

# The “Discovery” of White-Collar Crime: The Legacy of Edwin Sutherland

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## Introduction

This chapter<sup>1</sup> examines the very beginning of the criminology of white-collar and corporate crime by focusing on one of the most cited criminologists in the history of the discipline – Edwin Sutherland. Sutherland’s contributions to the criminology of white-collar crime, beginning with his 1939 American Sociological Society presidential address and culminating with the publication of his book *White Collar Crime* (Sutherland 1949), can hardly be exaggerated. He succeeded in putting white-collar crime permanently on the criminological agenda, with the term itself becoming part of common language across jurisdictions.

The first part of this chapter discusses the life and career of Sutherland as a prominent twentieth-century criminologist. We then move to analyzing the “discovery” of the concept of white-collar crime, its characteristics, and established criticisms. Finally, we address the inspirational legacy of Edwin Sutherland and how he is more relevant now than ever. Exactly 80 years since Sutherland introduced the concept of white-collar crime, and 70 years since his book *White-Collar Crime* was published, he remains a prime source of inspiration for scores of criminologists across generations and jurisdictions who venture into researching the crimes of the upper classes and corporate transgressions.

## The Life of Edwin Sutherland and His Rise to His Position as a Leading Criminologist

Edwin Sutherland has been characterized as the single most important criminologist of the twentieth century by a number of prominent scholars (Vold 1951; Gibbons 1979; Cohen 1990; Laub and Sampson 1991). Sutherland began his engagement with the field of criminology in the early 1920s, and would later on establish himself as the leading criminologist of his time. The late nineteenth-century and early twentieth-century period, when Edwin Sutherland was born and came of age, coincided with the emergence of criminology as

a field of study. Sociology as an autonomous discipline was pretty much in its infancy in the United States at the time of Sutherland's first encounter with the subject. Indeed, the American Sociological Society – of which Sutherland was ultimately elected president in 1939 – was founded in 1905, coincident with the period when Sutherland enrolled in a home study course on sociology (Hinkle and Hinkle 1954).

He began his career at a criminologist at the University of Illinois, where he spent six years (from 1919 to 1925). This came about when his department chair, Edward C. Hayes, invited him to produce a criminology textbook. The book, published in 1924, laid the foundation for Sutherland's growing reputation as a leading criminologist over the course of the next 25 years. During the coming years, Sutherland revised his textbook while working at the University of Chicago, with its second edition published in 1934. He was later informed by his fellow criminologist and friend Henry McKay that he had set forth a theory (subsequently called Differential Association Theory) in a new edition of his book. Apparently, Sutherland then recognized that in identifying general susceptibility to training, failing to follow prescribed norms due to inconsistent influences, and conflict of cultures as core factors in engagement in criminal behavior, he had produced the foundation for a criminological theory. Sutherland's crediting of McKay for having recognized that he had produced a theory of crime may reflect his personal modesty and generosity (Schuessler 1973, p. xv).

Simultaneously, he worked on a descriptive project with Harvey J. Locke that was to result in *Twenty Thousand Homeless Men*, published in 1936, and on the case study that led to the publication of *The Professional Thief* in 1937. During this period, Sutherland also wrote a paper, first published in 1956, on the Michael-Adler Report where he criticized their conclusions on the status of criminology as a science and rejected the development of an institute of criminology and criminal justice consisting of scholars outside of the field of criminology (Sutherland 1956). In addition, two more editions of his criminology textbook (with refinements of his Differential Association Theory) were published during 1936 and 1937.

By this time (as a consequence of his non-reappointment at the University of Chicago), Sutherland had settled at Indiana University, where his professional reputation was enhanced and he produced his immensely influential white-collar crime work. In 1949, near the end of his tenure at Indiana University as well as his life, he published what many regard as his crowning achievement, *White Collar Crime*. Thus, the final decade of Sutherland's life was principally devoted to introducing and advancing the concept of white-collar crime, although he also published on other criminological topics during this time, such as issues relating to crime causation, the punishment of crime, and sexual psychopath laws. By the time Sutherland died in 1950 criminology had established itself as a recognizable academic field (Gibbons 1979, p. 77), and he has been credited for the sociological turn in the discipline – the dominant approach for about 30 years (Goff and Geis 2008). Sutherland was, arguably more than anyone else, responsible for establishing the dominance of a specifically sociological approach to the understanding of crime and its control. Yet, we believe that his most important contribution to criminology is the “discovery” and development of the concept of white-collar crime.

## The Concept of White-Collar Crime

At the time when he first introduced the term “white-collar crime,” Sutherland was an already well-regarded criminologist and an author of the influential Differential Association Theory (Geis and Goff 1983) as well as the popular *Principles of Criminology* (Sutherland

1947) textbook. His work on white-collar crime, however, is arguably his most important and most enduring contribution to the field of criminology (Friedrichs et al. 2017) since it shifted the criminological paradigms on the types of crime, their causes, and responses to them.

Though various scholars had heretofore been writing about the crimes of the upper classes or of the higher socio-economic strata (e.g. Willem Bonger, Edwin Alsworth Ross<sup>2</sup>), Edwin Sutherland is credited with coining and popularizing the term white-collar crime that has since become the most recognized and used label for this type of deviance. The term white-collar crime was first used on December 27, 1939, in the historic address that Sutherland – as then-President of the American Sociological Society (subsequently the American Sociological Association) – gave at its annual meeting in Philadelphia. The speech, titled “The white collar criminal” and later published as “White-collar criminality” (Sutherland 1940), opened with the criticism that “many sociologists are well acquainted with crime but not accustomed to consider it as expressed in business” (Sutherland 1940, p. 1). Sutherland then proceeded to give his initial definition of such crime as “crime in the upper or white-collar class, composed of respectable or at least respected business and professional men” (1940, p. 1), and provided various examples of such offenses, ranging from insider trading, financial misrepresentations, bribery, and embezzlement, to tax frauds. Specifically, Sutherland stated that the varied types of white-collar crimes in business and the professions can be reduced to two categories: misrepresentation of asset values and duplicity in the manipulation of power (Sutherland 1940, p. 3). Inherent to both of these is the notion of dishonest behavior and the betrayal of trust, though Sutherland makes the distinction between misrepresentation of assets as “the same as fraud or swindling” and duplicity in the manipulation of power as “similar to the double-cross” (Sutherland 1940, p. 3). The example he gives of the latter is self-dealing or the case of the corporate director who, on the basis of inside information, purchases a land of interest to his corporation to then resell it at a fantastic profit (Sutherland 1940, p. 3). In the speech he also made the crucial remark that these types of infringements are commonly remedied through the civil courts (via suits for compensation of damages) rather than through the criminal courts (e.g. Sutherland 1940, p. 7). Here, we can begin to identify the key elements of the concept of white-collar crime as envisaged and elaborated by Sutherland: the status of affluence of the offenders, the perpetration of the offenses in an organizational and occupational setting through violations of trust, and the differential responses by social control mechanisms to white-collar criminality.

### **White-Collar Crime as Crime of the Upper Classes**

A key aspect of Sutherland’s presidential address and his subsequent, decade-long work on the development of the concept, characteristics, and explanation of white-collar crime was to emphasize the high social status of business offenders. Sutherland crucially noted that a score of illegal activities in business are committed by well-off, socially well-integrated, and mentally healthy individuals. For example, in his presidential address, he traces the existence of white-collar offenses back to nineteenth-century “robber barons” (Sutherland 1940, p. 2) to then provide further twentieth-century examples of the more deceptive white-collar criminals in the guise of “merchant princes and captains of finance and industry, and by a host of lesser followers” (Sutherland 1940, p. 3). “Respectability” remained a crucially defining element in the concept of white-collar crime throughout Sutherland’s work, and

a later definition in his influential book *White Collar Crime* (Sutherland 1949, p. 9) stated that white-collar crime is “a crime committed by a person of respectability and high social status in the course of his occupation.”

This view was in stark contrast with the majority of the criminological theory of the time that focused on perpetrators of violent crimes and property crimes and their explanation through individual positivism (e.g. psychiatric and psychological factors), poverty (low socio-economic class), and related socio-pathological conditions. Sutherland criticized these explanations of criminal behavior as based on biased samples of lower-class predatory crime while neglecting upper-class crime. One of Sutherland’s key aims was to provide an empirically supported criticism of this criminological myopia (Simpson and Weisburd 2009) and turn the attention of criminological theory and research onto the harms and costs of the crimes of the upper classes. For this reason, the Preface of *White Collar Crime* (Sutherland 1949, p. xiii) stated that the book was attempting to reform the theory of criminal behavior, by including these crimes into general theories and explanations of criminality – something that had not been previously endeavored.

Sutherland justified the need to include transgressions perpetrated by members of the respectable professions into criminological theory and research by emphasizing their pervasiveness and harmfulness. These types of transgressions are frequently reported and are much more harmful and costly than predatory or so-called “street” crime (Sutherland 1940, pp. 4–5). Sutherland argued that “[W]hite-collar criminality is found in every occupation, as can be discovered readily in casual conversation with a representative of an occupation by asking him, ‘What crooked practices are found in your occupation?’” (Sutherland 1940, p. 2). These “crooked practices” cause significant financial losses, taint the legitimacy of the professions, and also more widely impact social relations, and the levels of trust, social morale, and social organization in society (Sutherland 1949, p. 13). Therefore, white-collar crimes are not only injurious to individual victims but they also have a fundamentally negative impact on societal institutions (Sutherland 1961, p. 83). Sutherland maintained that these harms are not paralleled by the consequences of “street” crime, though commonly these are the crimes that fill the front pages of newspapers while business transgressions are found on the financial pages.

Despite championing the notion of crimes by upper-class individuals, it should be pointed out that Sutherland did not consider the offender’s respectability and high social status as a cause to their criminal behavior. In fact, Sutherland did not consider the offender’s respectability, high social status, or employment important in explaining white-collar crime, just as poverty or unemployment is not important for explaining ordinary crimes (Schlegel and Weisburd 1992, p. 5). The focus on the respectability of the offenders was principally used by Sutherland to support his general theory of crime – Differential Association Theory. The concept of white-collar crime was in fact a direct consequence of Sutherland’s preoccupation to locate the common factors for the crimes of the rich and the poor that would form the basis of a general theory of criminal behavior (1961, p. 234; also Cohen et al. 1956, p. 45).

Differential Association Theory provides a psycho-sociological explanation for offending, whereby individuals learn criminal behavior from those who already practice it. The relatively simple postulates of the theory are captured in Sutherland’s statement that white-collar crime, just like any other crime, is learned: “it is learned in direct or indirect association with those who already practice the behavior; and that those who learn this criminal behavior are segregated from frequent and intimate contacts with law-abiding

behavior” (Sutherland 1949, pp. 10–11). According to the theory, a person would engage in white-collar crime when the number of definitions favorable to offending exceeds the number of unfavorable definitions (Sutherland 1961, p. 234). Individuals become exposed to definitions favorable to crime when they interact with criminal managers and colleagues, and Sutherland specifies two ways (with varying levels of pressure) in which this happens. The first method of socialization into white-collar crime is when more junior employees are ordered by their managers to do things which they regard as unethical or illegal; the second method is when employees learn from peers how to get ahead in business (Sutherland 1961, p. 240). In this way, individuals learn both specific techniques of violations of the law and a particular type of criminal ideology. Sutherland considered that every type of criminality can be linked with definitions favorable to criminality that constitute its folkways.<sup>3</sup> The folkways of business criminality contain definitions such as “business is business” or “no business was ever built on the beatitudes” (Sutherland 1961, p. 240). Such attitudes that excuse criminal behavior enable offenders to accept the illegalities of those around them and provide them with justifications or ways to deny criminal intent (Sutherland and Cressey 1960, pp. 240–247). Sutherland (1961, pp. 235–247) found support for these processes of “differential association” and the crime-positive training that occurs in his qualitative interviews with fraudsters in the used-cars business, retail sales occupation, and accounting industry.

Sutherland outlined the process by which people come to offend, as well as the origins of crime-favorable definitions, in his work on the specific causal factors of white-collar crime. In *White-Collar Crime* (Sutherland 1961, pp. 253–255), Sutherland argues that “social disorganization” (in particular, the change from a system of free competition and free enterprise to a developing system of government regulation) and a corresponding upheaval of traditional social norms are the root cause of white-collar offending. This is also related to the ideology of *laissez-faire*, or the “folklore of capitalism” (Sutherland 1961, p. 254). Therefore, two conditions are favorable to social disorganization as an explanation for the control of business behavior. The first condition is the fact that business is often complex and technical, so inexperienced citizens cannot easily understand when business practices are harmful (Sutherland 1961, p. 254). Sutherland specifically located the reasons behind the extent of white-collar crime in the inability of the victims to understand the complexity of detrimental business practices. The second condition is the fact that business practices develop and change rapidly in contemporary society. In such periods of change, there is a temporary hiatus in regulating business behavior as old standards break down and new ones have not yet developed (Sutherland 1961, p. 254). Ultimately, these factors contribute to the creation of definitions of the legal code that are favorable or unfavorable to (improper) business behavior, and where a “violation of the legal code is not necessarily a violation of the business code” (Sutherland 1949, p. 219).

The core notion that white-collar criminal behavior is learned and easily justified or rationalized, derived from Sutherland’s work, is still relevant and documented in recent research (Soltes 2016; McDonald 2017). Further, his emphasis on the availability of “rationalizations” to white-collar offenders is a predecessor to the influential concept of “techniques of neutralization” developed by Sykes and Matza in 1957 (Sykes and Matza 1957). This concept has found particular prominence in the white-collar crime scholarship since various researchers have found that white-collar offenders commonly use techniques of neutralization when accounting for their crimes (Cressey 1953; Benson 1985; Willott et al. 2001; Klenowski 2012; Jordanoska 2018).

## White-Collar Crime as an Organizational Crime

Sutherland's work on the crimes of the upper classes was intrinsically connected to theorizing on the role of the corporation in their causation. Corporations enable individuals to have legitimate and respectable careers (notably of corporate managers) in occupations that rely on trust. Sutherland considered that the violation of this occupational delegated or implied trust is the key trait of white-collar crime (Sutherland 1940, p. 3).<sup>4</sup> Corporations also perpetuate violations of law by: enabling the socialization of employees into criminogenic business cultures, creating anonymity that impedes or clouds the location of responsibility, and increasing rationality in managers' behavior (Sutherland 1961, p. 228). This process is intrinsic to white-collar offending since "a director loses his personality in this corporate behavior and in this respect, but in no other, corporate behavior is like the behavior of a mob" (Sutherland 1961, p. 228).

As evidenced from the last quote, Sutherland (1961) noted that many white-collar offenses are committed through an organization, taking the form of "organized" (Sutherland 1961, chapter 3) or corporate crime. These arguments challenged the traditional notions of criminality since Sutherland conceptualized the "organization" or "corporation" as an offender in its own right, highlighting that corporations publicly adhere to the law, but secretly deflect from it (Sutherland 1961, p. 224). For the first time in the history of criminological research, Sutherland attempted to empirically support his claims of corporations as pervasive offenders through dedicating much space in his book *White Collar Crime* to analyzing a range of violations by 70 of the largest private American companies and 15 public utility companies: trade restraint, rebates, patents, trademarks, and copyrights, misrepresentation in advertising, unfair labor practices, financial manipulations, war crimes, and fraud offenses. A testament to the novelty and controversy of this work is the fact that Sutherland encountered resistance by the publisher of the first edition of the book to reveal the names of the companies in his dataset. Therefore, the original *White Collar Crime* was published with names of the companies redacted (Geis 2015), and they were only revealed in the 1983 uncut version of the book.

Sutherland used the empirical data to support his claims that the criminality of corporations is persistent and that a large proportion of offending companies are recidivists (Sutherland 1961, p. 218). He found that 60% of the corporations in his dataset had been criminally convicted in criminal courts, with an average of approximately four convictions each. The extent of their convictions made them "habitual criminals" since many states at the time had legal provisions that persons with four convictions were to be considered "habitual criminals" (Sutherland 1983, p. 25). Corporate wrongdoing also harms both private and public interests as it victimizes: consumers, competitors, stockholders, inventors, employees, and the State through tax frauds and bribery of public officials (Sutherland 1961, p. 217).

Despite the revolutionary focus on corporate violations, many of which were either not criminalized or rarely prosecuted at the time when Sutherland was writing about them (e.g. patents infringements, unfair labor practices, and adulteration of food and drugs), this has attracted some criticism of Sutherland's work. This specifically concerns the confusion in the levels of Sutherland's analysis and the conflation between the corporation and its human managers. This is, for example, evidenced in statements that attribute rationality to the corporation with regard to illegal behavior and that explain corporate offending also through the process of differential association: "when one corporation violates the law in this respect the other corporations do the same. The illegal behavior of the other corporations, at least,

grows out of differential association” (Sutherland 1961, p. 230). Geis (1968, p. 53) writes that Sutherland has “humanized” or “anthropomorphized” the corporation due to absence of empirical material yet this conflation has caused numerous terminological debates and confusion as to the definition of “white-collar crime” (Braithwaite 1984) and as to whether “organizations” can appear as offenders.

### The Differential Response to White-Collar Crime

Sutherland’s preoccupation with corporate harms expanded the criminological imagination toward the reality of under-enforced or ineffective criminal law, as well as the predominantly administrative, regulatory, and civil law control of white-collar offending. In fact, Sutherland referred specifically to the commonly employed administrative approaches to crimes in business to highlight the difference between the criminal behavior of the lower socio-economic class and the crimes of the upper classes:

The crimes of the upper class either result in no official action at all, or result in suits for damages in civil courts, or are handled by inspectors, and by administrative boards or commissions, with penal sanctions in the form of warnings, orders to cease and desist, occasionally the loss of a license, and only in extreme cases by fines or prison sentences. (Sutherland 1940, p. 8)

Here again, Sutherland focuses on the status and respectability of business offenders to explain why they are able to evade criminal justice sanctions. However, the under-enforcement of the criminal law is also explained by the lack of a more significant public reaction to business offenses. Sutherland (1961, p. 52) highlighted that the public resentment toward white-collar crime was relatively unorganized. These characteristics of the social control responses and public attitudes enable white-collar criminals to avoid perceiving themselves as “criminal.” Unlike “street” criminals, wealthy offenders are not dealt with under the same official procedures of the criminal law: they are rarely prosecuted and even more rarely sent to prison. In consequence, white-collar offenders are commonly not exposed to intimate personal associations with those who define themselves as criminals (Sutherland 1961, p. 223).

It was important for Sutherland to highlight that these “variations in administrative procedures are not significant from the point of causation of crime” (Sutherland 1940, p. 9). The lack of criminalization of business behavior and its administrative control does not detract from the fact that these behaviors are just as socially injurious as any other criminal offense. This was a further achievement by Sutherland: he advocated for the need to focus on the essence of the harm of a particular illegal activity, rather than its status as a criminalized behavior under positive law. The significance of this approach lies in the fact that, as established by decades of subsequent research by corporate crime scholars (Clinard and Yeager 1980; Braithwaite 1984; Slapper and Tombs 1999; Gobert and Punch 2003; Tombs and Whyte 2015; Barak 2017), corporations are involved in many injurious business transgressions that are not addressed by the criminal justice system. Though incredibly harmful, such violations are handled outside of the criminal justice system for numerous reasons: prosecutorial discretion toward prioritizing “street crime”; lack of resources to investigate and sanction complex corporate crime; lack of criminalization due to political influences and lobbying by corporations.

However, the bifurcation of the boundaries between administrative and criminal law also attracted criticism of Sutherland's white-collar crime concept, specifically by legal scholars. The most immediate and notable challenge came from the lawyer-sociologist Paul Tappan (1947; also Caldwell 1968) in an article titled "Who Is the Criminal?" Tappan contended that the content of white-collar crime is unclear and asked whether a white-collar criminal should be considered to be: "the merchant who, out of greed, business acumen, or competitive motivations, breaches a trust with his consumer by 'puffing his wares' beyond their merits, by pricing them beyond their value, or by ordinary advertising?" or "the white collar worker who breaches trust with his employers by inefficient performance at work, by sympathetic strike or secondary boycott?" (Tappan 1947, p. 99). Tappan concluded that the "white collar criminal" cannot be considered criminal unless he has violated a criminal statute (Tappan 1947, p. 101). Sutherland's response to Paul Tappan, published in the article "Is 'White Collar Crime' Crime?" (Sutherland 1945), reiterated that such conventional, legalistic approaches to defining crime drew attention away from the white-collar crimes of the powerful and supported notions of criminality as a problem belonging to lower socio-economic classes. This response was in line with Sutherland's crucial argument that, largely as a consequence of the application of civil and administrative remedies to business offenders, these "are not regarded as real criminals by themselves, the general public, or the criminologists" (Sutherland 1940, p. 8).

Sutherland revolutionized criminological thinking through arguing for the need of theory and research to take into account the much-neglected crimes of the upper classes, their significant harms to society, and the reality of the differential treatment of white-collar as opposed to street crime offenders. In the next section, we discuss the enduring legacy and Sutherland's lasting influence on contemporary criminological research on white-collar and corporate crime.

### **Sutherland's Lasting Influence and Relevance**

The legacy of Sutherland's work in general, and on white-collar crime in particular, is reflected in both citations and the influence he has had on leading scholars today. Sutherland is regarded as a core source of inspiration for many critical criminologists, especially in terms of adopting broader approaches to the definition of crime that go beyond what is stated in positive criminal law (see, for example, Schwendinger and Schwendinger 1970; Lynch et al. 2015). Sutherland's work on the crimes of the powerful has been especially cited, debated, and developed. In addition, the scope of what is addressed as white-collar crime in contemporary criminological scholarship has broadened substantially since Sutherland's time.

In the Routledge series on "Key Thinkers in Criminology," Friedrichs et al. (2017) take on the life and work of Edwin Sutherland. In the final chapter of that book, we review the empirical evidence that documents the claim that Sutherland has an enduring influence as a "key thinker" in criminology. Here we will discuss some of the core evidence of Sutherland's lasting influence and relevance today with a focus on his influence on white-collar crime research.

Studies evaluating the influence of criminological scholars through citations of their work have ranked Sutherland as one of the most important figures in criminology (i.e. Giblin and Schafer 2007; Gabbidon and Collins 2012; Alalehto and Persson 2013). For example, in a study of the most-cited scholars in criminological theory, Sutherland was second on the list

of the 50 most-cited scholars (Wright and Rourke 1999). In addition, Sutherland’s *Principles of Criminology* (with subsequent editions co-authored by Donald R. Cressey and David F. Luckenbill) is third among the 27 most-cited works in criminological theory. Sutherland’s *White Collar Crime* came in twentieth on this list (Wright and Rourke 1999).

Looking more closely at the influence of his work on white-collar crime, Sutherland unsurprisingly ranks high in citation studies. Of the 50 most-cited authors in scholarly publications dealing with white-collar crime from 1990 to 1999, Sutherland came in sixth (Wright et al. 2001, p. 388). As noted in Friedrichs et al. (2017), perhaps the biggest surprise is that he did not come in first. But all those ahead of him – John Braithwaite, Gilbert Geis, Marshall B. Clinard, Peter Cleary Yeager, and Stanton Wheeler – were alive and still active in the field during this period of time, while Sutherland had long passed away. When reviewing the most-cited works dealing with white-collar crime, Sutherland’s *White Collar Crime* came in second. Marshall B. Clinard and Peter Cleary Yeager’s *Corporate Crime* (1980) was listed first and is still considered the principal successor to Sutherland’s pioneering work (Wright et al. 2001, p. 392).

In a bibliometric study of Sutherland, Alalehto and Persson (2013) present an overview of the citation patterns associated with Sutherland’s work. They conducted a cited-author search in the *Social Science Citation Index* (SSCI), part of Web of Science™ (WoS), which yielded more than 2500 genuine articles between 1955 and 2010 citing Sutherland. Regarding Sutherland’s influence, Alaheto and Persson found a decrease in citations from the end of the 1970s up to the year 2000; thereafter Sutherland’s impact seems to grow stronger. In 2010, Sutherland is cited in more than 100 journal articles, which is far more than in any other year since 1955. Alalehto and Persson (2013, p. 11) also noted that in the first decade of the twenty-first century the attention given to Sutherland’s work on white-collar crime increased. According to their interpretation, the increase derives from a growing interest in white-collar crime in West European countries. Alalehto and Persson’s (2013) study does not, however, go into detail on which of Sutherland’s works are most cited in the first decade of the twenty-first century and it does not tell us whether this trend of increased influence is still evident in the second decade of the twenty-first century. To complement and update their bibliometric search of Sutherland, we carried out new searches in WoS from 2011 to 2017 and can establish that the trend seems to persist. The number of journal articles citing Sutherland increased to almost 200 during the year 2017. Looking more closely at Sutherland’s work cited in 2017, we can conclude that his work on white-collar crime accounts for a fourth of all of the Sutherland citations during 2017, and this includes various editions of his book *White Collar Crime* and the two journal articles “White-Collar Criminality” (Sutherland 1940) and “Is ‘White Collar Crime’ Crime?” (Sutherland 1945), both published in the *American Sociological Review*. The citations include references to Sutherland’s offender-based definition of white-collar crime, to his Differential Association Theory as an explanation for white-collar crime, and his introduction of the use of administrative decisions to the study of white-collar crimes. Sutherland (specifically, for his work on white-collar crime) is also referred to in the citations as one of several scholars who draw attention away from the traditional focus on crimes of the poor and powerless, to how businesspeople provide rationalizations for their illegal activities as well as how white-collar crime is best regulated.

The number and type of citations of Sutherland’s work only partly reveals his influence today. In order to understand the influence that his scholarship has had on generations of criminologists we undertook a small qualitative survey (see Friedrichs et al. 2017). We invited scholars involved in academic work in the field of white-collar crime to participate. We ended

up with 30 respondents from a range of jurisdictions and at different stages in their career. In the survey the participants were asked to recall their first encounter with the work of Edwin Sutherland; to trace the ways in which Sutherland was influential to their own work; to assess the strengths and weaknesses of Sutherland's work; and to distinguish the ways in which Sutherland's legacy might be relevant for a twenty-first-century criminology.

The survey revealed that for many of the respondents, Sutherland made an influential and long-lasting scholarly impact. The emphasis here is mostly placed on his concept of white-collar crime, but also on his theory on differential associations. Sutherland's understanding of crime as a broad concept not limited to criminal law seems to have made the greatest impression on some of the scholars. In addition, several respondents had been crucially inspired by Sutherland's groundbreaking challenge of mainstream criminology's focus on the crimes of the poor.

A number of participants, across different generations of scholars, stated that Sutherland's work had significantly impacted their career as scholars. For example, Sutherland's concept of white-collar crime in general and the emphasis on the disproportionate extent of harm caused by the crimes of the wealthy in comparison to the much researched and popular focus on the crimes of the poor, and the equally disproportionate level of social control responses, have inspired scholars to undertake research on crimes of the powerful. Sutherland's construction of the corporation as an "offender" has also been wide-reaching: some scholars have continued researching corporate crime very much within Sutherland's legacy, while others have broadened the focus and incorporated other aspects and traits into the notion of corporate crime such as, for example, corporate culture and corporate power. Finally, Sutherland's original concept of organizational crime has inspired scholars to develop new strands of the criminology of powerful organizations, such as green criminology, the criminology of human rights, and state-corporate crimes. Connected to the expansion of criminological thinking toward organizational offenders, several of our respondents emphasized Sutherland's influence in expanding the understanding of deviant behavior as beyond something that is only stated in the criminal laws of a country.

Scholars participating in the survey asserted that one of the major strengths of Sutherland's work is his ability to move the criminological research agenda away from its preoccupation with crimes of the powerless. Respondents also emphasize that the greatest overall contribution of Sutherland's scholarship is the coining of the concept of white-collar crime. However, even among these respondents, criticisms remained along the lines of the long-standing objection that Sutherland left the definition of white-collar crime muddled. Another relevant criticism is the underdevelopment of a macro structural theory of criminal behavior and the fact that Sutherland overlooked Marxist theory in his analysis of white-collar crime. Despite the criticisms, most of the scholars insist on Sutherland's relevance for a twenty-first-century criminology. Some argue that he – in the current globalized, neoliberal era where corporations are causing massive social harm – is more relevant than ever.

## **Conclusion**

Edwin H. Sutherland is quite uniformly acknowledged to be an iconic figure in the development of the field of criminology. Sutherland's work continues to be widely cited, and his influence is clearly enduring. Sutherland's 1939 presidential address, titled "White-collar criminality" in its 1940 published version, is among the most influential American Sociological Society/Association presidential addresses, given that it introduced a new

term – “white-collar crime” – that entered the common vocabulary, first in the United States and ultimately internationally. Importantly, however, Sutherland challenged the focus of criminology on conventional crime and established a core foundation for what eventually became a significant specialized focus of criminological inquiry – the broader field of white-collar and corporate crime scholarship.

Since Sutherland’s days, much criminological research has followed his legacy (see, for example, the range and depth of contributions in this volume). Though white-collar and corporate crime scholarship is still significantly less extensive than the research undertaken on violent, drug, and terrorism offenses, Sutherland would be proud to see that the criminology of white-collar crime is now an established and vibrant discipline in its own right. Our criminological imagination, however, can be pushed further by revisiting some of Sutherland’s original theoretical and methodological thinking. For example, more ethnographic or qualitative studies are needed on “crooked” practices in the professions, and how these are shared and learned in association with deviant peers. How do such practices and the “folkways” that support them travel through occupations or through industries? Recent research on the London Inter-bank Offered Rate (LIBOR) manipulation scandal in the global financial markets showed that the manipulative practices were carried out by dozens of individuals across different banks around the world, sharing the same definitions favorable to offending (Jordanoska and Lord forthcoming). How do individuals become socialized into a shared culture across different corporations? To focus the discussion further on modern times, what is the role of technology and online communication in the differential association process in white-collar and corporate crime?

A further issue that merits revisiting is Sutherland’s notion of “respectability” of white-collar offenders: does this concept have any analytical value in contemporary society, and if so, what is its substance? How does “respectability” affect public reactions against white-collar crime in times of mass media when reputations may be easily shattered? Eren (2017), for example, compellingly shows how Bernie Madoff (a highly revered financier at one point in time) quickly became a “Wall Street boogeyman,” with public anger echoing from the media coverage of his pyramid scheme and with calls to “boil him in oil.” More empirical work is therefore needed on Sutherland’s claim that white-collar crimes and offenders do not attract meaningful public reactions.

In sum, Sutherland’s ability to increase awareness of white-collar crime and his challenge to the traditional approach to defining and conceptualizing “crime” remains his single most important contribution to the field of criminology. If – as we anticipate – criminological attention to crimes of the powerful (including the corporate forms of white-collar crime addressed by Sutherland) increases exponentially during the course of the present century, then Sutherland’s name and work will continue to resonate for successive generations of criminologists.

## Notes

- 1 The description of his life, main publications, and the development of the concept of white-collar crime as well as the discussion on his current legacy is based on the research conducted for the book on Edwin Sutherland in the Routledge “Key Thinkers in Criminology” series (Friedrichs et al. 2017).
- 2 Ross’s “criminaloid” is quite widely regarded as having anticipated Sutherland’s “white-collar criminal” by more than 30 years (Gaylord & Galliher 1988, p. 32; Geis 2015, p. 10). However, for whatever reason, Sutherland did not cite Ross’s concept of “the criminaloid” in his work on white-collar crime (Friedrichs et al. 2017).

- 3 As defined by the Encyclopaedia Britannica (2018), folkways are "... the learned behavior, shared by a social group, that provides a traditional mode of conduct." See <https://www.britannica.com/topic/folkway>.
- 4 The concept of "violating trust" as a defining characteristic of white-collar offenses was more fully developed in a much-cited article by Susan Shapiro (1990).

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