Bad guys: Why the public supports punishing white-collar offenders

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Abstract Until the latter part of the 1960s, the American public was inattentive to the problem of crime in the upperworld. Due to a confluence of events (e.g., Watergate affair, Vietnam War, civil rights movement), concern about this lawlessness rose precipitously in the 1970s. Public attention toward and willingness to punish white-collar crime has persisted into the twenty-first century. We argue, however, that due to a series of recent scandals (e.g., Enron, WorldCom), public opinion about upperworld offenders has been transformed qualitatively. High-profile offenders are now seen not as respected community citizens but as "bad guys" whose crimes reflect inordinate greed and a disturbing lack of concern for victims. This typification is conducive to the prosecution of white-collar offenders but may have the unanticipated consequence of deflecting attention away from structural sources of corporate illegal enterprises.

As Igo [31] illuminates, the invention in the 1930s of the scientific national opinion poll—especially by Gallup and Roper—made it possible to capture how "the American public" felt about a range of issues. In a nation that was socially diverse and that spread from the Atlantic to the Pacific Ocean, this was a remarkable and important accomplishment. For the first time, it was possible to monitor continuously "Americans' attitudes and beliefs" and thereby present an "ongoing constitution of 'the public' through anonymously expressed views" [31, pp. 130–131]. Polling data in turn contributed to the creation of a "mass society" by calculating what the "average American" believed—a standard against which individuals could now check their views.

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The emerging power of opinion polls rested on two features. First, the poll was scientific, which provided it with legitimacy, and its predictions proved largely accurate, which provided it with practical utility (e.g., predicting election results). Second, the poll was parsimonious; it was able to reduce the views of millions of Americans to a single number (e.g., "70%" favored a candidate or a policy). But the opinion poll also carried a special danger. Once taken, the poll potentially exerts an independent influence. It not only reflects but also helps to construct social reality. Thus, when published, polling results are taken as accurate portrayals of what the American public believes—portrayals not easily challenged and that can be cited in favor of specific policy positions.

This phenomenon burdens understandings about crime attitudes. The repeated publication of national polls showing that a high percentage of respondents (70% or more) support harsher courts and capital punishment has created the view that Americans are rigidly punitive toward crime. This research—and the social reality it constructs—has been cited, including by the U.S. Supreme Court in death penalty cases, as showing that the public endorses a "get tough" approach to crime control. More sophisticated research, however, has shown that although harboring punitive sentiments, members of the public temper their support for harsh sanctions when given more information about the offender and when given a wider array of sentencing options [10, 51, 63]. Studies also reveal strong support for rehabilitation programs, especially for youths [10, 14].

Although less apparent, national opinion polls also have communicated a more subtle message about what constitutes "crime." Although exceptions exist, these surveys have primarily asked about what should be done to street offenders, such as "those convicted of murder." Other times, the public has been asked whether crime made them afraid to walk outside their house at night. These questions are legitimate, but they are also limiting and consequential. They focus attention on some domains of offending—street crimes—while diverting it away from other domains—including white-collar crime. They provide data that encourage concern about traditional criminality by suggesting that it is feared and merits stringent punishment. Meanwhile, they provide few hints about public sentiments toward lawlessness in the upperworld. Thus, whereas death penalty polls have been conducted regularly for decades, there is no comparable survey that reports, year in and year out, that 70% (or some percentage) of the American public believes that white-collar crooks should be locked up.

Knowing "what the public thinks" about white-collar crime has long concerned scholars [see, e.g., 52, 58]. Over the years, many scholars have attempted to raise public consciousness about the crimes of the rich and powerful. Implicit in their writings is the notion that the public is unaware of the true harms exacted by white-collar lawlessness. Scholars have worried that unless the public were outraged by these wayward acts, it would be difficult to persuade policy-makers to bring white-collar offenders within the reach of the criminal law. Public opinion has thus been depicted as a potential barrier to the control of upperworld lawlessness.

Assessing these issues is complicated by the relative lack of data on public opinion about white-collar crime. To be sure, a small body of solid criminological studies exists and attitudinal data can be culled from other sources [16]. But in comparison to the extant literature on public opinion about street crime [51], the

research on white-collar crime is sparse. Reasonable conclusions can be derived, but they are not fully free from a measure of speculation.

With this caveat stated, it seems possible to trace the evolution in public opinion about white-collar offending. Although attitudinal swings can be found, many key features of public views toward street crime and its punishment have remained relatively stable over the past few decades [13, 14, 66]. By contrast, we propose that public opinion about white-collar crime has been marked by important transformations. In this regard, we contend that the evolution in attitudes can be divided, in rough terms, into three periods. The first period, before 1970, was characterized by a relative inattention to white-collar crime. The second period, from 1970 to 2000, produced a remarkable shift in awareness about and the willingness to sanction upperworld lawlessness. The third period, from 2000 to the present, continued earlier trends but solidified a narrative about white-collar offenders that depicted them as "bad guys." This social construction of the white-collar criminal has salient public policy implications—some potentially favorable, some potentially problematic.

Period I: Inattention

Throughout the first three-quarters of the 1900s, the study of white-collar crime remained largely on the periphery of American criminology [7]. As marginal men and women of their discipline, scholars had the challenge of persuading observers that their object of inquiry—white-collar crime—was a serious social problem. Toward this end, by probing a number of celebrated scandals, they were able to unmask not only the huge financial costs of these offenses but also the ways in which illegal practices endangered lives (e.g., marketing of defective products). As such, they engaged in a brand of advocacy research that often mixed science with a clear reformist impulse.

A particularly galling fact was that white-collar offenders often committed their harmful acts with impunity. Many shady practices were not formally outlawed, and others were simply never prosecuted. White-collar crooks thus lived beyond the reach of the criminal law. Deterrence was undermined and, still worse, a fundamental injustice persisted: offenses committed in the community streets were met with arrest and incarceration, whereas those committed in corporate suites were met with legal immunity and profit. As Reiman [50] titled his book, "the rich get richer and the poor get prison."

Just how could this be? Politics, of course, is one answer; those with power are able to deflect the criminal law from attacking their interests. But scholars also pointed to another consideration. The public just did not understand the dangers of white-collar crime. People might be outraged episodically by revelations of an egregious scheme or scandal, but they did not see such lawlessness as endemic to the nation. Public ignorance about and apathy toward upperworld criminality thus was seen as a major barrier to moving elected officials to use the criminal law to crack down on white-collar crime. As Conklin [6] noted three decades ago, "the issue of public norms and attitudes toward business crime has long formed a central part of the debate over whether white-collar crime should be considered criminal in the same way as are such offenses as murder and rape" (p. 16).

E. A. Ross [52] was perhaps the first to voice these concerns in a compelling way. In *Sin and Society*, he warned that the United States was experiencing a cultural lag in that its laws and public sentiments were not consistent with the new threats posed by advancing industrial capitalism. An invidious feature of the "new sins" in society was that they could victimize citizens without their knowledge. The business leader was able to make unethical but profitable decisions "leagues or months away from the evil he causes. Upon his gentlemanly presence the eventual blood and tears do not obtrude themselves" (pp. 10–11). Indeed, "the current methods of annexing property of others are characterized by a pleasing indirectness and refinement" (p. 8). The public thus remains unaware or unconcerned about these victimizing practices. "Surpass as their misdeeds may in meanness and cruelty," observed Ross, "there has not yet been enough time to store up strong emotions about them; and so the sight of them does not let loose the flood of wrath and abhorrence that rushes down upon the long-attainted sins" (p. 47).

As a consequence, these "criminaloids"—as Ross called them (p. 45)—are accorded a "shocking leniency" by the public (p. 46). "The real weakness in the moral position of Americans," noted Ross, "is not their attitude toward the plain criminal, but their attitude toward the quasi-criminal" (p. 46). This false consciousness had to change for the criminal law to be updated to address the threats posed by the new industrial order. *Sin and Society* was a call to action—a tract meant to educate the public and to spike their moral outrage.

Although using less vivid language, Edwin Sutherland [58] made a similar argument in *White Collar Crime*. For Sutherland, this lawlessness flourished because of differential social organization favorable to crime. Companies are organized effectively for crime; through differential association they impart the criminal definitions (especially "rationalizations") and techniques that allow officials to take advantage of opportunities to profit illegally under the veil of secrecy. Accordingly, "violations of law by corporations are deliberate and organized crimes" [58, p. 239].

In contrast, Sutherland [57] complained that the public was not aroused by white-collar crime. This contributed to their being "socially disorganized" in the face of corporate lawlessness [58, p. 255]. For one thing, "the victims of corporate crimes are seldom in a position to fight against the management of the corporation" (p. 237). Thus, consumers are "scattered," "unorganized," and lack "objective information," whereas stockholders "seldom know the complex procedures of the corporations which they own" (p. 235). More broadly, the general public "does not think of the businessman as a criminal" because the person "does not fit the stereotype of criminal" (p. 232). In essence, the respectability of company officials—their status and power within their community—insulates them against being designated as a traditional offender. Similar to Ross, Sutherland thus urged the public to recognize the toll exacted by white-collar crime—to change its attitudes and to fight back:

> This calls for a clear-cut opposition between the public and the government, on the one side, and the businessmen who violate the law, on the other. This clear-cut opposition does not exist and the absence of this opposition is evidence of the lack of organization against white collar crime. What is, in theory, a war loses much of its conflict because of the fraternization between the two forces.

> White collar crimes continue because of this lack of organization on the part of the public. [58, p. 257]

As Conklin [6] notes, it was commonly accepted by scholars into the 1970s that the public was inattentive to white-collar crime. "There is widespread acceptance of the view," he observed, "that the public is 'condoning, indifferent, or ambivalent' toward business crime" (p. 17). For example, in its state-of-the-field review, the President's Commission on Law Enforcement and Administration of Justice [46, p. 158] concluded that "the public tends to be indifferent to business crime or even to sympathize with the offenders who have been caught." Again, this inattention was decried by most scholars who wished to stir up the public to demand equal justice for white-collar thieves and thugs. A smaller group of scholars, however, was not dismayed that traditional street crimes received more condemnation [32]. Still, they too agreed that citizens did not worry much about upperworld offending. Thus, in *Thinking About Crime,* James Q. Wilson [67] stated that he would not focus on white-collar offending. In part, this decision reflected his "conviction, which I believe is the conviction of most citizens, that predatory street crime is a far more serious matter than consumer fraud [and] antitrust violations" (p. xx).

However, this reigning consensus that the public cared little about white-collar crime was likely overdrawn. Although studies at the time were limited, Conklin's [6, p. 32] research review led him to conclude that "there is a greater degree of public condemnation of business violations than is thought to exist by those who claim that the public is apathetic to or tolerant of business crime." For example, an early study by Newman [42] examined public responses to six violations of food laws (e.g., adulterated food) based on cases taken from the files of the Federal District Attorney. Although not recommending sentences as long as traditional street crimes (e.g., burglary), 78% of the respondents endorsed harsher penalties than the court had handed out. There was little reluctance, in short, to impose criminal sanctions [see also 29]. Similarly, Gibbons [25] would later find that residents from the San Francisco area favored sending a company official to prison who engaged in an antitrust violation (70% supported incarceration) or in false advertising (43%). These figures were comparable to sentences endorsed for auto theft (70%) and assault (48%). And a national poll in 1969 discovered that the public thought that "a manufacturer of unsafe automobiles is worse than a mugger (69% to 22%)" and that "a businessman who illegally fixes prices is worse than a burglar (54% to 28%)" [60, p. 26].

In the end, most Americans before and around 1970 were not so unconcerned about white-collar crime that they believed that such offenses should go unpunished. If *prompted* by a survey to think about a company official who fixes prices or sells a defective product—that is, if given a list of offenses and asked what should be done— they would prescribe some punishment. Still, their concern was circumscribed. As Conklin [6, p. 33] observed, "they are rarely indignant or militant in their expression of their condemnation of business crime." Further, it is not clear that upperworld criminality was of much salience in their everyday lives. Although not morally approving of such conduct, they did not pay it much attention. This conclusion gains credence from a 1972 survey of college students by Reed and Reed [49]. In their study, only 42% "said that they had read or heard about white collar crime" and only

32% "gave an acceptable definition of white collar crime" (p. 282). According to Reed and Reed, "knowledge of white collar crime was not very widespread….The majority were either ignorant of its existence or incapable of defining it" (p. 290).

Period II: Rising attention

Serious criminological study of white-collar crime blossomed in the mid-1970s and then rapidly accelerated into the 1980s [7]. Although only a modest slice of this scholarly enterprise, a meaningful body of research was published that aimed to illuminate public views on the control of upperworld criminality [see, e.g., 9, 11, 12, 20, 26, 27, 28, 56, see also 16]. Taken together, these investigations yielded three fairly firm conclusions.

First, people were increasingly aware of white-collar crime. The concept had entered the public lexicon and could be used in conversation and in newspaper headlines without explanation. Not surprisingly, citizens now viewed these offenses more seriously than they had a decade previously. Second, similar to their reactions to street crimes, respondents accorded different levels of seriousness and severity of punishment depending on the nature of the white-collar offense. Disapproval was greatest when illegal acts involved clear culpability or recklessness and high levels of harm (e.g., enormous amounts of money misappropriated; violence to workers or consumers). Third, there was no reluctance to bring white-collar offenders—whether individuals or corporate entities—within the reach of the criminal law. One study, for example, found that nearly 9 in 10 respondents agreed with the statement, "White-collar criminals have gotten off too easily for too many years; they deserve to be sent to jail for their crimes just like everyone else" [9, p. 485]. These and similar results prompted commentators to speak of the "myth of community tolerance toward white-collar crime" [27, p. 33].

This research on public attitudes was important precisely because of the long-standing claims that Americans were indifferent to white-collar crime and thus that the moral imperative to control this criminality was lacking. It had been believed that the respectability of upperworld offenders insulated them from the stigma of "criminal" attaching to them—that their contributions as an upstanding citizen of the community somehow gave them a free pass to break the law in the workplace. But the public opinion research that accumulated by the mid-1980s punctured the notion that the criminal immunity enjoyed by white-collar offenders was the will of the people—that it was somehow a case of democracy taking its course. Instead, as willingness to sanction the rich and powerful revealed itself, it was clear that the public no longer could be blamed for the failure to punish white-collar crime [12]. Instead, obstacles to prosecution would have to be traced to other factors, including the ability of white-collar actors to use their money and influence to undermine the use of the criminal law against them.

Regardless, it was clear that public attitudes toward white-collar crime had been fundamentally changed. Inattention had been replaced by rising attention and, in some instances, by outright indignation. What brought Americans to the point of readily supporting the punishment of white-collar offenders? Four main factors can be suggested.

First, from the mid-1960s to the mid-1970s, there was a precipitous decline in public confidence in "big" business. Thus, between 1966 and 1971, confidence in those running "major companies" fell from 55% to just 27% [37, p. 43]. According to Lipset and Schneider [37], this anti-business sentiment was part of a broader "confidence gap" or "legitimacy crisis" that damaged the trust in government and in other major social institutions. Its origins can be traced to a series of "disastrous events," starting around 1965, that included "the Vietnam War, protest movements, Watergate, exposes of corruption in high places, and urban violence" [38, p. 44, see also 36]. In this context, people were less likely to embrace the once sanguine view that what was good for General Motors was good for America. By the 1980s, the public assumed that "business people…will act in a socially responsible way only when the public interest coincides with their self-interest" [37, p. 382]. Polls showed that a strong majority of the public believed that "individuals and corporations [often] commit white-collar crimes to make a dishonest profit for themselves or their companies" [47, p. 22]. A widespread belief existed that corporate executives were dishonest. Only 16% rated executives' honesty and ethics as "high" or "very high" [23, p. 19]. Such mistrust and animus likely served to fuel punitive sentiments toward white-collar crime.

Second and related, the civil rights movement of the 1960s and beyond fostered a growing concern about "equal justice." Campaigns for "law and order" and a "war on crime" swept increasing numbers of the disadvantaged into the nation's prisons. This reality prompted charges of social injustice and the accusation that the state wished to use the criminal law to repress the poor and people of color. It was a short step to question why impoverished burglars and robbers should go to prison but not affluent price-fixers and embezzlers. Basic fairness now seemed to compel the state to get tough with offenders wearing white-collars. To protect its legitimacy, the state did move in the direction of expanding the use of the criminal law against corporations [8, see also 2].

Third, dramatic changes occurred in the public's conceptions of acceptable risk. In the days of Ross and to an extent Sutherland, deaths from natural and human-made hazards were not uncommon. Physical harm from disease, from the workplace, and from use of products was often seen as an inherent feature of everyday life. The advance of science and technology, however, created expectations that such dangers were controllable and preventable. When illness, injury, or death now transpired, there was a tendency to search for culpability.

Who had displayed reckless or wanton disregard for human well-being? Who ignored the evidence of danger? Who chose to make a buck rather than take reasonable steps to protect the vulnerable? For corporations in particular, there was a more exacting standard of liability. "Victims" of corporate malfeasance clamored for "total justice"—not excuses but legal redress and compensation for the avoidable harms visited upon them [21]. If companies caused illness by polluting the water, injury by allowing an unsafe workplace, or death by marketing a defective product, they were seen as culpable for these acts [8]. In this context, calls to criminally sanction wayward corporations were seen as eminently justifiable.

Fourth, beginning in the 1970s, there was a growth of investigative reporting—in the newspapers and on television (e.g., *60 Minutes*). Suddenly, instances of white-collar malfeasance were not hidden from view but highly publicized. Corporate

executives smugly denying any wrongdoing while on camera were often then juxtaposed to internal company memoranda revealing a guilty mind and to victims enduring shattered lives. Professional status was now accorded to reporters who could uncover crime and corruption in high places. Juicy revelations of misconduct were published "above the fold" in newspapers; even on local news stations, "I-Team" stories were given the lead. The resulting repeated disclosures of upperworld scandals helped to fuel cynicism and to remove inhibitions about punishing supposedly "respectable" executives and politicians.

Taken together, these factors created an era in which attention toward white-collar crime rose precipitously. In fact, some commentators have argued that the multifaceted attention given to this criminality—from news reporters, scholars, prosecutors, and the public—created a "social movement against white-collar crime" [8, 34, see also 2]. Much of this movement was symbolic—episodic crackdowns on selected offenses followed by political posturing (with cameras flashing) and rhetoric about the importance of equal justice before the law. Still, more substantive changes also occurred, including the expansion of the criminal law to cover a broader range of white-collar offenses and the creation of special units to investigate and prosecute environmental and workplace crimes [2, 8]. Regardless, in retrospect, it is clear that the kind of public ignorance of upperworld "sins" that Ross and Sutherland had decried was a relic of a more naïve and trusting period. By the turn of the twenty-first century, Americans cast a suspicious eye toward the rich and powerful and were prepared to send them off to prison if given a compelling reason for doing so.

Period III: Transformed attention

A central premise of this essay is that whereas Americans once did not support (or only weakly) supported punishing white-collar criminals, this is no longer the case. In the last three decades of the twentieth century, social and political events coalesced to create a movement against upperworld criminality. As its prevalence and the magnitude of its harm was publicized, the public became aware of white-collar crime and critical of offenders in white-collars. Confidence in businesses and in other institutions declined, while concern for equal justice escalated. This confluence created a special problem for the government. For the state to protect its own declining legitimacy, it had to show a concerned public that it was not beholden to corporate interests. It had to prove that it understood the need for victims to be accorded "total justice." As a result, the state created space for the expanded use of the criminal law against white-collar miscreants. In doing so, it revealed that crime occurred across classes and that no offender was above the law. Even if these prosecutions were more symbolic than substantive—after all, most resources were still devoted to repressing the crimes of the disadvantaged—their occurrence did much to cement in the public consciousness that white-collar offending was serious and deserving of criminal sanctions. It seems unlikely, therefore, that public attitudes will ever return to the point of indifference toward white-collar crime once decried by Ross and Sutherland. They have changed—likely for good and firmly in the direction of supporting the punishment of upperworld criminality (for a summary of these points, see Table 1).

Table 1 Components of Americans' punitiveness toward white-collar criminals

Component	Why Americans did not support punishing white-collar criminals	Why Americans do support punishing white-collar criminals
General awareness of white-collar crime	Unaware; embrace a lower-class image of crime	Increasingly aware; the movement against white-collar crime
Awareness of harm from white-collar crime	Unaware	Magnitude publicized
Confidence in business	High	Low
Concern for equal justice	Low	High; need to justify racial oppression
Cost to the State of not punishing white-collar offenders	Low	High; loss of legitimacy
Total justice—victim salience	Low	High
Typification of the white-collar offender	Good Guys—like "us"; not really a criminal; someone to empathize with	Bad Guys—unlike "us"; rational; greedy; exploitive
Mitigation of culpability	A "good citizen"; contributes to the community	More culpable; affluence makes crime less warranted; betrayer of trust

A recent round of studies reinforce the conclusion that the public has little tolerance for white-collar crime and is willing to bring it within the reach of the criminal law [see, e.g., 30, 33, 45, 48, 55, 64]. To be sure, street crimes, especially violent transgressions, trigger punitive responses. Even so, clear evidence exists that the public continues to perceive many white-collar crimes to be as serious as street offenses, wants to devote more resources to the control of lawlessness in the upperworld, and wishes to get tough with company officials who break the law. For example, one poll revealed that compared to street crime, "nearly two-thirds of the sample (60.9%) felt that the federal government should devote equal or more resources to enforcing and preventing white-collar crime" [30, p. 53]. In another national survey, the respondents rated bank embezzlement as more serious than a handbag robbery (54.4% to 27.4%; 18.2% rated them as equally serious), and rated knowingly shipping diseased meat that caused a serious illness as more serious than committing a robbery at gunpoint that caused serious injury (42.0% to 38.8%; 19.2% as equally serious) [45, p. 298]. And still another national poll found that when asked, "Do you support or oppose stricter penalties, including longer prison terms and high fines, for corporate executives who conceal their company's true financial condition?", 94% responded either "support strongly" (77.7%) or "somewhat support" (16.3%) [64, p. 175].

Other polls reveal the persistence of a confidence gap toward corporate and other institutional leaders. Thus, in a 2006 Gallup Poll, a national sample was asked how much confidence they had in sixteen "institutions in American society." "Big business" and "Health Maintenance Organizations (HMOs)" ranked at the bottom of the list; only 18% and 15% of the respondents, respectively, expressed a "great deal" or "quite a lot" of confidence in them. Congress ranked right above them in fourteenth place, with 19%—a finding that showed little trust in the state as well [54]. Still, another development is perhaps equally salient: the emergence in the polls of distrust not only of corporations but specifically of individual executives.

Thus, a recent poll found that more than 8 in 10 Americans believe that "CEO's of large American companies are compensated too much." In the same survey, the respondents were asked about the ethics of CEOs. Nobody in the sample selected "always ethical," and only one in three selected "mostly ethical." By contrast, 44% chose "not too ethical" and 12% chose "not ethical at all" (6% were unsure) [40]. In another national poll, two in every three sample members stated that they believed that "most American corporate executives" were "dishonest" [5]. A *Time*/CNN Poll [62, pp. 18–19], carrying the title "Losing Faith in Corporate America," found that 71% of the public believed that "the typical CEO" is "less honest and ethical" than the "average person." Members of this sample also were more likely to rate the "moral and ethical standards" of "CEOs of major corporations" as "fair or poor" (72%) than as "good or excellent" (21%). Similarly, when asked in another study whether they could trust "the executives in charge of major companies in this country," 3 in 4 Americans stated either "only some of the time" (52%) or "hardly ever" (23%). Only 1% could say "always." The same survey asked about "cases of wrongdoing among chief executives of corporations." Fifty percent responded that this was a "widespread problem in which many business executives are taking advantage of a system that is failing." Only 40% said that it was a case of a "few corrupt individuals" (10% responded "don't know") [39]. And to cite but one other example, 7 in 10 Americans stated that corporate executives deserved "a lot" of the blame for "recent corporate scandals like Enron, WorldCom, and Tyco." Less blame was attributed to corporate boards of directors (59%), accounting firms (49%), government regulators (35%), Wall Street firms (33%), and the U.S. Congress (20%) [43].

As this final polling question suggests, these anti-executives sentiments likely were inflated by the wave of corporate crime scandals that rocked the United States in the first part of this century [8]. It is possible, therefore, that these polling results may reflect a temporary bump upward in public condemnation. But as Lipset and Schneider [37] observe, a series of high-profile scandals can create a largely permanent change in people's attitudes. Although speculative, we propose that such a fundamental transformation has occurred.

The nature of the media coverage in these cases is important. Corporate executives were portrayed as immensely wealthy—living lavishly—but still pilfering the company treasury and luring people through false financial information to make foolish investments. Meanwhile, unsuspecting victims—including many average citizens holding stock in the company—were cast into economic ruin, as they lost life savings, places to live, and retirement funds. Thus, the coverage employed a "vocabulary of deviance" to describe offenders and used the "personalization of harm" to describe victims [see 59, p. 181; see also 4]. Corporate executives—such as Kenneth Lay and Jeffrey Skilling at Enron—were "poster boys" for what was wrong with big business in America. They inspired little sympathy and many calls to lock them up and throw away the key.

Symptomatic of the press coverage was an account in the *New York Times* called "Corporate Scandals: A User's Guide," which described various cases, published pictures of executives under legal scrutiny, and noted how many indictments and guilty pleas had been achieved by prosecutors [35]. Similarly, in a *Time* [61] story titled "Corporate Greed: Heroes to Heels," major financial scandals were listed,

accompanied by photos of the companies' executives. The story asked, "How bad are they?" The options were "thoroughly rotten," "strong stench," and "a little fishy."

It is instructive that in the major corporate scandal of the early 1960s—a major price-fixing scheme involving General Electric—a book about the case was called *The Gentlemen Conspirators* [22, see also 24]. Such a benign title would never be found today; rather, contemporary exposés carry labels such as *The Predators' Ball* [3] and *Infectious Greed* [44]. Indeed, as has long been the case with street offenders [65], there has been a powerful "typification" of the white-collar offender as a "bad guy" whose greed and amorality drives him (or her) to harm vulnerable victims with little remorse [cf. 19]. This is E. A. Ross's "criminaloid" now written into the public consciousness. It reminds us of DiIulio's [15] use of the term "super-predators" to describe juvenile offenders—those who exist in an environment of "moral poverty" and who wantonly victimize with no sense of empathy for those they harm.

These considerations allow us to flesh out the final points in Table 1 as to why Americans want to punish white-collar crime. We now have entered a period of not only more attention but also transformed attention about upperworld illegality. Such offenders are viewed no longer as respectable members of the community who are "like us" but as greedy, arrogant, and heartless. There is little to mitigate their culpability when their acts are self-serving and risk ruining the very community in which they reside. They are "bad guys." And bad guys deserve to go to prison.

Conclusion

Having just passed the 100th anniversary of the publication of *Sin and Society*, it is perhaps appropriate to reflect on what E. A. Ross would say about today's public opinion toward white-collar crime. He had warned that "the criminaloid flourishes until the growth of morality overtakes the growth of opportunity to prey" [52, p. 69]. Ross might well be pleased that Americans now see corrupt business leaders as "bad guys"—as individuals clearly capable of doing wrong and who deserve to be held accountable. The breastplate righteousness has been stripped away. White-collar offenders are being seen for who they are: criminaloids.

Most contemporary criminologists will greet the heightened awareness of white-collar crime as a positive development. Similar to Ross, they want the public to be outraged by upperworld illegalities and to support expanding the criminal law to control such acts. Public opinion is not always sufficient to prompt political elites to enact get tough policies [1], but it does provide a context in which criminal trials will be populated with jurors sympathetic to the state's case and in which securing convictions of the rich and powerful might earn prosecutors favorable publicity and higher office [8]. It is clear that the legitimacy of prosecuting and sending to prison white-collar offenders is no longer in question. Sentences in high-profile corporate crime cases now frequently exceed twenty-five years in prison, with convicted CEOs facing the prospect of spending the remainder of their lives behind bars [17, 18]. These sentences typically are greeted with applause. The "bad guys" have received their just deserts [41].

Still, thoughtful scholars might retain two reservations about the depiction of white-collar offenders as "bad guys." First, it encourages a blood lust among the

public that leads them to embrace inordinately lengthy prison sentences. The logic is that "if robbers can spend twenty years in prison, so can corporate swindlers." What is lost in this juxtaposition is the more fundamental question of whether anyone—save the truly dangerous and heinous criminals—should be sent to prison for two decades. Public support for getting tough on predatory white-collar offenders may inadvertently bolster the legitimacy of getting tough on all offenders. A more reasoned stance that argues for the judicious use of imprisonment might be preferred.

Second, the focus on individual "bad guys" and their punishment potentially deflects attention away from the structural and political conditions that made many of the most egregious scandals possible [53]. Parading just-convicted executives before the camera as they leave the courthouse is good drama. It has the symbolic value of emphasizing that criminals of any collar stand some risk of conviction. And such events may have a deterrent effect, even if mainly temporary. Even so, the punishment of "bad guys" does not illuminate how government and business leaders at times conspire to create conditions that not only enrich companies but also create enticing criminal opportunities. The savings and loan scandal, Enron, and the recent spate of exploitative sub-prime loans given to those seeking to own homes are all examples of costly swindles that could not have occurred under more scrupulous regulation and monitoring. Perhaps the next stage in the education of the American public lies in their being alerted to the reality that most "bad guys" in white-collar cannot victimize on a grand scale unless powerful actors in society allow them to do so.

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