The rules that they know no longer apply.

To be subjected to the same treatment as any other prisoner marks them as not special any more, removing the status that they previously enjoyed. Robert Berger, who served thirty eight months in prison for corporate income tax evasion and bribery while CEO of Royce Aerospace Materials was still aware of this half way through his sentence:

*I lay here thinking about all the years that I was eminently successful and then look around this cell, and can't believe where I am.<sup>9</sup>*

Comparing the previous life to the 'now' of prison also underlines what white-collar offenders have lost.

They cannot help but contrast the environment of the prison with the lives they had. Through all that it takes away from them, prison puts their successful pasts into stark relief and reminds white-collar offenders of who they once were.

The tone of white-collar offenders' accounts therefore presents them as suffering a cruel and unusual punishment at the hands of the criminal justice system. Not only is the environment unlike any they have encountered before, with sights, sounds and smells that lack familiar frames of reference, but those the environment is shared with — that is other prisoners — reinforce the transition that has taken place. The writings of white-collar offenders in prison remind us that prison is therefore unduly difficult for individuals who have led 'high lives'.

It appears, however, that the horror of imprisonment eventually gives way to a more pressing concern; what to do with the abundance of time. Prison and the concept of time are inextricably linked. Central to one's incarceration is the idea that they will 'do' time<sup>10</sup> and that while they are 'doing' prison time, time in the world outside prison continues unabated.<sup>11</sup> The slow pace of prison life is typically something that prisoners need to 'handle', developing strategies to make time pass quicker and their incarceration more

bearable.<sup>12</sup> White-collar offenders describe their sudden abundance of time forced upon them in far more positive terms, comparing it favourably with the lives before imprisonment. Dennis Levine, convicted of insider trading, describes his feelings shortly after entering prison for the first time:

*Despite the accumulation of aggravations, I came to see that this physical prison could be a disguised blessing. For too many years I had raced through life, too busy to lift my head and either contemplate the past or gaze towards the future. Prison slowed the pace of my life long enough for me to see how I had trapped myself.<sup>13</sup>*

After his release, Robert Berger reflected back on his prison sentence and on what prison meant for him:

*In fact, I think prison was a timely benefit at the time that I was incarcerated. My life then was a living hell. Looking back, I really am amazed that I managed to live through all of my dilemmas and come out of it all in one piece. Prison, when I arrived here, was like a cocoon. Banks, lawyers, Special Agents, creditors, etc couldn't get to me anymore. They couldn't call me or reach me in any way. Here, I began to rest, lose weight, and eventually get my health back. I was totally isolated from the outside in every way. Even the [Internal Revenue Service] left me alone.<sup>14</sup>*

Almost paradoxically given the threats white-collar offenders perceive upon entering prison, their imprisonment comes, for some, to offer a form of protection. The troubles that bedevilled them can be, if not forgotten, at least postponed.

These two brief outlines of what concerns white-collar offenders in prison both emphasise the difference between them and other offenders. We should, however, be mindful of the source of this

## The writings of white-collar offenders in prison remind us that prison is therefore unduly difficult for individuals who have led 'high lives'.

9. Berger, R. (2003) *From the Inside: A Prison Memoir* New York: iUniverse p. 28.

10. Goffman, E. (1961) *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* New York: Anchor Books.

11. Jose-Kampfer, C. (1990) 'Coming to terms with existential death: An analysis of women's adaptation to life in prison' in *Social Justice* 17:2 p.110-125.

12. Meisenhelder, T. (1985) 'An essay on time and the phenomenology of imprisonment' in *Deviant Behaviour* 6:1 p.39-56.

13. Levine, D. & Hoffer, W. (1991) *Inside Out: An insider's Account of Wall Street* New York: Berkley Books p. 362-363.

14. Berger (2003) *ibid* see n. 9 p. 184.

information, and the medium in through which it is presented. That many accounts of imprisonment by white-collar offenders appear to follow a particular narrative, from the horror of induction to the joy of release via the banality of the prison routine and interspersed with colourful descriptions of fellow inmates, may say as much about literary and narrative convention as it does about authentic prison experience. A further consideration is that in drawing upon published autobiographical information we might consider who does and does not gain the opportunity to write an account of their imprisonment. The marketability of different white-collar offenders' accounts of their offending and prison life is likely to be heavily dependent on the details they disclose and the individual doing the disclosing. The 'True Crime' literary genre might be expected to attract only the most salacious stories. Those that get published are clearly marketable for the gruesome tales they tell or, of more relevance when considering white-collar offenders' autobiographies, because of public interest in the writer. It follows from this that only the most sensational and high profile cases and writers are deemed worthy of publication. Some offenders who write accounts of their imprisonment are notorious, there seems little doubt of that. High profile white-collar offenders who have published accounts of their prison

sentences in recent times include former British politicians Jonathan Aitken and Jeffrey Archer, as well as Nick Leeson, whose unauthorised trading forced the collapse of Barings Bank. There is little doubt that it was the public interest their stories generated that made their accounts of imprisonment lucrative prospects for publishing houses. The contrast in lives that their accounts present are naturally part of their appeal. We are invited to explore the 'terrible world' of prison by the writer, while insulated from its visceral assault by the medium of presentation. White-collar

offenders are by no means homogenous in this respect though. Some publish with small publishing houses, while others<sup>15</sup> self-published, funding the costs of doing so themselves.

Considerations about narrative form and opportunity to publish notwithstanding, however, autobiographies are a valuable resource for exploring the lives of offenders on their own terms. The more critical reader might frown at white-collar offenders' descriptions of their journey through an 'unknown world' and the contrast in lives that they emphasise in marking prison as particularly cruel to them, but it is worth persevering with such issues to understand something about a group that, for all their

high profile in criminological circles, rarely get the chance (or, perhaps, want the opportunity) to represent themselves.

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15. Berger (2003) *ibid* see n. 9. Christensen (2005) *ibid* see n. 7.