

White-Collar Criminals in Modern Management

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*Original Paper***White-Collar Criminals in Modern Management**Petter Gottschalk^{1*}¹ BI Norwegian Business School

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Abstract

Criminal behavior among executives is a complicated challenge in human resource management. Based on a sample of 305 convicted white-collar criminals in Norway, four groups of criminals are discussed in this paper: criminal entrepreneurs, corporate criminals, criminal followers, and female criminals. There are significant differences between these groups. Crime amount in terms of Norwegian kroner is highest for corporate criminals and lowest for female criminals. It is interesting to note that even if crime amount for corporate criminals is higher than for criminal entrepreneurs, corporate criminals receive a shorter jail sentence than criminal entrepreneurs. It seems that crime on behalf of the business is treated more mildly in court, when compared to crime on behalf of the person himself. When followers are involved in the crime, there are more persons participating in the crime. The lowest number of participants is found in cases of criminal entrepreneurship.

Keywords

financial crime, criminal entrepreneurs, female criminals, empirical study

1. Introduction

Criminal behavior among executives is a complicated challenge in human resource management. White-collar crime is financial crime committed by trusted persons in important business positions. Research on white-collar crime is often based on anecdotal evidence, where famous white-collar criminals serve as examples for case studies (Baird and Zelin, 2009; Bookman, 2008; Bucy et al., 2008; Dodge, 2009; Fleet and Fleet, 2006; Friedrichs, 2009; Garoupa, 2007; Hansen, 2009; Heath, 2008; Messerschmidt, 1997; Perri and Brodi, 2011; Simpson, 2011). While being relevant and interesting cases, the extent of generalization from such studies is questionable. What seems to be needed is a larger sample of white-collar criminals that can be studied in terms of averages as well as variation in criminal characteristics.

With a larger sample, we can study white-collar convicts using statistical techniques to identify and study groups of white-collar criminals. Therefore, this article is concerned with the following research question: *What groups of white-collar criminals can be identified, and what differences can be found between white-collar groups?*

2. Sample Criminals

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. An 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: publicly known individuals, well regarded companies, counter intuitive 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.

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. However, Barak's work focused on how the media constructs images of crime. In this research, the media is used as a source of potentially objective information, where factual information in terms of quantitative numbers is collected from newspaper accounts.

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.

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 (Gedde-Dahl et al., 2008).

The danger of media as an information source for research into white-collar crime was wisely emphasized by Pontell and Geis (2007: viii):

We tend to see the media as our colleagues, for in keeping with our critical stance toward the power elite, journalists tantalize us with exposes that attack the powerful. In our enthusiasm for the bounty of information that the sensational case produces, we must remind ourselves of what we know about the manufacture of news and the social construction of knowledge for public consumption.

Similarly, Goldstraw-White (2012) warns that journalist research is often biased, aimed at producing a good story rather than a factual report, and tends to highlight particular types of offenders, such as those regarded as famous. However, since being famous or becoming famous is part of our definition, this bias is acceptable for the current research. Goldstraw-White in her research applied a small convenience sample of white-collar criminals in prison who were interviewed about their offending behavior.

Newspaper articles are suitable for content analysis, which is the research method applied in the following. This can tell us a lot about how media organizations frame and depict white-collar crime, but it cannot be used as a direct reflection of the real number and/or nature of white-collar crime in Norway. It has value in its ability to examine social construction of white-collar criminality in Norway's financial media.

3. Sample Characteristics

Most white-collar criminals are men. This is confirmed in the sample of 305 persons, which included only 26 female criminals and 279 male criminals. Thus, 8 percent of the white-collar crime sample from newspaper articles was women. A distinction is made between age when convicted and age when committing crime. On average, a person was convicted 5 years after the crime, thus the average age when committing crime is 43 years old since the average age when convicted was 48 years old.

The average jail sentence for 305 convicted white-collar criminals in Norwegian courts was 2.2 years, with a maximum of 9 years and a minimum of 15 days. The average amount of money involved in the crime was 46 million Norwegian kroner, which is about 8 million US dollars.

When studying newspaper reports as well as court documents for all 305 convicts, four groups of white-collar criminals emerge: criminal entrepreneurs, corporate criminals, criminal followers, and

female criminals, as defined and described in the following.

4. Criminal Entrepreneurs

Most of the entrepreneurship literature seems to engage in a positive enthusiasm about the role of the entrepreneur. There is a need to take a neutral look at how some entrepreneurs engage in white-collar crime, and how entrepreneurship is not always a wholesome and clean endeavor. An entrepreneur is a person who operates a new enterprise or venture and assumes some accountability for the inherent risk (Symeonidou-Kastanidou, 2007). The newly and modern view on entrepreneurial talent is a person who takes the risks involved to undertake a business venture. Entrepreneurship is often difficult and tricky, as many ventures fail. In the context of for-profit enterprises, entrepreneur is often synonymous with founder. Most commonly, the term entrepreneur applies to someone who creates value by offering a product or service in order to obtain certain profit.

Entrepreneurship is the practice of starting new organizations or revitalizing mature organizations, particularly new businesses generally in response to identified opportunities. Entrepreneurship is sometimes labeled entrepreneurialism. Entrepreneurship is often a difficult undertaking, as a vast majority of new businesses fail. Entrepreneurial activity is substantially different from operational activity as it is mainly concerned with creativity and innovation. Entrepreneurship ranges from small individual initiatives to major undertakings creating many job opportunities (Thomas and Mancino, 2007).

Self-control theory can explain criminal entrepreneurs. The lower the individual's self-control, the greater is the likelihood of his or hers involvement in criminal behavior. Low self-control is defined in terms of characteristics such as impulsive, risk-taking, and self-centered (Meneses and Akers, 2011).

5. Corporate Criminals

Corporate crime is financial crime enacted by executive individuals or executive groups for the benefit of the organization (Hansen, 2009). If a corporate official violates the law in acting for the corporation, it is considered a corporate crime. A corporation cannot be jailed, and therefore, the majority of penalties to control individual violators are not available for corporations as such (Bookman, 2008). Simpson (2011) argues that thinking about corporate crime requires recognition that both organizations and individuals may be illegal actors and potential targets for crime prevention and control such as sanctions.

Corporate crime refers to those kinds of financial crime committed by higher ranking-members of an organization to benefit the organization (Fleet and Fleet, 2006). Corporate crime occurs when, for example, fraud or corruption is being committed on behalf of an organization, that is, the crime is being committed to benefit the business. Increased sales, building permits and local monopoly are examples of benefits from corruption. Perri and Brody (2011) argue that corporate crime is rationalized as a

behavior acceptable to overcome financial difficulties or to make a profit for the business.

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 behavior, criminal law is the ultimate deterrent.

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.

Institutional theory of morale collapse can explain the extent of corporate crime. Executives in a deteriorating business will tend to expand both occupational crime and corporate crime to make profit both personally and for the business. This is caused by moral collapse as a consequence of business collapse. The sequence might be that corporate crime occurs ahead of occupational crime.

Shadnam and Lawrence (2011: 379) applied institutional theory to explain moral decline and crime potential in organizations:

Our theory of moral collapse has two main elements. First, we argue that morality in organizations is embedded in nested systems of individuals, organizations and moral communities in which ideology and regulation flow “down” from moral communities through organizations to individuals, and moral ideas and influence flow “upward” from individuals through organizations to moral communities. Second, we

argue that moral collapse is associated with breakdowns in these flows, and explore conditions under which such breakdowns are likely to occur.

Shadman and Lawrence (2011: 393) formulated several research hypotheses, which imply that the likelihood of moral decline will vary depending on several circumstances:

- Moral collapse is more likely to happen in organizations that operate in moral communities in which flows of ideology are disrupted, either through a lack of commitment to formal communication mechanisms by community leaders or the disruption of informal communication networks by high rates of membership turnover.
- Moral collapse is more likely to happen in organizations in which structures and practices diminish the organization's capacity to absorb and incorporate morally charged institutions from the organization's moral community, because the organization monopolizes the attention of its members and/or because the organization delegitimizes the morally charged institutions rooted in the moral community.
- Moral collapse is more likely to happen in organizations in which accusing individuals of misconduct creates significant social and economic costs for the organization or the moral community within which it operates.
- Moral collapse is more likely to occur in organizations to the degree that employment conditions undermine enclosure and/or work arrangements diminish the effectiveness of surveillance.

Institutional theory is in line with dysfunctional network theory in that organizations tend to mirror the basic elements of their environments. The largest business corporations can more easily absorb the negative impact of legal sanctions that some governmental or regulatory agencies might impose on them. The largest business enterprises might have better lawyers and other resources, so that they can face legal pursuits in more effective and efficient ways. Microsoft versus the United States and Microsoft versus the European Union are typical examples. Therefore, laws and regulations tend to have a much less deterrent effect in the case of large business organizations (Dion, 2009). As a consequence, and *ceteris paribus*, it might be suggested based on this theory that larger organization more easily can survive corporate crime.

6. Criminal Followers

Unlike criminal entrepreneurs and most corporate criminals, criminal followers do not initiate criminal activities (Bucy et al., 2008). Followers are typically 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. However, leadership in general, and the application of different styles of leadership in particular, are not primarily a one-way

process, but often the result of dynamics in which the behavior of followers might influence the style as well as the intensity of the leaders' behavior. Accordingly, followers may play a much more active part in such relationships contrary to what is suggested above.

Charisma is defined as a certain quality of an individual by which he or she is considered extraordinary and treated as endowed with superhuman or exceptional powers or qualities. Charismatic authority arises from the charisma or gift of grace of the leader. It is up to the followers to recognize this characteristic in leaders and to act accordingly (Anguilera and Vadera, 2008).

When leadership behavior in general is studied, differences can be found between leaders and followers. For example, Glasø and Einarsen (2008) studied emotion regulation in leader-follower relationships. They found that negative emotions such as disappointment, uncertainty, and annoyance are typically suppressed, while positive emotions such as enthusiasm, interest, and calmness are typically expressed or faked. When leaders and followers referred to experienced or expressed emotions, the most highly scored emotions were "glad", "enthusiastic", "well", and "interested". The reported level of emotion regulation was higher for leaders than for followers.

Leaders tend to be more domineering and assertive, and less social avoidant, distrustful and exploitable than followers. Glasø et al.'s (2010) study shows that 30 percent of the leaders exhibit elevated profiles of personality characteristics regarding interpersonal problems, on a level comparable to that of a sample with psychiatric patients, thus, indicating that severe problems may arise in social interactions between leaders and followers.

Leaders can use different behaviors, actions and practices directed at followers to make them cooperate. Bullying and harassment by leaders are examples of a practice reported to happen on a regular basis in many work organizations. Bullying and harassment are carried out deliberately to cause humiliation, offence and distress (Hoel et al., 2010).

Obedience theory has the potential of explaining follower behavior. Obedience theory is related to the fraud triangle that consists of pressure, opportunity and rationalization. Obedience theory can be useful in explaining pressures and rationalizations providing the motives for individuals to commit acts of occupational fraud (Baird and Zelin, 2009: 1):

Perceived need or pressure often comes from personal financial problems or living beyond one's means, but it can also come from direct pressure from someone in authority in the workplace and the threat of losing one's job for failure to go along with the boss's scheme. Obedience theory posits that individuals may engage in behaviors that conflict with their personal values and beliefs if they are subjected to pressures to obey someone in authority. According to this theory, the individuals rationalize this behavior by essentially placing full responsibility on the authority figure rather than taking any individual responsibility for the action themselves.

Obedience pressure is considered a form of social influence pressure, and there are two other types of social influence pressure: compliance pressure and conformity pressure (Baird and Zelin, 2009: 2):

Compliance pressure is similar to obedience pressure, except that compliance pressure can come from one's peers as well as from superiors, while obedience pressure must come from an authority figure. Conformity pressure refers to pressure to conform to perceived or societal norms.

Of the three forms of social influence pressure, Baird and Zelin (2009) argue that obedience pressure can be especially potent because of the power that persons in authority have over their underlings. People within an organization quietly follow the orders of top executives and rationalize their actions by denying responsibility for their behaviors. The pressures to commit crime are often overt requests of management, but can also be based on perceptions from reward and incentive structures.

An even stronger argument for follower behavior can be found when obedience theory is linked to self-control theory. Self-control theory proposes that individuals commit crime because of low self-control. Except in rare cases of mass fraud such as the Enron scandal, not all elites within a given organization or industry will commit crime. Hence, though elites at the top of their profession and corporation differentially associate with the people of equal status in their own and other corporations, not all corporate elites commit crimes and behave in an overtly deviant manner (Hansen, 2009).

7. Female Criminals

There are few cases of convicted women in white-collar crime. Even though women are found in the categories of criminal entrepreneurs, corporate criminals and criminal followers, they are treated as a separate group because of their own characteristics in this research. An important reason for this choice is the lack of female opportunity in many business organizations. Female white-collar criminals are sometimes labeled pink-collar criminals. Traditionally, typical pink-collar crime types were embezzlement and fraud (Dodge, 2009).

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 (2009) 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, Mary Dodge 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.

Steffensmeier and Allan (1996) suggested a *gendered theory* of female offending. The theory attempts to explain female criminality and gender differences in crime. The theory focuses on the following elements and interactions between them:

- Organization of gender: Gender norms, moral development and social control.
- Biological factors: Physical, sexual and affiliate differences.
- Criminal opportunities: Sexism in the criminal underworld, access to skills, crime associates and settings.
- Gender differences in crime: Women avoid more serious white-collar crime, such as insider trading, price-fixing, restraint of trade, dumping of toxic waste, fraudulent product commerce, bribery, and official corruption, as well as large-scale governmental crimes.
- Context of offending: Many of the most profound differences between the offenses committed by men and women involve the context of offending, where context refers to the characteristics of a particular offense. It might be the setting, whether the offense is committed with the assistance of others, the offender's role in initiating and committing the offense, the type of victim, the victim-offender relationship, whether a weapon is used, the extent of injury, the value or type of property destroyed or stolen, and the purpose of the offense.
- Motivation for crime: Tastes regarding risk, likelihood of shame or embarrassment, self-control, and assessment of costs versus rewards of crime.

8. Comparison of Groups

In the sample of 305 convicted white-collar criminals in Norway from 2009 to 2012, we find 144 criminal entrepreneurs, 39 corporate criminals, 96 criminal followers, and 26 female criminals. In terms of age, corporate criminals are significantly older than criminals in other groups. In terms of prison sentence, entrepreneurs receive significantly longer jail sentence than criminals in other groups. This was confirmed in statistical analysis using dummy variables in regression analysis. Some results are presented in Table 1.

Table 1. Empirical comparison of characteristics of white-collar criminal groups

Total 305 criminals	144	Criminal	39	Corporate	96	Criminal	26	Female
		Entrepreneurs	Criminals		Followers	Criminals		
Age when convicted	47 years		52 years		47 years		47 years	
Prison sentence	2.8 years		2.0 years		1.4 years		1.7 years	
Crime amount	34 million		198 million		14 million		9 million	

Involved persons	2.6 persons	3.3 persons	5.8 persons	3.9 persons
Taxable income	361.000 kroner	363.000 kroner	326.000 kroner	182.0000 kroner
Organization size	95 persons	357 persons	88 persons	73persons

Crime amount in terms of Norwegian kroner is highest for corporate criminals and lowest for female criminals. It is interesting to note that even if crime amount for corporate criminals is higher than for criminal entrepreneurs, corporate criminals receive a shorter jail sentence than criminal entrepreneurs. It seems that crime on behalf of the business is treated more mildly in court, when compared to crime on behalf of the person himself.

When followers are involved in the crime, there are more persons participating in the crime. The lowest number of participants is found in cases of criminal entrepreneurship.

Published figures from the public tax authorities indicate that female criminals have the lowest taxable income among criminal groups.

In terms of organization size, the table shows that corporate crime is committed within larger organizations. Organization size is measured in terms of employees, where corporate criminals were found in organizations with an average of 357 employees.

9. Discussion

A sample of 305 convicted Norwegian white-collar criminals based on media coverage from 2009 to 2012 indicates significant differences between conceptual groups of criminals as suggested in this article. General comparison of group characteristics is presented in Table 2.

Table 2. General comparison of characteristics of white-collar criminal groups

Total 305 criminals	144 Criminal Entrepreneurs	39 Corporate Criminals	96 Criminal Followers	26 Female Criminals
Age when convicted	Younger	Older	Younger	Younger
Prison sentence	Long	Medium	Short	Medium
Crime amount	Medium	Large	Small	Small
Involved persons	Few	Some	Many	Some
Taxable income	Medium	Medium	Medium	Low
Organization size	Medium	Large	Medium	Medium

10. Conclusion

White-collar criminals can be categorized into distinct groups. In our empirical research, criminal entrepreneurs represent the largest group of white-collar criminals. Criminal entrepreneurs are convicted at the average age of 47 years, they receive a prison sentence of almost 3 years, and they

work in organizations with 95 employees. In comparison, corporate criminals receive a shorter jail sentence, even when the amount of money involved the crime is larger. Criminal followers receive the shortest jail sentence, while female criminals have the lowest crime amount.

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