

# White collar crime argumentative essay



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A white-collar crime refers to crimes committed by business people, entrepreneurs, professionals, or public officials. It was a term first coined by Edwin Sutherland who defined the term as “ crime committed by a person of respectability and high social status in the course of his occupation” (Sutherland 1974) and was the first to bring attention to the matter. White-collar crimes are different than street crimes because they are through deception and not force or violence. There has been much debate as to what qualifies as a white-collar crime, the term today generally describes a variety of non-violent crimes usually committed in commercial situations for financial, organisational or personal gain. Many white-collar crimes are especially difficult to prosecute because the perpetrators are sophisticated criminals who have attempted to conceal their activities through a series of complex transactions. (Bologna 1984).

For most individuals, white-collar crime is not viewed as a crime at all, because of its non-violent nature. Violent crime has an immediate and obvious impact on its victims, which raises the attention of the public, whereas white-collar crime frequently goes undetected or is viewed as a bending of the rules (Geis, 1982). White-collar crime; however, can have more of an impact than violent crimes. The victim of a violent crime can recover were as the victim of fraud for example can have endless impact. Bribery, computer crime, abuse of power, false statements, fraud, obstruction of justice, racketeering and tax crimes are all white collar crimes.

There are a number of characteristics of white collar crimes. Only some of these characteristics make the defining of whether something is criminal or not difficult. White collar crime is often open to endless discussion and

debate. Three case study materials of train crashes which took place at Hatfield, Paddington and Potters Bar will be analysed and explored in order to consider how far each of them should be seen as examples of white collar crime? In order to successfully answer this question, each individual crash will be explored to see what characteristics are evident which may have direct links to white collar crimes. The Ladbroke Grove train crash occurred at 08.

11 BST on Tuesday, 5 November. The crash near Paddington stations immediate cause was due to the train going through a red signal and having a collision with an oncoming train. Factors brought out in this case were that the driver did not have sufficient training and there was an evident communication barrier which resulted in the train going through the red light. This resulted in the death of thirty-one people including both drivers. Hundreds were also injured. The Potters Bar train crashes immediate cause was the result of the train tracks not being aligned correctly due to nuts and bolts being missing from the track, other parts were also in poor condition.

In effect, this caused the points to fail catastrophically and the train to derail. This incident caused the loss of seven deaths. The Hatfield train crash was a result of a track defect. A specific type of metal fatigue is thought to be the most likely cause. This caused the train track to disintegrate beneath the train.

Four people were killed and more than thirty were injured. These are three harmful incidents which have taken place. They have resulted in quite dramatic consequences of the loss of lives. I will now explore all the

underlying reasons and actions in each of the train crashes in order to answer the question of whether the actions in each case is a result of white collar crime or not.

To do this I will look into each individual party that may or may not have had a part to play in the causes of the accidents. This will in effect help me to judge and consider whether the roles of the individuals have any specific links to the characteristics of white collar crimes. It may be considered that each of the three crimes were solely down to negligence which may be perceived as an act of involuntary manslaughter due to a loss of responsibility. If this is the case then the Crime would be corporate crime as its accidental rather than with intent. White Collar crime differs slightly from Corporate crime in the sense that White Collar crime is likely to be crime against the corporation, whereas, corporate Crime is crime committed by the corporation. From a Right Wing perspective the crashes are all unfortunate accidents which have led to horrendous circumstances.

It seems they are crimes of fate and chance rather than deliberate. The concern portrayed is that we perhaps should not always look for someone to blame for all loss of lives. This view can be argued in terms of the roles people and companies have played which, may have had something to do with the causation of the crashes. In Ladbroke Grove for instance, it is evident that the company was behind the crash. This is due to the lack of training of the driver of the train at the time.

It is clear that the incident was mainly due to bad training. The company itself was indeed behind this. This may be a result of the increased pressures

in costs that railway companies are faced with. In these companies competition is a huge factor and all companies are trying to make a profit. From a radical perspective, this may encourage companies to cut corners in order to meet target profits.

One of the corners that may have been cut or neglected for cost purposes in this case is the training of staff. This is how we may explain the consequences. This draws my attention to the complications that arise when a lot of people have an input in the cause of the accidents. It is much harder to perceive whose criminality resulted in the crashes. There are a numbers of players whose direct actions have a part in the incidents that have happened.

If the crashes are indeed White Collar crimes then whose criminality is it? In Potters Bar, the crash was due to poor maintenance as nuts and bolts were missing. This is someone's criminality but whose? The tracks have clearly not been perfected resulting in a loss of life. Railway companies contract out to private companies such as Thames and Railtracks who carry out track inspections and maintenance. There's a lot of input from different directions, this results in a huge confusion of responsibility and accountability. Systematic problems therefore arise, it can be seen that the train companies are not responsible due to companies like Railtracks who are supposedly maintaining tracks and points are over and over again not doing very well and getting reprimanded.

There is a behaviour that keeps repeating itself which shows an element of criminality on their behalf. In Ladbroke Grove, there are also a number of

people who may be perceived to have a shared responsibility in the crashes. The driver went through red light, there was poor communication with the man at signal box and there is a pre history to it all in terms of the training received by the driver. They are all contributing which adds to the confusion of whether is it a crime or an accident which questions the legality issues. White collar crime is often complicated because the crime is not often the product of one person or the reason why organisations deliberately do things, in terms of the three train crashes; it varyingly can be argued that the outcomes are from a whole range of decisions and weaknesses at different points.

The characteristics of white collar crime which is evident in these events are due to the nature and the possible criminals involved. They are all companies and employees about their business, they are where they should be, if driving the train or giving signals. This is there role and position in the company. The degree of harm is death and injury and the crimes may have been avoided.

Bosh argues that all the emphasis in criminology tends to be on the conviction of crime. There is a blind eye towards the area of capitalism and the media largely concentrates on these individual little criminal events and not on the huge harm being caused elsewhere. (Bosh) Clearly these are examples of the tremendous harm which can be caused by these events. There are a number of incidents which draws upon issues of white collar crime. The crashes are not criminal events which are often easy to spot or judge.

In Hatfield, there was a rail fatigue which is now being appreciated throughout Europe. Scientific knowledge is needed to understand the error or the accidents of the crashes. They are all clearly intense crimes, but to what extent should there be any form of identifiably of a decision maker. The law at the moment states that if a company is to be done for corporate manslaughter a senior director manager needs to be identified as being guilty of manslaughter of his or herself. This means they have made key decisions which have led to the criminal situation.

This is usually difficult and is virtually impossible to prove. The government is currently analysing in order to make changes. It looks at failure in senior management. In Ladbroke, this is the case due to poor training and a poor mapping system. Enough is going on in this case to argue that under future law the company might be guilty of corporate manslaughter. When looking at the nature of policing and punishment, these crashes have issues such as health and safety, which is an important area which needs to be looked at.

This gives the impression that maybe the crimes are more corporate based rather than white collar. This is due to the crimes being committed by the corporation but not against the corporation in the terms of fraud. These crimes are complex organisational, technical events, which in terms in specialism, culture and expectations the police often cannot deal with. When dealing with white collar crimes, in these major incidents a problem which needs to be looked at is why there were three crashes and not one. Is it due to the government having decided not to spend any money on trains? We as individuals have previously voted for conservative government who have wanted to cut spending reduce taxation. Under that not spending so much

on our infrastructure, the consequence of all of that has been these crashes and we should not maybe blame the companies but blame something beyond.

We as a country have chosen to prioritise low taxes and public spending. That has been our values and that has had implications for other things like railway tracking. After train crashes there is a sense of moral panic. Trains almost came to a halt after these incidents.

As the public when it comes to trains we want safety but also want speed. Therefore it is hard to determine where we strike the balance. There is a sense of ambiguity; it is difficult to come to a conclusion because characteristics of white collar crimes are debatable. The judgement where I stand is that the three crashes looked at are criminal offences but not where someone needs to be punished in the sense of prosecution. All three train crashes were to a large degree accidental. The crashes were not due to intent but are all forms of accidents and it was not a crime of intent in order to enclose personal, organisational or financial gain.

There were a number of people and companies at fault in the leading up to the crashes. Work had not been done sufficiently, tracks had not been inspected to a current standard and silly mistakes such as nuts and bolts were missing had taken place. As discussed, it is hard to determine who should be punished for the crashes as there has been input from a wide area. It is also clear that there are many underlying reasons behind the faults that led to the crashes. When taking a legal perspective the offences cannot be a direct action of corporate manslaughter as a senior manager director



has not been held responsible for making a key decision which has directly led to the crashes under this current law. Therefore a prosecution cannot be made for this.

When taking a global perspective at the situation as a whole. It is clear that train company's are under increased pressure to perform. They are also in competition with other companies in terms of speed, efficiency and profits. This may be the reason for the corners that have been cut, which have been done to satisfy the businesses needs and to please members of the general public who want fast, but cheap transportation. This brings me to the conclusion that the crashes are not immediate forms of White Collar crimes again because the intent to harm these people was not there. The crashes are based on accidents.

Yes, they could have been prevented if a little more effort and guidance was put into the training of staff and the inspections carried out but I do not think that punishment in terms of prosecution is the answer to these incidents.