

Victims of White-Collar and Corporate Crime

4

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Chapter aims

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Chapter aims

- To consider how criminal victimization and harm have been conceptualized within criminology, victimology, and in the literature on white-collar and corporate crime.
- To explore research exposing the harms caused by major forms of white-collar and corporate crime.
- To consider issues of criminal justice policy in relation to these forms of victimization.
- To illustrate how victimization can be related to wider structural variables.
- To outline areas for further investigation and policy development.

Introduction

A major form of victimization excluded from the BCS and other crime surveys is that of white-collar and corporate crime. This is often seen to involve a very different set of relationships between offenders and victims, as there is less obvious direct harm or 'blood on the streets' (Clarke, 1990). It appears less personal as immediate victims are often 'employers', the 'government', the 'public health' or the 'environment' and in many cases, such as where safety laws are broken, causing the death or injury of employees, there is no direct intent to harm. There are also different images of the structural dimensions of victimization. To some, all citizens are victims of this kind of crime, irrespective of age, class or gender, whereas to others the crimes of the wealthy and powerful prey on the poor and powerless. Yet at the same time, victims of some financial frauds may fail to attract sympathy as they are assumed to be wealthy and to have willingly parted with their money (Shichor et al., 2000).

Scope and definition

Before exploring these issues, it is important to consider the scope of activities to be investigated. Box 4.1 outlines some of the problems of defining this contested area of crime (Croall, 2001a; Nelken, 2002), indicating that a major issue is which activities to include or exclude. This chapter will adopt an inclusive approach, covering activities which are subject to some form of legal regulation and penalty along with those perpetrated by both high and low status employees and large and small businesses. Whether offenders are at the top or bottom of the status hierarchy, it can be argued

that their 'power' lies in the possession of occupationally-based trust or knowledge which victims do not have (Shapiro, 1990; Croall, 2001a) and from a victim's perspective, the harm, rather than the status of the offender, is the key feature.

Box 4.1 White-collar crime – definitional issues

- Sutherland (1949: 9) defined white-collar crime as 'crime committed by a person of respectability and high social status in the course of his occupation'.
- The role of class has been highly contested, as the status of an offender may matter less than the harm done by someone in a trusted occupational position.
- The term 'crime' is also contentious as many of the harmful activities of businesses or occupational groups are not subject to criminal law and punishment but to administrative or regulatory law and 'penalties' or 'sanctions'.
- An alternative definition is 'an abuse of a legitimate occupational role that is regulated by law' (Croall, 2001a: 163).

Forms of 'white-collar crime'

Many argue that the term 'white-collar crime' insufficiently describes the wide range of offences committed by the 'powerful', be they wealthy individuals or corporations. Most accept a distinction between:

- 'classic' white-collar crime, which involves *personal* gain, at the expense of employers, 'the government' or clients (which can also be described as *occupational crime*);
- offences which involve increased profits or the survival of the *organization* – often known as *organizational* or *corporate* crime (Slapper and Tombs, 1999).

Others prefer to use the broader term **economic crime** (used in many European, particularly Scandinavian countries, where the term 'white-collar crime' is rarely used).

- ▶▶ **Economic crime** defined as 'crimes of profit which take place within the framework of commercial activity' (Korsell, 2002: 201).

A major feature of white-collar crime is its ambiguous criminal status (Nelken, 2002), and it is often not dealt with by criminal law. Should these activities be regarded as 'crime'? To critical criminologists, the role of class and power is crucial in understanding differences in criminalization.

Research knowledge

Compared to what are often described as 'conventional', non-white-collar crimes, there is less systematic research on victimization, the distribution of risk factors, repeat victimization and the impact of offences on victims. A major reason for this often criticized neglect is ideological. Offences are not generally seen as part of the 'crime problem', and the high status of offenders is generally assumed to lead to their being able to avoid the criminalization of their activities along with indirectly influencing the direction of criminological research through control over funding. In short, 'the powerful' are less likely to fund research critical of their own activities or to provide access to researchers (Tombs and Whyte, 2003; 2006a).

Technical and methodological problems deriving from the nature of offences also inhibit research. For example:

- Many victims are unaware of any harm and cannot detect it themselves as happens, for example, with some major frauds, pollution, food adulteration and descriptions of consumer goods.
- Victimization is often indirect and impersonal, affecting entities such as 'the government' although there are indirect effects on individuals – tax payers, for example, have to pay more and receive fewer benefits due to tax evasion.
- Individual victims may lose very little yet the 'illegal' profits may be large as in cases in which a bank employee takes one penny out of thousands of accounts or a firm sells goods which weigh less than indicated.

While this does not apply to all offences, many are difficult to capture in standard victim surveys. Some, such as frauds, are covered by the United States National Victim Survey, but information is limited to only frauds of which victims are aware. This means that different sources of information must be used, often lying outside criminological and victimological research. Although they may not be seen as 'crime', many of the activities involved are associated with harm, they are subject to regulation and linked to wider social issues such as workplace safety, the environment, consumerism or financial regulation. They are subject to investigation and research and useful sources of information include regulatory agencies,

investigative journalism and relevant interest groups, along with a small amount of criminological research largely restricted to fraud.

Conceptualizing white-collar and corporate victimization

Analysing these kinds of victimization involves looking at how they have been viewed in different victimological traditions, and in the literature on corporate and white-collar crime. Positivist victimologies tended to neglect this whole area as they largely accepted conventional constructions of crime. Indeed, when 'business' or 'retail' crime surveys are carried out, they focus on offences, such as burglary or shoplifting, perpetrated against businesses by 'outsiders'. Analyses of 'lifestyles' or 'high crime' 'hot spots' do not consider the risks of working in an unsafe workplace, living in a heavily polluted environment or buying second-hand cars or counterfeit goods.

This focus has been challenged. Radical victimology did attempt to include the crimes of the powerful and the third Islington crime survey contained questions about workplace safety, unlawful trading practices and offences by landlords which were found to exceed experiences of conventional forms of crime (Pearce, 1992). This was an exception, however, and although it directed attention to the structural bases of victimization, other research largely focused on street and interpersonal crimes using, as outlined in Chapter 3, individualized victim surveys (Pearce and Tombs, 1998).

Critical victimology is also relevant to corporate and institutional victimization. This provides a major group of victims 'we cannot see' and, while later developments have focused more on gender (Walklate, 2003, and Chapters 6 and 7 in this volume), it provides a strong challenge to conventional constructions of crime and victimization. Moreover, while feminist victimology has tended to focus on the victimization of women and children, it also drew attention to sexual harassment and violence in the workplace and marketplace (Croall, 1995) and to the gendered dimensions of corporate victimization (Szockyj and Fox, 1996).

A major focus of 'white-collar criminology' (Slapper and Tombs, 1999), has been exposing the 'human misery' caused by the crimes of the powerful, often seen to exceed that caused by conventional crime. This has tended to use rather general categories to describe victims such as 'the general public', consumers and workers, and it has tended to explore the relationship between class, status and power and offending, criminalization, criminal justice and sentencing rather than victimization. In part, this is attributable to the difficulties, outlined above, of researching victimization which has been depicted as multi-layered – at the primary level affecting

private individuals, at the secondary level, affecting organizations, or at the tertiary level, affecting 'society at large' (Lindgren, 2002). The 'rippling' effect of offences tends to downplay their impact on individuals and as Sutherland (1949) pointed out, it may also restrict the development of organized responses on the part of, for example, consumers. Other crimes, such as corruption, are seen as 'victimless', and yet others as having 'merely' an economic impact.

These constructions can be challenged and the existence of physical as well as economic harms stressed (Box, 1983). Crimes which largely affect 'the government' do, as seen above, affect all citizens and corruption damages the legitimacy of and trust in business and public service and, where it involves public service contracts, can lead to the construction of unsafe public buildings or inferior public services (Shover and Wright, 2001). Large bank failures not only harm individual wealthy investors who may be perceived as well able to afford the losses, but also smaller businesses and investors. Following the collapse of the BCCI, local services had to be cut in the Western Isles as the council there had invested in the bank (Croall, 2001a). Victimization is also 'hidden' by the construction of incidents resulting from systematic breaches of regulations as 'accidents' or 'disasters', a depiction which also suggests a more or less random effect, irrespective of class, age or gender. As will be seen, however, victimization can reflect these underlying social inequalities.

Notions of **deserving victims** and **undeserving victims** also affect this area of crime. Investors can be blamed for making 'risky' investments and seen as less deserving than older people victimized through pensions frauds (Levi, 1999). The principle of *caveat emptor*, let the buyer beware, has long dominated consumer law and consumers are blamed (and blame themselves) for being 'taken in' by counterfeit goods or other sales 'cons'. Workers may be blamed for ignoring safety regulations (Tombs, 1999) or women for choosing to have cosmetic surgery (Finlay, 1996). One of the most disturbing instances of **victim blaming** was involved in the Hillsborough disaster, in which 96 spectators died in a crush in a football stadium. Initially the police blamed the drunken state of many of the supporters which, by affecting subsequent investigations, led to a failure to fully explore the role of senior police officers whose decisions were subsequently alleged by inquiries and victim groups to have made a major contribution to the disaster (Scraton, 2004).

- ▶▶ **Deserving victims** *blameless, innocent and 'ideal' victims who did not provoke or invite their victimization.*
- ▶▶ **Undeserving victims** *victims who bear some responsibility and are in some part culpable or to blame for their victimization.*

- **Victim blaming** *similar to the concepts of victim precipitation, victim culpability and victim provocation. Each of these is also linked to the notion of 'lifestyle'. These concepts are used to try to explain the process of victimization and focus on the extent to which the victim can be held responsible for the events that occurred.*

What do we know about crime and victimization?

There is a considerable volume of information about the extent of different forms of white-collar and corporate crime which in turn provides some estimates of the extent of victimization, although it is less systematic than information on conventional crime. These kinds of crime have both physical and economic effects and the following sections illustrate victimization from a selection of major forms of crime grouped according to broad categories of victims.

Crimes against the government

The Government is a major victim of many forms of economic crime, which indirectly affects all citizens. Offences include:

- *Tax evasion:* The accountancy firm Deloitte and Touche estimated the cost of 'tax dodging' between 1976 and 1996 at around £2000bn, the equivalent of six years of government expenditure. Tax evasion takes place on a global scale through the use of offshore financial centres with the notorious company Enron having been revealed as avoiding US 409 million in taxes over five years (Johnson and Holub, 2003; Croall, 2005).
- *Fraud by public servants:* Fraudulent claims for expenses and allowances and frauds in relation to cash income, payroll and creditor payments were found by the Audit Commission (1993) to have led to Local Authorities losing £4.8 million.
- *Frauds on the NHS:* The Audit Commission (1993) also estimated losses for the NHS of around £5.9 million from frauds on the part of healthcare professionals including doctors, dentists and pharmacists.

Organizational victims

Organizations are victims of embezzlement, employee theft and many other frauds and are particularly vulnerable to offences involving the financial

or technical expertise of employees. While organizations may be seen as 'legitimate' targets, losses are passed on to consumers and workers. For example:

- In one victim survey, Levi (1995) reported that: banks lost £3.2 million; clients or customers lost £1.8 million to 11 white-collar fraudsters; employers lost £1.7 million to 28 employees; suppliers of goods and services lost £1.1 million to 10 white-collar offenders and insurance companies lost £230,000 to 9 white-collar offenders.
- A European Economic Crime Survey by Price Waterhouse Coopers in 2001 found that up to 70 per cent of major companies reported economic crime in the previous two years – a high proportion attributable to employees (*Journal of Financial Crime*, 2002).

Investors and savers

Financial frauds and other offences such as 'misselling' where financial products are sold with misleading indications about their benefits have involved pensions, mortgage endowment policies (Fooks, 2003) and a host of other financial services. Two of the largest cases have involved:

- The Savings and Loan scandal in the United States, estimated to have involved total losses of up to one and a half trillion dollars amounting to a loss to every American of around \$6,000 (Calavita and Pontell, 1995; Punch, 1996).
- The pensions misselling cases in the UK have been described as the 'worst financial scandal this century'. Following the 'privatization' of pension provision, 2 million or more pensions were sold on the basis of false or misleading information. By 1998, this had involved estimated costs of £11 billion and surveys found that only 9 per cent of pensions companies complied with legal requirements (Slapper and Tombs, 1999).

Crimes against consumers

Consumers are subject to a variety of outright frauds along with bogus bargain offers, misleading descriptions and substandard or counterfeit goods, as well as food poisoning and injuries from unsafe cars and other consumer goods. A variety of reports indicate the vast range of these offences, illustrated selectively in Box 4.2. To these could be added examples of what the Office of Fair Trading (OFT) describe as 'high pressure' and 'unscrupulous' sales techniques, some of which involve persuading customers to switch power suppliers and others involve doorstep selling. While consumers are often 'blamed' for not making 'informed' choices, they are

increasingly unable to protect themselves as they cannot judge the contents or quality of mass-produced foods and goods.

Box 4.2 Consumer victimization

- **Cars:** The car industry has been described as 'criminogenic' with the sale of second-hand cars being subject to 'clocking' (the turning back of odometers) along with other problems. In Britain, a 'mystery shopping exercise' involving car servicing and repair was carried out in 2002. Trading Standards Officers rated over half the garages they visited as poor or very poor. Some 17 per cent carried out unnecessary work, 40 per cent missed or did not replace at least one item on the service schedule, 86 per cent missed at least one fault and 43 per cent provided no accurate quotes. Some 28 per cent of fast fit centres were rated poor or very poor, with around one-third unjustifiably recommending brake components and others unjustifiably recommending tyre replacements (Department of Trade and Industry, 2002). The British National Consumer Council (NCC) has calculated that the individual consumer typically loses £235 for each unsatisfactory repair or service and the DTI has estimated that consumers could lose up to £4 billion per annum (National Consumer Council, 2004).
- **'Cowboy' builders:** have been associated with shoddy work and charging for non-completed work. In North Wales, a local 'rapid response team' was set up to tackle cases of overpricing involving annual gains of around £200,000 (Powell, 2005). One insurance broker estimated that over a five-year period, nearly 5 million people in Britain were victimized by 'cowboy' traders. Victims reported sleepless nights along with feelings that their homes had been abused and some had to take time off work. Plumbers, builders, roofers and plasterers were the main offenders (Peake, 2004). A survey by British Gas in Wales estimated that more than 300,000 home owners were affected, with more than a third interviewed reporting having been 'ripped off' (Blake, 2004). In another investigation, Trading Standards officers were described as being 'appalled' by almost one quarter of 44 tradesmen invited to carry out simple jobs in a 'house of horrors' which they set up (Prynn, 2004).
- **Pricing offences:** These include falsely indicating a sale bargain when a higher price has not been charged and price fixing. On the introduction of legislation aimed at cartels, it was claimed that price fixing, market sharing and bid rigging cartels cost consumers and the economy hundreds of millions of pounds each year. The activities of major tour operators have been the subject of investigation by Trading Standards Officers including 'bait and trap' practices which attract customers by offering 'bargains' which

are subsequently revealed to involve travelling at unpopular times, and 'fluid pricing' where prices may be changed as often as every day.

- **Food frauds:** One of the oldest forms of food fraud is the adulteration of food with water or other ingredients. Mass production of food now enables basic meat to be processed with water and added additives. Samples of chicken tested by the Food Standards Authority in 2001 were found to contain only 54 per cent chicken along with water, salt, sugar, gum, flavourings and aromas. While not strictly illegal, these should be labelled to indicate their contents. Even more disturbing are suggestions that some mass-produced chicken is adulterated with pork and beef meat, raising issues about the spread of BSE (Lawrence, 2004). Other deceptive practices are involved in the marketing and labelling of foods such as the use of terms 'natural ingredients', 'diet' or 'organic' food, and the use, in most processed foods, of elements of genetically modified (GM) food whether or not declared on the label (Which?, 2004).
- **Food safety:** Consumers are also at risk of food poisoning, one of the most serious cases being the deaths of 21 pensioners from E.coli O157 in Wishaw, Lanarkshire, in 1997 as a result of a butcher neglecting regulations. There has also been a rising volume of complaints to the Consumers Association about 'foreign bodies' in food such as nails or pieces of wood (Lawrence, 2002).

Crimes against workers

Workers are endangered by employers' neglect of health and safety regulations. As illustrated in Box 4.3, it has been estimated that occupationally caused deaths exceed those from homicide. Workers can also be exploited by employers failing to comply with wages legislation and other regulations about conditions of employment – which particularly affects those on low wages and migrant labour such as:

- Legal agencies' recruitment of foreign nurses from India, Africa and the Philippines to work in the NHS. In some reported cases they have been forced to work in private nursing homes, had their passports confiscated, and forced to sign illegal contracts and to work over 60 hours per week for £4 per hour (Browne, 2001).
- The Low Pay unit has reported the 'common experiences' of low paid workers working with no proper employment contract, enforced overtime and no rest breaks.

Box 4.3 Deaths at work

Tombs' (1999) analysis of figures for 1994-95 found the following:

- 376 fatal injuries reported under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR);
- 36 fatalities from the supply or use of flammable liquids;
- 27 fatalities in course of sea fishing, transport and communications work;
- 877 fatalities associated with driving in the course of employment

Total = 1316 fatal injuries.

This should be considered along with occupationally caused fatal illnesses such as asbestosis and occupationally caused lung disease which produce a further 1702 occupationally caused deaths.

Tombs (1999: 77) concludes that the scale of unlawful workplace deaths 'vastly outweighs the numbers of recorded homicides' – which stood in that year at 834 homicides in England, Wales and Scotland.

A series of investigations and official inquiries estimated that 70 per cent of fatalities at work could be attributed to managerial responsibility/violations of regulations (Slapper, 1993).

Crimes against 'the public'

Other offences such as 'environmental crime' affect the general public and local communities. This includes a vast range of activities including illegal emissions from industry, farming and transport, littering, waste dumping, the pollution of land, water and rivers and noise pollution. For example:

- The most serious case of industrial pollution involved the deaths of between 3,000 and 5,000 residents in Bhopal in India in 1984, following the release of methyl isocyanate, which while not resulting in a criminal prosecution was widely held to be the result of the company's neglect of safety rules (Pearce and Tombs, 1998).
- Wildlife and fish may also be endangered. In one incident in 1996, a British water company was prosecuted following a chemical leak which killed 33,000 salmon.

- Littering accounted for 14 per cent of prosecutions under Swedish Environmental legislation in 2000 (Korsell, 2002). In Britain, fly tipping, the illegal disposal of waste by businesses, has been described by the Environment Agency as a 'scourge of modern society' (Croall, 2004) and one major supermarket was prosecuted following the removal of 237 trolleys from a local river.

These, examples suggest a large volume of victimization which may well exceed that from the conventional crimes discussed elsewhere in this book, although few direct comparisons can be made. To these examples could be added many more – the more general area of 'safety crimes' involves public transport and the series of rail crashes including those at Hatfield and Southall which have accounted for many deaths (Slapper and Tombs, 1999; Tombs and Whyte, 2007).

Repeat victimization

These examples also suggest repeat and multiple victimization. A major characteristic of this area of crime is that prosecutions often follow a long history of offending. Financial frauds, for example, may have been continuing for years before discovery, tax evasion prosecutions are often for only selected offences for which evidence is available and safety or consumer prosecutions often follow a long history of warnings. Thus individual victims and groups of victims are likely to have experienced repeat victimization and, as is the case with conventional crimes, the risk of victimization may be higher following the success of previous offences. Moreover, some individuals and groups can be seen as 'serial' or 'multiple' victims as consumers, residents, workers and investors. And, as will be seen below, these will often be the least affluent.

The impact of offences

The above examples also suggest the considerable impact of these forms of crime. In extreme cases they cause injuries, ill health and death, in others, seemingly trivial effects, which, when 'added up' may, as South (1998: 44) suggests in relation to pollution, lead to 'modest to devastating changes in people's experience of the environment and conditions of life'. In addition,

what may be seen as primarily economic harms also have emotional effects. Fraud victims report feelings such as bitterness and anger, depression, general health problems and loss of work (Titus, 2001). They may blame themselves and feel let down by a breach of trust. As Levi (1999: 7) comments:

Not only does fraud lead to broken dreams, it also closes off opportunities which, once passed, are irrecoverable. For older people, vulnerable anyway to loss of confidence in themselves, frauds can destroy happiness permanently, just as readily as any other crime such as mugging or a more serious burglary. Indeed, more so, because victims know that they have supplied funds or goods voluntarily and because the loss of their financial cushion makes meaningless all their lifelong savings and sacrifices.

Policy and support in relation to victimization from white-collar and corporate crime

Despite this considerable impact, white-collar and corporate victims are generally excluded from 'victim-oriented' policies such as the state compensation scheme, or those offering assistance to victims and witnesses in court (Dignan, 2005). The regulatory process characteristic of these offences results in fewer prosecutions and lower sentences which often disappoint victims, and sentences are generally seen as deterrent rather than reparative.

Victims are represented not by the 'victim movement' but in a broad sense by campaign and interest groups such as the Consumers' Association, Friends of the Earth or Trade Unions. Support groups have also been set up following particular incidents such as the Hillsborough tragedy, the sinking of the *Herald of Free Enterprise* and the Clapham and Paddington rail crashes. These have highlighted the limitations of the criminal justice process, campaigned for changes in legislation and provided much-needed emotional and instrumental support for victims (Wells, 1995). Following 'disasters', victims need to share the experience of bereavement and attempt to explain 'what happened', which includes attributing responsibility. They also need help in coping with the legal process through inquests, investigations, and in relation to compensation, prosecution, and the eventual sentence, and there are now a number of lawyers and organizations with expertise in this area (Wells, 1995). The aims and work of one such group, the Centre for Corporate Accountability (CCA), is outlined in Box 4.4.

Box 4.4 The Centre for Corporate Accountability

The Centre's activities encompass advice, research and advocacy including:

Advice

- An advice service for families bereaved from work-related deaths.
- Free and independent advice on investigation and prosecution issues and Coroner's inquests to those who have been injured or bereaved due to workplace activities.
- Assisting people in drafting letters, meeting officials and informing them of their legal remedies.

Research

- Research on the adequacy of the law; the policies and practices of Government bodies and law reform.

Advocacy

- Discussions with Government bodies about changes in practices and procedures.

Source : www.corporateaccountability.org

These groups have highlighted many shortcomings in the criminal justice process from a victim's perspective, particularly concerning issues of corporations and their criminal liability, and the 'regulatory' process typical of many of these forms of crime (Slapper and Tombs, 1999; Croall, 2001a; Nelken, 2002; Tombs and Whyte, 2007).

Prosecution

Many forms of white-collar and corporate crime are not dealt with by the police but by regulatory agencies, such as the Health and Safety Executive, who have tended to adopt a 'compliance' approach in which prosecution is not seen as the best means of securing compliance with regulations and is considered a costly option. In addition, it is often difficult to establish sufficient evidence against any one individual within an organization and

to establish the necessary *mens rea*, intent to harm, necessary for 'criminal' prosecution (Slapper and Tombs, 1999). This issue is now subject to legislative reform in both England and Wales and Scotland following the failure of high profile prosecutions involving Balfour Beatty and Railtrack in England and Wales who were involved in the Hatfield rail crash and TRANSCO, the gas company following the death, in a gas explosion, of a family of four in Scotland (Tombs and Whyte, 2007). Many prosecutions are therefore taken under 'regulatory' rather than criminal law, which does not carry the stigma of a 'criminal' conviction. Following injuries and deaths attributable to neglect of safety regulations, for example, companies are more often tried under Health and Safety legislation than the criminal law in relation to corporate manslaughter. A regular complaint of victim groups following major incidents is that those perceived to be responsible, particularly individuals, are not publicly brought to account for their offences. Some, victims such as those involved in the *Marchioness* and Hillsborough tragedies, have undertaken private prosecutions.

Sentencing

'Regulatory' prosecutions carry lower penalties and it is the breach of the regulation, rather than the outcome, be it death, injury or economic loss which is the primary consideration. While there is some evidence that judges do take victimization and the presence of 'innocent' victims into account, sentences are often seen as derisory from the victim's perspective (Croall and Ross, 2003; Croall, 2006a). In 1998, for example, the butcher responsible for the outbreak of E.coli which killed 21 pensioners was fined £2,500 following a 'regulatory' prosecution. The Sheriff indicated that he had taken account of the loss of business suffered by the company. Even very large fines can be seen as derisory. The fine following the Health and Safety prosecution in the Scottish TRANSCO case was a 'record' £15 million, with the judge commenting adversely on the company's lack of remorse (Adams and Bannerman, 2005). Yet it could be asked how victims' interests were served by such a fine which, although it was substantial, nonetheless amounted to less than 4 per cent of the company's profit, and will merely go to the Treasury (Croall, 2006b).

The fine is the main sentencing option for companies, although substantial compensation may be ordered. Reparative sentences are less often discussed for financial and corporate offences than deterrent ones, although many argue that offenders often have the resources and expertise to make substantial reparation (Croall, 2006a). Restorative justice can, argue some, work particularly well with companies (Dignan, 2005). Braithwaite (1995) reports

'shaming ceremonies' in which senior executives of an insurance company which had sold deceptive policies to Aboriginal communities were sent into the communities to negotiate settlements. Community orders also have reparative dimensions and the resources of corporate or white-collar offenders could be more imaginatively used. In the USA, for example, companies have been required to send executives to work in the community and those guilty of pollution to fund leisure amenities (Wells, 1993; Punch, 1996).

QUESTIONS

What are some of the main obstacles against preventing of victimization from corporate and white-collar crime?

Why don't corporations feature as victimizers on community safety and law and order agendas?

Individual and structural dimensions of victimization

One way of challenging the dominant perception that white-collar and corporate crimes are 'victimless' or have only trivial effects is to examine in more depth the many different ways in which individuals may experience these effects. Drawing largely on the examples of offences outlined above, Box 4.5 illustrates the way in which different offences affect individuals in key areas of everyday life. This includes not only financial and safety issues, but also takes account of how these offences, like conventional ones, adversely affect the 'quality of life' (Croall, 2001b, 2004). At home, for example, our safety is threatened by the supply and maintenance of power supplies and appliances, and doorstep selling continues to be a major issue of concern to the Office of Fair Trading. As the home has turned into a major area of sales through telemarketing and the Internet, there are many opportunities for fraudulent and misleading sales practices and arguably our quality of life is adversely affected by invasive and 'aggressive' sales practices. The quality of life in local neighbourhoods is also threatened by environmental crime and by the indirect effects, such as loss of resources for public services, of tax evasion or corruption. These examples are selective but they do illustrate that individual citizens face many risks from commercial activities across key areas of life whether at home or at work, at leisure, shopping, travelling, planning for the future or when ill. This underlines the likelihood of repeat, multiple and 'serial' victimization.

QUESTIONS

How many times have you been victimized by the activities discussed above in the last year?

How are the costs of corporate and white-collar crime calculated?

What are the problems associated with documenting and measuring victimization from white-collar and corporate crime?

Are the powerful the '*Criminological Other*', – in other words, never the victimizers?

Are corporations the '*Victimological Other*'?

It could be argued that many of these activities are not generally regarded as 'crime'. Nonetheless the majority are subject to legal regulation or to calls for such regulation and are widely recognized risks which do occasion 'worry' and lead to avoidance strategies, albeit this is not perceived as 'fear of crime'. Looking at the impact of economic crime in this way also questions the focus of community safety on conventionally defined crime and the 'anti-social behaviour' associated with social housing tenants and disorderly young people. Companies may also be anti-social – the manager of a large record company recently received an Anti-Social Behaviour Order for fly posting (Whyte, 2004).

Box 4.5 Victimization from white-collar and corporate crime

In the home

Financial:

- Telemarketing frauds and scams; frauds via the Internet (e.g. sales of 'investment opportunities' and other goods);
- doorstep sales and 'marketing malpractices' (e.g. sale of power supplies, security devices);
- 'cowboy' builders.

Safety:

- the installation and maintenance of utilities (gas, plumbing, electricity);
- water pollution.

Quality of life:

- aggressive and invasive marketing practices; cold calling; SPAM.

The local neighbourhood

Financial:

- the indirect effects of corruption, tax evasion or public sector frauds.

Safety:

- chemical and noise pollution.

Quality of life:

- littering and fly posting.

The marketplace

Financial:

- consumer and sales frauds (short weight goods; deceptive packaging; bargain offers);
- 'cartels' and breaches of competition laws;
- counterfeit goods;
- food frauds and misleading descriptions of food.

Safety:

- sale of dangerous products (e.g. toys, counterfeit goods);
- food poisoning, food safety (e.g. additives, GM foods).

Quality of life:

- misleading sales practices and descriptions.

The workplace

Financial:

- offences involving pay and conditions.

(Continued)

Safety:

- breaches of health and safety regulations;
- occupationally related illnesses.

Quality of life:

- working conditions; bullying, intimidation, harassment.

Personal finance

Financial:

- frauds and misselling in relation to pensions, mortgages, investments etc; banks.

Safety:

- emotional trauma following severe losses.

Quality of life:

- sales practices; misleading advertisements; 'cold calling';
- damage to the legitimacy of financial institutions.

Health and welfare

Financial:

- frauds perpetrated on patients, clients and residents in institutions and on the NHS;
- misrepresenting the benefits of drugs, devices and test results on the part of pharmaceutical companies;
- 'quackery': the sale of bogus health foods, diets and other 'remedies'.

Safety:

- adverse effects of unsafe drugs and devices;
- physical and sexual abuse of the old and young in institutions (Peppin, 1996).

Quality of life:

- loss of health resources through fraud, tax evasion;
- loss of trust.

Transport

Financial:

- car sales and service frauds;
- pricing offences – airlines and bus companies.

Safety:

- transport ‘disasters’ such as the series of rail crashes in the UK;
- the safety of cars.

Quality of life:

- pollution from illegal exhaust fumes and the noise of air and other forms of commercial transport.

Leisure

Financial:

- marketing activities of holiday companies;
- crimes against tourists (e.g. overcharging in shops and restaurants; currency offences);
- offences (corruption, match fixing) in relation to sport.

Safety:

- ‘adventure’ centres; night clubs; pop concerts, sporting arenas.

Quality of life:

- environment, local amenities and pollution.

Gender and risks to consumers

While feminist victimology calls for the use of a ‘gendered lens’ (Walklate, 2003), analyses of white-collar and corporate crime have traditionally been ‘gender blind’ (Snider, 1996). Yet gender differences and assumptions of masculinity and femininity form a major part of the manufacturing and marketing of goods and services and the division of labour remains gendered (See Chapter 7). All of this creates differential risks of victimization – some examples of which are outlined below.

Female consumers are particularly at risk from the following:

- Pharmaceutical products and services aimed at altering women's bodies such as the case of the Dalkon Shield contraceptive device, marketed after its dangers were known, which caused deaths, septic abortions, miscarriages and long-term illnesses (Finlay, 1996). A wide range of cosmetics and particularly cosmetic surgery have been associated with many dangers and inadequate regulation. Silicone breast implants have been associated with long-term side effects and one company involved, Dow Corning was found to have acted with 'fraud malice and oppression' (Finlay, 1996). More recently, Botox or 'cosmetic' cowboys used illegal supplies of Botox (Hall, 2005) and revelations that private clinics had failed to carry out basic checks on surgeons led to proposed new regulations (Lister, 2005).
- Household products aimed primarily at 'housewives', some of which have been associated with allergies (Claybrook, 1996).
- Cosmetic products subject to pricing offences, misdescriptions of their effects and misleading packaging (Croall, 1995), particularly the use of 'meaningless' terms such as 'natural', organic or 'hypoallergenic'. As much as 50 per cent of the cost of a bottle of perfume can be taken up by packaging and advertising (www.wen.org.uk/cosmetics/facts.htm, accessed July 2005).
- Cultural and family pressures on women, particularly single parents, to purchase cheaper, substandard consumer goods.
- Assumptions of technical incompetence which may make them more likely targets of, for example, garage and car servicing frauds (Croall, 1995).

Male consumers also face risks from cosmetics and other products targeted at their bodies – from quite clearly bogus 'baldness' remedies to Viagra.

Crimes against workers

Female workers are particularly at risk from

- risks of miscarriage and respiratory ailments associated with the silicon chip industry (Simpson and Elis, 1996);
- illnesses due to high concentrations of food additives as in the food processing industry (Miller, 1985);
- exploitation of low paid and immigrant workers;
- exploitation in the 'sex industry';
- exposure to chemicals particularly, for example, in relation to food production (Miller, 1985) and beauty – hairdressers have been found to have higher rates of bladder cancer associated with hair dyes (Fletcher, 2003).

Male workers may be particularly at risk from

- deaths and injuries at work which occur in the 'risky' jobs associated with 'men's work' such as construction, transport and the oil industry.

Investors

Some investment frauds may adversely affect women – as mentioned above 'little old ladies' or 'Aunt Agathas' (Levi, 1987) are assumed to be financially ignorant. Though this may be a somewhat outdated notion, women were found to be more vulnerable to fraudulent doorstep sales and appliance repair frauds (Vaughan and Carlo, 1975).

Age and risk

Age is also related to crime and victimization although it is difficult to make generalizations as older people, often seen as particularly vulnerable to fraud, are not a homogenous group (Pain, 2003). Some are wealthier than others which may affect the likelihood of different forms of fraud, and Titus (2001) found lower rates of victimization among the elderly for telemarketing frauds as they had learnt to avoid them. Some examples of the risks faced by different age groups are indicated below.

Older consumers may be particularly vulnerable to

- food poisoning outbreaks, many of which have involved elderly people. The E.coli case in Scotland, for example, involved the deaths of 21 pensioners and one large outbreak in Canada caused the death of 19 residents of an old people's home in 1985;
- aggressive sales practices of security devices because they are 'easy to pressure, vulnerable, at home and living alone' and are seen as particularly vulnerable group;
- a variety of other forms of commercial or white-collar crime adversely affecting the elderly such as the sale of 'assistive products' for older people, and the activities of cowboy builders referred to above may have a disproportionate impact on the elderly with many press reports playing on vulnerable elderly victims (Croall, 2007).

The young, on the other hand, are more at risk of

- being harmed by toys, particularly cheap imitation versions of widely marketed toys which may cause injuries, as indicated by the many warnings around Christmas time from Trading Standards departments;
- being injured while engaging in physical and 'risky' activities;
- being the victim, in student accommodation, of landlords' failure to comply with electrical and fire safety precautions;
- purchasing substandard or counterfeit goods marketed at young people such as designer clothes, compact discs, DVDs and videos, designer trainers and football shirts. Mobile phone companies aggressively market products and services at young people and engage in misleading practices such as using tiny writing in contracts (Croall, 2007).

- being paid less than the minimum wage and exploited globally through child labour.

Other kinds of risks target both young and old simultaneously

- as residents of institutions, both the elderly, particularly those suffering from dementia, and the young are more at risk from physical abuse in care homes (Peppin, 1996);
- as savers and investors, the young may be more vulnerable as they are prepared to take more 'risks' (Titus, 2001), while older age groups are more vulnerable to pensions and investment frauds targeted at the need to provide for old age.

Socio-economic status and risk

Both gender and age are connected to socio-economic status in respect of which, as Levi (1995) comments, there is a 'complex moral arena' with both the rich and the poor being seen as vulnerable. Nonetheless, as was seen in relation to conventional crime in Chapter 3, the economic and cultural capital of the more affluent can protect them from some kinds of crime. Some of these relationships are summarized below.

Poorer consumers are more vulnerable to a range of crimes such as

- the sale of cheap and substandard goods;
- misleading 'bargain' offers;
- offences involving second-hand cars.

Regarding crimes involving workers, while those lower down the economic hierarchy are most at risk, employers are also vulnerable to the frauds and thefts of employees.

Lower level employees are more vulnerable to

- safety offences, including those leading to fatalities, which have a greater impact on manual, low level employees, often working on a casual basis in small, non-unionized companies who have less power to seek redress (Tombs, 1999);
- exploitation by low wages and poor working conditions.

Regarding investment and other financial frauds, the more affluent are more vulnerable to

- major investment frauds and risky investments which require large initial investments. As Levi (1995: 182) comments, the victims of many serious frauds are part of the same 'finance-capitalist' elite as offenders, thus Lloyd's of London 'happily skimmed profits from the nobility as well as from the *nouveaux riches* among syndicate members'.

In addition, poorer communities are more likely to suffer from *environmental* crime as they may be sited closer to polluting factories (South, 1998).

As is the case with conventional crime, offences may have a more severe impact on poorer victims as they can less easily remedy any problems. As seen above, many offences involve an abuse of occupational expertise which victims do not possess and rely on 'asymmetries of information' (Shapiro, 1990). This does affect employers, and the rich and poor alike may be vulnerable through their lack of medical, legal, financial or technological knowledge although the more affluent are more able to seek advice and information and, if victimized, to seek redress.

Economic and cultural capital also play a major role. In respect of consumer crime, the better off are more likely to be aware of many of the issues concerning the contents or quality of goods or food, are more likely to read consumer publications such as *Which?* and seek the help of advisers if they feel they have been victimized. On the other hand, poorer consumers, who can make fewer choices, are less likely to be in possession of appropriate information. A survey carried out for the OFT found that the elderly, the young and those on low incomes were more 'vulnerable' due to their greater difficulty in obtaining or assimilating the information needed to make 'informed' decisions. In respect of environmental crime, those living in more affluent areas, having already avoided living in more 'undesirable' areas, are more able to mount effective campaigns against the location of noisy or dirty factories and ensure that planning regulations are complied with.

QUESTION

Can you explain why Tombs and Whyte (2006a) claim that the economic and physical costs of corporate crime fall disproportionately on the disadvantaged and the poorest sections of society?

Global inequalities

A brief discussion of the global dimensions of white-collar and corporate crime victimization further illustrates its structural dimensions. Typical forms of global or transnational corporate crime, for example, involve avoiding the laws and regulations of more developed countries by siting production in countries with less stringent regulations (Croall, 2005). In this way, corporations exploit the 'spaces between laws' and have been involved in a corporate 'race to the bottom' (Passas, 2000; Gilbert and Russell, 2002). This has been associated with harmful activities such as

- 'dumping' toxic wastes and unsafe products;
- exploiting child labour;
- failing to pay a living wage;
- producing substandard or counterfeit products;
- exposing uninformed and unprotected workers to dangerous working conditions;
- using cheap and sometimes forced labour, including prison labour.

In general, these activities impact more severely on the most economically weak nations and within these on the poorest and most vulnerable workers (Gilbert and Russell, 2002). Wealthy individuals and corporations may also seek to evade tax laws by placing their money in offshore havens which has the effect of shifting a greater tax burden onto the least mobile, smaller businesses and lower income groups (Johnson and Holub, 2003).

White-collar, corporate or economic crime victimization does therefore reflect wider structures of inequality. While offences may appear random in their effect, and wealthy individuals and large organizations are also victimized, other activities have a more adverse effect on the least affluent. Women are particularly vulnerable to offences which, as feminist analyses indicate, seek to promote idealized notions of femininity, for example, by cosmetic improvement along with those which derive from wider inequalities in the workplace, thereby reflecting patriarchal structures of power (Szockyj and Fox, 1996). Ageist structures and stereotypes are reflected in the greater dependency of the old and young which makes them more vulnerable to some offences.

Reflections and future research directions

This chapter has selectively explored a wide range of information about the vast area of victimization from corporate and white-collar crime. In

comparison to conventional crime, however, many questions remain unanswered and much research remains partial and restricted to case studies and individual crimes. Victims of many of these activities are not widely recognized as 'crime' victims and are excluded from most traditions of victimology, which have largely accepted conventional constructions of crime. As such, they are not included in victim surveys and the diffuse and indirect nature of victimization is often taken to prohibit their inclusion. Despite these difficulties, however, more research could be undertaken. Not all offences involve indirect victimization and victims are aware of some offences such as the sale of out-of-date food, breaches of safety regulations within workplaces or rented accommodation (Pearce, 1992), the activities of cowboy builders, the frauds of second-hand car dealers, mis-descriptions of some goods, particularly those subsequently found to be substandard. A wide range of offences could, therefore be included within 'conventional' victim surveys and their numbers routinely compared with other forms of crime.

Other innovative forms of research could also be developed. More focused research could, for example, take place in workplaces,¹ or with focus groups of consumers, women, older or younger people to ascertain experiences of offences and attitudes towards issues of safety and quality, or within specific neighbourhoods in relation to environmental harms. Some valuable research, has been carried out by interest groups such as the CCA (see above), the Women's Environmental Network (WEN) or the National Consumer Council, although these studies focus on wider social issues rather than being focused narrowly on 'crime'. The 'mystery' shopping exercises carried out by Trading Standards Officers provide another example of the kind of research which has been carried out and which could, given more resources, be increased across a range of so-called regulatory areas.

It is necessary therefore to broaden the scope of victimology beyond the more narrow definition of crime employed by administrative criminology and victimology, tied as they are to conventional constructions of crime, and to incorporate yet more forms of victimization which are 'unseen'. The continuing neglect of these broader harms has led some critical criminologists to call for a move beyond criminology to the study of social harm, or *zemiology*, which would incorporate a much wider range of harms, exposing their structural nature and exploring different societal responses to them, rather than being restricted by the confines of criminal law and criminology (Hillyard and Tombs, 2004; Hillyard, 2006).

All this could, in addition to encouraging a wider recognition of the harms from fraud and other commercial activities, have an impact on criminal justice and other victim-centred policies. It could, for example, enhance the

agenda of crime prevention and community safety programmes which, by taking account of a wider range of offenders and victimization, could become more inclusive. The anti-social behaviour agenda, for example, focuses almost entirely on the offences of lower-class youth – yet many of the activities described above could readily be seen as ‘anti-social’ and similar orders applied. In addition, as seen above, criminal justice policy could take more account of the victim’s perspective in developing more innovative and reparative sentences for business offenders.

Summary

This chapter has demonstrated that victimology, particularly ‘conservative’ victimology, has failed to take account of a major area of victimization.

It has also demonstrated that victimization from white-collar and corporate crime is considerable and may well exceed that from so-called conventional crime and that individuals may suffer from many forms of white-collar and corporate victimization. The chapter concludes that many forms of white-collar and corporate victimization reflect wider patterns of social and economic inequality and that there is a need for victim-centred initiatives to include these forms of crime. Finally, further research is necessary to more fully understand the nature of victimization from economic crime and to compare it with that from conventional crime.

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Note

1 I am grateful to the editors for this suggestion.

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