Executive positions involved in white-collar crime

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Abstract

A special kind of financial crime is labelled white-collar crime, where characteristics of the offender include position, power, relationships, and social status. The purpose of this empirical study of white-collar crime in business organizations was to create insights into perceptions of potential offenders. The study identified financial misconduct by chief executives in the company as the crime associated with the most serious consequence for the company. A person in purchasing and procurement function is assumed to be most likely involved in white-collar crime.

Keywords: financial crime, white-collar crime, leadership positions, CFO.

Brief biographies

Petter Gottschalk is professor of information systems and knowledge management in the department of leadership and organizational management at the Norwegian School of Management. Dr. Gottschalk has published several books and research articles on crime and policing. He has been the CEO of several companies before becoming an academic.

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INTRODUCTION

So long as there are weaknesses that can be exploited for gain, companies, other organizations as well as private individuals will take advantage of illegal opportunities as well as be taken advantage of. Financial crime might be defined as crime against property, involving the unlawful conversion of property belonging to another to one's own personal use and benefit. Financial crime is profit-driven crime to gain access to and control over property that belonged to someone else (Benson and Simpson, 2009; Pickett and Pickett, 2002). The term white-collar crime expresses different concepts depending on perspective and context. White-collar crime might be defined as financial crime committed by white-collar criminals (Henning, 2009). Thus, the definition includes characteristics of the crime as well as the criminal.

Money laundering is an example of financial crime often carried out as white-collar crime (Abramova, 2007; Council of Europe, 2007; Elvins, 2003). Money laundering is a sort of criminal activity trying to conceal the illegality of proceeds of crime by disguising them as lawful earnings (Joyce, 2005; He, 2010; Ping, 2005; Schneider, 2004; Stedje, 2004). The purpose of laundering is to make it appear as if the proceeds were acquired legally, as well as disguises its illegal origins (Financial Intelligence Unit, 2008). Money laundering takes place within all types of profit-motivated crime, such as embezzlement, fraud, misappropriation, corruption, robbery, distribution of narcotic drugs and trafficking in human beings (Økokrim, 2008).

In this paper, results from white-collar crime research are reported. CFOs were asked about their opinions concerning executive positions involved in white-collar crime. First, a total of eleven job positions were listed, and each respondent was asked to indicate the likelihood of white-collar crime on a scale from 1 (very unlikely) to 5 (very likely) for each position. Next, an open-ended question in the questionnaire to the CFO about potential white-collar crime was formulated as follows: *What position categories and leader types are in your opinion most likely to commit white-collar crime?*

EXECUTIVE LEADERSHIP

Commercial companies are often complex bodies that hold a cardinal position in economic and social life in market economies. They are supposed to allocate resources - within legal boundaries - towards objectives according to their strategies with a view of optimizing resulting profits for their shareholders and providing sustainable benefits to their stakeholders and society without harming them (Goldschmith, 2004).

Sustainability is an important issue in executive leadership. White (2009) argues that the sustainability imperative for society is all too clear, and for major companies this presents both a responsibility and an opportunity. The responsibility is to operate ethically, and ensure that products and operations are safe for humans and the environment. The opportunity is to meet new consumer needs, build top-line business, reduce costs, build employee morale, and deliver greater value to both society in general and shareholders and other stakeholders in particular. Sustainability can simply be defined as ensuring a better quality of life, now and for generations to come, embracing the three pillars of environmental protection, social responsibility and economic development.

Rake and Gayson (2009) argue that businesses need to integrate sustainability into their operating processes, logistics and premises. It may involve introducing goods and services that are more sustainable. Businesses need to embrace the idea of sustainable production, consumption and governance. This involves innovation to create sustainability. Executive leaders need to be sensitized to, and have a good antenna for, risks and opportunities associated with sustainability and business impacts on society. They need to have good future-scanning capacity as well as insights into how to instigate formal systems for undertaking social due diligence. Social due diligence compliments normal financial due diligence, actively exploring social issues and factors linked to overall business strategy and business decisions and investments.

The sustainability imperative is presenting both challenges and opportunities for companies. Lacy et al. (2009) argue that executive leadership needs to equip all employees' talent - from themselves as top executives to employees throughout the organization - with the much needed, but often sorely lacking knowledge, skills and attitudes to strengthen efforts to attend to sustainability both today and tomorrow.

Competing companies are at the centre of a web of laws, rules, contracts and norms that, as a supplement to basic moral standards, constrain the otherwise unlimited pursuit for expansion and profits. In this context, crime is defined as any serious and detrimental wrongdoing resulting from the breach of these laws and rules. As argued by Goldschmidt (2004), the dysfunction of any part of these complex relationships will result in individual or collective hardship and undermine the trust needed to underpin an efficient economic and social system.

WHITE-COLLAR CRIME

The most economically disadvantaged members of society are not the only ones committing crime. Members of the privileged socioeconomic class are also engaged in criminal behaviour. The types of crime may differ from those of the less privileged classes, such as lawyers helping criminal clients launder their money, executives bribe public officials to achieve public contracts, or accountants manipulating balance sheet to avoid taxes. Another important difference between the two offenders is that the elite criminal is much less likely to be apprehended or punished due to his or her social status (Brightman, 2009).

White-collar crime can be defined in terms of the offence, the offender or both. If white-collar crime is defined in terms of the offence, it means crime against property for personal or organizational gain. It is a property crime committed by non-physical means and by concealment or deception (Benson and Simpson, 2009). If white-collar crime is defined in terms of the offender, it means crime committed by privileged class members of society for personal or organizational gain. It is individuals who are wealthy, highly educated, and socially connected, and they are typically employed by and in legitimate organizations (Hansen, 2009).

If white-collar crime is defined in terms of both perspectives, white-collar crime has the following characteristics:

- White-collar crime is crime against property for personal or organizational gain, which is committed by non-physical means and by concealment or deception. It is deceitful, it is intentional, it breaches trust, and it involves losses.
- White-collar criminals are individuals who are wealthy, highly educated, and socially connected, and they are typically employed by and in legitimate organization. They

are persons of respectability and high social status who commit crime in the course of their occupation.

In this paper we apply this definition of white-collar crime, where both characteristics of offence and offender identify the crime. Therefore, white-collar crime is only a subset of financial crime in our perspective: White-collar crime is violation of the law committed by one holding a position of respect and authority in the community who uses his or her legitimate occupation to commit financial crime (Eicher, 2009).

White-collar crime contains several clear components (Pickett and Pickett, 2002):

- *It is deceitful*. People involved in white-collar crime tend to cheat, lie, conceal, and manipulate the truth.
- *It is intentional*. Fraud does not result from simple error or neglect but involves purposeful attempts to illegally gain an advantage. As such, it induces a course of action that is predetermined in advance by the perpetrator.
- *It breaches trust*. Business is based primarily on trust. Individual relationships and commitments are geared toward the respective responsibilities of all parties involved. Mutual trust is the glue that binds these relationships together, and it is this trust that is breached when someone tries to defraud another person or business.
- *It involves losses*. Financial crime is based on attempting to secure an illegal gain or advantage and for this to happen there must be a victim. There must also be a degree of loss or disadvantage. These losses may be written off or insured against or simply accepted. White-collar crime nonetheless constitutes a drain on national resources.
- *It may be concealed*. One feature of financial crime is that it may remain hidden indefinitely. Reality and appearance may not necessarily coincide. Therefore, every business transaction, contract, payment, or agreement may be altered or suppressed to give the appearance of regularity. Spreadsheets, statements, and sets of accounts cannot always be accepted at face value; this is how some frauds continue undetected for years.
- *There may be an appearance of outward respectability*. Fraud may be perpetrated by persons who appear to be respectable and professional members of society, and may even be employed by the victim.

CATEGORIES OF WHITE-COLLAR CRIME

White-collar crime can be classified into categories as illustrated in Figure 1. There are two dimensions in the table. First, a distinction is made between leader and follower. This distinction supported by Bucy et al. (2008), who found that motives for leaders are different from follower motives. Compared to the view that leaders engage in white-collar crime because of greed, followers are non-assertive, weak people who trail behind someone else, even into criminal schemes. Followers may be convinced of the rightness of their cause, and they believe that no harm can come to them because they are following a leader whom they trust or fear. Followers tend to be naive and unaware of what is really happening, or they are simply taken in by the personal charisma of the leader and are intensely loyal to that person.

Next, a distinction is made between occupational crime and corporate crime in Figure 1. Largely individuals or small groups in connection with their jobs commit occupational crime. It includes embezzling from an employer, theft of merchandise, income tax evasion, and manipulation of sales, fraud, and violations in the sale of securities (Bookman, 2008). Occupational crime is sometimes labelled elite crime Hansen (2009) argues that the problem with occupational crime is that it is committed within the confines of positions of trust and in organizations, which prohibits surveillance and accountability. Heath (2008) found that the bigger and more severe occupational crime tends to be committed by individuals who are further up the chain of command in the firm.

Actor \ Role	Leader	Follower
Occupational	Occupational crime as leader	Occupational crime as follower
Corporate	Corporate crime as leader	Corporate crime as follower

Figure 1. Categories of white-collar crime depending on role and actor

Corporate crime, on the other hand, is enacted by collectivities or aggregates of discrete individuals. If a corporate official violates the law in acting for the corporation it is considered a corporate crime as well. But if he or she gains personal benefit in the commission of a crime against the corporation, it is occupational crime. A corporation cannot be jailed, and therefore, the majority of penalties to control individual violators are not available for corporations and corporate crime (Bookman, 2008).

In legal terms, a corporation is an unnatural person (Robson, 2010: 109):

> Corporate personality functions between an insentient, inanimate object and a direct manifestation of the acts and intentions of its managers. Nowhere is this duality more problematic than in the application of traditional concepts of criminal law to business organizations. The question of whether business organizations can be criminally liable - and if so, the parameters of such liability - has long been the subject of scholarly debate. Whatever the merits of such debate, however, pragmatic considerations have led courts and legislatures to expand the panoply of corporate crime in order to deter conduct ranging from reprehensible, to undesirable, to merely annoying. In the context of organizational behaviour, criminal law is the ultimate deterrent.

Corporations become victims of crime when they suffer a loss as a result of an offence committed by a third party, including employees and managers. Corporations become perpetrators of crime when managers or employees commit financial crime within the context of a legal organization. According to Garoupa (2007), corporations can more easily corrupt enforcers, regulators and judges, as compared to individuals. Corporations are better organized, are wealthier and benefit from economies of scale in corruption. Corporations are better placed to manipulate politicians and the media. By making use of large grants, generous campaign contributions and influential lobbying organizations, they may push law changes and legal reforms that benefit their illegal activities.

Occupational crime is typically motivated by greed, where white-collar criminals seek to enrich themselves personally. Similarly, firms engage in corporate crime to improve their financial performance. Employees break the law in ways that enhance the profits of the firm, but which may generate very little or no personal benefit for themselves when committing corporate crime (Heath, 2008: 600):

> There is an important difference, for instance, between the crimes committed at Enron by Andrew Fastow, who secretly enriched himself at the expense of the firm, and those committed by Kenneth Lay and Jeffrey Skilling, who for the most part acted in ways that enriched the firm, and themselves only indirectly (via high stock price).

While legal corporations may commit business crime, illegal organizations are in the business of committing crime. Garoupa (2007) emphasized the following differences between organized crime and business crime (i) organized crime is carried out by illegal firms (with no legal status), the criminal market being their primary market and legitimate markets secondary markets, (ii) corporate crime is carried out by legal firms (with legal status), the legitimate market being their primary market and the criminal market their secondary market. Whereas organized crime exists to capitalize on criminal rents and illegal activities, corporations do not exist to violate the law. Organized crime gets into legitimate markets in order to improve its standing on the criminal market, while corporations violate the law so as to improve their standing on legitimate markets.

Criminal opportunities are now recognized as an important cause of all crime. Without an opportunity, there cannot be a crime. Opportunities are important causes of white-collar crime, where the opportunity structures may be different from those of other kinds of crime. These differences create special difficulties for control, but they also provide new openings for control (Benson and Simpson, 2009).

While occupational crime is associated with bad apples, corporate crime is associated with systems failure. Bad apples theory represents an individualistic approach in criminology, while systems failure theory represents a business approach in criminology (Heath, 2008: 601):

> If the individualistic approach were correct, then one would expect to find a fairly random distribution of white collar crime throughout various sectors of the economy, depending upon where individuals suffering from poor character or excess greed wound up working. Yet, what one finds instead are very high concentrations of criminal activity in particular sectors of the economy. Furthermore, these pockets of crime often persist quite stubbornly over time, despite a complete changeover in the personnel involved.

It is certainly an interesting issue whether to view white-collar misconduct and crime as acts of individuals perceived as 'rotten apples' or as an indication of systems failure in the company, the industry or the society as a whole. The perspective of occupational crime is favouring the individualistic model of deviance, which is a human failure model of misconduct and crime. This rotten apple view of white-collar crime is a comfortable perspective to adopt for business organizations as it allows them to look no further than suspect individuals. It is only when other forms of group (O'Connor, 2005) and/or systemic (Punch, 2003) corruption and other kinds of crime erupt upon a business enterprise that a more critical look is taken of white-collar criminality. Furthermore, when serious misconduct occurs and is repeated, there seems to be a tendency to consider crime as a result of bad practice, lack of resources or mismanagement, rather than acts of criminals.

The 'rotten apple' metaphor has been extended to include the group level view of cultural deviance in organizations with a 'rotten barrel' metaphor (O'Connor, 2005). Furthermore, Punch (2003) has pushed the notion of 'rotten orchards' to highlight deviance at the systemic level. Punch (2003:172) notes, "the metaphor of 'rotten orchards' indicate(s) that it is sometimes not the apple, or even the barrel, that is rotten but the *system* (or significant parts of the system)".

Including rotten apple and rotten barrel in Figure 2 expands Figure 1.

	Role / Actor	Leader	Follower
Occupational	Rotten apple	Occupational apple leader	Occupational apple follower
	Rotten barrel	Occupational barrel leader	Occupational barrel follower
Corporate	Rotten apple	Corporate apple leader	Corporate apple follower
	Rotten barrel	Corporate barrel leader	Corporate barrel follower

Figure 2. Categories of white-collar crime depending on role, actor and level

White-collar crime involves some form of social deviance and represents a breakdown in social order. According to Heath (2008), white-collar criminals tend to apply techniques of neutralization used by offenders to deny the criminality of their actions. Examples of neutralization techniques are (a) denial of responsibility, (b) denial of injury, (c) denial of the victim, (d) condemnation of the condemners, (e) appeal to higher loyalties, (f) everyone else is doing it, and (g) claim to entitlement. The offender may claim an entitlement to act as he did, either because he was subject to a moral obligation, or because of some misdeed perpetrated by the victim. These excuses are applied both for occupational crime and for corporate crime at both the rotten apple level and the rotten barrel level.

THEORIES OF WHITE-COLLAR CRIME

A number of theories can be applied to discuss white-collar crime.

Entrepreneurial theory can be applied to white-collar crime, where we look at the dark side of entrepreneurialism. To understand entrepreneurial behaviour by white-collar criminals, important behavioural areas include modus essendi, modus operandi and modus vivendi. Modus essendi is a philosophical term relating to modes of being. Modus operandi is method of operating, which is an accepted criminological concept for classifying generic human actions from their visible and consequential manifestations. Modus vivendi represents the shared symbiotic relationship between different entrepreneurial directions (Smith, 2009).

Gross (1978) argued in his classical article on the *theory of organizational crime* that more than some areas of sociology, studies of crime and delinquency usually have a strong theoretical base. He suggested two important theoretical relationships. First, the internal structure and setting of organizations is of such nature as to raise the probability that the attainment of the goals of the organization will subject the organization to the risk of violating societal laws of organizational behaviour. Secondly, persons who actually act for the organization in the commission of crimes will, by selective processes associated with upward mobility in organizations, be persons likely to be highly committed to the organization and be, for various reasons, willing and able to carry out crime, should it seem to be required in order to enable the organization to attain its goals, to prosper, or minimally, to survive.

Rational choice theory suggests that people who commit crimes do so after considering the risks of detection and punishment for the crimes, as well as the rewards of completing these acts successfully. Examples of this theory include a bank teller who is experiencing personal financial difficulty and decides to embezzle funds from the bank to substantially increase her earnings, and an inner-city youth who decides that social opportunities are minimal and that it would be easier to make money by dealing crack cocaine (Lyman and Potter, 2007).

Yet another criminology theory is *social control theory,* where social control refers to those processes by which the community influences its members toward conformance with established norms of behaviour. (Abadinsky, 2007: 22):

> Social control theorists argue that the relevant question is not, why do persons become involved in crime, organized or otherwise? But, rather, why do most persons conform to societal norms? If, as control theorists generally assume, most persons are sufficiently motivated by the potential rewards to commit criminal acts, why do only a few make crime a career? According to control theorists, delinquent acts result when an individual's bond to society is weak or broken. The strength of this bond is determined by internal and external restraints. In other words, internal and external restraints determine whether we move in the direction of crime or of law-abiding behaviour.

Agency theory has broadened the risk-sharing literature to include the agency problem that occurs when cooperating parties have different goals and division of labour (Eisenhardt, 1985). The cooperating parties are engaged in an agency relationship defined as a contract under which one or more persons (the principal(s)) engage another person (agent) to perform some service on their behalf which involves delegating some decision making authority to the agent (Jensen and Meckling, 1976). Agency theory describes the relationship between the two parties using the metaphor of a contract.

Garoupa (2007) applied agency theory to criminal organizations. He models the criminal firm as a family business with one principal and several agents. He has in mind an illegal monopoly where it is difficult to detect and punish the principal unless an agent is detected. Furthermore, it is assumed that agents work rather independently so that the likelihood of detection of one agent is fairly independent from another. An example of such agents is drug dealers in the street with the principal being the local distributor. Another example would be agents as extortionists or blackmailers distributed across the city with the principal being the coordinator of their activities providing them information or criminal know-how.

Alliance theory is concerned with partnership, often referred to as alliance, which has been noted as a major feature of criminal organizations. Partnership can reduce the risk of inadequate contractual provision. Trust is a critical success factor in partnerships. Criminal organizations are often based on trust between its members. Lampe and Johansen (2003) identified four kinds of trust in organized crimes. First, individualized trust relates specifically to agreeable behaviour of an individual. Next, trust based on reputation relates to trust based on publicly formed and held opinion about the ones to be trusted. This type of trust hinges on the flow of information. Information may be dispersed in a context associated with illegality, for example the underworld 'grapevine system'.

Third kind of trust is labelled generalized trust, which comprises constellations in which trust is linked to social groups rather than to a particular individual. The trustor places trust in the trustee based on the presumption that the trustee conforms to some more general norms or patterns of behaviour, for example codes of conduct such as mutual support and non-cooperation with law enforcement that the trustee can be expected to share as a member of a subculture or association. Finally, there is abstract trust, which refers to trust that is placed in abstract systems that set and maintain certain basic conditions, for example the government, the monetary system or the medical system in society at large (Lampe and Johansen, 2003).

RESEARCH DESIGN

The five hundred largest business companies in terms of annual sales were identified in Norway for our empirical study of white-collar crime. A paper letter was mailed to the chief financial officer (CFO) asking him or her to fill in the questionnaire to be found on a web site using a password found in the letter. 50 respondents first filled in the questionnaire, representing a response rate of ten percent. After a reminder was mailed to the sample, 61 more respondents filled in the questionnaire, representing a response rate of 22%. In addition, there were 28 incomplete responses, thereby creating a total of 28% response rate.

The survey research was carried out from January to March 2010. Average number of employees in responding companies was 1,671 persons. The largest responding company had 30.000 employees. All letters were mailed to the CFO, and most of the respondents were CFOs, while some were CEOs and financial controllers.

The average age of respondents was 46 years, and they had on average 4,8 years of college and university education after high school. Most of the respondents were men, as there were only 19 women among the 111 complete responses.

CFOs were asked about their opinions concerning executive positions involved in white-collar crime. First, a total of eleven positions were listed, and each respondent was asked to indicate the likelihood of white-collar crime on a scale from 1 (very unlikely) to 5 (very likely) for each position. Next, an open-ended question in the questionnaire to the CFO about potential white-collar crime was formulated as follows: *What position categories and leader types are in your opinion most likely to commit white-collar crime?*

A total of 85 respondents provided answers to this open-ended question. Responses were classified by applying content analysis (Riffe and Freitag, 1997). In the first round of text reading, potential topics were identified.

RESEARCH RESULTS

The predefined set of questions was concerned with positions most likely to become involved in white-collar crime. As listed in Table 1, a person with a management position in purchasing is most likely to get involved in white-collar crime. On a scale from 1 (very unlikely) to 5 (very likely), a procurement manager had a likelihood score of 3.6. The least likely position for white-collar crime is a person from external auditing, according to the average response from the CFOs.

Among the 85 CFOs that responded to an open ended-question, many indicated positions similar to the ones listed in Table 1. When positions were mentioned explicitly, the most frequently mentioned was a person in procurement management that was mentioned by 17 respondents, followed by a person in executive management mentioned by 9 respondents and a person in corporate middle management by 4 respondents. Marketing, consultants and IT were mentioned by very few. Positions mentioned that were not listed in Table 1, were financial managers, project managers, investment managers, financial acrobats, and contract personnel.

Rank	Position	Probability
1	A person in procurement management	3.7
2	A person in marketing management	3.4
3	A person in executive management	3.2
4	An external consultant in business development	3.1
5	A person in corporate middle management	3.1
6	A person in information technology management	3,0
7	A person from external accounting firm	3,0
8	A person from public relations consulting	3.0
9	A person from the company board	2,5
10	A person from external law firms	2,4
11	A person from external auditing	2,2

Table 1. Average responses to questions on probability of white-collar crime by different internal and external positions (1 - very unlikely, 5 - very likely).

Some of the respondents also commented on leader types most vulnerable to white-collar crime. They mentioned individuals with low integrity and moral, persons disrespecting corporate values, dominating and authoritarian behaviour, persons with a large ego, charismatic leaders and executives with no feeling of loyalty.

DISCUSSION

It may seem like a paradox that top executives are at the top of the list following purchasing managers as potential criminals, while at the same time being responsible for preventing white-collar crime. Most of the research literature stresses the importance of corporate social responsibility handled by chief executives (Basu and Palazzo, 2008; Mostovicz et al., 2009; Zollo et al., 2009).

Corporate social responsibility (CSR) is a concept related to the behaviour and conduct of corporations and those who are associated with them. During the best of times, it is a concept adopted and taken for granted. During the worst of times, however, corporate social responsibility becomes a threatening concept to most business as well as public organizations (Jayasuriya, 2006). Corporate social responsibility is a set of voluntary corporate actions designed to improve corporate actions. These corporate actions not required by the law attempt to further some social good and extend beyond the explicit transactional interests of the firm. The voluntary nature of CSR means that these activities can be viewed as gifts or grants from the corporation to various stakeholder groups (Godfrey et al., 2009).

The CSR agenda might be challenged when confronted with corporate and organizational crime rather than occupational and individual crime. CSR as an ideology assumes that there are rotten apples rather than rotten barrels. In cases of rotten barrels and organizational crime, CSR as practiced in the organization might in it self be described as rotten. Since top executives have the access and the drive, it is not necessarily a paradox that top executives are at the top of the list following purchasing managers as potential criminals, while at the same time being responsible for preventing white-collar crime.

The least likely position for white-collar crime is a person from external auditing. This is an interesting result, since Norman et al. (2010: 1) found that external auditors are subject to conflicts of interest:

> Research demonstrates that external auditors' conflicts of interest (e.g., legal requirements to be independent and provide unbiased evaluations of financial disclosures versus incentives to maintain fees and create employment opportunities with clients) influence external auditors' objectivity and independence.

The empirical research presented in this paper is based on asking CFOs where and who is most likely to commit white-collar crime. Unsurprisingly - since they are concerned with finance - they say that it is areas close to their own activities and responsibilities. What would have happened if the same questions had been asked of those responsible for product development or health and safety? This is an interesting question for future research.

The issue for future research is what the actual pattern really is. The current issue of what people think will be biased. However, a substantial divergence between the actual pattern and the perceived pattern will be of interest if established in future research.

The implication of the current results is that the respondents are defining the issue of white-collar crime against the organization rather than white-collar crime by the organization. The contrast should be properly established in future research.

CONCLUSION

While top management is responsible for prevention of white-collar crime, chief financial officers indicate that those top managers at the same time are vulnerable to white-collar crime themselves. The most vulnerable are persons in purchasing and procurement management, according to survey results presented in this paper.

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