
Review Essay

Crime and the Average American

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David Weisburd, Stanton Wheeler, Elin Waring, & Nancy Bode, *Crimes of the Middle Classes: White-Collar Offenders in the Federal Courts*. New Haven, CT: Yale University Press, 1991. xvii + 211 pages. \$24.00.

This book is an important one. I will illustrate how it provides a type of data that has been missing in our thinking about white-collar crime and indeed about the crime problem generally. In this essay, I will also attempt to show the importance of the book for influencing the currently resurgent debate about general criminological theory. This is the fourth and final volume of a series of Yale Studies on White-Collar Crime funded by the National Institute of Justice. During the late 1970s and through the 1980s the Yale work on white-collar crime engaged a truly outstanding group of scholars beyond just the National Institute of Justice study that included at various times Susan Rose-Ackerman, Kathleen Daly, Jack Katz, Kenneth Mann, Albert Reiss, Michael Reisman, Austin Sarat, Susan Shapiro, and Diane Vaughan in addition to the authors of this volume. Yale was the site for an intellectual community during this period that has had a profound influence on all of us who work on white-collar crime.

This essay is in two parts. Part I will address (a) how Weisburd et al. order white-collar offenses into a hierarchy; (b) their findings about detection and enforcement; and (c) the inequality and sentencing issue. Part II addresses the importance of their white-collar crime data for thinking about criminological

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theory. The treatment of the issues in part I is brief and sets a context for part II, which is the heart and purpose of the essay.

I. The Nature of White-Collar Crime

The Hierarchy of Offenses

Weisburd, Wheeler, Waring and Bode examine presentence reports and other data from more than a thousand white-collar crimes tried in seven federal districts during 1976–78. Eight white-collar offense categories are examined: securities fraud, antitrust violations, bribery, bank embezzlement, postal and wire fraud, false claims and statements, credit and lending institution fraud, and tax fraud. The authors find these offenses to be organized in a kind of hierarchy based on their relative “complexity,” with those offenses involving socially prominent and powerful individuals, complex organizations, multiple victims, and a considerable amount of harm placed at the top. Securities and antitrust offenses are at the top of this structure; bribery, mail fraud, and false claims and statements are in the middle; and tax fraud, credit fraud, and bank embezzlement form the lower end. Many of the latter offenses are simple rather than complex; many of the offenders are of middling or low rather than high social status and often the returns from their offenses are small. At the bottom of this hierarchy are patterns of offending that bear little resemblance to the popular image and indeed the scholarly image among those who have followed Sutherland (1983) in thinking of white-collar crime as crimes of the powerful. Only the antitrust and securities offenders fit the image cast by the Sutherland tradition.

Weisburd et al. are telling us that criminology has suffered a kind of myopia. We see clearly the problem of street crime, with its base in an underclass, and we see clearly the crimes of the underworld to which Sutherland directed our gaze. But between South Central Los Angeles and Wall Street lie the crimes “of the average American” (p. 62). An important part of these, Weisburd et al. show, are white-collar crimes other than antitrust and securities offenses. My argument will be that to view such crimes as quintessentially “crimes of the middle classes” is not the best way to think of these offenses. Before returning to tackle this central theme of the book, I want to pause to consider some of the important subsidiary themes.

Detection and Enforcement

The descriptive data on detection and enforcement in this book are an invaluable resource to those of us who work in this field. My colleagues on Australia’s national antitrust agency,

the Trade Practices Commission, were amazed to learn from these data that 87% of U.S. antitrust defendants in these districts (which include New York, Los Angeles, and Chicago) plead guilty. We were also amazed to learn that more than half of all white-collar crime defendants in the study were not represented by a private attorney. These are data that run against our image of what U.S. white-collar crime litigation is all about.

Another important finding relates to the source of detection. We all have our own images of how white-collar crime is detected. As someone who for eight years has worked with an antitrust agency, I am used to the notion of informants as the key source of one's really good cases. But I learn from these data that antitrust is quite an outlier in this regard: Antitrust cases are far more likely to be detected by informant tip-offs than are any of the other seven types of white-collar crimes. With bank embezzlement, three quarters of offenders are detected by victims or the offender's employer; with tax, 80% of offenders are detected by routine audit or proactive investigation. With securities and bribery offenses, sting operations and hidden cameras and microphones are even more important than they were for such cases in the late 1970s (Marx 1988).

U.S. white-collar crime enforcement is rather more target driven than is enforcement in other countries, which is more objective driven. An objective-driven strategy selects a major problem area or a problem company, identifies the key objectives that are sought by investigation of that space, and then concentrates investigation resources on those objectives. A target-driven strategy is more reactive in the first instance, waiting for a good target to land on the prosecutor's desk. When sufficient evidence is collected to make nailing that target almost inevitable, the target is told it's deal time. Who can you give us? Some of us think this is a reason that U.S. prosecutors have been rather more successful than those in other countries at catching really major crooks. If more or bigger targets are offered up, these become the new targets, until their deal time arrives. Clearly, the notions of objective-driven and target-driven investigations are ideal types, with most real-world investigations being hybrids. But in the pure target-driven investigation, the prosecutor never knows where she is heading. She just has the (good) theory that bad guys work with other bad guys, so that if you ask every bad guy you nab to offer you a bigger bad guy, you will eventually haul in some giant sharks. The great Wall Street insider trading cases of the 1980s illustrates the strategy quite well. Good luck rather than any great investigative genius brought Dennis Levine to the prosecutor's door. But then Levine helped the government to lay charges against other members of his ring—investment bankers from Shearson Lehman, Lazard Freres, and Goldman, Sachs and a

lawyer from Watchell Lipton. Ultimately Ivan Boesky was caught in the net. "Boesky, to the surprise of few on the street, had offered up Martin Siegel. . . . Siegel, in turn, had offered up Robert Freeman, head of the arbitrage department at the impeccable Goldman, Sachs; Richard Wigton, head of arbitrage at Kidder, Peabody; and Timothy Tabor, former head of arbitrage at Merrill Lynch" (Bruck 1989:328). After dramatic Wall Street arrests of these suspects, handcuffs and all, their indictments were ultimately dropped. However, the trail ultimately led to the conviction of the junk bond king, Michael Milkin.

Notwithstanding prosecutions like those of Boesky and Milkin, critics question whether state power is usually exercised to the detriment of the biggest fish. Does not the state often walk away from the powerful teeth of a thrashing shark, placating the public with a good haul of cooperative minnows? Weisburd et al. have data that cast some systematic light on this question for the first time. In complex offenses with multiple levels of participants, Weisburd et al. find that as we move down from the primary players with the central role in the offense to middling players to players with the least important or only minor roles in the offense, the percentage of players cooperating with the authorities increases (p. 105). While this does not refute the counterclaim that the state is often weak-kneed in its dealings with powerful defendants, it does show that more than just rhetoric is involved in the target-driven strategy.

Inequality and Sentencing

Not only do big fish seem to be disadvantaged through targeting but also at sentencing. With some other factors that affect the likelihood of imprisonment being controlled, including offense seriousness, judges in this study were more likely to send higher socioeconomic status white-collar offenders to prison than lower status white-collar offenders, and more likely to send male than female offenders to prison (p.143). Contrary to the standard expectation that the courts disadvantage the powerless, some sort of noblesse oblige principle apparently is being applied by U.S. judges hearing white-collar cases. This opinion, of course, is not the final word in an ongoing debate (Geis 1985:76; Benson & Walker 1988; Weisburd et al. 1990). One serious methodological concern with the sentencing data, conceded by the authors, is that any aspect of seriousness that is appreciated by the judge but not represented in the coded seriousness data will appear to show statistically that more powerful offenders are treated more harshly, when this simply reflects the fact that the judge knows them to have committed more serious crimes (Blumstein et al. 1983:103).

II. White-Collar Crime and the General Theory of Crime

Sutherland, Class, and Race

White-collar crime has always been a thorn in the side of general criminological theory. After all, Sutherland (1983) invented the term to drive a spike into theories that imputed poverty, defective personality, or inability to delay gratification as causes of crime. The debate today rages more strongly than ever between those who favor general theory and those who contend that progress is likely when we focus our energies on explaining rather specific types of offending. One of the strong points made by those who favor general theory, such as Gottfredson and Hirschi (1990), is that criminals do not specialize in particular types of crime. Robbers also burgle; burglars have assault convictions; assaulters also have drug and drunk-driving convictions, and so on. The typical serious offender has a string of convictions across a smorgasbord of criminal offenses. Self-report delinquency studies support a general factor-specific factor structure but in which neither general nor crime-specific factors overwhelmingly account for the variance in multivariate analyses (Braithwaite & Law 1978).

If empirical coherence is not much less with more general categories of crime than with more specific categories, then why not push for maximum generality of explanation? White-collar crime always seemed to place a limit on this generality, however. The Weisburd et al. book very much calls into question that the people who committed white-collar crime were completely different people from common or street criminals. Of their sample of white-collar offenders 43% had prior arrest records and 35% had prior convictions (p. 67). Only one in five of these white-collar offenders with prior records had previously been convicted of a white-collar crime. So we have a surprisingly high number of repeat criminal offenders here who are not specialized white-collar offenders.

Ironically, on the day I write this paragraph, Alan Bond, a man who many have long believed to be one of Australia's greatest corporate criminals has been convicted of a serious white-collar crime and will go to prison.¹ As well as being one of Australia's media barons, Alan Bond may be known to some Americans as the man who during the 1980s bank-rolled the first defeat of the United States in the America's Cup and came to control half the beer produced in Australia. By any international standard, he was a supremely powerful man. What is interesting about his career as a criminal is that when he was a

¹ Since that time Allan Bond has been released from prison pending retrial.

young man he was convicted of common house burglary in Perth (Barry 1990). At that earlier stage of his career, he was not unemployed or in need but was the owner of a thriving small business. Greed rather than need seems to be a persuasive, if banal, explanation of both the white-collar and common crimes of Alan Bond. Can something useful can be built on the foundation of such a banal observation by looking harder at the Weisburd et al. data on the characteristics of white-collar criminals?

One of those characteristics is race. Gottfredson and Hirschi came in for criticism, including from me, for concluding that race had predictive power for all types of crime, including even white-collar crime. Using FBI statistics, they concluded that blacks have higher rates of white-collar crime than whites (Gottfredson & Hirschi, 1990:193; Hirschi & Gottfredson 1987). Interestingly, there are large numbers of nonwhite offenders also in Weisburd et al.'s white-collar crime data. Anti-trust and securities offenders are more than 99% white. But 17% of the bribery offenders are nonwhite, as are 23% of mail fraud offenders, 26% of the bank embezzlers, 28% of credit fraud offenders, and 38% of false claim offenders. Also many of these offenders are unemployed—18% for the bribery offenders and about a quarter of all three types of fraud offenders. We should put these findings on race and underclass status in perspective.

While Alan Bonds do commit burglaries and black unemployed burglars also commit white-collar crimes to a surprising degree, it is a mistake for Gottfredson and Hirschi to infer from FBI statistics that blacks are more likely to engage in white-collar crime than whites because most white-collar crime is not detected and there are systematic biases in what is not detected. For example, in the Weisburd et al. data, bank embezzlement is revealed as an individual crime against the organization. In only 7.5% of the bank embezzlements was the organization used as a vehicle to commit the crime (p. 40). Ironically, during the very years that Weisburd et al. were poring over these data, savings and loans operators were using banks as vehicles to rob Americans of unprecedented sums. If certain real estate markets had not collapsed, perhaps they would still be doing it. Although "the best way to rob a bank is to own it" (Pontell & Calavita 1993), this fact is systematically obscured by the sort of statistics on stealing from banks that criminologists traditionally examine.

The cases from the official records in the Weisburd et al. study show also that tax offending is a matter of individual rather than organizational crime: "Although tax frauds often involve money earned at jobs, seldom are the jobs themselves used to perpetrate the schemes" (p. 57). This statement is con-

trary to what we know even from other official government information. We know that quite a small proportion of the underpaid tax recovered as a result of government audit comes from individual taxpayers. It is corporate taxpayers who are found to be responsible for the overwhelming majority of underpaid tax. But we also know that large corporations are almost never prosecuted criminally. There are many reasons for this, but quite a few of them relate to the capacity to use organizational complexity to obscure guilt and to use organizational power to pass blame for wrongdoing downwards in the class structure of the organization (see Braithwaite 1984).

So if blacks seem to commit more white-collar crime than whites in certain official statistics, that may be because the more minor white-collar crimes of blacks are those that are more readily detected, while the more complex and damaging white-collar crimes of whites who control large organizations are more difficult to detect. Consistent with this interpretation, even among white-collar crimes that are detected, Weisburd et al.'s data show that the white-collar crimes committed by whites cause more harm than those committed by nonwhites (p. 83).

Hence, while I think it is wrong to suggest, as do Gottfredson and Hirschi, that blacks have a higher rate of white-collar offending than whites, the Weisburd et al. data do show that a surprising amount of white-collar crime is committed by nonwhites, unemployed people, and employed people of low socioeconomic status. Moreover, white-collar criminals are shown to have some other characteristics that typify common street criminals. They are even more overwhelmingly male than common street criminals (p. 70). Like street criminals, as we have seen, a large proportion has prior records for other types of offending. On average, they are 10 years older than common criminals (p. 70), a surprisingly young age since for so many types of white-collar crime one needs a position of trust in an organization that one does not acquire during one's early years of employment. Moreover, from other sources we know that tax cheats, like other kinds of criminals, are younger on average than honest taxpayers (Rowe & Tittle 1977). In summary, a lot of white-collar offenders have characteristics that are correlative of common criminality: They are poor, black, unemployed, male, or young offenders who are entrepreneurs of nonspecialized criminal careers in large cities.

My hypothesis is that their white-collar crime is explicable by the same structural factors that explain their street crime, just as Alan Bond's common burglary has an explanation similar to that of his corporate crime. If I am right, note how important this is for rejecting the common view that the best explanations of crime will be found when we restrict our focus to narrowly delimited offense types.

What are the common structural factors that might account for the same actors engaging in white-collar crime here, street crime there? Elsewhere (Braithwaite 1992), I have advanced the partial explanation that inequality in contemporary societies simultaneously causes:

Crimes of <i>poverty</i> motivated by <i>need</i> for goods for <i>use</i>	Crimes of <i>wealth</i> motivated by <i>greed</i> enabled by goods for <i>exchange</i> (that are surplus to those required for use)
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In this formulation, I sought to move away from a positivist conception of need to needs socially constructed as wants that can be satisfied (contrasted with greed—socially constructed as insatiable wants). My argument there is that even with such contingent and culturally relative conceptions of need and greed, one can make some claims of general import about them. An example is the claim that as we become wealthier, any and all conceptions of need are more likely to be satisfied. So I argue that inequality worsens both crimes of the powerless and crimes of the powerful.

One of the temptations for poor individuals who are alienated from the social order and who feel they have little to lose is to become criminal entrepreneurs. Entrepreneurs do not stick with one type of money making. Indeed, they have a practical consciousness of the principle of evolutionary ecology that the returns to an expropriative strategy vary inversely with the number of others who are engaging in the same activity (Cohen & Machalek 1988). There is no “best” strategy that will be the specialty of every predator of a given type because it is the best; predators opt for strategies that are not crowded out by others using a similar strategy. Minority strategies can flourish. This is the story of impoverished common street criminals who move into white-collar crime as an entrepreneurial response to their desperate life conditions. They innovate into a predatory strategy where the competition is not so stiff as it is, say, selling drugs; they find a minority strategy where they might, for a time, flourish, or at least survive.

But there are severe upper bounds on how well one can flourish as a black low socioeconomic status white-collar criminal. You need capital and organizational position (as the Weisburd et al. data show) to become a big-time white-collar criminal. If minority strategies of predation flourish, extreme wealth enables extraordinarily lucrative minority strategies that are novel and that excel because they cannot be contemplated by those who lack wealth and power. Strategies to skim a little cream off banks can be found by impoverished ghetto entrepre-

neurs, but to sting a bank for every penny its customers put in it, one really needs to own it.

Many of those who are so greedy as to want to take everything that all of the customers have put in a bank are driven by greed or by some other motivational basis for an insatiable drive for accumulation. If you are that greedy and lacking in moral qualms, if your desires are so insatiable, less harmful common crimes that assist the process of accumulation will not be out of bounds. Indeed, more serious common crimes, such as murder, are perpetrated from time to time at the behest of those who have an insatiable lust for accumulation or power. In practice, the successful upperworld criminal rarely indulges in common crimes. Why should he when more lucrative expropriative strategies are available to him where he does not have to face competition from the underworld? But in special circumstances the upperworld criminal may have no great qualms about underworld crime, and may well have used it more than once on the way up. Alan Bond is not the only upperworld criminal in Australia who fits the description of having done just this, and there seems to be no shortage of powerful figures in American history who have benefited from underworld crime (see Pearce 1976).

I have presented a sketch of how inequality of wealth and power can explain both crime in the streets and crime in the suites (for a lengthier treatment, see Braithwaite 1992). It can also explain occasional crime in the streets by those who occupy the suites and occasional forays into white-collar crime by street criminals.

Weisburd et al. point out the motivational importance of fear of falling as well as greed for gain with many of their white-collar crimes. This can be accommodated within the theoretical framework I am sketching here. Crime can be motivated by (a) a desire for goods for use; (b) a fear of losing goods for use; (c) a desire for goods for exchange; or (d) a fear of losing goods for exchange. My proposition is that (a) and (b) are more relevant to motivating the crimes of poor people; (c) and (d) are more relevant to motivating the crimes of wealthy people and organizations. These distributional tendencies can hold even though some individuals who play a part in the crime may be motivated by (a), others by (b), others (c), and others (d). Indeed, within some individuals there may be mixed motives that range across the four categories. Motivations (a) through (d) might also be involved in the mixed motives driving a single corporate crime. This does not change the distributional hypothesis that use motivations will more often be involved in the criminal choices of the poor and exchange motivations more often involved in the criminal choices of the rich. What, then, of the crimes of the middle classes? Obviously, their crimes

should be even more a mix of the two types than one finds at either end of the class structure. This indeed is exactly the impression we get of the crimes of the middle classes from the white-collar crime literature. The middle classes have their subjectively unsatisfied needs, their “non-sharable financial problems,” as Cressey (1953) put it; but they also frequently act as agents for upperworld criminals whose crimes are about exchange motivations.

Thus, the problem I have with Weisburd et al. is not the important discovery that a large proportion of white-collar criminals lack the upperworld mystique that captivated Sutherland but the way they interpret this discovery as the neglected “crimes of the middle classes.” My reading of the Weisburd et al. data is that it is not best to see “white-collar offenders as [predominantly] average Americans.” Poor people steal from banks (and not mainly by pointing guns at tellers), middle-class people steal from banks (sometimes as simple low-level embezzlers; sometimes as the hands of upperworld minds); and rich people like Charles Keating steal from banks. I am wary of the notion that stealing from banks, credit fraud, bribery, tax offending, or even securities fraud should be separated from other types of offending on the basis that we know there to be distinctive types of people who perpetrate this offense type. Likewise, it seems a mistake to me to set as the objects of our theoretical enquiry crimes that are identified as similar because they have the same basic *modus operandi*. Rather, to the maximum extent possible, our objects of inquiry should be identified on theoretical grounds.

Having muddied the waters so constructively, it seems a mistake for Weisburd et al. to conclude that obviously we will do better if we focus our theory on specific types of white-collar crime, for their data suggest that the general theory-specific offense theory choice is in some ways a false dichotomy. Explanations focused on very specific offense types miss some explanatory purchase that we can get from grander structural explanations that range across offense types. At the same time, more general theories of crime wash out critical differences between particular offense types—for example, the fact that the modal forms of detection for embezzlement, tax, and antitrust offenses are, respectively, employers, proactive audit, and informants. Our objective should be to explain as much as we can by using abstractions of maximum feasible generality (including, of course, abstractions that are *more* general than “crime”). When these general theories deliver, as they always will, only partial explanations, we should seek to complement them with theories of more specific phenomena. Interplay between these two levels of endeavor will have not only explanatory use but also heuristic use for informing the work that is done at the

other level. Competing general theories will provide the heuristic for explanations of more specific phenomena; inductive construction of specific theories will provide the heuristic for grand new deductive theories. Understanding comes from shuttling backward and forward between induction and deduction, between the specific and the general (Scheff 1990). Injunctions to choose sides, to opt for a right level of analysis, are an enemy to understanding. In the next two sections, I will illustrate my conclusion with two issues that arise in the Weisburd et al. findings, those of gender and Jewish ethnicity.

Gender

For all eight types of white-collar crime, female offenders are in the minority. So the data can be used in support of a variety of general structural explanations as to why almost all types of crime are gendered in this way. Rothman and Gandossy (1982) analyzed the same presentence investigation reports that were used in the Weisburd et al. study and found that the women's accounts of their offending evidenced more shame, remorse, admission of guilt, and acknowledgment of personal responsibility than the men's accounts. I happen to think this is one key to understanding general gender differences—the gendered structure of shame (Braithwaite 1989: 92–94).

Another key for some white-collar crimes is the gendered structure of opportunity. Women have less access to occupational roles that enable the use or control of organizations to personal advantage that Weisburd et al. found to be the critical explanation of the most harmful white-collar crimes. In this sense, the story of women as white-collar criminals parallels the story of blacks as white-collar criminals. Their exploitation is as relevant to understanding why they commit white-collar crime as it is to understanding why they commit it less (and with less harm) than males.

But there is one specific exception in which women are almost as well represented as men in the sample (45%), bank embezzlement. Women are quite well represented in those low-level service occupational roles that provide opportunities for the sorts of low-level embezzlement that were being detected by the criminal justice system (through the agency of employers) during the 1970s. Daly (1989:790) calls them “highly monitored, money-changing” jobs. Women were not in a structural position to rake in their proportionate share of the savings and loan crimes detected during the 1980s. In these senses, we get a better understanding of the relationship between gender and crime by looking at women's structural position as it affects many different types of crime and explanations

that are specific to offenses like bank embezzlement. Indeed we can do better still than iterating between general and specific explanations if we also iterate to contextual explanation of single acts.

The opportunity explanation can be pushed further. In Cloward and Ohlin's (1960) terms, women can be distinguished structurally from men in that they have both fewer legitimate opportunities in the work force but also fewer illegitimate opportunities to engage in white-collar crime. Work by Zeitz (1981) and Daly (1989) suggests that the white-collar crimes committed by women tend to manifest both the criminal's truncated illegitimate opportunities and the exploitation they suffer in the world of legitimate opportunities.

Zeitz (1981) shows how the crimes of female white-collar criminals are among other things products of sacrifices on behalf of the family. Zeitz set out to explore whether Cressey's (1953) findings that nonsharable financial problems arising from the gambling, miscalculations, and overspending which help explain the violation of financial trust by men also apply to women imprisoned for fraud and embezzlement. Compared with Cressey's men, Zeitz's women were more often motivated by their responsibilities as wives and mothers. Zeitz (p. 58) concluded that the women tended to have a "Joan of Arc quality . . . a willingness to be burnt at the stake" to get what they saw as needed to sustain a marriage or pay for medical care for a member of the family. In her reanalysis of the Weisburd et al. data set, Daly (1989) did not find sex differences as stark as those of Zeitz. Financial need for themselves or their families was the modal justification for both male and female criminals according to presentence investigation reports. However, "family need dominated women's need-based motives more than men's (about 35% and 15%, respectively). By comparison, men were just as likely to say they needed money for themselves or their families" (Daly 1989:787). The white-collar crime of women, Daly concludes, is not to be understood in terms of the liberation of a minority of women from economic subjugation but by their economic marginality. The effect of limited illegitimate opportunities for women on their choice of white-collar crime is very easy to show. Daly (p. 775) found that 14% of the men's cases compared to 1% of the women's involved indictments against corporations or businesses. In other words, women had almost none of the access to organizations as vehicles for what Weisburd et al. found to be the most harmful crimes. Again the theoretical implication seems clear. Don't separate certain crimes as crimes of the powerful because one will find that powerlessness is a cause of some of the crimes of the powerful. Instead, study structures of inequality and explore how they have effects across variegated patterns of

offending. Be open to moving back and forth between more general structural explanation and more specific contextual explanation.

Jewish Religion

With regard to common crimes, Jews have unusually low rates of offending compared to the rest of the community (Rhodes & Reiss 1970; Silverman 1971; Sutherland & Cressey, 1978:244–45). My theoretical inclination is to understand why Jewish families have low crime rates in high-crime contexts such as New York City in the same way I would explain why Japanese families have low crime rates in American cities (Hayner 1933; Sutherland & Cressey 1978:141): the power of shaming in these families and strong reintegrative traditions in these communities (Braithwaite 1989). After low rates of criminal offending in the 18th and 19th centuries, New York Jewish crime rates rose to very high levels during the first decade or two of the 20th century, with New York Jews supplying a number of the leading figures of the Prohibition era underworld. Jenna Joselit (1983) tells the fascinating story of how the New York Jewish community struggled with this threat to its identity during the first three decades of the century, how it worked as a community to sustain a law-abiding identity, to fight off a stigmatizing identity of Jews as a debased criminal class, to set up Jewish welfare institutions such as the Hawthorn School to qualify young offenders for good jobs as an alternative to the gangs. Good jobs, for example, meant not tailoring, so Jews could be led out of the sweatshops. The outcome of this communitarian struggle was that Jewish crime rates dropped back to below average by the end of the 1920s (Joselit 1983:163; Silverman 1971:15–17).

At the same time that Jews, like Japanese, are generally regarded as a low crime group, both Jewish and Japanese males are subject to vicious stereotypes as financial shysters, even merciless ones as in Shakespeare's portrayal of Shylock. Elsewhere, I have argued that the Japanese stereotype may not be totally devoid of truth (Braithwaite 1989:136–38). Here is where shaming may become a double-edged sword. Where a type of offending is not regarded as particularly shameful in a culture and where disloyalty to one's business or political partners is viewed as highly shameful, cultural capacities to shame become a cause of crime more than a means of preventing it. Where subcultural shaming of those who refuse to cooperate with breaking the law exceeds the shaming of lawbreakers in a particular cultural context, crime will result. Ethnic communities that can mobilize unusually effective shame against those who are disloyal to the group can run unusually effective crimi-

nal organizations. Arguably some of the most impressive criminal organizations we have seen in this world during the 20th century have been recruited from low-crime Jewish and Japanese communities.

Weisburd et al. found a significant tendency for white-collar offenders who indicated their religion as Jewish to be overrepresented compared with the general populations of these districts and compared with common criminals. Unfortunately, the shaming issue with regard to Jewish ethnicity has not been examined in the way that Rothman and Gandossy (1982) have done on the gender question, so we are not in a position to explore the theory of differential shaming with the data. However, the opportunity hypothesis can be explored to some degree. The pattern is rather the reverse of that with gender. Across white-collar crime categories, the overrepresentation of Jews is slight for bank embezzlement, tax and credit fraud, moderate for mail fraud, false claims and bribery, and very strong for antitrust and securities fraud offenders; 35% of the securities fraud offenders were Jewish compared to estimates for the general populations of these districts ranging from 2% to 8%.

This distribution across offenses probably represents an opportunity structure which is the reverse of that for women. While women in the 1970s had very limited opportunities for securities industry fraud, Weisburd et al. found Jews are more overrepresented in the securities industry and the finance sector than any other religious group. European studies have also accounted for the overrepresentation of Jews among white-collar offenders by their overrepresentation in the "commercial population" (Silverman 1971:21–23). The irony of the superior opportunities of Jews compared with women for securities offenses is that this may be partly the product of a historical process of exclusion from the "respectable" professions and trades, where usury was not required for survival.

What does all this make a case for, then? I have attempted to use the data in this book to show that if we want to maximize our understanding, it is a mistake to go for global explanations of a unidimensional quality (because women and blacks and Jews have legitimate opportunities closed to them, they should have high crime rates!). Equally, it is a mistake to move from rejection of such unidimensional general claims to a retreat from structural explanation of general import, to be satisfied to become lost in particularities that blind us to structural meanings present in them. It is from the interplay of structural explanation of a rather general sort and interrogation of categories of high specificity that the full power of structural explanation may emerge. Often in the negative specific cases that seem to refute the power of the more general structural

explanation (Daly and Zeitz's female white-collar criminals), the structural explanation can be even more powerfully present.

III. Conclusion

Obviously, I have not read Weisburd, Wheeler, Waring, and Bode's book in quite the way they would have wanted me to read it. But one measure of a good book is that it supplies data and ideas that enable many rich readings. Discovering the "crimes of the middle classes" is one useful reading of this book. Concluding that white-collar criminals "represent the very broad middle of the society, much above the poverty line but for the most part far from elite social status" (p. 73) is a corrective to what is usually concluded about white-collar crime. Yet this book needs its own corrective that comes from reading case studies of upperworld crimes where power is mobilized to ensure that the crimes never find their way to a court of law. To their credit, the authors concede the need for this corrective. Books should not be read in isolation but should be evaluated in terms of whether they supply some missing pieces to our fragmented understanding of the world. This is a book that does supply some missing pieces.

I have attempted to show that the missing pieces include more than just neglected crimes of the middle classes. They include the discovery of white-collar criminals who have records as common criminals, white-collar criminals who are unemployed and black, and female white-collar criminals whose criminality, in the words of Daly, represents their marginality rather than their liberation. In short, this is a book that unsettles the artificial separation of upperworld and underworld crime that has dominated thinking about crime since Sutherland's (1983) classic. This unsettling has foundational theoretical importance for thinking about the relationship between (1) inequalities of class, gender, and ethnicity and crime; (2) the patterning of shaming and crime; (3) the motivational patterning of crime according to use motivation and exchange motivations; and (4) the structuring of legitimate and illegitimate opportunities and crime.

Weisburd et al. provide us with middle-range data that cross-tabulate categories of people and categories of crime. This work will mislead us unless we both go below the categories to more micro-processible data and above them to more general structural explanations. But the authors of single books do not have to accomplish all of this. That is our collective task as an intellectual community.

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