

Women And White-Collar Crime: Interview for CPJM's Scientific Journal

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1. Scholars claim that crimes (in general) are committed predominantly by men. How does this difference or contrast play out in white-collar crimes (WCC)? Is it similar to traditional crimes (streets crimes), or does it have its peculiarities?

Like street crime, research shows that men compared to women are more likely to commit white-collar crimes especially when the offender is engaging in corporate wrongdoing. High level elite crime such as insider trading, price fixing, fraud, and regulatory violation are committed by successful men who take advantage of their occupational positions to engage in illegal and perhaps immoral acts. Most theoretical explanations of crime have attempted and failed to fully explain why men commit more crime across the spectrum. White-collar crime explanations focus on male dominance in corporate and professional criminal enterprises. Overall, theories related to why men commit higher levels of crime are complicated by definitional issues (what is white-collar crime?) and opposing perspectives (who commits white collar crime?). Nonetheless, a few unique trends show differences in gender and criminal activities. Women, for example, are more likely to be involved in lower-level crimes such as prostitution, check-kiting, shoplifting, and embezzlement. Whereas men, as previously mentioned, commit more violent street crime and engage in more organized and white-collar offenses. Extant research also shows that motivations for committing white-collar crime differ by gender. Women are said to engage in crime to help family and friends. In contrast, men are seeking material gain and status.

Occupation is key to understanding and exploring white-collar crime. Many studies focus on the offenders and how they take advantage of their employment status to engage in wrongdoing. That is, *who commits white-collar crime?* Most white-collar offenders are older white males in positions of power. Determining difference in gender behavior is more

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complicated if the emphasis is on the offense. That is, *what types of behavior constitutes white-collar crime?* I argue that the inclusion of embezzlement as a white-collar crime offers at least one exception to the rule that men commit more crime than women.

In the United States, we see almost equal or more women being arrested for embezzlement based on the FBI's Uniform Crime Report. In fact, this example illustrates one of the problematic issues in the field. Many scholars argue that low-level occupational crimes such as larceny, fraud, or embezzlement fall outside the realm of white-collar crime. The crimes of women embezzlers, however, often involve millions of dollars and may result in the widespread victimization of companies, employees, and owners. Consequently, I find it difficult to categorize embezzlement as low-level fraud. The kerfuffle here is obtaining a suitable database that can shed light on important questions related to gender--many of which remain unanswered despite a rise in research over the last decade. Most of the issues surrounding gender and white-collar crime mirror the efforts by early feminist criminologist to explain women's involvement in other types of crime. In other words, what exactly constitutes white-collar crime? How do we explain the gender ratio gap? Why are fewer women involved in professional and corporate crimes? Are current theoretical explanations applicable to women and white-collar crimes?

2. In what way do the difficulties of access of women to high-level jobs, in corporations or in certain professional occupations, a trait still present in most societies, have a relation to the under-representation of women in WCC?

I believe that opportunity is an essential element for explaining who commits white-collar crime. In most countries women are working in occupations that are not conducive to committing elite crime. Status and position also are intricately tied to high level offenses. In the US, we are seeing an increase of women in professional positions such as lawyer, doctor, politician, or corporate executive, however, the numbers remain low. In 2022, less than 10 percent of the Fortune 500 chief executive officers (CEOs) were women. Women are far from reaching parity in the corporate world. Research by Darrell Steffensmeier and colleagues, in 2013, discovered that women were rarely involved in conspiracy groups and when part of corporate frauds they garnered less money. The study supports the notion that instances of high-

powered women committing corporate crime are atypical. While Martha Stewart and Elizabeth Holmes received an enormous amount of attention including books, documentaries, made for TV movies, and news coverage their positions and criminal behaviors are rare for women. One research study showed that Martha Stewart received far more press coverage in New York papers compared to Enron's Kenneth Lay. One might also note that what Lay, unlike Stewart, was wearing and the designer of his purse were never published in the newspapers. How's that for a sense of irony? Elizabeth Holmes likely used her gender to influence the outcome of the trial and sentencing (i.e., marriage, family, pregnancy, appearance).

3. Apart from the “glass ceiling”, are there other factors that explain this under-representation of women, especially in major economic fraud and/or corporate conspiracy?

Several factors may influence our attitudes and perspectives of women and white-collar crime. First, stereotypes continue unabated. Many people and cultures still believe that women belong in the private sphere allowing patriarchies and hyper-masculinity to determine the “proper” role of women. In the US, protective legislation and arbitrary court decisions overturning landmark cases place women at a distinct disadvantage in the public sphere and further stereotyping. In other parts of the world many of the rights and opportunities afforded American women are non-existent. Second, and closely related to persistent stereotypes, is the labeling and deviant typescripts that plague some efforts to move beyond perceptions that women are somehow “less than” and men are merely “doing gender.” Both concepts are steeped in a masculine hierarchy. Additionally, the colors of work and criminal titles such as blue, pink, and red collar may unintentionally assign labels that diminish research efforts in white-collar crime. Finally, the debate over ethical and moral decision-making differences between males and females suggests that women are different and excel in making more ethical choices. Overall, I try to keep some perspective on the key ingredient to further understanding gender and crime based on a conversation with Fred Adler, a well-known feminist scholar. Freda remarked that gender was a far less important variable because at the end of the day we are all human.

4. In your opinion, which factor would be more prevalent for the under-representation of women in WCC: the lack of access to senior positions (glass ceiling) or the segregation into informal male networks (old boy network) that exist within large corporations?

This is a complicated question that should have a relatively straight forward response. And I wish there was an easy answer. Unfortunately, the lack of data and subsequent research prevents us from determining any correlations or potential causal relationships. Knowing if the split between access and acceptance is equal, or if one has more impact, or how many other variables may play a role in the low number of women engaging in corporate crime has yet to be determined. In the US, the shattering of the glass ceiling has failed to eliminate all the barriers that women face in the workplace. These obstacles are even more widespread and apparent when gender, race, ethnicity, and socioeconomic status intersect.

As I noted earlier, access represents some portion of the problem. Men still control the corporate and political arenas, which leaves little opportunity for women. Consider the following example of professional crime. On one hand, we might speculate that some professional white-collar crimes such as medical fraud are equal opportunity, though in 2022, the number of estimated practicing women physicians in the US was substantially lower compared to men. This circumstance would suggest that a lack of opportunity and participation might account for gender differences. On the other hand, female physicians earn less money, which might result in higher levels of white-collar crime while they continue to work as “outsiders” and attempt to reduce financial problems or high levels of stress/strain. Under these circumstances we would expect higher levels of female involvement. The same argument may apply to women in the legal profession. Currently, it is impossible to know how and why women are engaging in white-collar crime because the dark figure of crime (i.e., unreported incidents), the treatment of women in the criminal justice system (e.g., chivalry or evil women hypotheses), and the lack of data.

5. Within the scope of research on WCC, can it be affirmed that women would be "more law-abiding", "more honest" or "more ethical" than men, or would this supposition depend on further scientific evidence or investigation?

As I mentioned, we need additional research before labeling women as more honest or ethical. In fact, older research such as the studies by Kohlberg and Gilligan might fail to explain moral development in the 21st Century given the rapid technological growth and sociological changes.

6. In your study “Gender Constructions” (*In The Oxford Handbook of White-Collar Crime*, 2016), there are the following passages: “Workplace gendered stereotypes connected to white-collar criminality may limit a female's opportunity to commit such crimes because 'men do not like having women as crime partners” (...) “The exclusion of women in such high-level crimes may be nothing more than men's sexism translated to the upper corporate echelons” (...) “Men typically establish close personal bonds at the office...” (pp. 204-205).

Are these statements still valid, even after the transformations brought about by the Covid-19 Pandemic, which imposed the need to change the workplace from offices to the domestic environment?

The marginalization of women in the workplace may be exacerbated post Covid-19 pandemic. Changes in social and workplace structures have given more women the opportunity to “opt out” or work unseen from home. Before the pandemic, in the US, we saw a higher number of women leaving the stress and mess of the workplace which might result in fewer incidents of white-collar crime and increases in cybercrime. Also, working from home may relegate women to positions as domestic influencers rather than high powered participants in the workforce.

Women will, however, question the wisdom of corporate executives that decide to cut the workforce based on gender. The elimination of more women from the workforce may result in higher incidents of white-collar crimes by men. Opportunities for women are changing in both positive and negative ways. Elon Musk, the new owner of Twitter, is an example of the changes we might expect. Currently, among other problematic issues, Musk is being sued for gender discrimination. The gender disparity in his employment layoffs shows that 57 percent

of female workers lost their jobs compare to less than ½ of the male employees. In fact, layoffs for engineers resulted in what appeared to be more dramatic inequalities (63% of the women lost their jobs compared to 48% of the men). Although Twitter and Musk may not represent a “typical” company the underlying message that men, despite bad behaviors, are more valued is clear.

7. In Brazil, as in most Latin American countries, criminologists have little interest in WCC in general and, especially, in gender investigations on this topic. One can say that, despite being one of the largest global economies, in Brazil there are no scientific studies on the subject in the academic and scientific community. In your opinion, what are the possible reasons for this lack of interest? What suggestions can you give us to change this picture, which I consider “desolating”?

White-collar crime is a tough area of specialization in academia which limits its appeal to scholars. The identification of a sub-field for a particular career is difficult and choices related to graduate schoolwork may pigeon-hole a young scholar who has other interest such as white-collar crime. Additionally, the acquisition of white-collar crime data is a challenge that is almost impossible to overcome in certain cases. Consequently, the lack of data sources may drive a course of study from pharmaceutical fraud to medical victimization, for example, and ultimately delay publishing efforts. Research in white-collar crime often involves qualitative work. In some cases, the value of qualitative research is placed below quantitative efforts or mixed methods. The pressure on young scholars to publish requires strong mentors who have a passion for studying white-collar crime. Qualitative, undoubtedly, is more difficult to publish in mainstream journals.

When I published the women and white-collar crime book in 2009, data were scarce or non-existent. My mentor Gilbert Geis noted that writing such book was a rather bad idea. I had just finished an in-depth case study with Gil on fertility doctors at the University of California, Irvine who allegedly misused human eggs. As a next step I became interested in gender differences and found the lack of attention on female white-collar crime involvement pushed the predominate school of thought that criminal behavior in men and women is different. I was intrigued by the hypothesis that women were less likely to commit white-collar crime and more

likely to be victimize. In the book, I relied primarily on anecdotal cases to support my arguments. At the time, Kathleen Daly's research from 1989 continued to stand out as the definitive article on gender and white/pink-collar crime. While admittedly the book was mediocre the reactions were tremendous. Yes, scholars began to examine women and white-collar crime if for nothing else to demonstrate how case studies are unable to provide a complete picture. Without the influence of my mentor, despite his reluctance to admit my book was okay, I suspect that my areas of study would have been quite different.

In short, universities must establish strong programs and hire faculty specializing in white-collar crime to nurture future scholars. Many of the most famous white-collar crime scholars are at universities in the US and Australia (e.g., John Braithwaite, Sally Simpson, Henry Pontell, Michael Benson, and David Friedrichs). They all helped promote the study of elite deviance by working and publishing with their students. Currently, one example of the importance of mentoring is Professor Rita Faria who is teaching white-collar crime to students in Portugal, some of whom are from Brazil. These students are developing research papers that will capture the attention of many academics. Work across the globe by respected scholars is inspiring a new generation that will begin to answer the many questions raised in our current and incomplete work. Despite my reluctance to admit to this idea, it appears that Zoom has brought us closer together in strange ways. The increase in international webinars and conferences opens numerous doors for collaboration and education that will, in turn, result in more academics undertaking the difficult task of studying white-collar crime.