

Gender in White-Collar Crime: An Empirical Study of Pink-Collar Criminals

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ABSTRACT

White-collar crime is financial crime committed by white-collar criminals. Sensational white-collar crime cases regularly appear in the international business press and studies in journals of ethics and crime. This article is based on a sample of 255 convicted white-collar criminals in Norway from 2009 to 2012. Only 20 out of 255 white-collar criminals presented in Norwegian newspapers in the years from 2009 to 2012 were women. In the popular press, white-collar crime committed by women is sometimes labeled pink-collar crime. In this article, a number of reasons for this gender discrepancy are discussed. Women's access to organizational power structures is rising, but remains still limited. This is in line with opportunity theory. Women may have a greater sense of risk aversion rather than risk willingness, and women may more easily be perceived as victims of crime. However, It is very hard to believe that Norwegian men commit ten times more white-collar crime than Norwegian women, also because Norway is seen as a salient egalitarian country. Therefore, it is a question of whether the detection rate for female white-collar criminals is lower than for males. As a consequence, more attention should be paid to characteristics of female white-collar crime and criminals in future criminology research and law enforcement.

Keywords: Financial crime; white-collar criminal; empirical study; prison, corporate crime.

1. INTRODUCTION

The purpose of this article is to present an empirical study of white-collar crime conducted in Norway to create insights into some characteristics of offenders from a gender perspective. More specifically, we address and explore female participation in white-collar crime. In the popular press, white-collar crime committed by women is sometimes labeled pink-collar crime, Gucci-criminals or Louis Vitton-criminals The present study documents that women are substantially less involved in white-collar crime. In the article we attempt to

explain why women are less involved, including reasons such as lack of women in management and criminological explanations for lower crime rates amongst women.

Media coverage of individual criminals was used as identification for crime cases, which were then found in court rulings. This article is based on empirical research of convicted white-collar criminals. Out of 255 convicts presented in newspaper articles, there were 235 male and only 20 female criminals. Women convicted of white-collar crime had significantly lower management positions than convicted men. However, it is indeed hard to believe that Norwegian men commit ten times more white-collar crime when compared to Norwegian women. Therefore, one may raise the question whether the detection rate for female white-collar criminals is lower than that for male white-collar criminals. Rather than presenting some cases and anecdotal evidence which is common in the literature, the present article presents substantial statistical evidence to conclude on gender differences in white-collar crime conviction.

Friedrichs (2009) argues that it is widely understood that males greatly outnumber females among conventional crime offenders. He claims that men outnumber women by six to one. Furthermore, he argues that all available evidence indicates that a parallel situation exists for white-collar crime offenders. His data indicate that female arrest rate for white-collar crime has been one-quarter or one-fifth of the male arrest rate. Similarly, Messerschmidt (1997) argues that gender is the strongest predictor of criminal involvement – it is boys and men who dominate in crime. Arrest, self-report, and victimization data all reflect that boys and men perpetrate more conventional crime and the more serious of such crime than do girls and women. He suggests that men have a virtual monopoly on the commission of syndicated, corporate, and political crime.

Dodge (2008) argues that the role of women in white-collar crime has emerged as a major topic in the twenty-first century, but it remains a controversial and neglected area of criminological study. In her book, Dodge (2008) explores the topic of women and white-collar crime by encompassing theoretical, historical, and critical accounts of female perpetrators, victims, and whistle-blowers. Through the examination of numerous real-life case studies, the book provides insights into the personal and societal characterizations of women who cross the line into elite deviance or become victims of corporate or occupational crime. However, there is still a need for more empirical research focusing on female criminals. Hence, the present exploratory study addresses the following research question: *What differences can be found between male and female white-collar criminals?* As such, this article makes a contribution to the literature on gender in management, as it presents a comparison of male and female white-collar criminals adding to previous research on crime in a gender perspective (e.g., Gattrell, 2010; Madichie & Nkamnebe, 2010).

2. LITERATURE REVIEW

Several studies have focused on gender patterns (e.g., Pillay et al., 2011) and gender gaps (e.g., Sörilin et al., 2011) in organizations and in management. The issue of gender in relation to white-collar criminality is an under researched area of the criminological literature. Exceptions to this rule include Steffensmeier and Allan (1996), Haantz (2002), and Robb (2006). It must be stressed that when we refer to gender in this article we make reference to the participation of women in white-collar crime and the issue of male bias. Women are underrepresented in the statistics which cover white-collar crime. We will argue that this is not to say that women do not participate in such crime, and in this article we will

present some theoretical and structural factors which help to explain this apparent underrepresentation of women in the commission of white-collar crime. It also helps to explain gaps in the literature of gender, crime and entrepreneurship.

The very term entrepreneur conjures up images of a male businessman and of a masculine persona. This article sets these issues in a gendered context. For example, stereotypes in business and in crime are biased towards the masculine as in the term businessman gangster. Criminal behavior by members of the privileged socioeconomic class is labeled white-collar crime (Benson & Simpson, 2009). It is often argued that women commit less white-collar crime when compared to men (Haantz, 2002; Holtfreter et al., 2010; Huffman et al., 2010). Suggested reasons for possible gender differences in white-collar crime include lack of opportunity and risk aversion.

It must be stressed at the outset that white-collar crime as envisaged and posited by Edwin Sutherland (1949) is primarily a business orientated criminological category. Sutherland envisaged a white-collar crime to be a crime committed by a person of respectability and high social status in the course of his occupation and in particular by entrepreneurs. This dictates that we need to take greater cognizance of business and in particular its operational structures conventions when discussing gendered aspects of white-collar crime. This is necessary because the apparent nonparticipation of women in the crime may be explained by social issues which are not captured in the official statistics. As a result it is possible that their participation and the roles they play in joint business ventures are underrepresented.

Because white-collar criminality is often conflated with particular occupationally orientated crimes and with corporate criminality (Clinard & Yeager, 2005; O'Grady, 2011), it is easy to lose sight of the white-collar crimes committed by members of family businesses and small and medium sized enterprises. For example crimes such as bribery, computer crime, copyright infringement, embezzlement, fraud, forgery, insider trading, identity theft, money laundering, and tax-evasion are clearly more easily perpetrated by and more easily concealed by owners of businesses and white-collar employees. Nevertheless, despite the continuing debate on gender discrimination and glass ceilings in corporations, a small number of women do achieve positions of power and authority and as such have considerable autonomy.

Also as the term white-collar criminal has expanded it could include crimes committed by employees of such businesses and crimes against such businesses irrespective of their social class or standing which runs contrary to Sutherland's initial exposition. Moreover, at the time when Sutherland formulated his *theory of white-collar criminality* the social system of patriarchy was more powerful than it is today and there were fewer acknowledged female entrepreneurs.

Issues of gender in relation to white-collar criminality are important because from our reading and from anecdotal evidence there are other issues at play which can skew the gender bias and lead to a higher representation of men amongst the official statistics, such as:

- Business men may register the business (or assets) in their wives name to avoid legal consequences or for tax avoidance purposes. We assume this may be a two way process and that women may run a business but register it in their husbands name. This is a legal cut out mechanism as a spouse cannot normally be legally compelled to give evidence against the other.
- Often the registered owners' of businesses are actually fronts for the real owners' again as a legal cut out mechanism. This too may disguise the true number of female owned business.

- Women may act as the caretaker manager of a business in the absence of their male partners or may play a role in the business but not have direct ownership.
- Women may think more about the consequences of their actions and are generally less impulsive than men. Research conducted by the Financial Services Authority in the UK in 2001 suggests that men take more financial risks, are more likely than women to have ISAs, credit cards, mortgages, shares, unit trusts and life insurance.
- Lower numbers of women investing in financial products is seen as indicative of a more cautious attitude. It seems that whilst fewer women chose to invest in financial products, they actually do better than men. A study carried out by the National Association of Investors Corporation (NAIC) for the University of California, found that the share portfolios of women earned on average 1.4% more per year than those of men (BBC 2001 <http://news.bbc.co.uk/1/hi/business/1337830.stm>).
- Men potentially commit more serious white-collar offenses, increasing their likelihood of imprisonment. Since the sample only includes criminals convicted to jail, then fewer women will occur in the sample.

These points are important because white-collar criminality is not the perfect crime, and people who commit it face a high chance of their crime being detected by others. This means that it is not always possible to cover ones tracks evidentially. Both white-collar partners in a marriage/business may be equally guilty, but as long as the authorities can prove a charge against the alleged perpetrator of the crime then accusations of complicity may not be pursued. Additionally, because women do not fit the official profile of a criminal, investigative chivalry may occur where the authorities look no further than the man in charge. Our point is that studies based purely on statistical data might miss the point because they provide statistical profiles and approximations and not nuanced qualitative configurations such as those presented in this article.

Based on the discussion above, it is natural to focus on the difficulties of accessing white-collar female offenders, and how this area might be made accessible in future research. The research question might simply be stated – Why are women so underrepresented in the official statistics and in the media on white-collar crime?

Explanations for gender differences, once they are uncovered, range from the biological, which emphasize evolved or innate dispositions of men and women (Buss, 1995) to social explanations, which focus on the dissimilar placement and ranking of men and women in the social structure (Eagly & Wood, 1999). The social perspective could well explain the mixed research results on ethical behavior, as context and social structure might enhance or diminish differences between men and women. Traditionally, women were considered *victims* of white-collar crime (Robb, 2006: 1062): “Considerable evidence exists that women were sought out as victims by frauds and embezzlers who well understood their vulnerability. During the 1860s, for example, the shady company promoter Albert Grant compiled lists of widows, unmarried women and other small investors to whom he sent circulars advertising his dubious speculations”.

Over the past few decades, there has been an increased focus on the relationship between gender and ethical perceptions. A review of the empirical ethical decision making literature by O’Fallon and Butterfield (2005) concluded that often there are no differences found between men and women. However, across a large sample of countries, Dollar et al. (2001) discovered that the greater the representation of women in parliament, the lower the level of corruption.

Moreover, women tend to express more ethical responsibility than men. Women's responses to ethical issues might be attributed to the social desirability response bias (Dalton & Ortegren, 2011). The social desirability response bias appears to be driving a significant portion of the relationship between gender and ethical decision-making, where females consistently report more ethical responses than males.

When offenders are asked to explain their crimes, they typically portray themselves as decent people despite their wrongdoings. They tend to apply neutralization techniques as defined by neutralization theory (Bock & Kenhove, 2011; Siponen & Vance, 2010; Sykes & Matza, 1957). To be effective at managing the stigma of crime, motivational accounts must be believable to the social audience. Thus, Klenowski et al. (2011) found that variation in patterns of accounts is likely due to the social position of the actors.

They examined whether gender constrains the way individuals describe their crimes by analyzing the motivational accounts of male and female white collar offenders. Results show that while men and women both elicit justifications when discussing their crimes, they do differ in the frequency with which they call forth specific accounts and in the rhetorical nature of these accounts. When accounting for their crime, white-collar offenders draw on gendered themes to align their actions with cultural expectations of masculinity and femininity. These findings suggest that gender does constrain the accounts that are available to white-collar offenders.

3. RESEARCH DESIGN AND METHODOLOGICAL ISSUES

To identify a substantial sample of white-collar criminals and to collect relevant information about each criminal, there are several options available. However, in a small country like Norway with a population of only five million people, there are limits to available sample size. One available option would be to study court cases involving white-collar criminals. A challenge here would be to identify relevant laws and sentences that cover our definition not only of white-collar crime, but also required characteristics of white-collar criminals. Another available option is to study newspaper articles, where the journalists already have conducted some kind of selection of upper class, white-collar individuals convicted in court because of financial crime. Another advantage of this approach is that the cases are publicly known, which makes it more acceptable to identify cases by individual white-collar names.

The selective and otherwise filtered information in newspapers might be a problem to other kinds of studies, but is considered an advantage in this study. Therefore, the latter option was chosen in this research.

Based on this decision, our sample has the following characteristics as applied by newspapers when presenting news: famous individuals, famous companies, surprising stories, important events, substantial consequences, matters of principles and significant public interest. The sample consists of high profile and large yield offenses. This is in line with research by Schnatterly (2003) who searched the Wall Street Journal for several years in her study of white-collar crime published in the Strategic Management Journal.

There are two main financial newspapers in Norway, "Dagens Næringsliv" and "Finansavisen". In addition, the newspaper "Aftenposten" regularly brings news on white-collar criminals. These three newspapers were studied on a daily basis from 2009 to 2012, i.e. three years, to identify white-collar criminals. A total of 255 white-collar criminals were identified during those years. A person was defined as a white-collar criminal if the person

seemed to satisfy general criteria mentioned above, and if the person was sentenced in court to imprisonment. It is important to keep in mind that our data is about newspaper accounts of white-collar crime, not the distribution of white-collar crime in society, because that is not what is being measured. Using a newspaper sample is different from the population of white-collar crime cases. We argue that newspaper account is one of the characteristics of white-collar crime as defined previously. As suggested by Barak (2007), news-making criminology refers to the conscious efforts and activities of criminologists to interpret, influence or shape the representation of newsworthy items about crime and justice. News-making criminology as a perspective on the theory, practice and representations of crime and justice is an important approach for understanding white-collar crime.

We make no distinction between prison and jail in this study. A prison or jail in Norway is a place in which people are physically confined and deprived of a range of personal freedoms. Imprisonment is a legal penalty that is imposed by the state for commission of a crime judged in court. In the United States, the difference between jail and prison is primarily a function of imprisonment length, where the use of prison over jail implies a more serious punishment. Our operational definition of white-collar crime restricts the sample to those who receive jail time as punishment. This restriction excludes cases of fines as penal response, which is quite common.

This sample restriction enables us to only study serious white-collar crime cases. Our intention is not to identify white-collar crime in reference to the law, but mainly with respect to the reporting of these offenses resulting in imprisonment. If the sample would be selected as references by the law, then a number of offenses would be defined in non-criminal statutes. Non-criminal statutes cannot, by their definition, result in jail time, only in civil remedies. Thus, by taking this view, we have essentially omitted most white-collar crime cases from our study, since their severity is of a minor extent. Research articles edited by Gerber and Jensen (2006) suggest that only the most serious white-collar crime offenders end up in prison.

For this study it was considered sufficient that the person was sentenced in one court, even if the person represented a recent case that still had appeals pending for higher courts. A sentence was defined as jail sentence. Therefore, cases of fine sentence were not included in the sample. As our research is based on newspaper articles written by journalists, the reliability and completeness of such a source might be questioned. However, most cases were presented in several newspapers over several days, weeks or even months, enabling this research to correct for initial errors by journalists. Furthermore, court documents were obtained whenever there was doubt about the reliability of newspaper reports. This happened in one-third of reported cases.

It must be noted that there are, of course, disadvantages of applying newspapers as data source. According to Burns and Orrick (2002), research suggests that the media present a distorted image of crime by focusing on violent, sensational events that are atypical of crime in society. They argue that the media is neglecting coverage of corporate offenses, and that the media disproportionately focus on conventional crime while neglecting the impact of corporate misbehavior. This line of reasoning does not only acknowledge possible biases in our research. It can also be understood as an argument for our research design, where an important characteristic of our sample is that the white-collar crime cases stand out in the media.

Nevertheless, some types of corporate crime – probably those that are more typical – may be still more neglected than other types of corporate crime. For instance, the media may be biased against small corporate offenses preferring larger offenses.

Two methodological issues have to be kept in mind because of the newspaper decision:

- *Bias because of press coverage.* Financial crime committed by white-collar criminals is only exposed in the press to the extent that they are sensational and possibly revealed and discovered by the press itself. Therefore, no claim is made that the sample is a representative sample of white-collar criminals in general. Rather, there is a bias towards white-collar criminals that for some reason are of special interest to journalists and newspapers that cover their story. Therefore, the attribute of news coverage is explicitly added to the list of attributes for white-collar criminals including items such as position of trust, network and opportunity.
- *Data errors in press coverage.* Newspaper articles tend to have some errors in them. There may be factual errors, such as offender name, offender age, imprisonment sentence, crime type, and crime year. Furthermore, there may be disproportionate focus on sensational aspects of both criminal and crime. Everyone who has ever read about himself or herself in the newspaper will know that there are errors in the presentation. To reduce this source of error to a minimum, several newspaper stories of the same case were read and cited. Furthermore, court sentences were obtained in most of the cases to check both factual and story elements concerning both criminal and crime.

It must be noted that journalists in Norway enjoy respectability because of their integrity and seriousness. There are very few newspaper occupied with doubtful sensational stories. No such paper is found in our area of research into financial crime by white-collar criminals. Some journalists in the financial press have developed sophisticated skills in digging for criminal cases, where they apply robust and transparent methodologies. Every year in Norway, a prestigious prize is given to journalist(s) who have conducted an investigation and revealed news in a professional way.

The prize is given to someone who both found a good story and did it in a respectable and professional way. The Norwegian journalism prize is called the SKUP award, and it is awarded by the Norwegian Foundation for a Free and Investigative Press.

4. RESEARCH RESULTS

Criminal characteristics collected for each person included gender, age when convicted, age when committing crime, number of years in prison, court level, amount of money involved in crime, number of persons involved in crime, crime type, position level, personal income, person tax, personal wealth according to income statement, organization revenue, organization employees, private versus public sector, internal versus external detection, source of detection, corporate versus occupational crime, leader versus follower, and rotten apple versus rotten apple barrel.

Most white-collar criminals are men. This is confirmed in the sample of 255 persons, which included only 20 female criminals and 235 male criminals. Thus, less than 8 percent of the white-collar crime sample from newspaper articles was women – sometimes labeled pink-collar criminals.

As suggested in the research literature, most white-collar criminals are men. This is confirmed in the sample of 255 persons, which included only 20 female criminals and 235 male criminals. Thus, only 9 percent of the white-collar crime sample from newspaper articles was women.

Table 1. Comparison of characteristics of male versus female white-collar criminals.

Total 255 criminals	235 Male Criminals	20 Female Criminals	T-statistic for difference	Significance of t-statistic
Age convicted	48 years	46 years	.896	.380
Age crime	43 years	41 years	.900	.378
Years prison	2.2 years	1.8 years	1.252	.222
Crime amount	61 million	18 million	2.847	.005
Personal income	341 000 kroner	163 000 kroner	2.835	.007
Personal tax	141 000 kroner	62 000 kroner	3.150	.003
Personal wealth	1.5 million	0 million	3.619	.000
Involved persons	4.1 persons	4.5 persons	-.552	.585
Business revenue	207 million	116 million	1.374	.181
Business employees	127 persons	92 persons	.574	.571

In the table above, characteristics of male versus female white-collar criminals are listed. There are no significant differences between women and men, when equal variances are assumed (Hair et al., 2010). However, because of the large number of males versus the small number of females, equal variances do not have to be assumed from a statistical point of view. Rather, equal variances might not be assumed. Then some significant differences between women and men can indeed be found.

First, crime amount differs significantly, from an average of 61 million among men to an average of 18 million among women. Next, personal income among female criminals is significantly lower than personal income among male criminals. Similarly, men pay more tax and have more financial wealth according to public figures.

Three position levels were defined in this research: 1 top management (chairman of the board, chief executive officer, etc.), 2 middle management (procurement officer, accounting manager, etc.), and 3 other white-collar criminals (consultants, clerks, etc.). Female white-collar criminals – pink-collar criminals, Gucci-criminals or Louis Vitton-criminals – are at a significant lower management level as compared to men. While men had an average score of 1.9, women had only 2.6 on a scale from 1 (high) to 3 (low).

Table 2. Comparison of crime categories of male versus female white-collar criminals.

Category	Total	Men	Women	Share
Fraud	131	118	13	10 %
Theft	12	10	2	17 %
Manipulation	62	57	5	8 %
Corruption	50	50	0	0 %
TOTAL	255	235	20	9 %

Although not statistically significant, jail sentence is on average shorter for women, which matches that crime amount, in terms of million Norwegian kroner, is substantially lower. It is also interesting to note some similarities. First, they are about the same age, both when committing crime and receiving court sentence. Next, they work in organizations of about the same size.

Furthermore, there are about the same number of persons involved in white-collar crime and pink-collar crime (4.1 versus 4.5). In the next table, crime categories are compared in a gender perspective. On average, women committed 9 % of all criminal acts in the sample. Women are more involved in theft and less involved in corruption. It is interesting to note that none of the detected cases of corruption involved women.

5. DISCUSSION

When addressing the low fraction of female white-collar criminals (a mere 9 percent) to qualified audiences, the following reasons are typically mentioned: Women have less opportunity to commit white-collar crime. Women are less opportunistic as they are more committed to relationships and rules. It is more seldom that women are invited by criminals to participate in crime. For example, a criminal will prefer to bribe a man rather than a woman.

Women have a greater sense of risk aversion, rather than risk willingness. Companies are typically registered in the name of the husband, rather than the wife. Women are more readily perceived as victims of crime rather than perpetrators. Female criminal acts tend to carry lesser legal penalties. Women are not as efficient as men are in terms of successfully applying neutralization techniques. It is commonly recognized that women's career prospects are worse than those of men. This is supported by public statistics concerning both wages and vocational positions (Jonnergård et al., 2010: 723): "Previous studies have also stressed these differences and women have been found to have lower positions and less promising career prospects as well as a lower or at least different organizational commitment. Often, the differences have referred to variations in career patterns between the genders".

This statement supports the opportunity argument, where women are less likely to commit white-collar crime, since they are not in the position to do so. Thoroughgood et al.

(2011) argue that, although women occupy an increasing number of leadership roles in supervisory and middle management capacities, they are seldom at the top when it comes to the majority of large organizations.

Haantz (2002) found that females comprise 17 percent of the individual perpetrators identified and reported by victims of fraud. However, there has been an increase in the number of women convicted of fraud felonies over time. Over the past few decades, political, social, economic, and technological changes have impacted the role of women at home and in the workplace.

These same changes have also brought about increased participation among women in certain types of criminal behavior. It seems that nowhere are these trends more pronounced than in the arena of white-collar criminality. However, Holtfreter et al. (2010) argue that this trend might be modified by potentially higher levels of self-control among women. There are several avenues for future research based on this study. Our intent for this article was to conduct an empirical study of white-collar crime to create insights into some characteristics of offenders within a gender perspective. However, future research needs to be developed a more focused account of white-collar offenders identified by Norwegian newspapers between 2009 and 2012. Only 20 female offenders were identified, thereby making comparisons quite difficult.

The description of the cases does not include any attempt to disentangle gender or gender roles. Rather, this explorative paper presents an overview of some gender differences among the 255 cases. Given our interest in examining gendered differences in white-collar offending, we might in the future seek data that will allow for such an exploration in more depth. For example, in future research one may visit the court documents again and analyze the legal information pertaining to their cases, engage in interviews with attorneys and businesses affected, interview the women, examine potential moderator and mediating factors or perform other sound social science research practices to get more evidence based knowledge about this important and interesting issue.

6. CONCLUSION

Only 20 out of 255 white-collar criminals presented in Norwegian newspapers in the years from 2009 to 2012 were women. In this article, a number of reasons for this result are discussed. Women's access to organizational power structures is rising, but remains still limited. This is in line with opportunity theory. Women may have a greater sense of risk aversion rather than risk willingness, and women may more easily be perceived as victims of crime. However, it is hard to believe that Norwegian men commit ten times more white-collar crime than Norwegian women.

Therefore, it is a question of whether the detection rate for female white-collar criminals is lower than for males. As a consequence, more attention should be paid to characteristics of female white-collar crime and such pink criminals in future criminology research and law enforcement.

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