



Introduction

This book focuses on understanding business offenders through an exploration of workplace deviance and crime. The work is founded on the close examination of a number of illustrative contemporary case studies and underpinned by the analysis of original comparative fieldwork. Adopting an offender-based perspective while emphasizing the central role of convenience, the approach is interdisciplinary, the authors seeking to inform, develop, and augment the existing literature on white-collar and corporate criminology while being attentive to the clear implications for strategic business management studies. The book *inter alia* argues that the traditional centrality of the individual actor within narratives of white-collar offending has receded somewhat in recent years despite being a founding artifact within its late twentieth century discourse. As a consequence, a detailed reassessment is overdue.

While adopting convenience theory as its primary theoretical tool, *Understanding Business Offenders* fits within a systems theory foundation as an explanation of the social conditions that influence and support elite offenders and offending. This permits the adoption of a macro to micro view of globalized economic systems and complex markets as well as the specific actions of actors within these systems. As an initial introductory example of scope, the high profile Unaoil case involved a criminal investigation by the United Kingdom's Serious Fraud Office (SFO) and National Crime Agency (NCA) during 2016. This followed allegations of suspected bribery, corruption, and money laundering within the oil industry, claims that were first referred to the police in 2011. The SFO investigation focused on four senior employees based in the UK and Iraq and led to convictions and lengthy prison sentences. However, concerns over the veracity of the accusations and the investigative process were raised throughout the trial and three of the defendants appealed. The Court of Appeal (CoA) subsequently overturned their convictions and fundamentally criticized the SFO approach by stating that challenging serious fraud requires an understanding of business offenders, offenses, and systems to avoid serious disclosure failures, as the international arbiter Spotlight summarized:

Although the SFO initially secured a string of successful prosecutions, these early wins have quickly unraveled as the agency's conduct of the case came under sharp scrutiny from the courts. Two convictions have been quashed on the basis of serious disclosure failures and the SFO's handling of the case is now the subject of an independent review by the Attorney General. (Spotlight 2022)

Thus, it is argued that developing an understanding of business offenders and their workplace deviance is an issue of great importance when preventing and detecting white-collar crime, alongside a developed comprehension of public awareness and censure (Fish et al. 2022). Throughout this study, the term “business offender(s)” principally refers to privileged individuals who abuse their trusted positions to commit financial crime to benefit themselves or the business (Benson 2021; Berghoff and Spiekermann 2018; Sutherland 1983). Understanding this context reflects the extent to which financial crime by business offenders makes sense (Gupta and Gottschalk 2022). Here, understanding is posited as a requirement to be able to assess and explain white-collar crime and then to prevent, detect, and investigate wrongdoing and then to prosecute and defend white-collar individuals in the legal process. Terminology associated to understanding reflects comprehension, awareness, insight, and judgment (Ngo and Paternoster 2016; Shadnam and Lawrence 2011). An understandable deviant act is usually neither acceptable nor justifiable in the sense that the situation could justify wrongdoing or even make the offender entitled to such wrongdoing. Yet an understandable act can be recognizable, explainable, and by some observers even tolerable, with tolerance frequently reflecting the extent to which an act is permissive and excusable—to tolerate is to endure someone or something unpleasant or disliked (Peixoto et al. 2023). The extent of tolerance of business offenses has previously been highlighted and been measured in studies of the perceived seriousness of white-collar crime (Alcadipani and Medieros 2020; Simpson et al. 2022).

A further exploratory tenet of this book is that white-collar and corporate offenders and offenses are of particular interest when incorporating specific social scrutiny, since people tend to disagree about the seriousness of financial offense by members of the elite in society—public understanding and tolerance varies. Early research into the phenomenon of white-collar crime suggested that public and political opinion about seriousness had stymied objective legislative response regarding relevant policy and punishment—a historical state of affairs readily indefinable in the present. In terms of recent key research, Rafael Alcadipani and Cintia Medieros (2020) found that white-collar crime on behalf of the corporation tends to be perceived and treated as corporate irresponsibility and not as misconduct, wrongdoing, offending, or as a serious violation of the law. Similarly, Cintia de Oliveira and Rafael da Silveira (2020) found that in many countries, the idea that corporations do not commit crime still prevails. This comparative position in terms of limited understanding or

perception was confirmed by Cedric Michel (2016), who found that white-collar offenders are still significantly more likely to avoid criminal indictment, prosecution, conviction, and incarceration compared with street offenders. Significantly, Matthew Logan and colleagues (2019) argued that public support for the indictment, prosecution, conviction, and imprisonment of white-collar offenders is on the rise—research that suggests growing public awareness. Public perception is certainly a key variable when considering an objective view or normative standard of offender behavior. Francis Cullen, Cecilia Chouhy, and Cheryl Jonson (2020) studied public opinion about white-collar crime, and while identifying a public willingness to punish white-collar offenders, they also recorded that public opinion about inflicting punishment on white-collar criminals varies depending on clarity of culpability, typical harm, violation of trust, and a need to show equity—all variables that might be affected by individual or group behavior, during or after the offense.

The identification of such a highly open field in terms of understanding across so many developed jurisdictions positions *Understanding Business Offenders* as both relevant and timely. Relevance supported by the concept of convenience and an appreciation of the wider field of business crime as incorporating both offense and offender-based perspectives. Therein, the offense-based perspective focuses on nonviolent acts for financial gain, while the offender-based perspective focuses on members of the elite in society who abuse their professional positions for financial gain. The most enduring description of white-collar offenders from within the discipline of criminology is still Edwin Sutherland's (1983) emphasis on persons of respectability and high social status who commit economic crime in the course of their occupations. This offender-based definition emphasizes the public need for understanding in terms of business offenders' high social status, power, and respectability as the key features of white-collar crime. Thus, here, the authors mainly apply and adapt this classical perspective on white-collar crime as a conceptual starting point, guiding the reader through close comparative analysis of original fieldwork and a number of key international case studies. In doing so, the treatment attempts to offer nuanced and compelling contemporary insight into the process of white-collar criminal process, while critically exploring the perception and understanding of elite defendants within this under-researched area of the globalized public sphere.

Understanding Business Offenders is structured into nine chapters book-ended by a concise introduction and a reflective conclusion. The first two chapters describe and elaborate the principal subject terminology and theoretical perspectives used, respectively. This foundation is then followed by a series of substantive chapters which present, evaluate, and analyze original empirical research and/or key contemporary case studies to exemplify business offenders and elucidate elements of understanding. A concise overview of chapter coverage and linkage follows.

Chapter 1. “Interpreting and Understanding Offender Characteristics.” Here the conceptual basis for business crime is introduced as economically motivated crime committed by individuals in privileged positions in business and public organizations. Within the traditional offender-based context, crime is committed by an abuse of trust to benefit the individual by using occupational crime or to benefit the organization by using corporate crime. This focus develops a way to evaluate managerial ethics and workplace morality, and various foundational theoretical constructs that are used in this treatment, including aspects of offender recidivism and offender reflection, the latter illustrated by a case study from the United States. Two further case studies follow: the first evaluates themes of strategic understanding and the second, processual understanding.

Chapter 2. “Business Offenders and Convenience.” In this extended chapter, the authors present the theoretical foundation used throughout the book, introducing determinants of business crime based on the theory of convenience. Convenience in this theoretical interpretation has clear lineage to the foundational studies of white-collar and corporate crime presented in chapter 1. Moreover, it allows individual convenience orientation as a determinant to the extent that a person of respectability and high social status in the course of his or her occupation will make a decision to break rules and violate laws whenever alternative decisions are less convenient. This posits a high degree of importance on certain organizational and individual elements, specifically those around motive, opportunity, and willingness. Following a consideration of expediency in business offending, the convenience theory is elaborated in terms of its key tenets—motivation, opportunity, and willingness—prior to the exploration of crime as a convenient choice. Convenience theory is then utilized as a device to explain and analyze empirical work and case studies in the remaining substantive chapters.

Chapter 3. “Understanding Business Offenders and Nonoffenders: Comparative Fieldwork.” This chapter is based on large scale empirical fieldwork in four contrasting international socioeconomic jurisdictions—India, Norway, the United States, and Iran. The impetus behind this research was a desire to evaluate business offenders working within the expanding globalized economy and exposure to, and understanding of, overlapping aspects of international socioeconomic systems and cultures. Moreover, while there are a number of integrated criminological theories that attempt to explain the phenomenon of deviance and crime, researchers have consistently emphasized that it is difficult to test such theories empirically, particularly within the business sphere. Here, the application of convenience theory appears to offer a viable and transferable model, underpinned by its offender-focused deductive construction. This model allows for the evaluation of both actual and potential white-collar

offenders by testing their motive for financial crime, their opportunity in organizational settings, and their willingness to engage in deviant behavior.

Chapter 4. “Interpreting Female Business Offenders.” Chapters 4 and 5 are interrelated and posit an extended and detailed analysis of gendered perspectives in terms of understanding business offenders, a further key research arena that is often neglected in terms of the business crime mainstream. A peculiar anomaly when considering the immediately clear disparity in female offending patterns and apparent lack of public and professional perception and concern. Added attention might aid a developed and contemporary understanding of female offenders within this discrete subject area. Establishing coverage includes detailed conceptual analysis and further original comparative sociocultural fieldwork implementing convenience themes.

Chapter 5. “Moving Beyond the Emancipation Hypothesis.” This chapter builds on the conceptual focus of its predecessor in terms of seeking to augment the literature and understanding on gendered perspectives in business crime. Here the comparative focus is extended to explore conceptions of stability in terms of female involvement in white-collar crime independent of the extent of gender inequality. This is undertaken via an empirical evaluation of five internationally varied jurisdictions: Iran, Portugal, Norway, India, and the United States. The research suggests relative convenience as a potential explanation for the stability. The authors argue, *inter alia*, that in an organizational setting with greater gender equality, convenient opportunities increase to commit and conceal financial crime, but at the same time, there is a reduced motive and willingness to commit and conceal financial crime for women who are potential offenders.

Chapter 6. “Conceptions of Comparative Corruption: Understanding the Business of Mafia in Iran.” As suggested throughout the book when considering our limited understanding of business crime, the use of convenience emerges as a useful device in evaluation and understanding. This chapter aims to discuss the role of convenience applied in Iranian business culture, principally through the examination of a number of lucrative business sectors popularly labeled “mafia”—a culturally unique, media-driven term—and how this established terminology and perception affects the perpetration of financially motivated crime. For this purpose, we select and discuss some of the convenience propositions that might explain “mafia” business operations in Iran. The procedure used to collect data in this study was close documentary analysis, namely the guidelines used in the form of notes or quotes, searching legal literature, books, and other sources related to the identification of issues in this study both off-line and online. What emerges is offered as a theoretically grounded sociocultural treatment of an unusual comparator of business offending.

Chapter 7. “Profit in Crisis: The Role of Reactive Motive and Opportunity.” This chapter presents a “one-sided” theoretical study of convenience propositions that emerged for white-collar offenders during the COVID-19 pandemic via the abuse of the Norwegian government’s crisis support packages for business enterprises during 2020 and 2021. Special motives, special opportunities, and a special willingness for deviant behavior in the abuse of financial aid occurred during the period of national emergency. Stronger motives—both based on possibilities and threats—are discussed. The application of a one-sided approach relates to a necessarily objective focus on convenience propositions that are special to the pandemic situation. The “other side,” while primarily consistent, is concerned with potential inconvenience propositions that are special to the pandemic situation. This novel approach allows for critical evaluation of the behavior of potential business offenders during periods of crisis and emergency, an important consideration in terms of future research and improved understanding of business offenders presented with the rare motives and opportunities facilitated by crisis and emergency.

Chapter 8. “Longitudinal Perspectives and Complex Culpability.” Our understanding of business offenders is occasionally based upon a relatively simple and culturally established deviant practice, as in the case study examined in this chapter, which commences with a fraudulent insurance claim. Here, the white-collar offender was experiencing serious financial problems running a hotel that was suffering heavy losses. A fire could trigger substantial compensation from the insurance company, so arson was organized to alleviate the impending threat of bankruptcy via the receipt of a large payment from the insurance company. However, what makes this case interesting as an authentic example of the acts and omissions of business offenders is the longitudinal and layered blame game that ensued among the individuals involved in the arson and fraudulent insurance claim, a process that spanned two decades and initiated a series of escalating legal proceedings and complex investigatory processes.

Chapter 9. “Inconvenience and Business Offenders: Attempting Bottom-Up Control.” Traditionally, control in organizations is concerned with top-down approaches, where executives attempt to direct their employees to align their work with organizational objectives. Bottom-up control refers to the manner in which organizational members can use different types of control mechanisms—such as whistleblowing, transparency, resource access, or culture—to monitor, measure, and evaluate executives’ avoidance of deviant behavior and influence them toward achieving the organization’s goals in efficient and effective ways. This final substantive chapter addresses the challenge of directing executives to align their work with laws, rules, and ethics. Various bottom-up approaches are explored based on the theory of convenience with a focus on

pragmatic organizational measures to make white-collar crime less convenient for potential offenders.

“Conclusion.” This final section of the book offers an extended reflective conclusion. It reviews the necessarily selective coverage of the book and recaps aspects of offender understanding and seriousness, including public awareness and regulatory process. The conclusion also contains a final summary and tabular analysis of value orientation and personal motivation, misconduct, transparency in terms of organizational opportunities, and the imposition and effect of normative pressure—fertile subjects for further research within this developing subject area. It is hoped that the empirical socioeconomic and sociocultural global comparisons that primarily encompass Norway, the United States, India, and in particular, Iran, provide a stimulating international perspective. Moreover, the continuous application of both theoretical explanations and empirical analyses provide depth and concrete understanding to the concepts raised within the text, which in turn inform the existing literature on our understanding of business offenders.