



# Crime: The amount and disparity of sentencing – A comparison of corporate and occupational white collar criminals

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## Abstract

Research carried out previously, aimed at examining differences in the length of the sentencing and type of offence, have typically compared white collar and street criminality. The main aim of the current study is to examine the differences in sentence length for white collar occupational and corporate offenders from street crime offenses and to identify which factors eventually could explain such differences. The crime amount was smaller in occupational convictions despite the fact that the average crime amount was significantly less in this group compared to the crime amount among corporate criminals. Socio-economic status and company size were not found to be associated with the length of the sentence. We discuss whether the difference in length of the sentence could be explained by the fact that occupational crime is committed for the criminals' own purposes or enrichment, while this is often not the case among corporate criminals.

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Sutherland (1940) first introduced the term white collar crime and defined it as “a crime committed by a person of respectability and high social status in the course of his occupation” (Sutherland, 1983: 7). However, the definition of white collar crime has been controversial

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(Maddan et al., 2012) and there lacks a unanimously agreed on definition (Benson and Simpson, 2009). It could be questioned whether the definition should be offender- or offense-related. When the focus is offender-related, the focus is restricted to offenders in the upper class whereas an offence-related definition focuses on the nature of the crime. The current study applied an offence-related approach. A person is defined as a white collar criminal if the person is sentenced in court to imprisonment due to a financial crime. A sentence is defined as a guilty verdict that results in a jail sentence (Arnulf and Gottschalk, 2013).

Included in the term white collar crime are both the possibility that the offender acted self-servingly to further private interests or the interests of a group of persons in a corporation that are typically labeled occupational white collar crime, and the possibility that the person may have acted on behalf of the corporation with the intention to protect or enhance its interests (Blickle et al., 2006). The last type is defined as corporate white collar crime.

Individuals or groups commit occupational white collar crime for their own purposes or enrichment, rather than for the enrichment of the organization as a whole, in spite of supposed corporate loyalty (Hansen, 2009). Corporate crime, on the other hand, is enacted by executives for the benefit of the business. According to Fleet and Fleet (2006), corporate crime refers to those crimes committed by members of an organization to benefit the organization. If a corporate official violates the law in acting for the corporation, then this is also considered a corporate crime. But if he or she gains personal benefit in the commission of a crime against the corporation, it is classed as an occupational crime. Corporate crime occurs when, for example, fraud is being committed on behalf of an organization; that is, the crime is being committed to benefit the business. Perri and Brody (2011) argued that corporate crime is rationalized as acceptable behavior if it overcomes financial difficulties or makes a profit for the business.

The focus of research on criminality has primarily been on the identification of offender characteristics, especially ethnicity and class across offense types (Maddan et al., 2012). A large body of empirical studies has also focused on personality variables. In general, white collar criminals have been found to be different from other criminals. A larger percentage are male, older, graduates of high school and college and they are less likely to be unemployed (Poortinga et al., 2006; Walters and Geyer, 2004; Wheeler et al., 1988b). It is less likely that these of criminals have an arrest history or meet diagnostic criteria for substance abuse (Benson and Moore, 1992; Ragatz et al., 2012).

Behavioral self-control theory can be especially relevant for explaining occupational crime. In the general theory of crime, it is hypothesized that the lower the individual's self-control, the greater is the likelihood of his or her involvement in criminal behavior when the opportunity arises (Gottfredson and Hirschi, 1990). Low self-control is defined in terms of personal characteristics such as impulsive, risk-taking, and self-centered. Gender and high hedonism have also been shown to be predictors of white collar crime (Blickle et al., 2006; Collins and Schmidt, 1993). Lack of self-control is a feature in narcissism and psychopathy. Accordingly, Ragatz et al. (2012) found that the white collar criminals scored high on psychopathology and psychopathic traits. Some characteristics of the psychopath may also be favorable in the business domain, e.g., self-centeredness (Babiak, 2007). Babiak et al. (2010) showed that psychopathy scores were positively correlated with being a successful communicator. However, there exists no decisive empirical evidence linking psychopathy to white collar criminality (Williams and Paulhus, 2004).

The great majority of theories and approaches to understand occupational white collar crime are person focused and the individual-level explanations are centered on personal characteristics and personality malfunctions. When it comes to corporate crime, the approaches aimed at

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