

**Traditional Crime vs. Corporate Crime: A Comparative Risk
Discourse Analysis**

by

Erin Condirston

A thesis submitted to the Faculty of Graduate and Postdoctoral
[Studies](#) in partial fulfillment of the requirements
for the degree of

Master of Arts

In the Department of Criminology
The University of Ottawa

©Erin Condirston, Ottawa, Canada, 2011

Abstract

With the knowledge that risk has become an omnipresent concept used to understand various social problems, this study aims to fill a perceived gap in literature by investigating the way in which risk discourse is applied to understand different categories of crime, namely traditional crime and corporate crime. It is hypothesized that risk logic is heavily applied to the understanding of traditional crime, with minimal attribution to conversations surrounding corporate crime. The pervasiveness of risk as a technique or tactic of government renders the study of its application to different types of crime an important addition to the existing risk literature. Using the method of a comparative content analysis, the parallels and discrepancies between the ways in which risk is used to discuss traditional and corporate crime by Canadian federal criminal justice organizations are explored. The results indicate a lack of *focus* on risk logic with respect to corporate crime, but demonstrate that risk discourse is perhaps not altogether absent from corporate crime discussions.

Acknowledgements

The completion of this thesis would not have been possible without the love and support of my family and friends. I would like to thank my mom and dad, Kerry and David, for their comfort and encouragement, and for having faith in me even when I did not.

To my friends and colleagues, Lisa, Louis, Trina, Jenn, Alison, and Karl, who helped me maintain my positive attitude and kept me laughing even when I did not think I could.

I would also like to thank my supervisor, Bastien Quirion, who helped me reach my academic goal by guiding me along my way. This thesis could not have been done without him.

Lastly, thanks to Mike, whose support and encouragement I am exceptionally grateful for.

Thank you again to everyone for helping make this thesis possible.

Erin

Table of Contents

Abstract.....	ii
Acknowledgements.....	iii
<i>Introduction</i>	1
<i>Chapter 1: Literature Review</i>	5
<u>Part 1: Theoretical Framework: Risk and Governing</u>	5
Preface	5
Ulrich Beck’s Risk Society	6
Risk and Responsibilization	10
The Politicization of Risk	12
Governing Through Risk	14
Risk Communication	16
Risk, Danger, and Uncertainty	17
Risk and the Governing of Crime	18
The New Penology	19
<u>Part 2: Different Perceptions and Responses to Traditional Crime and White-Collar Crime</u>	21
Preface	21
Street Crime vs. Corporate Crime	22
Edwin Sutherland and Other Views on White-Collar Crime	25
Impact and Costs of White-Collar Crime	29
Corporate Crime and Perceptions of Risk	31
Conclusion	32
<i>Chapter 2: Methodology</i>	33
Comparative Content Analysis Overview	33
Method	34
Justifications	36
Operationalization of Variables	40
<i>Chapter 3: Analysis</i>	49
Category 1: Consequences	50
a) Traditional Crime	50
b) Corporate Crime	52

Category 2: Goals of Crime Policy	54
a) Traditional Crime	54
b) Corporate Crime	58
Category 3: Management Strategies	64
a) Traditional Crime	64
b) Corporate Crime	69
<i>Chapter 4: Discussion</i>	73
Preface	73
Governmentality	74
The New Penology	76
The Protection of Society	78
The Government's Perception of the Seriousness of Risk	80
Role of Communities	82
Risk vs. Morality	84
Moral Integrity vs. Mechanistic Integrity	90
Discrepancies in Consequences	93
How to Manage Crime	95
Research Questions Revisited	96
<i>Conclusion and Recommendations</i>	99
<i>References</i>	103
<i>Appendix A: List of Documents</i>	108
<i>Appendix B: Document Tables (Data Collection)</i>	112

Introduction

Risk is a concept that encompasses many meanings and that can have a multitude of interpretations depending on the context in which it is used. The way in which risk intersects with contemporary society is a phenomenon that is of considerable interest to many scholars and academics. Indeed, the discourse of risk is extremely broad and can be discussed in virtually every area of criminology, as the notion of “risk” seems to be encroaching upon numerous disciplines from every possible angle (Garland, 2003). Maurutto and Hannah-Moffat (2006: 439) discuss the notion of risk as a “fluid concept that can be minimized, treated and continually reassembled.” Said authors note that technologies of risk are constantly changing and are “reinvented” as they are applied and reapplied to accommodate changing times and definitions (2006: 439).

Risk can be defined as “the probability of being exposed to a hazard, a danger” (Meier & Short, 1985: 391), and as such, it has become closely linked with the phenomenon of crime (O’Malley, 2000: 17). Risk is used as a category to understand crime, and it thus applied as such in order to gain knowledge about particular types of offences (Garland, 2003; O’Malley, 2000). However, when people think of crime, they often conceptualize it in terms of the risk they face of being victimized by harmful acts such as an assault committed by a stranger (McMullan, 1992: 9). Indeed, in his book *Corporate Crime and Violence* (1988: 14), Mokhiber begs the question, “why is that despite the high number of victims, when people think of crime, they think of burglary before they think of monopoly (if they think of antitrust violations at all), of assault before they think of harmful pharmaceuticals, of street crime before they think of corporate crime?” Limited research has been conducted with respect to corporate crime

and it's relationship to risk. With the knowledge that risk has become a category used to understand crime in today's society, the proposed research aims to fill the gap in the literature through investigating and comparing the ways in which discourses of risk have or have not been applied to understand different categories of crime, namely traditional and corporate crime.

The main research problem statement that will be asked is: Is the category of risk applied to the field of corporate crime as it has been with traditional crime by federal criminal justice agencies? Essentially, is corporate crime conceptualized under the same risk framework as conventional crime? The comparison between the two categories of crime will hopefully provide insight as to if and thus why said types of crime are conceived of differently in government literature. Within the framework of the research problem, there are several deriving research questions that are of relevance. These questions are as follows:

On which category of crime is the risk discourse usually applied to?

It is important to ask this question in order to enable a further understanding of any perceived gaps in literature with respect to the application of risk discourse to different types of crime. If what is believed to be the case is in fact true, a risk discourse has generally not been used to understand corporate crime. This would then lead to the following research question, asked in order to obtain more information with respect to how corporate crime has been conceptualized and viewed:

What type of discourse is usually applied to describe corporate crime?

The investigation into this question will hopefully offer a broader understanding of whether or not corporate crime has or has not been viewed with a risk discourse, and why or why not it is conceptualized using a different frame of knowledge and understanding.

What type of discourse is usually applied to describe traditional crime?

Through illustrating the dominant discourse that has been used to conceptualize traditional crime, some insight may be offered as to why corporate crime and traditional crime may or may not be framed using a risk discourse in the literature.

How does the notion of risk pertain to the management of corporate crime?

The way in which the notion of risk pertains to the management of corporate crime was also an important question to ask in that hopefully some insight will be given as to whether or not corporate crime is governed or regulated using a risk management discourse, as many other illegal activities are today (O'Malley, 2000: 17).

How does the notion of risk pertain the management of traditional crime?

The investigation into this question will allow a comparison with respect to how traditional and corporate crime are framed in the literature in terms of the way in which each is managed or regulated.

The main hypothesis with respect to the aforementioned research questions is that the category of risk, although widespread throughout the discipline of criminology, is not

applied to the field of corporate crime as it has been with traditional crime by Canadian criminal justice agencies.

In the literature review portion of this paper, I will attempt to demonstrate how the logic of risk has become an important framework in order to describe social problems such as criminality. This portion of the paper will be divided into two parts: part one will cover the topic of risk and governing, while part two will explore the different perceptions and responses to traditional crime and white-collar crime. Through providing an overview of what has been written on the subject of risk in the social sciences, I am hoping to gain insight as to the ways in which risk intersects with different types of crime. This, in turn, will aid the answering of the research questions. In the methodology section, I will outline the method of content analysis and why it was appropriate for the purposes of this research. By contrasting traditional crime against corporate crime in table format, said method will allow me to efficiently compare the two categories of crime, which will again help me to obtain answers to the research problems. In the analysis section, the results of the data will be outlined in detail in order to begin to make conclusions. I will mention both results that agreed with my hypothesis and those that did not in order to answer the research questions as thoroughly as possible. Lastly, the parallels between the data and its relation to relevant theory will be drawn in the proceeding and final discussion chapter. This last chapter is critical to the understanding of why risk discourse has or has not been applied to understand traditional crime and corporate crime, and thus will ultimately provide me with the most valuable answers to my research questions.

Chapter 1: Literature Review

Part 1: Theoretical Framework: Risk and Governing

Preface

Many influential authors and professionals have offered their input into how risk has come to dominate our modern day society and criminal justice system (Garland, 2003; Beck, 1992; O'Malley, 2000, 2004). Arguably one of the most influential pieces of the existing literature on risk is Ulrich Beck's concept of the risk society. Beck's theory depicts the fact that risk has become the general concept with which to try to understand the world in which we are living (Beck, 1992), and will thus be a key focal point to the theoretical framework of the research problem at hand. Subsequently, Garland (2003) discusses the notion that, in a neo-liberal society in which individuals are responsabilized to manage their own risk, risk is used as a technology or tactic of government. He notes that risk is a means by which the state governs through rather than upon the population (Garland, 2003).

The authors that are presented in the literature review are used to not only provide a detailed overview on what has been written on the subject of risk, but also to establish the groundwork that the relevant theory is grounded in. It is also my intention to identify and outline the transformative nature of risk throughout the literature. For example, Beck (1992) and Simon and Feeley (1992) both saw a transformation in society whereby risk came to dominate societal discussions. Beck (1992) saw from modernity to reflexive modernity whereby the distribution of goods was replaced with the distribution of bads or dangers. With this shift came the era of risk in which society was fraught with new risks and hazards potentially global in their impact. Simon and Feeley (1992) also saw a shift

in society with respect to risk, primarily in correctional function. They argued that the old penology, which focused on individual treatment and rehabilitation, was being replaced with the new penology, which focused on the risk management of aggregate groups of people considered dangerous.

The usage of these authors is not intended to be a scientific examination or to make judgments about who is right and who is wrong. The discussion of the influential writings of these academics is necessary in order to demonstrate the ways in which the understandings of risk have been applied in different ways. The writings of Simon and Feeley, Beck, Garland, and Ericson, are essentially being used as blueprints, for the purposes of this thesis, of how the concept of risk has been mapped out. I intend to add to this blueprint with my conclusions by evidencing the different ways in which risk has been used to discuss different types of crime. Through illustrating how risk is a constantly changing concept subject to varying and numerous interpretations, the authors discussed in this literature review prove their relativity to the conclusions of this research paper.

Ulrich Beck's Risk Society

As mentioned, Ulrich Beck is one of the leading researchers on risk in that he founded the theory of the “risk society” (Beck, 1992). He essentially contends that modern society is living in an era of risk that is “fraught with new risks and hazards that we ourselves have manufactured and that are massive in their potentially global impact” (Beck, 1992: 22-23). Beck’s focus on the potential risks that society is faced with is primarily related to the “potential and actual scientific technological disasters that have

proven unpredictable and entail immeasurable human suffering” (Ericson, 2005: 661).

Beck’s concept of the “risk society” is an important one to consider when discussing the notion of risk in that countless authors touch on the arguments he sets out in his theory.

To premise Beck’s risk society thesis, it is important to first understand Beck’s reference to three periods across which society has undergone social change (1992: 3). The first is designated “pre-modernity,” the second “modernity,” and the third and final period, “reflexive modernity” (1992: 3). The two periods most discussed by Beck in “the risk society,” are modernity and reflexive modernity. Beck postulates that modernity is essentially synonymous with industrial society, and likewise that reflexive modernity corresponds with the risk society (1992: 3). Although Beck theorizes that society is not yet a “risk society,” he argues that we are well on our way (1992: 20). The distinction between industrial society and the risk society is an essential facet of Beck’s thesis in that the principle aspect around which industrial society is formed is the dispensation of goods, while the risk society is formed around the dispensation of “bads” or dangers (1992: 3). However, Beck does draw one important parallel between the industrial and the risk society, which essentially highlights the fact that, according to Beck, the risk society “is still, and at the same time, an industrial society” (1992: 3). The reason for this parallel being drawn between two seemingly distinct periods is that Beck posits that the risks in the risk society are primarily produced by industry, as well as by science, accurately defined as “manufactured risks” by Beck. (1992: 3).

The theory of the risk society involves the notion that the risks that we as a society are potentially facing are repercussions of progressive industrial and scientific endeavours, and that said risks have yet to be encountered by society (1992: 2). Beck

argues unequivocally that the risks produced in the risk society are of a magnitude unmatched by any other era (1992: 19). He asserts that science and technology are responsible for increasing the magnitude of risks that are potentially threatening to society (1992: 19). To illustrate this point, Beck has stated, “in the course of the exponentially growing productive forces in the modernization process, hazards and potential threats have been unleashed to an extent previously unknown” (1992: 19).

Beck posits that risks in the reflexive modernity typically go unnoticed by society, and are restricted to the realm of “physical and chemical formulas” (1992: 21). Risk, as defined by Beck, is “a systematic way of dealing with hazards and insecurities induced and introduced by modernization itself” (1992: 21). In this sense, it is the advent of increasingly complex science and technology throughout the modernization process that is responsible for the creation of the increasing number of risks in society (Beck, 1992: 21). These risks, argues Beck, are so cataclysmic in nature, that no civilization or person is immune (1992: 23). Beck states, “Ecological disaster and atomic fallout ignore the borders of nations. Even the rich and powerful are not safe from them” (1992: 23). It is noted that such risks threaten the health of individuals, but also are hazardous to “legitimation, property and profit” (Beck, 1992: 23).

Human activity is to blame for the manufactured risks in society, according to Beck (1992). The “boomerang effect” is a notion conceptualized by Beck in which “Risks of modernization sooner or later also strike those who produce or profit from them” (Beck, 1992: 23). Essentially, Beck is referring to the fact that those powerful individuals and industries that are responsible for manufacturing the potentially catastrophic risks and hazards are not immune from the effects of said risks. Although

profiting from these manufactured risks, those that create them are endangered just as much as the average citizen is. Indeed, according to Beck (1992: 37), “the agents of modernization themselves are emphatically caught in the maelstrom of hazards that they unleash and profit from.”

Various researchers both use Beck’s arguments to support their own as well as to critique his main points. Beck’s approach differs from that of other researchers and authors concerned with the notion of “risk” in that “all proponents of the risk society thesis assume that risk is identified with ‘negative risk’” (O’Malley, 2000: 17). According to O’Malley (2000: 17), Beck’s notion of the “risk society” is based on the dissemination of “bads” (i.e. harms) rather than “goods.” Indeed, both Garland and O’Malley contrast this view in that O’Malley (2000) feels that risks can be good, while Garland (2003: 75) contends that “Beck’s cataclysmic analysis [of risk] seems overstated, both in its historical judgments and in its account of dangers we now face.” Rigakos (1999: 145) posits that Beck’s notion of the risk society affecting rich and poor uniformly is erroneous. According to Rigakos, “The affluent can and do escape the fallout of risks, whatever their manifestation, by simply moving to safer neighbourhoods or purchasing technology, health care, insurance, and security” (1999: 145).

In summary, as evidenced by the literature referencing Beck’s theory, the notion that risk has evolved into a omnipresent concept used to understand the world in which we are living today is one that is consistently agreed upon by numerous authors and researchers. The fact that a plethora of academics have agreed upon risk’s use in everyday society as a framework of understanding speaks volumes to its multidisciplinary permeability as well as to the transcendence of Beck’s theory.

Risk and Responsibilization

Douglas (1990: 3) argues that, “the concept of risk emerges as a key idea for modern times because of its uses as a forensic resource” (Douglas, 1990: 3). Douglas (1990) indicates that risk functions as a forensic resource when it is used to assign responsibility and to distribute power and resources that interact in complicated ways with such assignments. Douglas (1990: 3) further contends that in modern times, the word “risk” has become synonymous with primarily bad outcomes, or in other words, “bad risks.” She differentiates the use of the word “risk” from that of sins or taboos, stating the “forensic functions” of risk as the primary disparity. Douglas (1990: 6-7) also notes that within the forensic uses of “risk” lies the idea of danger. She states “the modern risk concept, parsed now as danger, is invoked to protect individuals against encroachments of others” (Douglas, 1990: 7). It is premised that individuals make decisions in their lives by looking at a multitude of risks, comparing them, and weighing the likely favourable and unfavourable outcomes (Douglas, 1990: 10).

When discussing the notion of risk as a forensic resource, it is assumed that risk has become the key concept used within the legal and political systems to assign responsibility for poor outcomes, for with risk comes blame (Douglas, 1990). Indeed, it can be argued that the primary function of risk is to allocate blame, which is generally attributed to the disadvantaged. Thus, “blame can be considered a social tool for apportioning responsibility and demanding accountability” (Freedman, 2005: 530). The focus is on the ways in which the concept of risk is used to establish and maintain conceptual boundaries between the self and the other. This idea can be tied to the notion

of blaming. Attributing blame to those that are outside the community in order to strengthen the ties between individuals in the community is one of the main characteristics of viewing risk as a forensic resource.

One of the main implications of using risk as a forensic resource lies in the very concept of assigning guilt and attributing blame. Nigel Parton (1998: 20) has stated, with reference to Douglas' article, that our increasing tendency to use risk as a forensic resource has enabled us to "treat every death as chargeable to someone's account, every accident as caused by someone's criminal negligence, every sickness a threatened prosecution." In our individualistic society, there is always the need to attribute blame to someone for something, and as long as our society continues to be individualistic, the blame often goes to the ones who are unable to compete against the powerful. Indeed, according to Douglas, there is a fear "that those who are already disadvantaged will suffer more" (1990: 13). This includes the poor, visible minorities, homosexuals, etc. When society is looking for individuals to blame, the ones who have been stigmatized and blamed in the past are the easiest targets. In addition, those who are being blamed are believed to be "different" than those doing the blaming, and as a result, stigmatization is able to take place. With respect to the criminal justice system, society's tendency to target and blame certain groups of people is evident in the astronomical incarceration rates of certain countries such as the United States. For example, Nils Christie, author of an eye-opening book entitled *Crime Control as Industry* (2000: 71), argues that the elevated incarceration rates of the United States do not mirror the crime rate, but rather the tendency of the criminal justice system to target specific individuals for incarceration, such as drug users. As a result of using risk as a forensic resource, society will continue

to be able to attribute blame to those who are outside their tight-knit walls and will continue to contribute to ever-increasing incarceration rates.

The Politicization of Risk

The politicization of risk can be considered as a wide variety of efforts used to conceive and address social problems in terms of risk. This concept refers to the way in which the government and those with political power are trying to grasp everything in society using the concept of risk. They are reconstructing all social problems, including crime, in terms of risk. The primary reason for this phenomenon is the government's foremost concern with managing and reducing risk in its entirety. The politicization of risk can be considered in 2 ways: firstly, risk can be considered as the direct target of particular policies. This refers to the notion of risk as an object on which political persons will attempt to intervene and gain control of. In this sense, risks already exist in society. The second way to consider the process of the politicization of risk is risk as a general way of thinking. Using this form of thought, risk is a principle that is socially constructed and is used as a basis by which political powers categorize the world. With the politicization of risk, risk now becomes a new concept with which society's misfortunes and hardships can be explained. Through using risk as a central concept with which to explain the world, the future can be predicted more than ever, and policy makers have unprecedented influence with respect to what is considered a "risk." Garland argues that risk has become a concept that has enabled the government to exert their control over numerous spheres of society. He notes that, "in modern states...the expert management of risk has become an essential task of government that reaches into practically every

domain...” (Garland, 2003: 60). In being able to define what is considered a risk and what is not, the government is assuming the role of risk management for society (Garland, 2003: 60). In this sense, the government is able to dictate to society what to be aware of as a risk, and what resulting precautions to take.

However, the politicization of risk is a notion that must be considered carefully in that it is able to create risk as a social construct rather than as a real phenomenon. It helps to understand how our risk society is characterized more by a preoccupation with risk and safety than of real risk itself. This phenomenon of the politicization of risk can be related back to Ulrich Beck’s theory of the risk society. One of Beck’s (1992: 77) notions is that “if people experience risks as real they are real in their consequences.” Therefore, if in reality something is not truly a risk, but the government has defined it as such and society perceives it as such, then the likelihood of society accepting it as a risk is great.

According to Hier (2003: 18), it is more useful to “understand the politicization of risk as contributing to an extended level of disruptions in the routine functioning of everyday living which are subsequently incorporated by the state under the pretense of ‘law and order’” (2003: 18). This statement indicates that the politicization of risk does have its implications. In terms of social policy, the politicization of risk, as I have previously mentioned, allows policy makers to exert their influence over numerous sectors of society. They are able to define numerous social problems in terms of risk, and thereby expand their net of social control. For example, due to the politicization of risk, tools of risk assessment have become of utmost interest to the government and society. This can be considered under the realm of the new penology which is characterized by its

focus on classifying, managing, and assessing aggregates of individuals based on their level of risk, rather than on punishing and rehabilitating the individual (Feeley & Simon, 1992: 452). Instead of discussing how offenders can be treated and rehabilitated, talk is now focused around how we can identify and manage them according to the risk they represent to society, and which tools to use in doing so. Policy makers are able to become moral entrepreneurs of sorts; they are the ones defining what is a risk so therefore they are able to have their ideas about what is right and wrong circulated throughout society. In the field of criminal justice, the politicization of risk has the effect of deeming certain acts and situations as risky or criminal unnecessarily. For example, there are certain acts, such as prostitution or drug use, which are often deemed to put society “at-risk.” These acts may be morally aversive, but they do not necessarily represent harm to society. However, because policy makers have delineated them as such, they are viewed as “risky” and perpetrators of this behaviour are dealt with accordingly.

Governing Through Risk

Garland (2003: 49) explores the notion that the idea of risk has permeated modern day thought, and has come to “appear indispensable for understanding our times.” He states, “today’s accounts of risk are remarkable for their multiplicity and for the variety of senses they give to the term” (2003: 49). Garland (2003: 49) makes note of the multiplicity of uses the word “risk” has come to denote in modern day language, citing that it is a calculation, a commodity, and a technique of government, just to name a few. Garland (2003: 49) states, “it seems clear that risk and its management have outgrown the domain of the technical specialists and are becoming increasingly pervasive features of

the contemporary world.” He demonstrates how, in a neo-liberal society, risk is used as a technology or tactic of government, and that risk is a means by which the state governs through rather than upon the population (2003).

Garland (2003: 52) presents his arguments from a social constructionist viewpoint in that he does not believe that risks exist in and of themselves. He states. “risks never exist outside of our knowledge of them. They are the product of future-oriented human calculations” (Garland, 2003: 52). Indeed, he goes on to indicate, “the number of risks that exist at any time is a function of the number of risk identifications and assessments human beings make” (Garland, 2003: 52). Garland (2003: 53-54) notes that risks are reactive in that they “respond to the attitudes and actions that people adopt towards it.” The risks that society attempts to manage are constantly changing once they are identified and acted upon (Garland, 2003: 54). Garland (2003: 54) notes that human beings tend to be in a constant state of risk calculation in that individuals act in response to the analyzing of the costs and benefits of any given situation, and thus compensate their risk management according to the way in which they perceive risk (Garland, 2003: 54). Indeed, Garland (2003: 55) states, “risk compensation means that as perceived risks alter, so too do our levels of vigilance and exposure.” He also argues that risk is a phenomenon that is “thoroughly social, thoroughly cultural thoroughly psychological” and that the types of risks that people must worry about, and they way in which they manage and respond to those risks vary “among individuals, among groups, and among cultures” (Garland, 2003: 69). Garland even discusses the idea of “risk scholars,” a group of multi-disciplinary academics whose responsibility it is to “understand risk...to improve our understanding of the individuals and institutions involved” (2003: 69-70).

Risk Communication

With respect to risk communication, Garland (2003: 57) notes that the government has a responsibility to inform society when risks are identified in order to provide people with “full and accurate information as soon as possible” (ibid: 57). However, he states that “sections of the public have come to distrust government officials and large-scale organizations, believing that their interests and motives do not match their own” (Garland, 2003: 58). The impact of this lack of trust on crime policy is that individuals will often not trust or believe in the risks that the government or experts in the field are telling society to be aware of. As a result, according to Garland (2003: 58), “government officials and scientific experts can no longer assume that their advice will be regarded as authoritative.” Those who communicate advice about risk must walk a slippery slope in that if they put too much emphasis on a certain risk, a state of alarm may be created. However, if said experts are not trusted or believed when they communicate a certain risk that is a true danger, society may become complacent (Garland, 2003: 57-58).

Garland (2003: 50) cites Beck’s “risk society” thesis as a main contributor to the rise of risk in contemporary society. However, Garland (2003: 52) notes that if we are entering or becoming a “risk society” as Beck has indicated, it is us human beings who are “actively responsible” for such an occurrence. It is the fact that humans are actively identifying, creating, and in turn calculating “risk” that the idea of such a “risk society” is even fathomable. Garland (2003: 74) indicates that Beck’s theory of the “risk society” is infused with a “cultural mood” of “urgency and anxiety” around risk.

Risk, Danger, and Uncertainty

Garland (2003: 50-52) also discusses the notion of risk in relation to danger and uncertainty. He distinguishes between risk and danger in that danger is the “potential for harm that inheres in a thing, a person, or a situation,” whereas risk is “a measure of that potential’s likelihood and extent.” He notes that risks are always calculated in an atmosphere of uncertainty (Garland, 2003: 52). In citing Adams (1995: 30), Garland (2003: 52) notes that the idea of an “unmanaged” risk does not exist in that “as soon as a risk is identified...we tend to take steps to manage or reduce its adverse consequences.” According to Adams (1995: 30), “risk perceived is risk acted upon.”

“The risks we run depend on the actions of others and the risks they take” (Garland, 2003: 55), and thus, according to Garland, risks can be defined as interactive (ibid: 55). Risk is a social entity that depends on the interactions of humans and institutions with one another – the precautions that one takes to protect oneself from harm depend on the interactions of said persons with others and the perceived risks that person is faced by (Garland, 2003: 55). Garland (2003: 57) states, “if people experience risks as real they are real in their consequences.” Essentially, this depicts the fact that oftentimes, regardless of what the public is told by academics or government officials, people tend to trust the experiences of loved ones or neighbours rather than put trust in the claims of experts (Garland, 2003: 57). Indeed, Garland (2003: 57) has stated, “governments and scientists have learned that the risk perceptions of ordinary people are not easily transformed by reference to ‘objective’ measures of the risk in question.”

Risk and the Governing of Crime

O'Malley (2004, 2000) provides in-depth discussion on the issue of risk and government, and demonstrates how the notion of risk is used as a technique of governing the future within the framework of a neo-liberal society. He has stated that "in the past few decades, it is argued, the organization of many fields of government and social life – and in particular the government of crime and 'social problems' – has been reshaped around techniques and models of risk management" (O'Malley, 2000: 17). Indeed, one of O'Malley's (2000: 30) main focuses is on the government of crime in relation to risk, as he states that "the way we will govern risk, and govern through risk will be decided not by a logic of actuarialism, but by the outcome of struggles between those who imagine, design and deploy competing approaches to government." O'Malley (2000: 323) defines risk within the era of liberalism as follows: "a technology of government that is based on the probabilistic prediction of futures."

O'Malley argues that as a technique or technology of government, the concept of risk is directly influenced and affected by various "social and political rationales and environments" (Ewald, 1991 in O'Malley, 2000: 326). As a result, according to O'Malley (2000: 326), risk can evolve and acquire many different forms according to the intent for which it is to be used and any assumptions that are being made about it. Risk thus becomes void of neutrality in that morality is always infused within its usage (O'Malley, 2000: 326). According to O'Malley (ibid), "[risk] is always a moralized way of governing." It is posited that risk should thus be unifying in nature rather than dichotomous or "polarizing," it should be inclusive rather than ostracizing or "exclusionary," and it should also not set offenders and victims against each other"

(O'Malley, 2000: 326). O'Malley (2000: 323) sees benefit in recognizing and being aware of the multitude of forms risk can take on in that the development of specific criterion that can be used as “tools for thinking about the promise and limitations of ways of governing by risk” is facilitated.

O'Malley (2000: 329) postulates that risk as a technique of governing has generally been exclusionary in nature, applied solely to the category of individuals who are considered as “Others.” This category includes those individuals who are deemed as dangerous to society, and who are, as O'Malley states, “irremediable” (ibid). These types of individuals usually include those criminals thought to be the most abhorrent in society, such as sexual offenders and continuous violent offenders (O'Malley, 2000: 329).

According to O'Malley (2000: 325), these individuals are typically “defined primarily in terms of their purely negative and dangerous status as threats to others (victims), and accordingly are incapacitated.”

The New Penology

Feeley and Simon's (1992) influential piece of literature on risk suggests that our society is undergoing a paradigmatic shift towards what they term “the new penology” which focuses on identifying, classifying, and managing groups of people (as opposed to individuals) according to the risk that they pose to society. Risk management of aggregates of persons is at the forefront of the new penology rather than on punishing the individual and on transformation and rehabilitation as was characteristic of the old penology (Feeley and Simon, 1992: 452). Indeed, Feeley and Simon (1992: 461) have

stated that “the actuarial logic of the new penology dictates an expansion of the continuum of control for more effective risk management.”

The new function of the criminal sanction, according to the new penology paradigm, is to incapacitate offenders in order to maintain control over them and the risk they represent to society (Feeley & Simon, 1992). This is so done through “secure forms of custody,” such as prisons for high-risk offenders, and through community-based sanctions for low-risk offenders (ibid: 461). Rather than seeking to change people, the new penology seeks to manage “dangerous” groups so they won’t cause any harm or risk to society (ibid: 455). Those that are seen to pose a high-risk receive harsher punishments with the new penology than those who are seen as a low-risk and are not thought to pose any real harm to society. This can be referred to as the process of selective incapacitation (ibid: 458). Feeley and Simon (1992: 458) define selective incapacitation as follows: “a sentencing scheme in which lengths of sentence depend not upon the nature of the criminal offense or upon an assessment of the character of the offender, but upon risk profiles.” They go on to say that the objectives of selective incapacitation are to identify and manage high-risk offenders by maintaining “long term control” over them while exerting less serious control and punishment over those deemed to be lower risk offenders (Feeley & Simon, 1992: 458).

Due to this shift towards the new penology, the manner in which offenders are being managed has been affected. Now that offenders are being treated as groups of “high-risk” persons that need to be controlled and managed, they are being targeted with these objectives in mind. Indeed, Feeley and Simon (1992: 450) have stated that the new penology deploys new techniques that “target offenders as an aggregate in place of

traditional techniques for individualizing or creating equity.” These new techniques to classify and manage offenders that have been implemented with the emergence of the new penology include preventive detention, incapacitating people before they are sentenced, and actuarial risk assessment tools (measures to predict the probability of future conduct using data from previous, similar situations) (Feeley & Simon, 1992).

It is this phenomenon of incarceration that perhaps has the largest impact on the way in which offenders are managed within the new penology. The new penology is simply another way to control the undesirable and unwanted members of society (i.e. the poor, drug addicts, minorities). In an article on the topic of risk and probation, Kemshall and al. (1997: 216) state that, “the pragmatic, and to a large extent fiscally driven, response to this ‘penal crisis’ [of rising incarceration rates] has been the pursuit of selective incarceration and ‘ways to reduce populations consistent with the public safety.’” Under the guise of “effective risk management,” the new penology enables the criminal justice system to expand their net of social control. Now that the new penology is only concerned with incarceration rather than on treatment and reintegrating offenders back into the community, more and more individuals are classified as “dangerous persons” and therefore more people are being incarcerated than ever before.

Part 2: Different Perceptions and Responses to Traditional Crime and White-Collar

Crime

Preface:

According to McMullan, (1992: 17), “crimes of the powerful are not only harmful and dangerous acts, they also are common and costly.” Indeed, Dave Whyte has

reinforced this notion in his contention that “corporate offending continues to produce injury, death and financial loss on a much larger scale than ‘conventional’ crimes” (2004: 133). It is thus important to demonstrate the way in which the impact of corporate crime has been depicted in the literature in order to investigate the ways in which the concept of risk intersects with said category of crime. Furthermore, through illustrating the ways in which corporate crime and traditional crime differ with respect to perceptions and responses, any potential differing discourses used to depict said categories respectively will materialize, and answers to the proposed research questions will be found.

Street Crime vs. Corporate Crime

According to Titus and Gover (2001: 64):

When thinking about or discussing crime, most people have images of robbery, assault, rape, and similar street crimes. As a result, a large amount of research in criminology and criminal justice has focused on the financial and physical consequences of these criminal actions on victims.

With respect to how the concept of risk is applied to different types of crime, street crimes or violent crimes have also unequivocally been the focus of such assessments. Walklate (1997: 36) posits that street crime and burglary are the types of crimes most often focused upon by risk assessments, with the assessments of corporate crimes such as fraud going unheeded. Menzies et al. (2001: 11) note that it is the news media that bombards society with images and stories of violence and sensational crimes being committed in the streets by strangers hunting their prey. It is these types of stories

that make individuals fearful of “stranger danger,” of being attacked while walking home at night, of neighbourhoods becoming less and less safe due to rising crime rates (Brown and Pratt, 2000; Ericson and Haggerty, 1997; O’Malley, 1998 in Menzies et al., 2001: 11). According to Menzies et al. (2001: 12), “commonplace images of predatory criminals, and foreboding crime statistics unleashed by police bureaus and government offices, are potent symbols of a social world in chaos.” These types of problems as presented in the news seem much more imminent and immediately threatening the well-being of society than do other issues that might affect society on a much larger scale, such as poverty and environmental crimes (Menzies et al., 2001: 12). The economic, social, and personal costs that are inflicted upon society by such social problems are much more widespread than those inflicted by street crimes (ibid: 13). The reason for society’s somewhat inaccurate understanding of crime is due to the fact that, according to Menzies et al. (2001: 13), academics, policy-makers, criminal justice officials, the media, and the public, “have been looking for crime in all the wrong places.” Due to the fact that society has been arguably misled with respect to which crimes are most harmful or widespread, the more pressing crime problems have become irremediable (ibid). Indeed, the severity of the situation is adequately described by Menzies et al. (2001: 13) in the following statement: “by fixating on street crime waves, we have virtually ignored the tsunamis generated by ‘suite crime’ – by every possible measure – money wasted, property destroyed, lives ruined, people killed – the affluent are more dangerous than the poor.” Crime control efforts have been blind to the crimes of the powerful that have had the greatest impact on society and thus society’s ability to recognize and fix the issues that plague us has been impeded (Menzies et al., 2001: 13). An understanding of crime in

society is dependent upon an informed awareness that the acts that are most detrimental, those that inflict the greatest harm, violence, damage, etc., are not the crimes committed by “mainstream criminals,” but rather are caused by the “deprivations of the powerful” (Menzies et al., 2001: 13). According to Menzies et al. (2001: 13):

The ‘average’ Canadian is more likely to suffer at the hands of government, elected and appointed officials, business organizations, professionals or white-, blue- and khaki-collared criminals than from all the street-thugs, youth gangs, home invaders, illegal (im)migrants, pot growers and squeegee kids that our society can produce.

Hollway and Jefferson (1997: 255) note that the way in which the notion of fear is constructed directly relates to the miscalculation of an individual’s “‘true’ risk of crime.” According to said authors, the concept of fear of crime is “inadequately theorized” in that it is based on the idea that individuals rationally calculate said fear (ibid). It is suggested that rather than individuals rationally calculating fear of crime, citizens are instead basing this fear on “inter-subjective defending against anxiety” (Hollway & Jefferson, 1997: 255). Indeed, as illustrated by Hollway and Jefferson (1997: 256), the question of “how safe do you feel walking alone in this area after dark?” is a typical measure of the concept of fear of crime and as such the definition of fear of crime becomes very limited and narrow in its scope, and one in which the concept of risk is inherent. Accordingly, Hollway and Jefferson (ibid) state that “the assumption behind the question ‘how safe do you feel walking alone in this area after dark’ is that the more ‘at risk’ (of victimization you feel), the more fearful you will be, and vice versa.” Thus, as Hollway and Jefferson (ibid) argue, risks that are typically dominant in fear of crime discourses typically focus

on those that have identifiable offenders and victims, and as such those crimes that do not have offenders and victims that are as easily identified tend “not to become part of ‘fear of crime.’” The aforementioned authors use the examples of toxic waste dumping or tax evasion as crimes that do not have “knowable” offenders or victims, meaning that they are not easily identifiable (Hollway & Jefferson, 1997: 260).

Edwin Sutherland and Other Views on White-Collar Crime

Edwin Sutherland has been considered the founding father of white-collar criminality, as his writings on the subject have been influential to the study of corporate crime (Friedrichs, 2007: 163). Sutherland reiterates what countless authors and researchers have documented in stating that the “The financial cost of white-collar crime is probably several times as great as the financial cost of all the crimes which are customarily regarded as the ‘crime problem’” (Sutherland, 1940: 3). He goes on to say that society’s reaction to corporate or white-collar crimes is often dissimilar from that of other more traditional crimes in that it is oftentimes assumed that crimes committed by the powerful are simple “technical violations” involving no accountability morally (Sutherland, 1945: 139). Hartley (2008: 2), in discussing Sutherland’s views on corporate crime, notes that Sutherland’s views on street and corporate criminals involved the notion that both categories of law-breakers were not entirely different from one another. Indeed, “Sutherland believed that the only difference between white-collar and lower-class criminals was in the ‘implementation of the criminal law which segregates white-collar criminals administratively from other criminals’” (Hartley, 2008: 2).

Perhaps the lack of focus on corporate or white-collar crimes is partially due to the numerous and convoluted definitions of said crimes. It has been noted by various academics that the plethora of definitions attributed to corporate crime has indeed rendered the understanding of such crimes problematic. For instance, Daly (2001) notes that the definitions of white-collar crime are discrepant due to the fact that there is a lack of agreement on whether the main focus should be on the offender or the offense. According to Shapiro (2001: 21), “current usage [of the concept of white-collar crime] centers on some combination of characteristics of lawbreakers, specifying that they be upper-class or upper-status individuals, organizations, or corporations, or incumbents of occupational roles.” The terms “white-collar crime” and “corporate crime” appear to be used somewhat interchangeably, as there is a substantial “overlap” among these terms, as well as others such as “occupational crime” and “organizational crime” (Hartley, 2008: 21). A simpler understanding of corporate crime centers on the notion that said crime “refers to acts in violation of the law that are committed by businesses, corporations, or individuals within those entities” (Hartley, 2008: 1). Sutherland himself used varying definitions of white-collar crime, but that most often attributed to him is that white-collar crime is “a crime committed by a person of respectability and high social status in the course of his occupation” (Sutherland, 1949 in Hartley, 2008: 2). Hartley (2008: 4) indicates that definitions of corporate illegality diverge “across and within disciplines.” Indeed, defining such instances of wrongdoings becomes problematic when the very notion of what constitutes a crime is an issue in itself (ibid: 3). Crime is a construct established by society, and thus society defines who and what is considered a criminal and crime respectively (ibid).

Due to the lack of fear attributed to corporate crimes as compared to traditional crimes, the manner and degree to which corporate crimes are prosecuted arguably pale in comparison to street crimes. For example, according to Hartley (2008: 27), the way in which the criminal justice system has handled corporate violence is inadequate in comparison to their response to street violence. Indeed, it has been argued that corporate crimes are relatively ignored by society due to the fact that they are viewed as fundamentally different from street crimes (ibid). Hartley (2008: 27-28) illustrates that the responsibility attributed to corporate criminals should be equal to that of street criminals in that the violence bestowed upon society by white-collar criminals is “caused either purposely, knowingly, recklessly, or negligently,” and thus laws that are in place in order to hold these people accountable should be attributable to street and corporate criminals evenly. There are numerous issues with prosecuting corporate crime, however, including the fact that corporations cannot typically be held criminally responsible in the same way that individuals can (Cressey, 2001: 186-187). This is due to the fact that, unlike individuals, corporations as entities are not capable of possessing criminal thoughts, behaviours, or intentions (Cressey, 2001: 186-187). Thus, with no physical body to prosecute, along with the fact that society typically has trouble comprehending the fact that corporations are capable of offending, the levying of charges against “entities” has been rendered problematic (Hartley, 2008: 14). When corporate crimes are prosecuted, criminal liability is usually attributed to individuals working for that corporation (ibid: 15). In addition, “corporations historically have been able to avoid prosecution because of the limited liability they have written into their charters” (Hartley, 2008: 14).

Contributing to the difficulty in prosecuting corporate crimes is the fact that many of these types of indiscretions go unreported by victims due to their lack of awareness that they had been victimized as all (Shover & Wright, 2001: 49). According to Shover and Wright (2001: 49), “unlike robbery, burglary, and other street crimes, acts of white-collar crime frequently do not stand out in victims’ experiences; often they have the look of routine legitimate transactions.” In addition, victims may feel embarrassed by being victimized or taken advantage of by a corporation, as though they should have taken more precautions to prevent the offense in the first place, and thus may not feel comfortable disclosing their victimization to others (Shover & Wright, 2001: 49). Therefore, although corporate or white-collar crimes may indeed harm society in many more ways than street or traditional crimes, the actual magnitude of such harm is most likely unknown due to the fact that the extent to which such crimes are reported is limited (ibid). Shover and Wright (2001: 49) note, “in marked contrast to street crime, data on white-collar offenses, offenders, and victims are not routinely collected, collated, and disseminated by centralized offices of state or federal government.”

Vaughn (1992: 138) notes that there is a great deal of attention paid towards how individuals weigh the costs and benefits of engaging in criminal behaviour and how the notion of deterrence is involved in this calculation. Risk is a major theme involved in the calculation of weighing the costs and benefits of engaging in deviance. The perceived risk of getting caught for criminality has an arguably near totalizing influence on the final decision of whether or not to commit to engaging in a criminal act. Accordingly, the deterrence of white-collar or corporate crime is a recurring and dominant theme amongst the literature. Numerous authors discuss the notion of how deterring corporate crime can

be an effective as well as an ineffective tool in curbing such criminal behaviour. Indeed, Brown (2001: 1297) has stated, “judgments of culpability are contingent not only upon the blameworthiness of an offender’s acts, but also upon the perceived efficacy of criminal sanctions as a deterrent.” It is noted by Paternoster and Simpson (2001: 194, 195) that a “traditional model” of deterrence, in which would-be offenders weigh the costs and benefits of committing a certain deviant act, could aid in the comprehension of corporate crime due to the fact that the level of commitment that corporate criminals have to offending may be less than that of a traditional criminal. In addition, the fact that corporate crimes typically are not considered “crimes of passion,” in that their commissions are usually rationally calculated acts carried out by rationally calculating individuals who have taken the time to think out their plans, contributes to the notion that there is a deterrability aspect to such crimes (Braithwaite and Geis 1982 in Paternoster & Simpson, 2001: 195). As indicated by Paternoster and Simpson (2001: 195), “these [corporate] offenses are presumed to be more amenable to a cost-benefit calculus on the part of the perpetrator.” Said authors argue that, in accordance with research dictating that “with ordinary street crimes, moral inhibitions have consistently been found to be strong correlates of offending,” moral inhibitions contribute to the deterrability of a potential corporate offender as well (Paternoster & Simpson, 2001: 201). Thus, those who view acts to be morally abhorrent are less likely to engage in corporate deviance than those who are “morally tolerant” (ibid).

Impact and Costs of White-Collar Crime

It is also well documented in the literature that white-collar or corporate crime has a colossal detrimental impact on society. Indeed, in comparison to street crime, corporate crime exceeds the damages inflicted upon individuals and society (Shover & Wright, 2001: 49). According to Shover and Wright (2001: 49), “white-collar crime exacts an astronomical toll in deaths, physical health, emotional suffering, and fiscal costs, one that dwarfs comparable losses to street crime.” When considering crime, although individuals typically envision such acts as burglary, robbery, assault, or other street or “traditional” crimes, in fact it is the “crimes in the suites” rather than the crimes on the streets that affect society most (Titus, 2001: 64). To reiterate this point, it has been noted that:

Although most of us do not think of businesses, corporations, or presidents and CEOs of companies when we think of criminals, corporate and white-collar offenses actually cause more deaths, physical injury, and property loss than the Uniform Crime Report’s eight serious index offenses together (Kappeler, Blumberg, and Potter 2000 in Hartley, 2008: 1).

The injurious acts committed by corporations have included such high-profile cases as Enron, the Exxon Valdez oil spill in 1989 (Hartley, 2008: 28), the Westray tragedy in Nova Scotia, and the Conrad Black fiasco. However, these large corporate atrocities pale in comparison to the countless misdeeds committed by small companies and corporate individuals every day that don’t make headlines. The costs of corporate crime on individuals and society are too numerous and varied to list here. These crimes not only affect people directly, but their effects can affect people for years to come (Shover & Wright, 2001: 50). However, despite the documentation of the atrocities that

corporate crime has bestowed upon society, people are still more fearful of being a victim of the so-called “stranger danger” (Hartley, 2008: 2). Hartley (2008: 2) states:

Although today the general public is more concerned than ever before about the quality of life that we live, the water we drink, the air we breathe, the safety of the products we use, and even the security of our savings and stock portfolios for retirement, we remain more fearful of being the victim of a heinous predatory act.

Corporate Crime and Perceptions of Risk

Robert Meier and James Short (1985) have written about the notion of corporate crime and its relation to risk. In their article they are discussing the notion that “future studies of the consequences of criminality, especially white-collar and corporate violations, might be directed towards the notions of risk and, eventually, social trust” (1985: 389). Meier and Short (1985: 389) cite many of the influential authors that have written important literature on corporate crime, such as Sutherland (1940) and Cohen (1966), giving substantial merit to the thoroughness of their work. Using their concept of “hazards” the authors conducted a telephone survey with participants, asking them to rate how likely they thought it would be that any of the hazards operationalized by Meier and Short would happen to them “within the next five years” (1985: 392). The authors concluded that respondents perceived their risk of being victimized by corporate crime (“white-collar crime” as used by Meier and Short) as higher than any other “hazards” on their scale, such as “ordinary” offences (i.e. physical assault or vandalism) or “natural hazards” (i.e. volcano eruption or nuclear fallout) (1985: 393, 397). Meier and Short

(1985: 394) found that “hazards perceived as least likely to occur in the lives of our respondents are those which pose the greatest potential physical danger.” However, these potential physical hazards included anything from physical violence committed by a person known to the victim, to being in a natural disaster such as an earthquake (ibid). It seems problematic for Meier and Short to include natural disaster hazards on the same scale as potential physical victimization from “traditional” crimes, and then to generalize and say that people are more afraid of being victimized by corporate illegalities than hazards that could cause greater potential physical harm. In addition, it has been previously noted by Whyte (2004: 133) that corporate crime often causes greater harm than “traditional” crimes, including potential physical harm such as injury or death, and it would have been beneficial for Meier and Short to attend to this fact. However, Meier and Short’s article was written in 1985, so it is necessary to investigate this issue further in order to shed some light on what might be the case today. However, regardless of the gaps in Meier and Short’s research, their study provides one of the only pieces of literature on how corporate crime is viewed in terms of risk. The research at hand aims to fill the gaps in this area of research by qualitatively analyzing the discourses that are used to discuss corporate crime as compared to traditional crime in order to determine if risk is used as a key framework of understanding.

Conclusion

The literature has painted a very different picture concerning perceptions and responses in relation to traditional crime and corporate crime. With respect to the former, perceptions, as depicted in the literature, are primarily related to fear. The literature

indicates that individuals are most fearful of traditional or conventional crimes, such as robbery or homicide, as said crimes are sensationalized (Menzies et al., 2001: 11), and are also the primary focus of risk assessments (Walklate, 1997: 36). In contrast, the perceptions of corporate crime are that said transgressions do not harm society on the same level as conventional crime, despite the literature evidencing the contrary. Despite the fact that countless researchers have indicated the fact that corporate crime can and does inflict more harm on society than traditional crime, society still perceives the latter to be the most dangerous and therefore having the most serious consequences. The responses with respect to traditional and corporate crime reflect the same mentality as depicted with respect to perceptions. Due to the fact that society still perceives traditional crime as more serious than corporate crime, the response of criminal justice entities is reflective of said perception. With factors such as the lack of reporting of corporate crimes, and ignorance towards the magnitude of effects such crimes can have resulting in a lack of fear, the criminal justice response with respect to corporate accountability pales in comparison to that of street crime.

Chapter 2: Methodology

Overview

The methodology that was employed for the purposes of this paper was a qualitative, comparative, content analysis. Documents from various Canadian federal criminal justice organizations were examined to see how they represented the topic of corporate crime and traditional crime, whether it is in regards to the management, regulation, or other dimensions respectively. The list of analyzed documents can be

found in **Appendix A**. The research essentially encompassed a “cut and paste” technique whereby numerous documents were reviewed and then paragraphs pertaining to the specific research categories, corporate and traditional crime, were extracted. The methodology of the comparative content analysis as used for the purposes of this paper differs from what is traditionally thought of as a content analysis, in that there was no quantifying of key indicators that surface within the documents. In qualitative content analyses, researchers must be open to the constant reinterpretation of texts as more and more themes become apparent (Krippendorff, 2004: 88). Through careful readings of material, qualitative content analysts identify important themes, modifying codes as they go along (Morgan, 1993: 115).

Method

In light of the research objective of the comparison of two categories of crime, corporate and traditional, with respect to the logic of risk, the method of a discursive document analysis using a “cut-and-paste” technique was justified in that this technique and method enabled a thorough analysis of the themes and discourses present in the documents. The extraction of important paragraphs in the documents pertaining to corporate and traditional crime further enabled a more extensive and thorough analysis by taking out only those sections that were of significance to the research problem. Meier and Short (1985) conducted a relatively similar study, investigating the way in which the notion of risk pertains to the perceptions of being victimized by corporate crime, but their objectives were to measure people’s perceptions of risk with respect to various hazards, including both corporate and traditional crime. They conducted telephone surveys, which

was an effective research method for what they wanted to measure. However, due to the fact that perceptions of risk are not the focus of this study, but rather the discourses that are being used to understand the two categories of crime respectively as communicated by the federal government, a comparative discursive document analysis was the most appropriate method to be used.

Essentially, for the comparative analysis, two sets of documents were analyzed: documents pertaining to corporate crime, and documents pertaining to traditional crime. Within each report to be analyzed, any paragraphs or parts of the document relating to traditional and corporate crime were extracted, put into table format, and then subject to analysis. Subsequently, the extracted paragraphs were analyzed using the predominant categories that surfaced throughout the documents. This entailed an extensive reading of all of the retrieved documents in order to determine which pertained to which category of crime. Due to the fact that there were certain documents that discussed both traditional crime and corporate crime, the initial reading of the documents was used to determine which category of crime each document belonged to, and in the case of those that belonged to both, the distinction was made during the analysis. It was during the initial review of the documents that it was determined the primary analysis categories that were present. It was decided that consequences, goals of crime policy, and management strategies would be the three categorical analytical tools used to extract data from the documents.

With respect to the consequences of corporate and traditional crime, the details that were looked for pertained to any negative effect or by-product of crime, which can affect society or individuals. It included actual or potential harms, dangers and risks,

which can be financial, physical, emotional, mental, or social in nature. Said consequences also included any threats to public or personal safety. Concerning the goals of crime policy, any reference to the objectives or aims of the government with respect to implementing strategies to combat corporate and traditional crime were considered. Lastly, with respect to management strategies (i.e. the means that are used in order to reach the goals), references to how the government proposed to implement the goals of crime policy were included. It incorporated the controlling of corporate and traditional crime with the use of certain and potentially different tactics.

After the initial reading of the documents, it was then necessary to read the documents again in order to extract relevant paragraphs pertaining to the three aforementioned analytical categories. The documents were then reviewed a third time to determine if there were any paragraphs that were missed, or if there were any other analytical categories that could be used to investigate the content of said reports.

Justifications

The reasoning behind the choice to use government documents as an indicator of which discourses have been used to discuss the topics of corporate and traditional crime is the fact that there were no other substantial sources to obtain data from. If other academic articles or documents had been selected to determine what had been written on the two categories of crime, it would essentially have been just a large literature review. It was determined that government documents would provide the most substantial content, quantity and quality wise. The documents that were chosen for the purposes of this research were solely at the federal level. To compare what has been written on the topics

of traditional and corporate crime at different levels of government would have been another research paper entirely. In order to ensure the uniform analysis of the reports, it was necessary to compare documents issued at the same governmental level. The federal level was chosen because it was believed that they would have released the most information about corporate crime. It was not believed that it would be difficult to find documents on the topic of traditional or conventional crime, so the feasibility of access to documents on corporate crime was a factor in determining which level of government to examine.

The reasoning behind the choice of the three analytical categories of consequences, goals of crime policy, and management strategies, is that these were the concepts that were present in all documents across both categories of crime. The usage of these categories to compare and contrast the two categories of crime enabled a thorough investigation that yielded results substantial enough to analyze.

The analyzed documents were selected based on their availability and accessibility, and can therefore be considered a convenience sample (Gravetter & Forzano, 2008: 141). The convenience sample was obtained by going on federal government criminal justice organization websites, and searching for documents pertaining to corporate or traditional crime. Search terms such as “corporate crime,” “white-collar crime,” “traditional crime,” “conventional crime,” “street crime,” and “violent crime” were used. When it appeared as though these search terms were exhausted and thus no other documents could be found, the existing academic literature on both categories of crime was consulted in hopes of reference to government documents in the bibliographies. The use of documents that could be found on the

Internet made the research accessible from almost anywhere there was a computer with Internet capabilities, further enabling the feasibility of the project. The documents were also selected based on the fact that they contain some component on how to manage, prevent, or control corporate crime or traditional crime. The primary objective of the research study was to compare how traditional crime and corporate crime are conceptualized using a risk discourse, so if the analyzed documents contain no information on corporate crime or traditional crime, this would result in being unable to compare the two specified crime categories. One of the hurdles that was, at first, difficult to overcome, was that it was initially difficult to find federal government documents pertaining to corporate crime. It appeared that there were not many documents available for public consumption on the topic of corporate crime, and thus it was necessary to modify the search terms in order to find the available reports. Eventually, the number of corporate crime documents that were found was substantial enough to continue on with the research.

The documents that were used were from the year 2000 to present. The justification behind the decision to use this range was that documents pertaining to corporate crime were fairly hard to come by, therefore the years were chosen based on the documents that were the most accessible in that the federal government does not tend to post outdated documents on their organizational websites. In addition, it is argued here that the use of documents that were relatively current provided a more accurate example of the current discourses or logic that are used by the government when discussing corporate and traditional crime.

The justification behind the usage of a convenience sample is that due to the research objective at hand, the procurement of classified documents was not necessary. The convenience sample made this project feasible. It was not necessary to go through the process of obtaining classified government documents in that part of the goal of this research paper was to determine what was publicly available with respect to the communication of corporate and traditional crime by the government. The number of documents that was used for this research paper was also based on availability in that there was no prescribed number of documents that needed to be obtained. The only necessity was that the number of pages analyzed for each category of crime roughly equaled each other in order for a more accurate comparison. However, the number of documents for each category did not need to equal each other.

One of the detriments to using a convenience sample is that a selection bias is created for the study (Gravetter & Forzano, 1998: 141). According to Gravetter and Forzano (1998: 141), concerning a convenience sample, “the researcher exercises very little control over the representativeness of the sample and, therefore, there is a strong possibility that the obtained sample is biased” (Gravetter & Forzano: 141). However, for the purposes of this research, the selection bias is a limitation that is acknowledged and that is justified on the basis that generating a random sample would render the project unfeasible in that there is such a wide range of criminal justice documents that it would be nearly impossible to sample randomly from the entire pool. In addition, generating a pool of corporate crime and traditional crime documents that were available over the Internet and then choosing a random sample from that pool would have made the project impractical in that the number of documents selected would most likely be too small for

any substantial analysis. It proved difficult in itself to create a convenience sample of corporate crime and traditional crime documents that a random sample would most likely dissolve the project entirely.

Operationalization of Variables

With respect to the main research hypothesis and the subsequent specific research questions, the concepts that are in need of operationalization are as follows:

- Risk
- Corporate Crime
- Traditional Crime
- Management (of corporate and traditional crime)

Risk

Nominal Definition: Risk, as a calculated social construct, is the possibility of exposure to adverse events and is the way in which we attempt to control the future. It is a technique of government used to exert control through the population (see Garland, 2003). Risks can also be considered “estimations of possible events” (Garland, 2003: 52). Risks are also the calculation of the probability of the occurrence of a typically negative (but possibly positive) event made by individuals “in the face of an uncertain world” (Garland, 2003: 52).

Operationalization: The cultural category of risk is a specific approach to assessing and categorizing potentially hazardous relationships (Garland, 2003). David Garland (2003) explains that risk is an estimation of possible events that only become designated as “hazards” or “dangers” when they become linked to an adverse effect. Risk is also a concept that is used as a technology or tactic of government to exert control over numerous spheres of society (Garland, 2003: 60). In the context of this research project, risk is viewed as something that is merely perceived, but not real. It is a socially constructed concept that is used as a category to understand the world, and in the context of this paper, the social problem of crime.

Indicators: Various authors and researchers have introduced their own interpretations of risk based on the concepts that they are measuring. The indicators that I will be using are focused on risk as it relates to traditional and corporate crime – i.e. what are the risk discourses that surround each category of crime respectively? With respect to the notion of risk, traditional crime, and corporate crime, the indicators that I am taking to be representative of my concepts are selected directly from the literature (i.e. Garland, 2003; McMullan, 1992 respectively). These indicators include such things as themes pertaining to the danger, threat, or harm that traditional and corporate crime pose to individuals or groups, and such specific words as risk, threat, harm, danger, and hazard, as these are the themes and words that have surfaced multiple times in the literature as related to risk. In addition, themes pertaining to public safety will also be taken to be indicative of risk discourse in that maintaining the safety of the public inherently encompasses protecting society from risky individuals and acts.

Traditional Crime

Nominal Definition: Those crimes that people in the general population conventionally think of as crime, such as street crime, violent crime, and sex crimes (Clinard & Yeager, 2006: x). It incorporates crimes against persons and property that are not constitutive of crimes committed by persons in power for the benefit of corporations (i.e. corporate crime), and are generally thought to be committed by persons of lower socio-economic status (ibid: x).

Operationalization: According to McMullan (1992: 9), when people discuss crime, they traditionally refer to crimes such as “offenses against persons, property and public order such as homicide, aggravated assault, larceny, illegal drugs, prostitution, or driving under the influence of alcohol.” When discussing the concept of traditional crime, the primary reference is to the widely utilized notion of street crime. Research often tends to focus on such traditional crimes. These crimes are generally centered on “the poor, the young, and the non-white” (Pandiani, 1978: 448).

Indicators: The specific themes and words that will be taken to be indicative that a traditional crime context is present in the documents are as follows: traditional crime; general crime; conventional crime; street crime; violent crime; sex crime; property crime; robbery; burglary; homicide; murder; assault; theft; dangerous offenders; and high-risk offenders. The reason for the inclusion of these last two indicators (i.e. references to dangerous or high risk offenders) is that in the literature, said offenders are most often

depicted as perpetrators of traditional crimes rather than corporate. Themes that emerge that focus on crimes committed by the lower-class against persons or property will also be included. These indicators are justified by the fact that numerous authors and researchers have agreed that said measures are indicative of traditional crime (McMullan, 1992; Clinard & Yeager, 2006). In addition, from reviewing the literature it is evident that there are a multitude of terms under the scope of traditional crime, and therefore “traditional crime” will be used interchangeably with “conventional crime” as the words “traditional” and “conventional” are taken to mean virtually the same thing – therefore any mention of “conventional crime” or “general crime” will be synonymous with “traditional crime.”

Corporate Crime

Nominal Definition: Corporate crime is an offense that is punishable by law and constitutes those crimes that are committed by individuals or a group of individuals for the benefit of a corporation, and which can be particularly destructive and harmful to individuals and the public (see Braithwaite & Geis, 1982). The absence of physical contact between victim and perpetrator is characteristic of corporate crime (Ferrante, 2010: 182). According to Ferrante (2010:182), “both white-collar and corporate crimes are directed against impersonal – and often vaguely defined – entities such as the tax system, the physical environment, competitive conditions in the market economy, etc.”

Operationalization: By corporate crime, I am referring to those crimes that fall within the realm of corporations. Transgressions committed by those who, in the course of their

daily corporate activities, inflict harm and danger upon others by engaging in illegal activities. When referring to corporate crime, I am most notably referring to the notion of crimes of the powerful. These are crimes which, according to McMullan (1992: 17), “are committed not by an underclass of the dispossessed and demoralized but by an upperclass of well heeled business officials with conventional values and respectable identities.”

Corporate crime, as directly relevant to the aforementioned research questions, encompasses related terminology used to define the issue of crimes committed by the powerful, such as white-collar crime, crimes of capital, and organizational crime. To reference McMullan (1992: 21), corporate crime is committed in order to benefit the corporation, “it is clearly committed for the corporation and not against it.” Therefore, for the purposes of this research, the notion of corporate crime as used by McMullan (1992: 22) in citing Schragger and Short (1978), and Box (1983), is conceptualized as follows:

illegal acts of omission or commission
of an individual or group of individuals in
a legitimate formal organization in accordance
with the operative goals of the organization
which have a serious physical or economic
impact on employees, consumers, the general
public and other organizations.

Indicators: The specific themes and words that will be taken to be indicative that a corporate crime context is present in the documents are as follows: white-collar crime; economic or financial crime; corporate violence; corporate negligence; victimization of consumers, governments, and private companies by corporations; organizational crime but not simply occupational crime (i.e. “the violation of law in the course of activity in a

legitimate occupation” (Clinard & Yeager, 2006: x)); fraud; money laundering; tax evasion; and transnational crime (the Royal Canadian Mounted Police’s term for corporate financial crime). The non-inclusion of occupational crime as an indicator of corporate crime is justified by the fact that the area of interest for this research project is crimes committed by those who are in a higher position of authority based on their occupations than most of the general population. According to Friedrichs (2002: 243), “occupational crime has [recently] been applied to activities quite removed from the original meaning of white collar crime” and as such it will not be included in the operationalization of corporate crime. The indicators are chosen based on their inclusion in literature as related to corporate crime and the general consensus among authors that said words and themes are indicative of corporate crime. The justification for the multitude of indicators is that corporate crime is such a widely-used concept but can have a variety of meanings depending on the definitions are used.

Management of Traditional and Corporate Crime

Nominal Definition: The governance and regulation of crime in order to attempt to curtail their commissions. The response by government agencies as well as the broader response by communities and individuals to reduce the harm inflicted upon others by each category of crime. It inherently involves controlling the risks that said crimes are perceived to cause to individuals as one kind of response that can be put in place.

Operationalization: According to Gerber and Jenson (2000: 693), “it is almost universally accepted that its [white-collar crime’s] control poses problems that are much

greater than those encountered by street crime. The most important of these problems includes the power of corporations...and the fact that historically, white-collar crimes were seen as being less serious than street crimes.” The management of corporate crime has been an issue that has been discussed by various researchers (Braithwaite & Geis, 1982; Clinard & Yeager, 2006; Gerber & Jenson, 2000). However, the main consensus from various researchers writing about the problem of controlling corporate crime appears to be that it is a phenomenon that is extremely difficult to prosecute as guilt is difficult to allocate, at least to the same extent as traditional crime (ibid). Deterrence is the most often referred to strategy when discussing the management of corporate crime (Simpson, 1992; Fisse, 1983; Gobert & Punch, 2003), whether those references are to its effectiveness or ineffectiveness. With respect to traditional crime, the predominant management strategy that was found in the literature was related to crime prevention. In a neo-liberal society, the responsibility of engaging in crime prevention strategies falls on both the government and other organizations and communities as regulation is diffused (Rose, 1996). One management strategy demonstrative of a neo-liberal mentality is community monitoring programs such as Neighbourhood Watch which actively engage citizens in crime management. Protection of the public also emerged as a reoccurring theme throughout the literature with respect to the goals of crime control. According to Garland (2002: 12), “there is a new and urgent emphasis upon the need for security, the containment of danger, the identification and management of any kind of risk. Protecting the public has become the dominant theme of penal policy.”

Indicators: The strategies used to control and implement the goals of crime policy. The specific themes and words that will be taken to be indicative that the management of traditional or corporate crime is present in the documents are as follows: themes pertaining to the ways in which the government proposes to regulate and prevent traditional and corporate crime; control strategies to reduce said crime and protect the public (i.e. deterrence, fines, restitution, compensation, incarceration, probation, parole, community service, rehabilitation, electronic or non-electronic monitoring, compliance strategies; crime prevention strategies, legislative changes, community partnerships); controlling the risks said crimes pose to individuals and groups (i.e. risk management strategies); initiatives undertaken by government agencies to curtail the commission of said crimes and to minimize the risks that such crimes pose to society; government intervention strategies; community programs used to help rehabilitate offenders and to monitor them in the community; and any aims or means used to fight traditional and corporate crime. The justification behind the inclusion of these indicators is that many of these words and phrases, as illustrated in the relevant literature (Braithwaite & Geis, 1982; Clinard & Yeager, 2006), represent the notion of controlling crime in some fashion, which is inherent in the prescribed definition of management as used in this paper.

The main distinction between traditional and corporate crimes lies in the characteristics of the offender and the victim.

In regard to corporate crimes, the offender is most often someone of higher social standing and their victims can be anyone – an individual person, a group of persons (i.e. the general public, consumers) or even a company, corporation, the government or other similar entity. It is contended here that the victims of corporate crime could be anyone,

irrespective of age, gender, or social class, but that typically the offender used his or her position of power to engage in the criminal act. With traditional crime, the victims are usually individuals rather than groups of persons. Corporate crime offenders usually commit crimes of a grander scale than traditional street crime. Rather than stealing \$1000 from someone's home, they defraud an elderly couple out of their entire life savings. Additionally, where the offender of a traditional crime usually victimizes one or two people, the victims of corporate crime may be hundreds or even thousands.

The victim of a corporate crime, in comparison to a traditional crime, is usually unknown to the offender. With corporate crime, the relation between the offender and the victims is "less direct" than with traditional crime. The crime is often viewed as "less personal" because the victim doesn't have to be an individual person, it can be the government or the environment. In addition, the victims of corporate crimes, in comparison to those of traditional crimes, may not be aware that they are in fact, victims, or even that a crime has taken place. Furthermore, victims of white-collar or corporate crime may not be as easily identifiable as those of traditional or conventional crime. They also may not view the crime as a crime because no one may have been physically harmed (i.e. no physical violence involved) due to the fact that corporate crimes are usually committed by "non-physical means." It is to be noted here that violent crime can occur under both the traditional and corporate crime categories, but the main difference is that with traditional crime, it is interpersonal, or one on one, and with corporate crime, it is committed at a distance. Lastly, with traditional crime, the offence is usually of an interpersonal nature (i.e. one on one, interpersonal violence). Traditional crimes are

usually attributed to those of lower social standing, so-called dangerous individuals thought to pose threats to society.

The primary reason behind using these conceptual distinctions between corporate and traditional crimes is that in order to make links to the documents, in order to have an analytical framework, the discussions surrounding corporate and traditional crime have to be comparable to what's already been written. Granted the definitions typically used in the literature are not somewhat broad and not perfect, their usage was necessary in order to make generalizations and comparisons. The distinction between corporate and traditional crime has to be relevant to the research questions asked in the beginning of this paper pertaining to the comparability of traditional and corporate crime. If these definitions and distinctions are relevant to furthering this thesis and answering said research questions, then they are sufficient to use.

Finally, it is important to note that when reviewing the documents, the conceptual distinctions made between traditional and corporate crime were made based on the characteristics of the offense and not the offender. Thus, for example, if the documents mentioned a street crime (such as an assault or burglary) committed by a person of high social standing or in a high position of trust, the document would be categorized as a traditional crime document due to the fact that the offense was traditional in nature rather than corporate.

Chapter 3: Analysis

In this chapter the results obtained from the analysis of the reviewed data will be outlined and analyzed. The results will be presented in light of the research objective of

uncovering the discourses used to discuss corporate and traditional crime as used by the federal government. The findings will be differentiated according to which category of crime is being analyzed in order for a more distinguished presentation, but they will be compared and contrasted in order to extract similarities and differences. The analysis will begin with the analytical category of consequences, first concerning traditional crime and then in relation to corporate illegality. Thereafter, the analysis will proceed with the presentation of the goals of crime policy and subsequently management strategies in relation to traditional and corporate crime respectively. All findings will be presented in detail, irrespective of their agreement or lack of agreement with the hypothesis of a lack of application of risk discourse in the discussion of corporate crime.

Category 1: Consequences

a) Traditional Crime

With respect to the consequences of traditional or general crime, there was not a significant amount of significance awarded to this category. When it was discussed, the focus was on the fact that traditional or general crimes posed a threat to public safety. The harms that are referenced in the documents are primarily emotional, mental, psychological, or physical in nature. For example, in a Department of Justice (DOJ) 2010: 1) document entitled *Government Introduces Bill to End House Arrest for Property and Other Serious Crimes by Serious and Violent Offenders*, it is stated that, “victims feel distress when they see offenders, not only those responsible for their own victimization, but also those who commit other serious crimes, sentenced to ‘house arrest.’” The exception to this is the documents pertaining to organized crime in that they discuss the

fact that organized crime can affect society both financially and otherwise. Due to the fact that organized crime groups deal in a variety of illegal activities, both corporate and traditional in nature, the resulting consequences are varying. For example, street gangs can be considered organized crime groups, and the consequences of their illegalities tend to be physical or emotional in nature, as they have the tendency to commit violence in public places. When organized crime groups deal more in crimes of a corporate nature (i.e. fraud), the negative by-products of their crimes affect society on a more financial level. CSC's *Roadmap to Strengthening Public Safety* (CSC, 2007: 29, 60, 113) discusses the fact that there are risks associated with releasing offenders into the community before they have been rehabilitated, as well as the fact that high-risk offenders pose "inherent risks" to correctional staff, but they do not specifically identify what said risks are or the consequences that they may have.

In effect, the reduction of public safety is the predominant consequence depicted in the documents pertaining to traditional crime. Indeed, according to the Department of Justice (DOJ B, 2008: 1) in their document *Canadian Communities Now Safer: Tougher Laws Come into Force for Serious Gun Crimes and Sexual Predators*, "we have recognized the serious concerns of Canadians who feel unsafe in their communities as a result of sexual predators and dangerous criminals using guns."

The overall picture that is presented in regards to consequences of traditional or general crime is that these transgressions harm society more tangibly, that is, they affect one's body more than one's bank account. A rather different notion is conveyed by the consequences of corporate crime; these offences, according to the government documents

that have been scrutinized, harm not only individuals' bank accounts, but also undermine the trust that society has in Canada's financial system.

b) Corporate Crime

It appears as though the majority of the focus of consequences under the category of corporate crime is delegated to the financial harms that said crime inflicts upon society. It can be asserted that there are two principal, but inherently connected themes that are woven throughout this category of crime, those being economic or financial integrity, and confidence in Canada's financial system. Economic integrity encompasses the notion of financial solidarity or cohesion in Canada, while confidence in Canada's financial system depicts the notion of the need for societal trust and conviction in our country's economic policies and practices. The majority of documents consulted referred to the fact that corporate crime forges financial mistrust or economic insecurity with respect to Canada's financial system. Out of 18 documents pertaining to corporate crime, 12 directly refer to a loss of economic integrity as a consequence of corporate crime or to the protection of Canada's financial confidence as a governmental goal. An excerpt from an October, 2005 speech made by former Governor of the Bank of Canada, David Dodge, accurately illustrates how the values of financial or economic integrity and confidence in Canada's financial system, are significant themes within the category of consequence of corporate crime:

Ultimately, we are all victims of these [financial] crimes, as they erode confidence in the financial system. And it takes a long time and a lot of effort and investment to re-establish public confidence once it is lost (Bank of Canada, 2005: 2)

Economic crime erodes the faith of Canadian and foreign investors in the integrity of our financial systems, our currency, our governments, our businesses, and our products (Bank of Canada, 2005: 2)

Another predominant concept within the framework of consequences of corporate crime was the significant financial harms caused by said crimes. Numerous documents indicated the amount of dollars lost from various economic crimes such as fraud, money laundering, and price fixing. For example, a passage from the document *Canadian Anti-Fraud Centre Launches its Website* issued by the Canadian Anti-Fraud Centre (CAF A, 2010: 1) states that, “it’s estimated that between \$10 and \$30 billion dollars are lost each year to frauds in Canada, a figure comparable to drug trafficking revenues.” Another example of the priority prescribed to losses of a financial nature is from a Criminal Intelligence Service Canada (CISC E, 2007: 1) document entitled *Mortgage Fraud and Organized Crime in Canada*. As stated by said federal government agency, “according to industry estimates, losses from mortgage fraud in Canada range into the hundreds of millions of dollars annually. Some criminal groups are responsible for losses, primarily to financial institutions, of tens of millions of dollars” (ibid). Monetary losses appear to have taken precedence over losses of other kinds with respect to the consequences of corporate crime in the government documents that were reviewed. The documents indicate that although there may be harmful emotional, mental, and psychological repercussions to society and individuals who have been victims of corporate crime, the monetary loss itself appears to take precedence. This is in contrast to the documents pertaining to traditional or general crime where the primary focus was on how the crimes affected society physically, mentally, and emotionally. The excerpts taken from

government documents pertaining to traditional or general crime evidently place an increased emphasis on how said crimes affect society on a corporeal level, including physical, emotional, and psychological harms. Although consequences in relation to corporate crime may be very similar to those of traditional or general crime (i.e. emotional, psychological, etc.), the documents often indicate that any of these negative effects are compounded by a more pervasive lack of confidence or stability in Canada's financial system (Bank of Canada, 2005: 2). For example, David Dodge states that, "if people lose faith in their currency, the economic and social costs are immense" (Bank of Canada, 2005: 2). Few corporate crime documents commented on the potential physical harms that corporate crime can inflict, and only one briefly touched on the fact that the physical harms of corporate crime can be severe. This document was the *Corporate Criminal Liability Discussion Paper* published by the Department of Justice (DOJ G, 2002: 1). It made brief mention of the Westray Mine disaster on May 9, 1992 that killed 26 miners, and also noted that the Government of Australia conducted a "major review of corporate criminal liability" after the acknowledgement that there had been several corporate crime tragedies that had resulted in lives being lost (ibid).

Category 2: Goals of Crime Policy

a) Traditional Crime

A common denominator emerged when analyzing the governmental goals with respect to traditional or general crime, as depicted in the documents that were examined. Public safety was at the forefront of the objectives of many of the governmental organizations consulted. Protecting individuals and communities from high-risk

offenders and activities was of utmost importance to said agencies. For example, in Correctional Service Canada's *Roadmap to Strengthening Public Safety* (CSC, 2007: ix, x, 112, 117, 122), it is reiterated numerous times that earned parole, a proposed system whereby statutory release would be eliminated and incarcerated offenders would have to demonstrate that they are rehabilitated in order to earn their freedom, would be beneficial to the safety of Canadian society. It is stated that,

A 'cold release' at the end of an offender's sentence to an unsupervised environment is not effective corrections. The purpose of conditional release should continue to be to contribute to the maintenance of a just, peaceful and safe society by managing the timing and conditions of released offenders in a way that will best facilitate their rehabilitation and safe reintegration into the community as law-abiding citizens (CSC, 2007: 122).

The paramount importance of protecting public safety is echoed throughout many of the governmental documents that were analyzed. *The Tackling Violent Crime Act Backgrounder* (DOJ A, 2008: 1) states "the Tackling Violent Crime Act better protects Canadians from those who commit serious and violent crimes," while a Department of Justice Document (DOJ F, 2010: 1) entitled *Government of Canada Takes Action to Protect Children from Sexual Predators* states, "we will continue to take concrete action to protect children from dangerous sexual predators to make our streets and communities safer."

CSC's *Roadmap to Strengthening Public Safety* (CSC, 2007) constantly stresses the danger of releasing high-risk offenders back into the community before they are

rehabilitated. It is argued in said document that every decision made with regards to incarcerated offenders should be made with the protection of society in mind. According to the aforementioned document, the risk that paroled offenders pose to communities and to individuals is the primary concern of decision makers within the correctional system.

Regarding the protection of society from traditional or general crimes, the Government of Canada seemed to be concerning themselves with this responsibility. In contrast to individuals needing to take measures to protect themselves from being victims of corporate crimes, the documents seemingly indicated that society could rely on the government and law enforcement agencies to keep their homes, communities, and persons safe. The Department of Justice is the foremost agency that communicates the notion of the protection of society from traditional crimes being the government's responsibility. Said agency notes, with respect to combating violent crime, that a commitment has been made by the Government of Canada to ensure that Canadian communities are not only kept safe, but also made safer (DOJ B, 2008: 1). In regards to protecting children from individuals who may commit sexual offences against them, again the Department of Justice illustrates that keeping Canadian society safe is their primary goal (DOJ F, 2010). Said agency states, "we will continue to take concrete action to protect children from dangerous sexual predators to make our streets and communities safer" (ibid: 1). They further this point in stating, "our government is taking action to protect Canadians, their property and their communities" (DOJ D, 2010: 1). Other agencies echo the Department of Justice's views as well. For example, in simply stating that its mandate is to protect public safety (CSC, 2007: 14), Correctional Service

Canada implicitly conveys that they are, at least in part, responsible for safeguarding Canadian citizens.

The goals of the government in relation to traditional or general crime oftentimes mentioned the idea of risk, either implicitly or explicitly. This concept risk can again be associated with the overall theme of protecting the public that has emerged throughout the documents. Agencies expressed the view that citizens need to be protected from both risk-laden traditional crimes as well as risky individuals. CSC indicates in its *Roadmap to Strengthening Public Safety* (CSC, 2007: 123), that as per the Correctional and Conditional Release Act, an offender may only obtain parole if it is decided that his or her premature return to society does not present an “undue risk” to citizens. The Department of Justice Canada notes, “the Tackling Violent Crime Act will provide for more effective sentencing and monitoring to prevent dangerous, high-risk offenders from offending again” (DOJ A, 2008: 2). It is then stated by Senator Boisvenu in a document by the Department of Justice that, “our government is taking further action to crack down on crime and to protect the safety and security of our communities. The proposed legislation would ensure that house arrest is no longer used for offences that pose a significant risk to law-abiding citizens” (DOJ C, 2010: 1).

With the ultimate goal of the government with respect to traditional crime being the protection of the public and the government playing a vital role in this protective capacity, and with elements of risk logic present in the discussion of said goals, it is time to move forward in order to compare and contrast these governmental goals to those concerning corporate crime.

b) Corporate Crime

The governmental goals with respect to corporate crime are considerably different as set out by the analyzed documents. These goals exhibit a strong correlation to the consequences of corporate crime that were discussed in the previous section. It is evident that a main objective of the government when discussing the issue of corporate crime is to maintain the integrity of Canada's financial system. While the governmental aim with respect to traditional or general crime appears to be on public safety, the priority concerning corporate crime refers to a different kind of safety: economic. Indeed, in a 2005 speech, David Dodge, governor of the Bank of Canada stated that,

It's not surprising that the Bank of Canada is interested in promoting economic integrity. After all, the Bank of Canada Act mandates us, as far as possible within the scope of monetary policy action, to 'promote the economic and financial welfare of Canada' (2005: 1)...As Governor of Canada's central bank, it is my responsibility and my intention to do all that I can to increase awareness of the importance of protecting economic integrity (Bank of Canada, 2005: 4).

As stated in this excerpt, "promoting the economic and financial welfare of Canada" (2005: 4) is an important mandate of the Bank of Canada, and thus needs to be highlighted further. Essentially, not only is protecting the economic integrity of Canada a governmental priority, but so too is ensuring that citizens are aware of said priority. In promoting economic welfare, the government is ensuring that Canadians have confidence in their financial systems and markets, and that citizens realize that the government has made a commitment to maintaining that trust and confidence. Though there may have been instances where society's confidence in the stability of Canada's financial markets

may have been weakened (Dodge, 2002), it is the government's job to make certain that this confidence is restored, specifically through the promotion of the "economic and financial welfare of Canada" (Bank of Canada, 2005: 4).

The sentiment of protecting the economic safety of Canadian society is reverberated throughout the goals of many of the institutions whose documents were analyzed. The RCMP states that the aim of their Commercial Crime section is to uncover and subsequently counteract economic threats to Canadian society as well as to "maintain the integrity of Canadian institutions" (RCMP, 2006: 1). Public Safety Canada, in an evaluation of the Integrated Market Enforcement Team (IMET), notes that the ultimate purpose of the IMET is to improve the confidence that both Canadians and foreign investors have in the stability of Canada's financial institutions (PSC, 2010: ii). The Department of Finance Canada asserts that the Government of Canada is dedicated to fighting any threats to Canada's financial integrity, namely money laundering, which poses a significant threat in this capacity (DOF B, 2005: 5). The Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) indicates that when they have "reasonable grounds" to believe that financial reports and transactions they are analyzing may threaten the financial security of Canada, they report this information to the appropriate authorities and government agencies such as the Canadian Security Intelligence Service (FINTRAC, 2009: 1).

Deterrence, defined as demonstrating to potential offenders that crime does not pay by making an example of an individual who is punished for his or her transgressions (Williams & McShane, *Criminological Theory*, 2004: 18), was another significant theme that emerged in regards to the goals of government concerning corporate crime. The goal

of deterrence is to show potential criminals that the benefits of committing a crime are not worth the potentially severe consequences that they may incur upon being caught (Siegel, 2010: 82). Through increasing the likelihood that offenders will be caught or punished, by implementing harsh prison sentences, hypothetically offenders would see the futility in committing crime and thus crime rates would decrease (Siegel, 2010: 82). It was often mentioned that the deterrence of white-collar or corporate crimes was an essential component in the fight against said crimes. As might be expected, this notion of deterrence was often linked back to the theme of public safety. In the analyzed documents, it was iterated that deterring potential corporate criminals from committing crimes that may look financially favourable was imperative to the government's commitment to protecting Canadian society. Indeed, the RCMP maintain that they are "working diligently with our law enforcement partners, and with government agencies and private sector businesses to detect, disrupt and deter fraud in Canada" (CAF C, 2010: 1). The Canadian Anti-Fraud Centre asserts, "uniting with a common National Mass Marketing Fraud Strategy...will keep all fraud prevention stakeholders working toward the same goal, namely deterring mass marketing fraud" (CAF B, 2010: 1). The Department of Finance Canada notes, "governments and international bodies such as the FATF [Financial Action Task Force] are continuing to strengthen measures to deter global money laundering and terrorist financing operations" (DOF B, 2005: 1).

It became clear through the documents that were reviewed that although the Government of Canada has as a goal the deterrence of corporate crime, individuals in Canadian society are responsible, to an extent, to protect themselves from being victims of said transgressions. This ideology is related to Pat O'Malley's concept of

prudentialism (O'Malley, 1996). This notion is associated with the idea of the "responsible individual," that is, someone who, in neo-liberal society, given the proper information on how to best manage his or her risk, is a prudent, rational individual who will take the proper steps to avoid risk (Rose, 1996: 200). It is stated by O'Malley (1996: 203) that, "the management of risk through prudentialism involves shifts in many governmental relations, not least being that subjects are recast as rational, responsible, knowledgeable and calculative, in control of the key aspects of their lives." The ideology of prudentialism is in keeping with the shift from a welfare state to neo-liberal one. O'Malley (2000: 18) in citing Beck (1992), notes that the welfare state was considered the "insurance state" in that "its basic tools are those classic techniques of risk management: statistical enumeration, insurance, discipline, regulation, standardization, norm-setting, and inspection" (Garland, 2003: 61). Not only was the government responsible for directing citizens to avoid risk at all costs, but it was the government who was to manage any risks that may have arose (O'Malley, 1996: 203). In contrast, within a neo-liberal framework of understanding, individuals take on the role of risk-managers in partnerships with authorities and other similar organizations and stake-holders (O'Malley, 1996: 203). Thus, prudentialism is appropriately indicative of the neo-liberal framework in that it is conceived as rational individuals taking responsibility for managing their own risks (O'Malley, 1996: 203). By looking at similar situations in the past, individuals who engage in prudentialism can make an informed decision on how to avoid risk in the present or future. With respect to the concept of the "risk society" as described by Anthony Giddens (1999: 3), a risk society is "a society increasingly preoccupied with the future (and also with safety). Beck (1992) discusses the notion of reflexive modernity,

which also relates to prudentialism. Society in the reflexive modernity is an “information society” in which the individual engages in self-monitoring. Thus, drawing parallels between the “risk society” and O’Malley’s concept of prudentialism, the prudential individual, being concerned with how to avoid future risk and to engage in safety measures, will actively manage his or her own risk, becoming informed decision-makers.

Although prudentialism is in keeping with the neo-liberal, governmentality framework that is currently definitive of societal functioning, it does not appear as though the government applies this same ideology with respect to society protecting themselves from traditional or general crimes, at least not to the same extent. That is to say, the reviewed documents give the impression that Canadian citizens are not expected to protect themselves from being victims of traditional or general crimes to the same extent that they are with corporate crimes. For example, in various documents, it is stated, as a goal of the Government of Canada, that it is important for society to be informed about the dangers of corporate crime, such as fraud, so that they can better protect themselves from being victims of it. According to the Canadian Anti-Fraud Centre, “more effective education and awareness initiatives will allow Canadians to better arm themselves with the tools they need to avoid being victimized by frauds” (CAF B, 2010: 1). The RCMP echoes this sentiment in stating, “the RCMP Commercial Crime Program, in partnership with the public and private sectors, is committed to educating the public on ways to protect themselves from economic crimes” (RCMP, 2006: 1).

The presence of risk was not generally found with respect to governmental goals concerning corporate crime as it was in relation to traditional crime. Although the protection of society, which indeed has surfaced as a goal of the Government of Canada

with respect to corporate crime, may implicitly incorporate the notion of risk (i.e. protecting society includes protecting them from the risks posed by corporate crimes and criminals), this sentiment was cloaked by the veils of protecting economic integrity and maintaining trust in Canada's financial system that emerged as the foremost concerns of the government. Ensuring that Canada is a safe place to live has different meanings when it comes to the governmental goals relating to traditional and corporate crime respectively. Concerning the former, as depicted in the reviewed documents, safeguarding Canadian society involves protecting citizens from those who may inflict harm of a more violent or physical nature (as compared to economic). Generally this is assumed to include crimes of a more "traditional" nature, such as street crimes, violent crimes, property crimes, sexual crimes, et cetera. Thus, individuals and acts that are considered as risky to society are a primary concern of the government with respect to said "traditional" crimes. Indeed, it is stated by the Department of Justice that, "the Tackling Violent Crime Act better protects Canadians from those who commit serious and violent crimes" (DOJ A, 2008: 1). With respect to corporate crime, the focus is not on the physical risk that individuals pose to the safety of society, but is instead on Canada's economic safety. Though there may be some concern as to the economic risk that certain corporate crimes may have on society, it is not necessarily depicted as such. The logic of risk seems to take a backseat to the mentality of economic safety when discussing corporate crime. That is, it is not a matter of the diverse and numerous risks that corporate crimes and criminals pose to society, but rather of how to preserve Canada's financial integrity and how to ensure Canadians do not lose faith in our economic infrastructure.

Category 3: Management Strategies

In this category, “management” refers to the means that are promoted by the government in order to advance the goals that were discussed in the previous section.

a) Traditional Crime

With respect to the management of traditional or general crime, the overall ideology, as depicted in the reviewed documents, focused on the incarceration of offenders. In CSC’s *Roadmap to Strengthening Public Safety* (2007), the constant recommendation to move towards earned parole is indicative of this mentality. The idea that offenders should stay behind bars longer until they can prove that they are rehabilitated and have thus earned their freedom favours a move towards increased incarceration. The following excerpt from said CSC document adequately depicts the aforementioned incarceration mentality:

To make it clear, the Panel has taken the position that an individual is sentenced to a penitentiary as punishment and CSC delivers on that principle by admitting the individual to one of its institutions and, within the limitations of the original sentence ordered by the courts, holding that individual until it is determined that he or she can safely be returned to society (CSC, 2007: 14).

The sentiment of increased incarceration is echoed by the Department of Justice in their document *Backgrounder: Tackling Violent Crime Act* (DOJ A, 2008: 2). It is illustrated that, concerning “serious gun crimes,” the Tackling Violent Crime Act makes provisions for both increased and more severe mandatory incarceration sentences, “as

well as bail reverse onus provisions so that those accused of serious gun crimes will have to show why they shouldn't be kept in jail while awaiting trial.” In another document by the Department of Justice entitled *Government of Canada Introduces Bill to Ensure Serious Time for the Most Serious Crime* (DOJ E, 2010: 1), it is put forth that, with the termination of the “faint-hope clause,” parole for offenders who have committed first-degree or second-degree murder would be restricted. Offenders convicted of committing murder in the first degree would have to serve the entire 25 years of their sentence before being eligible for parole, while their counterparts convicted of murder in the second degree who are serving life imprisonment “would no longer be eligible for parole until their parole ineligibility period is served, which could be up to 25 years.” The notion of increased incarceration of offenders appeared to be designated to the most serious offenders convicted of crimes extremely serious in nature. For example, concerning sexual crimes committed against children, it is communicated by the Department of Justice in their document *Government of Canada Takes Action to Protect Children from Sexual Predators* (DOJ F, 2010: 1), that the Government of Canada has made a commitment to the protection of children from sexual predators by making certain that said predators receive sentences that accurately depict the serious nature of their crimes. This commitment involves the proposed elimination of conditional sentences such as house arrest for offenders who have committed such serious crimes as luring a child, sexual assault and aggravated assault,” as well as the proposed lengthening of mandatory prison sentences for sexual offences committed against children (ibid: 1). The Government of Canada's proposed increasing reliance on incarceration is thus evidenced through the aforementioned examples.

Monitoring in the community emerged as another significant theme under the management category. Whether it be through electronic monitoring after an offender's release from an institution or monitoring through a probation or parole officer, it was evident that the continuous supervision of offenders was imperative to maintaining the safety of society through minimizing the risk that said offenders pose. For example, with respect to electronic monitoring, it is stated in CSC's *Roadmap to Strengthening Public Safety* (CSC, 2007: 128) that, "successes of electronic monitoring include higher compliance rates, resulting in increased public safety." The Department of Justice, in their document *Backgrounder: Tackling Violent Crime Act* (DOJ A, 2008: 1), indicates that some of the goals of the Tackling Violent Crime Act are to increase the monitoring of offenders in the community in order to improve public safety. In addition, not only is technology used to monitor offenders in the community, but as indicated by the Federal Ombudsman for Victims of Crime in the document *Every Image, Every Child Backgrounder: Recommendations to the Government of Canada* (GOC, 2010: 2), it is also used to catch offenders, such as those involved in the collection and abuse of child pornography. Concerning the monitoring of offenders in the community by parole or probation officers, it is noted by CSC that the primary goal of said community correctional workers is to protect the well-being of the community by successfully managing the risks that offenders in the community may present (CSC, 2007: 124).

There is something to be said of rehabilitation as a correctional management strategy. Although the rehabilitation approach can technically be considered a goal of corrections, it is further presented here as a potential offender management technique. According to CSC, one of the only agencies who discussed rehabilitation in the reviewed

documents, rehabilitation is major component in the quest to protect and maintain public safety (CSC, 2007: 14). While a primary goal of corrections may be to rehabilitate offenders in order to ensure they do not recidivate, it is intrinsically a way to manage offenders in the community. In having offenders demonstrate that they have changed and are capable of living in society without engaging in criminal behaviour, CSC (2007) is demonstrating to citizens that they have effectively managed said offenders to the point where they are no longer a safety threat.

To some extent, the issuance of monetary penalties in the form of fines was also characteristic of the way in which the management of traditional or general crimes was depicted. The Department of Justice, when discussing the *Tackling Violent Crime Act* (DOJ A, 2008: 1-2), notes that said Act provides for increased monetary sanctions with respect to driving under the influence. Although incarceration appeared to be the primary method of managing traditional crime as depicted by various criminal justice organizations, monetary punishment for transgressions was not uncommon. According to the reviewed documents, fines are used for such crimes as refusal or failure “to comply with police demands for physical sobriety tests or bodily fluid sample” (for a first offence) (DOJ A, 2008: 1), and as previously mentioned, impaired driving (ibid: 2).

A final theme that emerged with respect to the management of traditional or general crime by the Government of Canada was that of the public collaborating with criminal justice organizations in order to keep their streets and communities safe. This focus was primarily evident in Criminal Intelligence Service Canada’s (CISC) annual reports on organized crime in Canada. An excerpt from their 2010 annual report (CISC A, 2010: 28) adequately depicts said theme of collaboration:

‘Cooperation between all levels of government, private sector enterprise, the community and law enforcement is absolutely critical to Canada’s response to organized crime’

- Chief Tom Kaye, Owen Sound Police Service, and Chair of Criminal Intelligence Service Ontario Governing Body.

As depicted in the reviewed documents, the partnerships between the public and law enforcement agencies are imperative to combating crime and maintaining public safety (CSC, 2007; CISC D, 2006; CISC C, 2007; CISC B, 2009; CISC A, 2010). CSC indicates in their *Roadmap to Strengthening Public Safety* (CSC, 2007: 136) that their organization is dedicated to collaborating with the Canadian public in order to actively promote and maintain public safety. CISC, in their *2009 Annual Report on Organized Crime* (CISC B, 2009: 5), state: “collaboration is important not only among CISC partner agencies but also with all Canadians who are encouraged to cooperate with law enforcement...a concerted effort and partnership will strengthen our collective efforts and help keep Canadians safe.” In their *2010 Annual Report on Organized Crime* (CISC A, 2010: 11), CISC notes that, “...cooperation, whether between agencies, between governments, or between individual Canadians and their communities, is the single most effective weapon that we have against organized crime.” Said collaboration is consistent with the neo-liberal framework of thinking as discussed previously, particularly with respect to the neo-liberal strategy of diffusion of government. This essentially refers to the fact that, in a neo-liberal society, governmental regulation is diffused (Rose, 1996: 328, 339-340). Individuals are governed at a distance, and rather than the state governing

the population, individual actors and community groups are governing themselves (Rose, 1996: 328, 339-340). Individuals within said neo-liberal society are required to exhibit responsabilization strategies in order to effectively govern themselves (Rose, 1996: 328, 339-340). A key component of the need for society to join forces with the government and various criminal justice organizations in order to more efficiently manage serious crime, is the notion that the public needs to be informed of the types of crimes that are impacting society, and what this impact is. Indeed, as stated in CISC's *2009 Report on Organized Crime* (CISC B, 2009: 4), "as law enforcement increasingly shifts from a 'need to know' culture to one that is characterized by a "responsibility to share," there is much to be gained from a well-informed public. A better understanding of the challenge is the first step to greater public engagement and cooperation in the fight against organized crime." Thus, it is evident that it is the responsibility of society to play its part in protecting its citizens from the harmful effects of serious crime, particularly transgressions that are a by-product of organized crime (i.e. drug crime, violence, street gangs) (CISC D, 2006).

b) Corporate Crime

With respect to the management of corporate crime, the analyzed documents depict a somewhat different scenario. The primary governmental management strategy concerning corporate crime appears to revolve around monetary compensations and penalties. A significant number of the reviewed documents refer to fines and restitution as the preferred method of managing corporate transgressions. It is stated by the Department of Justice in their document *Government of Canada Intends to Introduce*

Legislation to Help Combat White-Collar Crime (DOJ H, 2009: 1), that “whenever possible, offenders should be held responsible for the often-devastating financial loss that victims suffer, and should be made to provide restitution.” The Department of Finance Canada, in the document *Enhancing Canada’s Anti-Money Laundering and Anti-Terrorist Financing Regime* (DOF B, 2005: 31), note that, “international best practices suggest that administrative and monetary penalties (AMPs) provide scope for a more graduated approach. AMPs include an array of measures such as warning letters, tickets, permit cancellations and monetary fines.” Public Safety Canada, in their document *Evaluation of the Integrated Market Enforcement Team* (PSC, 2010: 14), notes that in Canada in 2009, “fines of \$153.7 million, costs ordered of \$5.6 million and restitution, and compensation and disgorgement orders of \$92.2 million” were imposed in 141 cases (“under Provincial Securities Acts”), according to the “Canadian Securities Administrators 2009 Annual Enforcement Report.” The Department of Justice in *Corporate Criminal Liability: A Discussion Paper* (DOJ G, 2002: 8) state that,

Section 735(1) of the Criminal Code currently specifies that:

A corporation that is convicted of an offence is liable, in lieu of any imprisonment that is prescribed as punishment for that offence, to be fined in any amount, except where otherwise provided by law,

- a) that is in the discretion of the court, where the offence is an indictable offence;
- or
- b) not exceeding twenty-five thousand dollars, where the offence is a summary conviction offence.

However, the need to impose sanctions other than fines in cases pertaining to corporate crime is also highlighted by the consulted agencies. For example, it is stated in the

document *Corporate Criminal Liability: Discussion Paper* (DOJ G, 2002: 2), that, although fines are a necessary method of managing corporate transgressions, “equal attention should be paid to ways of remedying the delinquent conduct of corporations and to incentives to avoid criminal conduct in the first instance.” The Criminal Intelligence Service Canada in their *2010 Annual Report on Organized Crime* (CISC A, 2010: 41) reference an instance in 2010 when an individual convicted of defrauding clients who were coming to him for financial advice, although he was not licensed to be dispensing such information, was given an incarceration sentence of eleven years. It is noted that probation may be another sanctioned imposed on corporate offenders. When considering the illegalities of a corporation, said probation may include the company’s activities being kept under close observation by the government, community service, or “making periodic submissions to the court or a probation officer” (DOJ G, 2002: 10). Lastly, the government of Canada has made recommendations to impose mandatory incarceration for individuals convicted of committing “serious fraud” (DOJ H, 2009: 1)

Deterrence and subsequently prevention were significant themes that emerged throughout the documents pertaining to corporate crime that can perhaps also be considered corporate crime management strategies, as they were previously mentioned as goals as well. The central concept seemed to be to deter and therefore prevent potential corporate criminals from engaging in crimes of a financial nature, primarily through the issuance of fines. In the document *Evaluation of the Integrated Market Enforcement Team* (PSC, 2010: 15) issued by Public Safety Canada, it is pointed out that “the deterrent effect of the very existence of IMET was viewed by some, in particular those involved in prosecution services or from the securities commission environment, as part

of a market fraud prevention function.” The Royal Canadian Mounted Police in their document on commercial crime note that prevention is the primary method of fighting financial crime (RCMP, 2006: 1). Indeed, the Commercial Crimes division of the Royal Canadian Mounted Police is responsible for both the identification and deterrence of economic crime (ibid). In a document issued by the Department of Justice entitled *Corporate Criminal Liability: Discussion Paper* (DOJ G, 2002: 11), it is asserted that holding individual corporate transgressors legally accountable may be as effective in a deterrent capacity as imposing fines against the corporation itself.

Deterrence through compliance programs appeared to be another way in which the government hoped to prevent corporate illegalities. Requiring companies that potentially have the opportunity to engage in economic crime to comply with regulations and standards discourages them, in theory, from engaging in said crimes. Indeed, in the Department of Justice’s *Corporate Criminal Liability: Discussion Paper* (DOJ G, 2002: 10), it is stated that, “a good compliance program serves to detect and provide early warnings before misconduct develops into criminal violation -- an investment that could make the cost of a compliance program economical as a preventive step.” The Department of Finance Canada notes that the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) has, in the past few years, started monitoring “regulated institutions such as banks, insurance companies and securities dealers” through entering into “compliance-related information sharing relationships with federal and provincial financial services regulators” (DOF B, 2005: 31). In keeping with the trend of issuing fines to those convicted of engaging in corporate crimes, non-compliance, specifically in relation to the Proceeds of Crime (Money Laundering and Terrorist

Financing) Act (PCMLTFA), according to the Department of Finance Canada (DOF B, 2005: 31), can result in two million dollars in monetary penalties being levied, as well as a potential five years of incarceration. Said penalties would be enforced if FINTRAC decided to refer non-compliance cases to the appropriate law enforcement entities for non-compliance with the PCMLTFA (ibid). Compliance can be associated with a mentality of collaboration in the management of corporate crime. However, said collaboration did not appear to involve the community to the same extent that it did for traditional crime, and instead focused on collaboration with financial organizations. Although organizations within the financial sector can technically be considered as the “community,” the overall message that is conveyed, in contrast to traditional crime, is that the community, in terms of the public, is not as involved with the management of corporate crime.

Chapter 4: Discussion

Preface

The origin of this thesis stemmed from the notion that risk has become a category used to understand the world in which we live (Garland, 2003). Crime is only one of the social problems with which risk is used to conceptualize. The question this research aimed to answer was, due to the fact that risk is used as a category to understand crime, it is thus applied as such in order to gain knowledge about particular types of offenses, specifically “traditional” or “general” crime, and corporate crime. Limited research has been conducted with respect to corporate crime and its relationship to risk. With the knowledge that risk has become a category used to understand crime in today’s society,

this thesis aimed to fill the gap in the literature through investigating and comparing the ways in which discourses of risk have or have not been applied to understand different categories of crime, namely traditional and corporate crime. In particular, has the category of risk been used to characterize the field of corporate crime as it has with “traditional” crime? The hypothesis of this thesis was that the category of risk, although widespread throughout the discipline of criminology, is not applied to the field of corporate crime as it has been with traditional crime by criminal justice agencies.

Governmentality

The principal theory used to conceptualize this thesis is governmentality. Foucault first conceptualized governmentality in reference to the “mentalities, rationalities, and techniques by which society is governed” (Mayhew, 2009: 224). A number of different techniques are used with respect to governmentality, such as the “governing of the self” and “biopolitical governing of the population.” (Foucault, 1991). Governing of the self refers to individuals acting upon themselves (Burchell, 1993: 268). According to Foucault (1988: 18), technologies of the self “permit individuals to effect by their own means or with the help of others a certain number of operations on their own bodies and souls, thoughts, conduct, and way of being, so as to transform themselves in order to attain a certain state of happiness, purity, wisdom, perfection, or immortality.” Biopolitics refers to increasing state concern for the biological well-being, control, regularity and stability of the population (Kelly, 2004: 60-61). Biopolitics is the ability to control people by maintaining them in life; it deals with and manages populations at the level of “multiplicity” and coexists with sovereign right to kill” (Kelly, 2004: 60-61).

According to Kelly (2004: 60-61), “ a government which uses biopolitics adopts the aim of keeping its people alive.”

Dean (1999: 16) states that, “governmentality...deals with how we think about governing, with the different mentalities of government.” Gunn (2006: 709) adds further explanation to this concept in his notation that “by governmentality Foucault designated a specific modern form of power targeted at a ‘population.’”

Governmentality also relates closely to the idea that we are living in a neo-liberal state. In a neo-liberal society, one in which individuals are responsabilized to manage their own security, risk has become a governmental technique by which the state governs through rather than on the population (Garland, 2003). Governing at a distance is a fundamental strategy of neo-liberalism (O’Malley, 1996, 313). Governance is diffused, and rather than state governing population, its individual actors and community groups governing themselves. It is techniques and rationalities that attempt to govern “without governing society” where the community emerges as site of governance (Rose, 1996. 328, 339-340). Risk management and responsabilization strategies are crucial aspects of the neo-liberal society (Silverstein, 2005: 340). According to Garland as cited in Hannah-Moffat (2000: 514), “[responsibilization strategies] involve the central government seeking to act upon crime not in a direct fashion through state agencies (police, courts, prisons, social work etc.), but instead acting indirectly, seeking to activate action on the part of non-state agencies and organizations.” Responsibilization strategies are inherent in diffusion of governance, a key strategy of neo-liberal rule (Rose, 1996: 328; O’Malley, 1996: 324).

The New Penology

With respect to the management of traditional or general crime, the finding that incarceration periods should be lengthened for serious offenders is in keeping with Simon and Feeley's (1992) conceptualization of the new penology. The new function of the criminal sanction, according to the new penology paradigm, is to incapacitate offenders in order to maintain control over them and the risk they represent to society. Feeley and Simon (1992: 461), in their article entitled *The New Penology*, state that "the actuarial logic of the new penology dictates an expansion of the continuum of control for more effective risk management." With the old penology, the emphasis was on punishing the individual and on transformation and rehabilitation. However, with the emergence of the new penology, the emphasis is shifted towards identifying, classifying, and managing groups of people according to the risk that they pose to society (Feeley & Simon, 1992: 452). Rather than seeking to change people, the new penology seeks to manage "dangerous" groups so they won't cause any harm or risk to society. Those that are seen to pose a high-risk receive longer sentences (and consequently harsher punishment) with the new penology than those who are seen as a low-risk and are not thought to pose any real harm to society (Feeley & Simon, 1992: 458).

It is argued here that, with respect to CSC's *Roadmap to Strengthening Public Safety* (CSC, 2007), the constant recommendation to move towards earned parole, although perhaps more indicative of a retributive philosophy than of incapacitation, does exhibit characteristics of the new penology, primarily in the fact that requiring offenders to earn parole essentially keeps them in prison longer if they cannot demonstrate that they have changed. This argument is supported by the fact that, as mentioned above, the new

penology seeks to impose longer terms of imprisonment on those who are deemed to pose a risk to society (Feeley & Simon, 1992). Thus, by maintaining that offenders should be required to earn their way out of prison, they are essentially being incapacitated in order to maintain the safety of the public for as long as possible. Now, although the primary goals of earned parole may be to establish, as much as possible, the transformation of offenders, as well as to ensure that justice has been served by knowing that said offenders have gotten what they deserved, it is not impractical to contend that these goals can be aligned with the goals of the new penology. Indeed, concerning the Department of Justice's *Background: Tackling Violent Crime Act* (DOJ A, 2008:2), the legislative proposals to increase mandatory prison sentences for offenders convicted of serious crimes, also exhibit characteristics of the new penology. The focus on earned parole is both typical and atypical of the new penology. As discussed above, it is consistent with the new penology in that a characteristic of said discourse is an increase in incarceration in order to manage aggregates of dangerous offenders (Simon & Feeley, 1992: 450). According to Simon and Feeley (1992: 452), "[the new penology] seeks to sort and classify, to separate the less from the more dangerous." Those that are seen to pose a high-risk receive harsher punishments with the new penology than those who are seen as a low-risk and are not thought to pose any real harm to society. This can be referred to as the process of selective incapacitation (Feeley & Simon, 1992: 458).

Feeley and Simon (1992: 458) define selective incapacitation as follows: "a sentencing scheme in which lengths of sentence depend not upon the nature of the criminal offense or upon an assessment of the character of the offender, but upon risk profiles." In relation to earned parole, in denying offenders parole if it is not deemed that

they have truly changed, the essential message that is being conveyed is that the risk profile of said offenders is still too high for them to be returned to society. In other words, said transgressors still pose too much of a danger to public safety and therefore need continued incarceration. Indeed, Feeley and Simon (1992: 461) note that, within the new penology, “rather than instruments of reintegrating offenders into the community, [community based sanctions] function as mechanisms to maintain control.”

Consequently, within the tenets of the new penology, the earned parole recommendation can essentially, as it is asserted here, be considered a strategy of risk management and control.

The earned parole approach diverges from the new penology in the sense that the new penology is not concerned with rehabilitation or the transformation of offenders (Simon & Feeley, 1992: 450). Rather than seeking to change people, the new penology seeks to manage “dangerous” groups so they won’t cause any harm or risk to society. The primary emphasis is now on the management of aggregates of high-risk offenders rather than on reform and treatment, concepts that were primarily focused on by the traditional penology (Feeley & Simon, 1992: 455). Thus, with the recommendation to move towards earned parole in order to augment the transformation of offenders, a logic of change rather than aggregate management is present.

The Protection of Society

According to Pratt (1999: 136), “the onus [is] on modern states to protect its citizens from ‘the dangerous.’” Indeed, the protection of society is a paramount concern within the current neo-liberal rationality of governance. As briefly discussed in the

analysis portion of this paper, the responsibility of protecting society from the two different categories of crime, traditional and corporate, did not appear to be equally distributed. Whilst the onus appeared to be on individuals to protect themselves from being victims of corporate or white-collar crime, the government seemed to be more involved in the protection of society from crimes more traditional in nature. The goal of the government with respect to corporate crime appeared to be related to how to educate citizens on how to protect themselves from corporate crime, while in contrast, the government concerned themselves with the protection of society from traditional crime, crimes typically more violent in nature. With respect to traditional crime, the analysis indicated a focus on public safety. It is argued here that this focus is indicative of a risk mentality. Risk as a concept is inherently incorporated into the notion of public safety. Through implying that traditional crimes are something that society needs to be protected from, it is suggesting that said crimes pose a risk or threat to society and thus protection is needed. In discussing offenders deemed dangerous to society, it is again indicating that citizens need to be protected from said individuals, as they are inherently risky. The protection of economic safety as a goal of governmental crime policy with respect to corporate crime is indicative of risk logic to a certain degree. In the same thread that the protection of the public denotes risk logic concerning traditional crime, it is posited here that the protection of economic safety simply represents a different element of risk mentality. Risk logic with respect to social problems such as crime entails the consideration of risk as a category used to understand said social problem. With respect to public safety, risk is thus used as an omnipresent theme in that safety is inherently connected to risk.

The Government's Perception of the Seriousness of Risk

The politicization of risk can be considered as a wide variety of efforts used to conceive and address social problems in terms of risk. This concept refers to the way in which the government and those with political power are trying to grasp everything in society using the concept of risk. It involves the reconstructing of all social problems, including crime, in terms of risk. The primary reason for this phenomenon is the government's foremost concern with managing and reducing risk. The politicization of risk is about the selection of any target that will then be defined as a risk that needs to be managed. This refers to the notion of risk as an object on which political persons will attempt to intervene and gain control of. In being able to define what is considered a risk and what is not, the government is assuming the role of risk management for society (Garland, 2003: 60). In this sense, the government is able to dictate to society what to be aware of as a risk, and what resulting precautions to take.

The phenomenon of the politicization of risk is relevant in regards to this thesis as follows: by appearing to place a higher priority on monetary penalties for transgressors of corporate crime than on incarceration, which is primarily used for offenders of traditional or conventional crime, the government is arguably indicating, albeit through more covert means, which crimes they have decided are the most serious that need to be controlled using the harshest methods, and framed in terms of risk. This is perhaps indicative of the notion that corporate crimes are perceived by the government to be of a lesser degree of severity than traditional crimes, and therefore need to be managed using less severe means. Essentially, the government is choosing, through the way in which they have

decided to manage traditional crime, to place more of an emphasis on reconstructing the social problem of traditional crime in terms of risk, rather than corporate crime. This argument can further be extended to the assertion that risk, as it is understood by society, is a “product of historically, socially and politically contingent ‘ways of seeing’” (Lupton, 1999: 25). Particularly with respect to the political, in accordance with the governmentality perspective and indicative of a strong constructionist position, risk is what the government defines it to be (Lupton, 1999: 35). It is argued here that with the discrepancy in the way in which the government has decided to manage corporate and traditional crimes respectively, that this is illustrative of which crimes said government considers to be a risk and which it does not. By addressing the need to keep dangerous offenders off the streets through a call for increased incarceration while the lesser penalties of fines are used for perpetrators of corporate crimes, the government is perhaps communicating to society which crimes present a risk and which do not. That is to say, traditional crimes do pose such a risk, and corporate crimes do not. The government is downplaying the serious nature of corporate crimes by controlling them in a manner that evokes a mentality of harmlessness. Indeed, according to Garland as cited in Ericson and Doyle (1999: 78), “that risks are socially constructed makes them no less real, but it does mean that they can be magnified and dramatized in the public imagination.” The focus on increased incarceration for traditional crimes may illustrate the notion that government officials perceive these crimes as more serious and therefore they need to be dealt with in a more serious fashion. In other words, the preferred method of management of both categories of crime respectively is indicative of the government’s perception of the seriousness of each type of transgression.

Role of Communities

As mentioned in the analysis, an important part of the management of traditional crime, as depicted in the reviewed documents, was the collaboration of the public with various criminal justice organizations and institutions in the protection of society. As further noted in the analysis, this collaboration is illustrative of a neo-liberal offloading of responsibility and diffusion of government where individuals and communities are responsabilized to manage their own risk. However, this same emphasis on a collaborative effort was not evident in the documents pertaining to corporate crime. While said documents did depict a neo-liberal mentality with respect to an individualistic ideal, they did not extend this mentality to include the collaborative risk management aspect to the same extent as with traditional crime. Although there was some discussion of a collaborative effort in order to curb corporate crime, this collaboration did not typically involve the community, but rather employees and organizations in the financial sector, as mentioned in the analysis portion of this paper. For example, in a document issued by the Canadian Anti-Fraud Centre entitled *Fraud in Canada: How Big is This Problem?* (CAF C, 2010: 1), it is stated that, “[the RCMP is] working diligently with our law enforcement partners, and with government agencies and private sector businesses to detect, disrupt and deter fraud in Canada.” This statement does indeed depict a collaborative mentality towards managing corporate crime, but there is no mention of the community’s role.

With respect to the documents issued by CSIC on organized crime (2006-2010), although there is mention of the necessity of collaboration with the public in order to

better control organized crime, there is no reference specifically to corporate crime. Thus, due to the majority of the focus of the CISC organized crime documents being on street crime rather than on corporate or financial crime, statements referring to community or public collaboration were analyzed with respect to traditional crime. Perhaps this finding can be extended to suggest that, with respect to corporate crime, the focus of the government is not on the community, that is, the importance of the community is minimal. It is interesting to note that although a central tenet of neo-liberal society is the government offloading responsibility onto individuals who collaborate with organizations and institutions to become central actors in their own risk management, the government did appear to take more responsibility for managing the risks that traditional crimes pose to society than they did with corporate crimes. Consequently, the questions that need to be posed are: Why is it that individuals are held more accountable to protect themselves from corporate crimes and engage in their own risk management than is the case with traditional crimes? Why has the government taken on more of the responsibility of protecting society from the risks that traditional crimes pose? Why are the neo-liberal principles not applied in the same way to traditional crime as they are to corporate crime?

According to Ericson and Doyle (2003: 6), “risk communication systems effect moral regulation by making people think of risk objects in terms of their own ethical conduct with respect to these objects.” Said authors note that individuals need to become aware of the risks that may affect them in order to be able to partake in preventative and minimization measures. Garland (2003: 63), a contributor to Ericson and Doyle’s book, states,

When we talk of ‘risk management’ as a mode of governance, we are generally

referring to a distinctive form of practical morality that is quite at odds with traditional forms of moral and judicial reasoning. Instead of going in for post hoc blame allocation and holding the individual actor fully responsible, a risk management approach tends towards a more structural account of responsibility and is less concerned with fixing blame or imposing penalties. Loss prevention, harm reduction, and efficient compensation are, in many circumstances, more easily achieved by cooperative action and shared responsibility than by individualistic moral codes.

Risk vs. Morality

The goals of crime policy with respect to traditional and corporate crime exhibited dissimilar trends. While the goals concerning traditional crime centered on public safety, those concerning corporate crime were related to protecting economic safety and confidence in Canada's financial integrity. It is argued here that this discrepancy is definitive of separate but inherently connected discourses. While public safety is inherently indicative of a risk discourse, the protection of economic integrity more closely corresponds with morality logic. The goals of the government with respect to traditional crime as depicted in the analysis are laden with elements of risk logic. The document *Roadmap to Strengthening Public Safety* (CSC, 2007) manifests risk logic in its entirety. With countless references to the paramount importance of protecting the public and correctional staff from offenders who would pose a risk to society, as well as to how the public and corrections would benefit from a move towards earned parole, said document inherently encompasses the meaning of risk discourse.

It is necessary here to clarify the distinction between a risk discourse and a moral discourse. With respect to risk discourse, I am referring to the language of risk being

used to understand crime. It encompasses the way in which the literature is framed around the notion of risk. More specifically, a language of risk refers to specific words, phrases, and references on the subject of risk. The following are the specific indicators of a language of risk:

- The specific work “risk”
- Mention that a crime is “risky” or poses a “risk” to society
- Mentions of the need to protect the public from potentially risky persons or activities
- Themes that emerge pertaining to the danger, threat, or harm that crime poses to individuals and groups
- Harm reduction strategies
- Mentions of probability of reoffending
- Mentions of the regulation of traditional and corporate crimes in terms of prevention (i.e. preventing the risks that these crimes pose to society)
- Themes that emerge pertaining to the danger, threat, or harm that crime poses to individuals and groups
- References to the victimization caused by each category of crime

In contrast, a logic of morality/a moral discourse analyzes the way in which morality and “moral meanings” permeate the examined documents (Bergmann, 1998: 286). It refers to a language of morality being used as a framework to understand crime. Given that morality and the judgment of “right and wrong” are potentially deciding factors in the decision to commit a crime, it seemed appropriate to consider a framework

of morality when analyzing the documents. The following are specific indicators of a logic of morality:

- Mentions that the conduct (i.e. the corporate or traditional crime) is wrong, or unfair
- References to “right and wrong”
- References to trust or mistrust
- Mentions that the acts are immoral, unethical, dishonest
- Mentions of injustice, corruption
- Conduct being problematized and regulated on moral grounds

In comparing risk discourse with moral discourse, there are a number of dissimilar characteristics that stand out. For example, it is argued here that the primary focus of risk discourse is on whether or not an act is risky or potentially harmful, while the focus of a moral discourse is on whether or not an act is right or wrong. The purpose of risk discourse is usually to marginalize the “dangerous” class of society and to exert control over the population using justifications grounded in level of risk, specifically dangerous groups of people, while a moral discourse is typically more concerned with placing individual blame, accountability, and responsibility.

Although these factors do distinguish risk and moral discourses from one another, it is argued here that it is possible that the two discourses impact each other to varying degrees. The two discourses may be distinct and separate from one another, but they are not necessarily mutually exclusive. It is best to conceptualize this relationship as a continuum:

Risk Discourse



Moral Discourse

- Focus on right vs. wrong and blaming
- Focus on controlling crime through appeals to morality and blaming at-fault individuals (focus more on blame than punishment)
- Focus on values
- Focus on “dispensation of individual justice”
(Ericson and Doyle, 2003: 3)

- Focus on right vs. wrong and blaming
- Focus on controlling crime through appeals to morality and blaming at-fault individuals (focus more on blame than punishment)
- Focus on values
- Focus on “dispensation of individual justice”
(Ericson and Doyle, 2003: 3)

With respect to this continuum, on the one hand, morality is focused on right and wrong and blaming, while on the other hand, risk is focused on control of dangerous populations and responsabilization strategies. From a completely risk perspective risk has nothing to do with morality – it is about assessments, probabilities, and mathematical calculations. In contrast, from a completely moral perspective, morality has nothing to do with assessments of dangerousness and everything to do with right vs. wrong and notions of attributing individual blame. However, it is possible that risk and morality intersect somewhere in the middle of this continuum. Risk becomes permeated with moral reasoning and judgment and moral reasoning becomes infused with perceptions of dangerousness and risk assessments. When moral discourses begin to permeate discussions of risk, it is no longer simply about the threat or probability of an adverse consequence – it is about the values associated with committing a potentially risky act – it is about whether or not it is right or wrong. It is here that risk assessments and

judgments of dangerousness are attributed to morality and whether or not an act or person is good or bad.

In the context of this thesis, it was found that corporate crime was framed in terms of a moral discourse in the reviewed documents. That is to say, the corporate crime legislation was permeated with discussions about morality – integrity, trust, deception, were common words used in the discussion of corporate crime. With respect to the consequences of corporate crime that were discussed in the analysis portion of this paper, it is evident through the focus on the protection of Canada’s economic integrity that perhaps a moral discourse has surfaced. In this respect, “moral meanings” have permeated the legislation pertaining to corporate crime (Bergmann, 1998: 286). Integrity denotes concepts such as honesty, ethics, morals, and decency. Protecting the economic integrity of Canada therefore has its foundation in morality. The very mention of economic integrity is indicative that morality is an important part of the Government of Canada’s mandate when it comes to corporate crime. The main concern is how financial crime weakens society’s trust in the financial system, and although this may be true, there are many other consequences that could arise as a result of individuals being defrauded. These individuals may lose everything in their lives, but the government’s focus is still on how to get the trust back from society. Victims of financial crimes may experience psychological and mental pain, but the government is still most concerned with the integrity of Canada’s financial system. In extreme circumstances, victims may attempt to harm themselves or others as a result of losing their life savings, yet the Government of Canada maintains that a loss of economic integrity represents the biggest concern when a financial crime is committed. By focusing on trust rather than on how said crimes may

negatively impact the individuals who are victims of it, the government is not demonstrating a focus on risk.

In the book *Risk and Morality* (2003: 1), authors Ericson and Doyle examine the way in which morality and ethics intersect with risk discourse. Contributors to the book, according to Ericson and Doyle (2003: 1), investigate the way in which “modern societies are governed through risk and morality.” According to said authors, “identification of a threat or danger, and of adverse consequences, is based on judgments about ‘goodness’ and ‘badness’ and distinctions between right and wrong” (2003: 2). It is argued here that through a focus on economic integrity, the government is aiming to address the unethical conduct that they perceive as the basis for many corporate crimes rather than addressing the risks that said crimes pose to society. In hopes of decreasing economic crime, the government has targeted its focus on getting at what they perceive as the root of the problem: morality. Ericson and Doyle (2003: 3) note, “in addressing the myriad ways in which risk and morality are entwined, contributors to this volume reject the view that the concept of risk and practices of risk management are increasingly divorced from morality.” Although there has perhaps been a shift away from attributing blame for the consequences of risk and a move towards simply managing risk and harm minimization (Ericson & Doyle, 2003: 3-4), this does not necessarily denote a risk management system completely devoid of responsibility and morality. Ericson and Doyle (2003: 4) note, “while the rise of risk discourse and risk management practices has undoubtedly altered morality, especially in utilitarian directions, it does not spell the end of morality. To the contrary, the rise of risk entails an attendant rise in new moralities of responsibility and accountability at multiple levels of society: institutions, organizations, communities, and

individuals.” Thus, although risk logic may not be inherently incorporated into the management of corporate crime, it is alternatively posited here that the moralization of the management of economic crime may be simply a specific way of dealing with a specific danger, and thus does involve some element of risk discourse. According to Ericson and Doyle (2003: 5), “[risk] is used in political culture to mobilize moral communities for dealing with danger in particular ways, and to force accountability.” Through managing corporate crime through a discourse of morality, the government is attempting to hold corporate transgressors accountable for their actions, and although it may not exude a mentality of risk, there is some element of risk involved at the core. Holding corporate crime offenders morally responsible for their actions inherently encompasses controlling the risk said transgressors pose to society, while at the same time asking individuals to be more responsible in protecting themselves.

Moral Integrity vs. Mechanistic Integrity

The results of this study, as interpreted here, indicate a focus on the moral aspects of corporate crime. The argument can also be made that traditional crimes could exhibit moral aspects as well, (i.e. that hurting someone is fundamentally wrong), but this way of thinking emerged primarily from the documents pertaining to corporate crime, not traditional crime.

The presence of morality logic and the focus on the moral aspects corporate crime in the literature may not be the only interpretation of the moral meanings of said literature. The focus on morality may be specific to the time period as well as the documents that were used to conceptualize this study. The documents that were used

were federal government publications from the year 2000 and forward, so the notion that integrity denotes moral interpretations is perhaps specific to the time period and organization. Had the documents used been from a different level of government, or from a non-governmental agency, as well as from an earlier time period, such as during the welfare state era, the usage of the word integrity may have conveyed different meanings. Different documents at different times may have placed a different emphasis on the work integrity. For example, mechanistic integrity, defined as when the market machine breaks down and thus ceases to achieve what capitalist societies consider to be classical societal functions, may be a different interpretation of the notion of integrity. Crime undermines the mechanistic integrity of the market system, and thus when someone engages in corporate criminal behaviour, he or she is contributing to the breakdown of capitalist society ideals.

It is argued here that although weakened trust in Canada's financial system does denote aspects of mechanistic integrity (when there is a lack of trust, it weakens support in the capitalist functioning of society), there are aspects of morality present in the use of the term integrity as well. Moral integrity involves the notion of faith and trust and when this is void from capitalist society, this is when the mechanistic integrity of the market system begins to collapse.

Mechanistic integrity, as it is argued here, is what succeeds moral integrity, which is what initially contributes to the erosion of trust in the financial system. For example, if a corporate criminal defrauds a person of their entire life savings, this may lead to the victim having extreme mistrust in Canada's economic system. This mistrust undoubtedly identifies with the notion of mechanistic integrity, however, said feelings of doubt and

insecurity are forged from the dishonest nature of the crime that was committed, a crime that arguably goes against the “moral code” of society. Corporate crime contributes to the breakdown of mechanistic integrity of the market in a way that fundamentally impacts the moral core of society. There is something to be said of the moral difference between traditional and corporate crime: if an offender commits a burglary in someone’s home, it evokes the feeling that it was “wrong” for said offender to commit said crime. When someone defrauds a family out of their life savings, however, the overall sentiments that arise after a crime such as this are ones of a loss of trust and faith in the entire market system, as well as perhaps in the moral nature of humankind. The crimes of the powerful are often committed using lies and deceit and thus generate compounded feelings of mistrust and loss in confidence. It is contended here that this loss of dignity, trust, and faith in humanity exacerbates the negative feelings of victims of corporate crime as compared to traditional crime.

Thus, the notion of trust in the economic system perhaps denotes aspects of both moral and mechanistic integrity. Moral in the sense that mistrust is forged from an offence laden with dishonesty and a lack of integrity or strong moral codes, and mechanistic in the sense that this mistrust leads to a breakdown of the values of capitalist society. Integrity essentially refers not only to the notion of having trust and faith in the stability of the capitalist system, but also that individuals will not be unscrupulous and take advantage of others who are in lower positions of power.

Lastly, in drawing a parallel between moral and mechanistic integrity, it can be said that the rules of capitalist society in fact exhibit aspects of morality. Marx saw capitalist society arranged around the means of production and distribution of wealth.

However, this capitalist society as Marx saw it, could be considered immoral in nature. Exploitation and dehumanization existed in part because of the capitalist values of attaining the means of production no matter what the cost. Although capitalist ideals achieve progress, what is the cost to the humanization of society? The venture to achieve material wealth inherently encompasses immorality. The need to uphold mechanistic integrity and capitalist values may never be completely devoid of immoral and unethical actions.

Discrepancies in Consequences

As briefly mentioned in the analysis portion of this paper, the category of consequences of traditional crime was not awarded much attention in the reviewed documents. With the minimal material that was presented, the predominant message that was conveyed was that traditional crimes harm society on a physical, emotional, and psychological level. This is in contrast to corporate crimes, which were depicted overall as negatively impacting society financially and morally (with respect to the loss of economic integrity). The questions to be asked here are: Why did the reviewed documents not feel the need to outline the potential consequences of traditional crime in greater detail? And why was there so little mention made with respect to corporate crime as to the plethora of negative effects corporate crime can have on individuals, other than a loss of economic integrity? It is argued here that the lack of focus on the widespread consequences corporate crime can inflict upon society is indicative of a governmental mentality of triviality. This attitude depicts the notion that corporate crimes do not harm society on the same level as traditional crimes and thus their effects are negligible in

comparison. Although the erosion of trust in Canada's financial system is a severe consequence of corporate crime as depicted in the reviewed documents, the minimal priority given to other potential consequences is alarming given the fact that, according to Clinard and Yeager in their book *Corporate Crime* (2006: xi), "much corporate crime has a far wider effect on society than conventional or occupational offences." In addition, the focus of the literature produced by the Government of Canada was completely on corporate crimes financial in nature. There are various wide-reaching ways in which individuals engage in corporate offenses, such as companies releasing products known to contain defects or harmful materials, or companies that maintain unsafe working conditions for their employees because fixing them would be too costly. There are many ways in which society is affected by corporate illegalities, why does the government focus on those that primarily affect individuals' financial stability. As Clinard and Yeager (2006: xi) have indicated, the severity of corporate crime can oftentimes surpass that of traditional or conventional offences. For example, they note that, "when corporations produce and distribute unsafe products such as pharmaceutical drugs, foods, or even autos, this can result in injury or the death of thousands of consumers. Likewise, unsafe working conditions can result in serious injuries, or possibly death to the workers" (Clinard & Yeager, 2006: xi).

It is argued here that one of the reasons behind the absence of attention to other possible consequences of corporate crime is due to the fact that corporate crime is not interpersonal in the sense that it is not one person directly harming another person (Friedrichs, 2009: 65). Indeed, according to Friedrichs in his book *Trusted Criminals: White-Collar Crime in Contemporary Society* (2009: 65), "corporate violence results

from policies and actions, undertaken on behalf of the corporation, that result in the exposure of people to harmful conditions, products, or substances.” Without a direct and immediate victim, the many harmful effects of corporate crime may go unheeded by governmental organizations in favour of discussion of the consequences of traditional crime, which will be paid attention to by society. Traditional crime is so prevalent in society that perhaps the government felt that discussion of the consequences of these crimes was not necessary given that citizens are already well aware of how said crimes impact society negatively.

How to Manage Crime

It is argued here that, concerning the governmental management strategy of deterrence with respect to corporate crime, that risk logic is not present. Deterrence, as a strategy, is more closely associated with the concept of retribution than risk. In hoping to prevent potential offenders from engaging in crime by utilizing the deterrence doctrine, the government is aiming to engage in transformative penology. This relates to the notion of earned parole, as previously discussed, in that through requiring offenders to prove their transformation and rehabilitation, any future illegal behaviour from said offenders will be prevented.

However, the government’s penchant for deterrence as either a management strategy or a goal of crime policy may not be strongly supported by the literature. For example, according to Fisse and Braithwaite (1993: 219), deterrence cannot be “solely relied on to secure corporate crime control. There will always be many kinds of fraud in a capitalist economy that will remain economically rational no matter how much we

improve the effectiveness of enforcement or the size of penalties. Alternatively, a policy of increasing to the level needed to render certain types of crime irrational will bankrupt firms and close factories, thereby harming innocent workers and communities. Sole reliance on rational deterrence would simply leave us defenseless against cost-effective crimes.” Although the deterrence of corporate crime may theoretically be an advantageous method of preventing corporate crimes, in practice it does not overwhelmingly succeed. In a study conducted by Simpson (Simpson & Koper, 1992: 351), it was postulated that, “formal sanction probabilities and costs are rarely considered when unethical conduct occurs in corporate settings. Stigmatic and commitment costs (e.g., threats to reputation and future employment) are identified as more salient to decision makers.”

Research Questions Revisited

The objective of this research was to be able to answer the questions as set out in the introduction portion of this paper. These questions were as follows: What category of crime is a risk discourse usually applied to? What type of discourse is usually applied to understand corporate crime? What type of discourse is usually applied to understand traditional crime? How does the notion of risk pertain to the management of corporate crime? And how does the notion of risk pertain to the management of traditional crime? From the results obtained from said research as set out in the analysis, answers to most of these questions were obtained. With respect to the first question, which category of crime is a risk discourse applied to; the results indicated that it is traditional crime that a risk discourse is most often applied to, when compared to the category of corporate crime.

However, it is noted here that only two categories of crime were explored, and based on the operationalization of these categories, they may not be exhaustive in including all types of crime. Thus, there may be categories of crime that were not examined and therefore whether or not a risk discourse is applied to them is unknown. It is posited here that, in comparing two categories of crime, corporate versus traditional, a risk discourse was most often applied to the latter. This relates closely to the question of what type of discourse is usually used to understand traditional crime. In consequence, to answer the same question with respect to corporate crime, the discourse that was found to apply primarily to said category of crime was moral in nature. The constant mention of the necessity of protecting economic integrity as a goal of crime policy, as well as the loss of economic integrity as a consequence of corporate crime, indicates a strong focus on morality as the foremost concern of the government.

Concerning the question of the management of traditional crime and its relation to risk, it was found that there was a focus on incarceration as the preferred method of controlling said crimes. The documents depicted an ideology of increasing incarceration lengths for offenders of serious crimes. Due to the fact that there was no mention of corporate crime being one of said serious offences, it is assumed here that serious offences and offenders refers to those acts and individuals who have committed crimes of a traditional or conventional nature. Thus, with respect to risk, the management of traditional crime is indeed indicative of risk discourse. The notion of keeping offenders incarcerated not only for the length of their sentence but also until they can demonstrate that they have been rehabilitated, is a prime example of how risk logic is being employed in that, as mentioned earlier, those who are deemed risky or dangerous to society need to

be incapacitated, in accordance with Simon and Feeley's (1992) "new penology."

Through the promotion of the prevention of corporate crimes, as discussed in the analysis, risk logic is again present. Crime prevention is a key component of a risk mentality in that preventing risks that pose a threat to society is the combined responsibility of the government and individual citizens in a neo-liberal era.

Lastly, with respect to the question of how risk pertains to the management of corporate crime, the picture is somewhat different in that the focus of the management of corporate crime was on monetary penalties and deterrence. It is argued here that a focus on fines as the preferred method of controlling corporate crimes is not indicative of a close relationship between risk and management. Although managing corporate crimes through imposing fines on transgressors can arguably be considered a way of managing the risk said crimes pose to society, it does not depict strong risk logic in that, as argued earlier, the usage of monetary penalties may depict a mentality of harmlessness, that said crimes do not present enough of a risk to society to be dealt with in a more serious manner.

The trends found in both categories of crime were that each does exhibit some element of risk logic. The foundation of the goals of crime policy with respect to both categories of crime is to protect society, so there emerged a common theme. Protecting society from risky individuals and acts emerged as a goal of paramount importance to the government, regardless of whether or not they were traditional or corporate in nature, so in that sense, risk logic is present in both categories of crime. However, the discrepancy is that while traditional crime seemed to embody a risk mentality, the same logic with respect to corporate crime was more limited. This closely relates to what it is perceived

here as a gap in literature. The lack of focus on risk discourse by the government with respect to corporate crime is worrisome in that it appears by using a risk discourse to frame traditional crime, society is more aware of its serious consequences. It is posited here that the triviality associated with a lack of focus on risk logic downplays the seriousness of corporate crime. Another discrepancy that was found between the two categories of crime relates to O'Malley's (O'Malley, 1996) concept of prudentialism. As mentioned in the analysis portion of this paper, prudentialism was an important concept with respect to the management of corporate crime. The documents indicated a mentality of self-responsibilization strategies with respect to corporate crime, whereas the government appeared to take more of the responsibility for the protection of society from traditional crime. In other words, individuals were more responsible for protecting themselves from corporate crime than they were from traditional crime.

Conclusion and Recommendations

The expectation made at the conception of this paper that risk discourse is not used to understand corporate crime in the same way it is for traditional crime was in accordance with the way in which corporate crime and traditional crime were depicted in governmental literature. The multitude of references to a risk mentality depicted in the documents pertaining to traditional crime was in agreement with the supposition that risk logic would be pervasive in such literature. Where the federal government did acknowledge the serious nature of corporate crimes through the use of risk logic, the overall mentality that surfaced was one of morality and integrity. Indeed, with the focus

on maintaining trust in Canada's financial system as well as protecting and promoting the economic integrity of Canada, there is not much room for risk logic to pervade the governmental literature. Although the use of morality in the management of traditional crime was presented as a possible method of controlling a specific type of danger, the three analytical categories were, for the most part, depicted using logic of risk rather than morality.

The results indicated a divergence from the hypothesis with respect to the fact that although risk discourse may not be used in the same *way* for corporate crime as it has been with conventional crime, the logic of risk was still present to a certain extent in the governmental literature on corporate crime. This was particularly true with respect to the notion of protecting the public. Whether the public is being protected from "predators" on the streets or businessmen and women in boardrooms, the notion that society needs to be protected from any type of crime at all is still demonstrative of a certain degree of risk logic.

The broader implications of this work include the fact that, in a world surrounded and scrutinized by risk, some crimes are not viewed this way, perhaps because they are viewed as less serious in nature. With the pervasiveness of risk logic throughout the discipline of criminology as well as many other disciplines, the relationship of risk to corporate crime needs to be further examined. Aside from Meier and Short's innovative but rather limited 1985 study on the application risk to the understanding of corporate crime, there does not appear to be a substantial or influential piece of literature that has attempted to discuss the notion of corporate crime and its relation to risk discourse. With the way in which risk has permeated society today it is reasonable to contend that

more scholars would have made the link between risk logic and corporate crime. As the literature outlining the harmful effects of corporate crime grows and grows, it is necessary to adapt the logic of risk, a mentality used to understand so many facets of society. As it has been demonstrated that risk is a fluid concept (Maurutto and Hannah-Moffat, 2006: 439) subject to changing interpretations, it is vital that this malleability reflect the surplus of types criminality that exists in today's society, particularly with respect to corporate crime, a category of crime that appears to be left in the dust when risk logic comes into play.

In order for corporate crime to be taken more seriously by Canadians, it is recommended here that it be scrutinized and regarded with the same risk logic that has proved to be characteristic of traditional crimes. In this sense, serious corporate criminals would be treated in the same way that offenders of serious traditional crimes are. For example, pertaining to the recommendation of earned parole as depicted in CSC's *Roadmap to Strengthening Public Safety* (2007), corporate criminals would be required to demonstrate that they have been rehabilitated in order to earn parole, in the same way that it is being suggested for offenders of more conventional crime. It is important to note here that this thesis does not argue for the use of repressive measures to control either traditional or corporate crime nor does it suggest that initiatives such as earned parole or increased incarceration lengths are the appropriate method for managing said categories of crime, it only seeks to contend that corporate crime be treated with the same seriousness as traditional crime. Although the documents did depict an element of concern as to the seriousness of corporate crime, which is essential to its being taken more seriously, the more prevalent use of risk logic with respect to traditional crime kept

the focus of concern on said illegalities. The more society comes to realize that the harmful effects of corporate crime outweigh those of traditional crime, perhaps the more risk logic will be applied to its understanding.

|

|

References

- Beck, U. (1992). *Risk Society: Towards a New Modernity*. Thousand Oaks: Sage Publications.
- Bergmann, J. (1999). Introduction: Morality in Discourse. In Bergmann, J., & Linell, P. (Eds.). *Morality in Discourse: A Special Double Issue of Research on Language and Social Interaction* (pp.279-294). London: Routledge.
- Braithwaite, J., & Geis, G. (1982). On Theory and Action for Corporate Crime Control. *Crime and Delinquency*, 28(2), 292-314.
- Burchell, G. (1993). Liberal Government and Techniques of the Self. *Economy and Society*, 22(3), 267-282.
- Box, S. (1983). *Power, Crime and Mystification*. London: Tavistock Books.
- Brown, D. (2001). Street Crime, Corporate Crime, and the Contingency of Criminal Liability. *University of Pennsylvania Law Review*, 149(5), 1295-1360.
- Christie, N. (2000). *Crime Control as Industry*. London: Routledge.
- Clinard, M., & Yeager, P. (2006). *Corporate Crime*. New Brunswick: Transaction Publishers.
- Cressey, D. (1989). The Poverty of Theory in Corporate Crime Research. In Laufer, W., & Adler, F. (Eds.). *Advances in Criminological Theory*. New Brunswick: Transaction Publishers.
- Daly, K. (1989). Gender and Varieties of White-Collar Crime. *Criminology*, 27, 769-794.
- Dean, M. (1999). *Governmentality: Power and Rule in Modern Society*. Thousand Oaks: Sage Publications.
- Dodge, David. (2002). *Promoting Canada's Economic and Financial Welfare* [Online Web site]. Available <http://www.bankofcanada.ca/2002/11/speeches/promoting-canada-economic-financial-welfare/>
- Douglas, M. (1990). Risk as a Forensic Resource. *Daedalus*, 119(4), 1-16.
- Ericson, R. (2005). Review Article by Richard Ericson: Governing Through Risk and Uncertainty. *Economy and Society*, 34(4), 659-672.
- Ericson, R., & Doyle, A. (2003). *Risk and Morality*. Toronto: University of Toronto Press.

- Feeley, M., & Simon J. (1992). The New Penology: Notes on the Emerging Strategy of Corrections and its Implications. *Criminology*, 30(4), 449-474.
- Ferrante, J. (2011). *Sociology: A Global Perspective*. Belmont: Cengage Learning.
- Fisse, B., & Braithwaite, J. (1993). *Corporations, Crime, and Accountability*. New York: Cambridge University Press.
- Fisse, B. (1983). Reconstructing Corporate Criminal Law: Deterrence, Retribution, Fault and Sanctions. *Southern California Law Review*, 56, 1141-1246.
- Freedman, L. (2005). Human Rights and the Politics of Risk and Blame. In Gruskin, S. (Ed.). *Perspectives on Health and Human Rights* (pp. 527-535). New York: Routledge.
- Friedrichs, D. (2009). *Trusted Criminals: White Collar Crime in Contemporary Society*. Belmont, Cengage Learning.
- Friedrichs, D. (2007). White-Collar Crime in a Postmodern, Globalized World. In Pontell, H., & Geis, G. (Eds.). *International Handbook of White-Collar and Corporate Crime* (pp.163-184). New York: Springer.
- Friedrichs, D. (2002). Occupational crime, Occupational deviance, and Workplace crime: Sorting out the Difference. *Criminology and Criminal Justice*, 2(3), 243-256.
- Foucault, M. (1991). Governmentality. In Burchell, G., Gordon, C., & Miller, P. *The Foucault Effect: Studies in Governmentality*. London: Harvester.
- Garland, D. (2003). The Rise of Risk. In R. Ericson & A. Doyle (Eds.). *Risk and Morality* (pp.48-86). Toronto: University of Toronto Press.
- Garland, D. (2002). *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: The University of Chicago Press.
- Gerber, J., & Jenson, E. (2000). Controlling Transnational Corporations: The Role of Government Entities and Grassroots Organizations in combating White-Collar Crime. *International Journal of Offender Therapy and Comparative Criminology*, 44(6), 692-713.
- Giddens, A. (1999). Risk and Responsibility. *The Modern Law Review*, 62(1), 1-10.
- Gobert, J., & Punch, M. (2003). *Rethinking Corporate Crime*. London: Cambridge University Press.
- Gravetter, F., & Forzano, L. (2009). *Research Methods for the Behavioral Sciences*.

Belmont: Cengage Learning.

Gunn, S. (2006). From Hegemony to Governmentality: Changing Conceptions of Power in Social History. *Journal of Social History*, 39(3), 705-720.

Hannah-Moffat, K. (2000). Prisons that Empower. *The British Journal of Criminology*, 40(3), 510-531.

Hartley, R. (2008). *Corporate Crime: A Reference Handbook*. Santa Barbara: ABC-CLIO Inc.

Hier, S. (2003). Risk and Panic in Late Modernity: Implications of the Converging Sites of Social Anxiety. *British Journal of Sociology*, 54(1), 3-20.

Hollway, W., & Jefferson, T. (1997). The Risk Society in an Age of Anxiety: Situating Fear of Crime. *British Journal of Sociology*, 48(2), 255-266.

Kelly, M. (2004). Racism, Nationalism and Biopolitics: Foucault's Society Must Be Defended. *Contretemps*, 4, 58-70.

Kemshall, H., Parton N., Walsh, M., & Waterson J. (1997). Concepts of Risk in Relation to Organizational Structure and Functioning Within the Personal Social Services and Probation. *Social Policy and Administration*, 31(3), 213-232.

Krippendorff, K. (2004). *Content Analysis: An Introduction to its Methodology*. Thousand Oaks: Sage Publications Inc.

Lupton, D. (1999). *Risk*. London: Routledge.

Maurutto, P., & Hannah-Moffat, K. (2006). Assembling Risk and the Restructuring of Penal Control. *The British Journal of Criminology*, 46 (2), 438-454.

Mayhew, S. (2009). *A Dictionary of Geography*. New York: Oxford University Press.

Meier, R. F., & Short, J. F. J. (1985). Crime as Hazard: Perceptions of Risk and Seriousness. *Criminology*, 23, 389-400.

Menzies, R., Chunn, D., & Boyd, S. (2001) (Eds.). *(Ab)using power: The Canadian Experience*. Halifax: Fernwood Publishing.

McMullan, J. (1992). *Beyond the Limits of the Law: Corporate Crime and Law and Order*. Halifax: Fernwood Publishing.

Mokhiber, R. (1988). *Corporate Crime and Violence*. San Francisco: Sierra Club Books.

- Morgan, D. (1993). Qualitative Content Analysis: A Guide to Paths not Taken. *Qualitative Health Research*, 3(1), 112-121.
- O'Malley, P. (2004). *Risk, Uncertainty and Government*. London: Glasshouse Press.
- O'Malley, P. (2000). Risk Societies and the Government of Crime. In Brown, M., & Pratt, J. (Eds.). *Dangerous Offenders: Punishment and Social Order* (pp.17-34). London: Routledge.
- O'Malley, P. (1996). Indigenous Governance. *Economy and Society*, 25(3): 310-326.
- Pandiani, J. (1978). Crime Time TV: If All We Knew is What We Saw. *Crime, Law and Social Change*, 2(4), 437-458.
- Parton, N. (1998). Risk, Advanced Liberalism and Child Welfare: The Need to Rediscover Uncertainty and Ambiguity. *The British Journal of Social Work*, 28(1), 5-27.
- Paternoster, R., & Simpson, S. (1993). A Rational Choice Theory of Corporate Crime. In Clarke, R., & Felson, M. (Eds.). *Routine Activity and Rational Choice* (pp.37-58). New Brunswick: Transaction Publishers.
- Pratt, J. (1999). Governmentality, Neo-Liberalism and Dangerousness. In Smandych, R. (Ed.). *Governable Places: Readings on Governmentality and Crime Control* (pp.133-161). Dartmouth: Ashgate Publishers Limited.
- Rigakos, G. (1999). Risk Society and Actuarial Criminology: Prospects for a Critical Discourse. *Canadian Journal of Criminology*, 41(2), 137-150.
- Rose, N., O'Malley P., & Valverde, M. (2006). Governmentality. *Annual Review of Law and Social Science*, 2, 83-104.
- Rose, N. (1996). The Death of the Social? Refiguring the Territory of Government. *Economy and Society*, 24(3), 327-356.
- Shapiro, S. (1990). Collaring the Crime, Not the Criminal: Reconsidering the Concept of White-Collar Crime. *American Sociological Review*, 55(3), 346-365.
- Shover, N., & Wright, J. (2001). *Crimes of Privilege: Readings in White-Collar Crime*. New York: Oxford University Press.
- Shrager, L., & Short, J. (1978). Toward a Sociology of Organizational Crime. *Social Problems*, 25(4), 407-419.
- Siegel, L. (2010). *Introduction to Criminal Justice*. Belmont: Cengage Learning.

- Silverstein, M. (2005). What's Race Got to Do with Justice? Responsibilization Strategies at Parole Hearings. *The British Journal of Criminology*, 45(3), 340-354.
- Simpson, S., & Koper, C. (1992). Deterring Corporate Crime. *Criminology*, 30(3), 347-376.
- Sutherland, E. (1945). Is "White-Collar Crime" Crime? *American Sociological Review*, 10(2), 132-139.
- Sutherland, E. (1940). White-Collar Criminality. *American Sociological Review*, 5(1), 1-12.
- Titus, R., & Gover, A. (2001). Personal Fraud: The Victims and the Scams. *Crime Prevention Studies*, 12, 133-151.
- Vaughn, D. (1992). The Macro-Micro Connection in White-Collar Crime Theory. In Schlegel, K., & Weisburd, D. (Eds.). *White-Collar Crime Reconsidered* (pp.124-245). Lebanon: Northeastern University Press.
- Walklate, S. (1997). Risk and Criminal Victimization: A Modernist Dilemma? *The British Journal of Criminology*, 37(1), 35-45.
- Williams, F., & McShane, M. (2004). *Criminological Theory*. Upper Saddle River: Prentice Hall.
- Whyte, D. (2004). Regulation and Corporate Crime. In Muncie, J., & Wilson, D. (Eds.). *Student Handbook of Criminal Justice and Criminology*. London, England: Routledge.

Appendix A

List of Documents

Traditional Crime

Table 1 (DOJ A): Backgrounder: Tackling Violent Crime Act
Department of Justice Canada (June 2008)

Table 2 (DOJ B): Canadian Communities Now Safer: Tougher Laws Come into Force for Serious Gun Crimes and Sexual Predators
Department of Justice Canada (May 2008)

Table 3 (CSC): CSC Report: A Roadmap to Strengthening Public Safety
Correctional Service Canada (October 2007)

Table 4 (GOC): Every Image, Every Child Backgrounder: Recommendations to the Government of Canada
Government of Canada (Federal Ombudsman for Victims of Crime) (2010)

Table 5 (DOJ C): Government Introduces Bill to End House Arrest for Property and Other Serious Crimes by Serious and Violent Offenders
Department of Justice Canada (April 2010)

Table 6 (DOJ D): Government Introduces Legislation to Tackle Auto Theft and Property Crime
Department of Justice Canada (May 2010)

Table 7 (DOJ E): Government of Canada Introduces Bill to Ensure Serious Time for the Most Serious Crime
Department of Justice Canada (April 2010)

Table 8 (DOJ F): Government of Canada Takes Action to Protect Children from Sexual Predators
Department of Justice Canada (November 2010)

Corporate Crime

Table 1 (DOF A): Address by the Honourable Jim Flaherty, Minister of Finance, to the Halifax Chamber of Commerce
Department of Finance Canada (June 2006)

Table 2 (CAF A): Canadian Anti-Fraud Centre Launches Its New Website
Canadian Anti-Fraud Centre (November 2010)

Table 3 (CISC A): CISC 2010 Annual Report on Organized Crime
Criminal Intelligence Service Canada (May 2010)

Table 4 (CISC B): CISC 2009 Annual Report on Organized Crime
Criminal Intelligence Service Canada (May 2009)

Table 5 (CISC C): CISC 2007 Annual Report on Organized Crime
Criminal Intelligence Service Canada (July 2007)

Table 6 (CISC D): CISC 2006 Annual Report on Organized Crime
Criminal Intelligence Service Canada (July 2006)

Table 7 (CAF B): Click “Send,” Make Millions!
Canadian Anti-Fraud Centre (December 2010)

Table 8 (RCMP): Commercial Crime
Royal Canadian Mounted Police (April 2006)

Table 9 (DOJ G): Corporate Criminal Liability: Discussion Paper
Department of Justice Canada (March 2002)

Table 10 (DOF B): Enhancing Canada’s Anti-Money Laundering and Anti-Terrorist Financing Regime
Department of Finance Canada (June 2005)

Table 11 (PSC): Final Report: 2009-2010 Evaluation of the Integrated Market Enforcement Team Initiative
Public Safety Canada (May 2010)

Table 12 (FINTRAC): FINTRAC Annual Report Highlights the Agency’s Efforts to Follow the Money Trail
Financial Transactions and Reports Analysis Centre of Canada (November 2009)

Table 13 (CAF C): Fraud in Canada: How Big is This Problem?
Canadian Anti-Fraud Centre (November 2010)

Table 14 (DOJ H): Government of Canada Intends to Introduce Legislation to Help Combat White-Collar Crime

Department of Justice Canada (September 2009)

Table 15 (CISC E): Mortgage Fraud and Organized Crime in Canada
Criminal Intelligence Service Canada (November 2007)

Table 16 (Bank of Canada): Remarks by David Dodge: Governor of the Bank of Canada to the RCMP Management Retreat
Bank of Canada (October, 2005)

Table 17 (CSIS): Report No. 2000/07: Transnational Criminal Activity
Canadian Security Intelligence Service (August 2000)

Table 18 (DOJ I): Tackling White-Collar Crime: Backgrounder
Department of Justice Canada (October 2009)

Appendix B

Document Tables