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## Editorial

### Confronting Some of the Difficulties of Developing a “Law and Order” of White Collar and Corporate Crime

Anne Alvesalo-Kuusi & Gregg Barak

It is widely accepted among legal scholars, criminologists, and other social scientists that in many western industrialised countries there has been a shift in the past decades towards law-and-order-societies. Punitive campaigns against crime, such as *zero tolerance*, *three strikes and you're out*, being *tough on crime and tough on the causes of crime*, have focused on the so-called traditional offending or street crime (Slapper & Tombs, 1999, Wacquant 2009). In short, the function of crime control has been to *recapture the streets from criminals and to make them safe for the rest of us* (Barak 1998: 283). In fact, in his bid for a second term as president in 2020, the “lawless and disorderly” Trump tried to resurrect his campaign around a draconian law-and-order approach to street crime. However, his overzealous and other mainstream law-and-order policies have *not* been extended to white collar and corporate crime (Michalowski 2020) On the contrary, many societies have witnessed the downsizing of both the regulation and enforcement of harms caused by the powerful (Snider 2000).

Corporate crime prevention in particular has been somewhat ignored by academics, even within critical criminological and socio-legal studies. Notable exceptions include: Mary Kreiner Ramirez and Steven A. Ramirez’s *The Case for the Corporate Death Penalty: Restoring Law and Order on Wall Street* (2017); Gregg Barak’s *Unchecked Corporate Power: Why the Crimes of Multinational Corporations are Routinized Away and What We Can Do About It* (2017); and Steve Tombs and David Whyte’s *The Corporate Criminal: Why Corporations Must Be Abolished* (2015).

While the studies of crime prevention, deterrence and detection are of increasing salience; few criminologists have sought the inclusion of corporate illegalities on such agendas (Alvesalo, et al. 2006). Issues of corporate and white collar crimes are scarcely recognised or even mentioned in mainstream crime prevention agendas even though there is no ontological reason for this state of affairs. Theorizations of the causes as well as the empirical analyses of the predictors of crime are fixated in looking at street crime, and white-collar crime literature has focused on individual characteristics of offending. However, this state of criminological affairs may be changing as the authors of the first contribution to this issue write: “The high

societal costs of white-collar crime and growing public concern underscore the importance of conducting theoretically informed empirical research that identifies causal mechanisms that can be used to inform crime prevention policies.”

Meta-analyses in white collar and corporate crime literature are almost non-existing. Natascha Pusch and Kristy Holtfreter’s article *Individual and Organizational Predictors of White-collar Crime: A Meta-analysis* fills this gap as it encompasses both occupational and corporate crime. The meta-analysis consists of 70 studies, and it included 602 effect sizes using occupational or corporate crime as the dependent variable. With predictor domains reflecting individual and organizational characteristics, N=54,205 individuals and 6,425 corporations. They analyse the individual and organizational correlates of white-collar crime with the aim to show which correlates exert the strongest effects. In addition to diving into important methodological and operational issues, their study suggests that integrated theoretical perspectives taking multiple levels and units of analysis into account may provide a more comprehensive picture of white collar and corporate offending, a prerequisite they argue for predicting and preventing such behaviours.

In the next contribution, “*We Have Been Thrown Under the Bus*”: *Corporate Versus Individual Defense Mechanisms Against Transnational Corporate Bribery Charges*, which in this case were levelled at the telecommunication company Telia in Uzbekistan, authors Isabel Schoultz and Janne Flyghed incorporated the accounts used by individuals and organizations when they faced accusations of criminal wrongdoing. In doing so, Schoultz and Flyghed demonstrate how understanding the complexity of corporate crime defense work can enhance the counter strategies used by prosecutions to pursue these criminals. The article utilizes various methods, including court ethnography, a rare method in white collar and corporate crime literature. The authors found that Telia did not present a strong case or that the telecommunication company hardly defended itself at all in the Swedish court. On the other hand, Telia did not rollover either as the company’s former executives employed a defense of legality, denial of knowledge, of deviance, and of responsibility as well as a claim of being scapegoated.

In his article, *Filling the Gap in White-Collar Crime Detection between Government and Governance: The Role of Investigative Journalists and Fraud Examiners*, Petter Gottschalk utilizes the theory of crime signal detection, which is concerned with the ability of individuals to understand pieces of information that can come from various sources. The

article suggests that investigative journalists in the media and fraud examiners in private investigations have the potential of filling some of the detection gaps. The study consists of a systematic comparison of newspaper articles with court data on the one hand, and analysing fraud examination reports on the other. The study revealed that investigative journalists disclose a significant fraction of crime stories that later result in prosecution and conviction of white-collar offenders. Only few fraud examiners make similar contributions, which confirmed a long-standing finding that businesses generally prefer the handling of misconduct internally.

The last article in this issue is Colleen Eren's *Cops, Firefighters, and Scapegoats: Anti-Money Laundering (AML) Professionals in an Era of Regulatory Bulimia*. The author points out that U.S. criminologists have overlooked the phenomenon of the expansion of the AML industry. Through semi-structured interviews with 22 senior AML specialists the author conducted an in-depth analysis of how U.S. AML professionals made meaning of their roles in the decade following the financial crisis of 2008, and how their occupational culture developed. She found that upon entry into the occupation, the AML professionals discover how their work is predicated not on actually curtailing illegal behaviour, not measured by the utility of their work, but on managing performances of compliance on behalf of the bank to regulators. The article concludes by discussing the possibilities to disrupt this culture and the contradictions thereof, where AML professionals may be scapegoated on behalf of the capitalistic system.

Rounding out this issue are reviews of four books that thematically tackle the historical and contemporary practices surrounding global capitalism and human survival, the inadequacies of the present legal systems of corporate-state law and order, and the necessities of structural changes to address these overlapping sustainable issues of life, death, and work. These books include: *Banned: Immigration Enforcement in the Time of Trump*; *Carbon Criminals, Climate Crimes*; *Dead Labor: Toward a Political Economy of Premature Death*; and *Ecocide: Kill the Corporation Before It Kills Us*.

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