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THE WHITE COLLAR CRIMINAL

(A short summary of the text)

(A short summary of „A „fehérgalléros” büntettes”.

„A „fehérgalléros” büntettes” c. publikáció angol nyelvű összefoglalója a kötetből.)

Criminal science has not much investigated the relationship between criminality and individual poverty. More stress was laid upon the criminal aetiology of general economic conditions and of the social economic structure. Conclusions as to the criminogenic significance of individual poverty were mostly drawn from these factors. Out of the official criminal statistics only the data of a few countries give information regarding the individual financial situation of the criminals.

Thus for instance in Hungary between the years 1923 and 1937 (that is at a time when the effects of the two World Wars influenced the least the formation of criminality) the distribution of the sentenced offenders from the viewpoint of their financial situation was as follows:

Wealthy persons amounted in the average to 6% of those sentenced. This figure was the highest in the years 1924 and 1925 with 8.3%, the smallest in 1934 with 3.6%.

Those having some fortune amounted in the average to 9.9%. This figure was the highest in the year 1927 with 10.8%, the smallest in 1929 and 1930 with 9.4%.

Those having no means amounted in the average to 84.1%. This figure was the highest in the year 1935 with 86.6%, the smallest in 1926 with 81.3%.

The data available give anyway the impression that in the society of criminals poor people are in an overwhelming majority. That much is indeed certain that poverty often motivates criminality both in a positive and in a negative direction. In a positive direction as it sets free the desires which, in order to procure the goods of wealth, easily resort to illegal means. In a negative direction as poverty creates the lack of powers capable to withstand criminality, such as e.g. health, education, culture etc. Individual poverty is, however, mostly to such an extent interwoven with the various other factors that it is doubtful whether it may be regarded as a direct causative factor of delinquency. It remains therefore to be explained why criminal statistics show such a minute proportion of wealthy people and such an overwhelming proportion of poor.

An investigation of the occupation of the criminals may offer a cue for solving the problem. It was found that at the time mentioned among the persons sentenced the number of factory workers, craftsmen, miners, peasants, day labourers and domestic servants was about identical with the number of the poor. According to criminal statistics it is therefore these criminals who formed the category of the poor. This permits to conclude that the so

overwhelming majority of the persons sentenced was formed not only by the poor but generally speaking by people of the lower social strata. We may, however, also draw the conclusion that not only the wealthy do not appear in criminal statistics but generally speaking those who are on top in social power.

Those in possession of means and of social power are through their financial situation and social position able to hide a substantial part of their criminality. This is the delinquency which is missing from the statistics. This is why visible criminality shows such a large proportion of people of the socially lower strata. Those who commit crimes from behind the bastions of their economic or social power are the white collar criminals.

Literature of criminal science sees in white collar criminality in general economic motives. Such crimes are, however, not in every instance characterized by greed of gain. The aim of such crime may be the safeguarding of social power as well. White collar criminality differs not by its aims from conventional crimes, but by the means of its commission. I, on my part, am therefore interpreting the concept in question in an extensive sense. In my view white collar criminality is represented by all crimes committed by the criminal by making use of his economic or social power or authority for economic reasons or for safeguarding or enhancing his power or authority.

The white collar crime in its objective factual elements does not differ from ordinary crimes. The difference lies in the characteristics of the means of perpetration. The investigation of the relationship between individual poverty and criminality leads us to compare the criminality of those at the bottom of the social ladder and of the socially powerful. The criminality of those socially powerful, i. e. of the possessors of economic or social power is different as they serve themselves just of their position as a means of crime. If the wealthy manufacturer, in order to break down a strike, murders a man, this is a white collar crime. The criminal must, however, not in every case be wealthy. He may be poor as well, but powerful socially. Thus e. g. it is a white collar crime if a lazy high civil servant murders one of his lower category subordinates to avoid the latter's revealing the shortcomings of his work. The decisive element of white collar criminality is therefore the use of economic or social power or authority as means.

White collar criminality is so important that it might deserve consideration whether those guilty of it should not be punished not only for the crime committed but also for their characterological personality.