

Women and White-Collar Crime: A Convenience Theory Perspective

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1. Introduction

Traditionally, research on the fraction of women in white-collar crime has focused on females' lack of financial motive, organizational opportunity, and personal willingness for deviant behavior. This article applies the opposite perspective of traditional gender research on white-collar crime in terms of special female motive, opportunity, and willingness. Based on the theory of convenience, this article identifies convenience themes that are gender-specific in favor of female offenders. In the motive dimension of convenience theory, there is concern for others and strain causing depression and anxiety (Brands and Mehra, 2019). In the opportunity dimension, there are fewer women than men that face suspicions of misconduct, wrongdoing, and crime. In the willingness dimension, females as followers might justify their actions and neutralize their potential guilt feelings far better than males as leaders in crime by claiming loyalty to their leaders.

Most research on the fraction of women in white-collar crime has focused on female lack of financial motive, female lack of organizational opportunity, and female lack of personal willingness for deviant behavior. Scholars such as Cumming et al. (2015), Dodge (2007), Holtfreter (2015), and Steffensmeier et al. (2013) emphasized lack of female motive. Scholars such as Benson and Gottschalk (2015), Benson and Simpson (2018), Dodge (2009), and Gottschalk and Smith (2015) emphasized lack of female opportunity. Scholars such as Becker and McCorkel (2011), Benson and Harbinson (2020), Galvin (2020), and Goulette (2020) emphasize lack of female willingness. Yet the fact that some women do commit crime suggests females do not always lack motive, opportunity or willingness.

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This article examines the opposite perspective of traditional gender research on white-collar crime in terms of special female motive, opportunity, and willingness by addressing the following research questions: What are elements of female motive? What are elements of female opportunity? What are elements of female willingness? To answer these questions, this article applies the theory of convenience for white-collar crime (Braaten and Vaughn 2019; Dearden and Gottschalk, 2020; Gottschalk, 2022).

2. Female White-Collar Offenders

A female white-collar offender is a woman who abuses her professional position to commit and conceal financial crime that can benefit herself or the business. She belongs to the elite in society where she enjoys legitimate access to resources. She commits financial crime in the course of her occupation. She is a person of respectability and high social status who commits crime in the course of professional activities (Sutherland 1939). This definition is a well-known and influential description of what is the offender-based approach to defining white-collar crime (Friedrichs et al. 2018). The definition emphasizes that white-collar crime is financial crime by privileged individuals in society who abuse their legitimate access to resources to violate laws (Craig and Piquero 2017; Schnatterly et al., 2018). White-collar crime is financial crime committed by privileged individuals in a professional context where offenders have legitimate access to resources based on powerful positions and personal trust (Logan et al., 2019).

While the offender-based definition is mainly used in this book, throughout the text offenses play an important role in the material and thus reflect the offense-based definition (Goossen et al., 2016; Piquero, 2018; Piquero and Schoepfer, 2010). An argument for the offense-based perspective is that everyone can commit fraud on the Internet, an act that was impossible when Sutherland (1939) coined the term white-collar crime eight decades ago (Geest et al., 2017) Another argument is to reflect the heterogeneous nature of white-collar crime in contemporary societies (Onna, 2020).

The predominance of males in virtually all forms of crime is one of the most well-established empirical regularities in criminology (Benson and Gottschalk, 2015). The gender gap in crime, however, is not uniform, that is, it varies over offense type. Males dominate most heavily in the commission of direct contact predatory street crime involving violence, such as

murder or robbery, while females commit a somewhat larger share of minor property crime such as shoplifting or theft. For example, males account for over 90 percent of arrests for robbery but only 65 percent of arrests for minor property crime in the United States (Steffensmeier and Allan, 2000). Researchers have documented that the gender gap in crime extends to white-collar offenses. This gap apparently still persists to the present day. In a study of the gender breakdown of defendants in the Enron and post-Enron financial scandals in the United States, research suggests that only seven percent of involved individuals were women. Further, as it does with street crime, the gender gap in white-collar crime also varies over different types of offenses (Benson and Simpson, 2018; Dodge, 2009). For example, a study of people convicted in the U.S. federal justice system found that women comprised less than five percent of the antitrust, securities, tax, and bribery offenders, but close to half of the bank embezzlement offenders. Holtfreter (2005) analyzed data collected by the Association of Certified Fraud Examiners and found differences in the types of fraud committed by men and women with men dominating in forms of fraud that require greater access to organizational resources. The gender gap might decrease over time both by female offending growing and by male offending declining (Estrada et al., 2016; Steffensmeier et al., 2005).

In Norway, women constitute only seven percent of white-collar inmates, while the rest are men (Benson and Gottschalk, 2015). Estrada et al. (2019: 145) argued that there is a declining gender gap in registered crime, while still “the fact that men commit a much larger number of offences than women is one of the central findings in criminological research”. Similarly, Messerschmidt (1997) suggested that gender is an important predictor of criminal involvement as males dominate criminal activity. Holtfreter (2015: 422) found that “the gender gap in crime – the overrepresentation of males in virtually all official arrest statistics – has narrowed in recent decades and is considerably smaller for white-collar crime”. Therefore, one might hypothesize that as gender equality increases, women’s involvement in white-collar crime will become more like men’s, especially if gender equality is reflected in improved economic standing and employment opportunities for men.

The gender gap described above represents well-known insights into white-collar crime from traditional research. What makes gender research more exciting is the potential gender gap in detection rates for women versus men. Based on a review of research literature, Figure 1 shows an estimated relative detection risk for women versus men of only thirty percent in

Norway. The number implies a likelihood of detection of three percent for women and nine percent for men. This is because Gottschalk and Gunnesdal (2018) found that only one out of eleven white-collar offenders in Norway end up being detected, prosecuted, and incarcerated. When there is only a nine percent chance for men, then there is only a three percent chance for women, if the relative detection risk is only thirty percent for women.

Gottschalk and Gunnesdal (2018) base their estimate on expert elicitation. Expert elicitation refers to a systematic approach to synthesize subjective judgments of experts on a topic where there is uncertainty due to lack of data. (Heyman and Sailors 2016; Valkenhoef and Tervonen 2016). The experts also received questions about their estimate for detection dependent on gender. Expert replies were on average 10.5% and 6.5% respectively for male and female offenders in Norway (Gottschalk and Gunnesdal, 2018).

Dearden and Gottschalk (2020) estimated a relative detection risk of women versus men in Utah in the United States of 92 percent, which indicates no major gender gap. Returning to Norway, this book presents two surveys among business school students that indicate relative detection of 75 percent and 65 percent respectively.

One potential contributor to the assumed and estimated gender gap in crime detection is the amount of money involved in white-collar crime. In the Norwegian sample studied by Benson and Gottschalk (2015), the average economic gain from crime was lower for female offenders than for male offenders. The average economic gain for women in white-collar crime was nine million Norwegian kroner, which is a little less than one million US dollars. The average economic gain for men was fifty million Norwegian kroner, which is about five million US dollars. Thus, the crime amount for male offenders was more than five times larger than for female offenders. The unknown detection rate for women versus men makes the convenience perspective interesting, since convenience in crime increases when the detection risk decreases.

3. Motive-Opportunity-Willingness

White-collar crime is a matter of financial motive, organizational opportunity, and personal willingness for deviant behavior. This research applies the theory of convenience, which is an emerging new perspective on white-collar crime, where the research literature is growing rapidly. The integrated deductive theory of convenience results from a synthesis of perspectives in three dimensions:



- *Convenience in motive.* It is convenient to use illegitimate financial gain to explore possibilities and avoid threats (Naylor 2003). Climb the hierarchy of needs for status and success (Maslow 1943), realize the American dream of prosperity (Schoepfer and Piquero 2006), satisfy the need for acclaim as a narcissist (Chatterjee and Pollock 2017), and restore the perception of equity and equality (Clark et al., 2010) are some of the perspectives integrated in the motive dimension of convenience theory. In addition, goal setting is a common practice in the field of organizational behavior, where high performance goals tend to encourage unethical behavior (Welsh, Bush, Thiel, and Bonner 2019). The extra profit from financial crime enables the offender to handle desired possibilities and potential threats. It is mainly the convenience of extra profit, rather than the convenience of illegal profit, that is important in the motive dimension of convenience theory. However, under certain circumstances, there might be some extra benefits from illegal extra profit rather than extra profit in general, since illegal funds avoid the attention of external and internal control mechanisms, including compliance functions (Kawasaki 2020). Illegitimate financial gain can thus find its ways into exploring possibilities and avoiding threats that recorded funds cannot.
- *Convenience in opportunity.* There is convenient access to resources to commit and conceal financial crime. Legitimate access to premises and systems (Benson and Simpson, 2018), specialized access in routine activity (Cohen and Felson 1979), blame game by misleading attribution to others (Eberly et al. 2011), and institutional deterioration (Rodriguez et al., 2005) are some of the perspectives integrated in the opportunity dimension of convenience theory. A typical white-collar offender does not go into hiding as many street criminals do. Rather, the offender conceals financial crime among legal transactions to make illegal transactions seem legitimate, or the offender conceals financial crime by removing certain activities from the books. A typical white-collar offender who has convenient legitimate access to commit crime might spend most of the energy on concealing crime in the professional context (Huisman and Erp, 2013; McClanahan and South, 2020).
- *Convenience in behavior.* Offenders can conveniently justify crime and neutralize guilt feelings (Dearden, 2016, 2017, 2019). Application of neutralization techniques (Sykes and Matza, 1957), sliding on the slippery slope (Welsh et al. 2014), lack of self-control (Gottfredson and Hirschi, 1990), and narcissistic identification with the organization

(Galvin et al., 2015) are some of the perspectives integrated in the willingness dimension of convenience theory. Learning from others by differential association (Sutherland, 1983) and professional deviant identity (Obodaru, 2017) are some further perspectives. When a white-collar offender justifies crime, then it is obvious to him and her that wrongdoing occurred. However, the offender can claim that the act of wrongdoing is morally justifiable (Schnatterly et al., 2018), and that a negative life event has occurred (Engdahl, 2015). When a white-collar offender denies a guilty mind, then the offender applies neutralization techniques. When a white-collar offender makes crime as a choice, it is convenient based on identity (Galvin et al., 2015), rationality (Pratt and Cullen, 2005), and learning from others (Sutherland, 1983). Social identity is an individual's self-concept as an organizational member (Piening et al., 2020).

Convenience is the state of being able to proceed with something with little effort or difficulty, avoiding pain and strain (Mai and Olsen, 2016). A convenient individual is not necessarily bad or lazy. On the contrary, the person is often both smart and rational when choosing a convenient option (Blickle et al., 2006; Sundström and Radon, 2015). As a relative construct, convenience theory is in line with the crime-as-choice perspective.

Figure 1 presents a structural model of convenience theory. It divides the motive in possibilities and threats, while the opportunity is to commit and conceal crime, and the willingness is a choice and a claim of innocence.

4. Women Convenience Themes

The first convenience theme in Figure 1 is the motive-possibilities-individual perspective. For female white-collar criminals, illegitimate gain can help achieve goals that seem more important to women than to men. The offender needs to satisfy her desire to help others as a social concern. Agnew (2014) introduced the motive of social concern and crime, where there is a desire to help others, and thus moved beyond the assumption of simple self-interest. However, as argued by Paternoster et al. (2018), helping others can be a self-interested, rational action that claims social concern. The feminine morale emphasizes social dimensions more than material dimensions although materialism has emerged in feminism (Sullivan, 2012).

When Klenowski et al. (2011: 58) interviewed twenty convicted female white-collar offenders, “the most common way that females framed their actions was to show that their ultimate goals were to provide support and aid to those for which they cared”, for example:

Well what really happened is my two daughters when they were three and five years old in 1990, 1991 they were sexually abused by their father and I aligned myself with somebody that was able to pay my legal bills to fight for custody and to fight for justice in that regard so I guess I'm here because of what I did and I should be here but I don't think I should be here because of my motive. I feel like I was only doing what I had to do as a mother.

The paradigm of gendered focal concern contends that women socialize into accepting nurturing role obligations that emphasize the importance of social relationships and communalistic orientations toward others. Through the assimilation of these obligations, women develop identities as caregivers (Steffensmeier et al., 2013).

Furthermore, as argued by Holtfreter (2015), strain might vary with gender. For example, there are suggestions that gender differences exist in the types of strain experienced, as well as in the reactions to particular strains. Females may respond to strain with depression and anxiety (Brands and Mehra, 2019), while males may respond with negative emotions in the form of anger aggression. In the motive-possibilities-corporate perspective for women in white-collar crime in Figure 1, corporate goals, ambitions, objectives and ends can thus become extremely important for female executives to get rid of strain from depression and anxiety caused by lack of corporate goal achievement. Female executives have moved through the glass ceiling (Dodge, 2009), and they will not succeed with continued strain, stress and particularly uncertainty (Langton and Piquero, 2017).

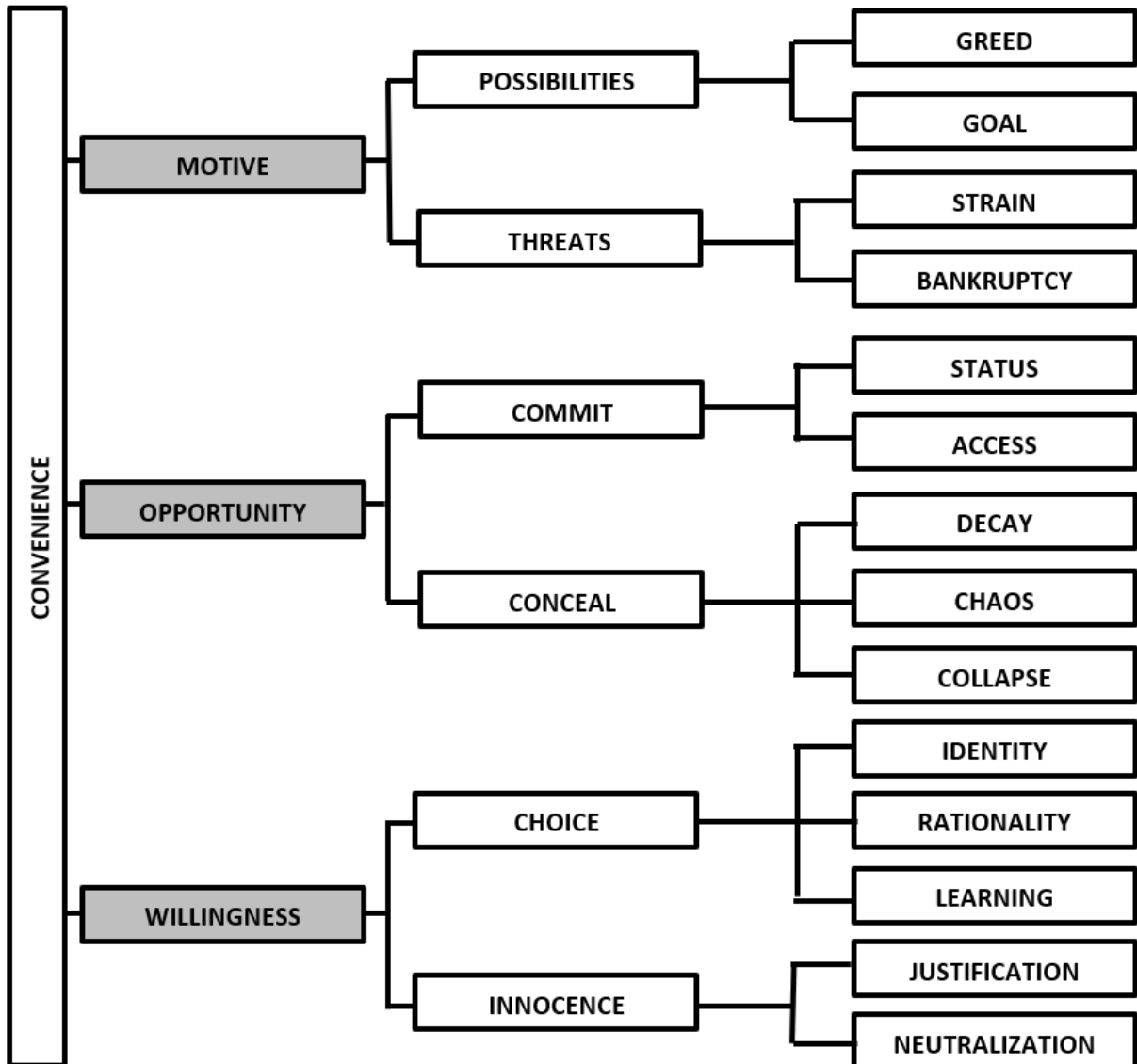


Figure 1 *Structural model of convenience theory*

The strain perspective has become one of the leading theoretical explanations for crime (Agnew 2005, 2012; Cleff et al., 2013; Froggio and Agnew, 2007; Hoffmann, 2002; Langton and Piquero, 2007; Ngo and Paternoster, 2016). The strain perspective emphasizes the frustration of not succeeding with a task, such as the inability to avoid the threat of personal or corporate bankruptcy. Strains tend to generate negative emotions, which create pressures for corrective action to reduce the gap between the desired and actual situation, with crime being one possible response. Since strains vary with gender, individual and corporate threats illustrated in Figure 1 can thus trigger specific motives among women as offenders.

In the opportunity dimension of convenience theory, the female opportunity structure is less focused on the commit perspective and more on the conceal perspective. The obvious advantage for female offenders is simply that they do not face suspicions of crime to the extent that males face suspicion when something goes wrong.

A simple experiment might illustrate the gender difference in suspicion. We have presented the following question as an experiment to a number of audiences in Norway over the years: Whom would you bribe? You would like to build a summer mansion on a property that the state has regulated for recreation. The real estate is at the oceanfront on the shoreline within the 100 meters belt. It is on the southern coastline of Norway, where the public has preferential access. You have the choice of bribing a female or male official in the municipality who are both in the position of granting permits. They both have the same powers to approve your application. Considering all the audiences, a large majority always votes exclusively for bribing the male official. Almost no one would bribe a female official in the municipality. Less than five percent on average would involve the woman in corruption, since they do not believe that women will commit white-collar crime. The result from this experiment finds support in an Australian study, which found that women have less of a chance of getting involved in corruption (Bowman and Gilligan, 2008).

Women tend to express more ethical responsibility than men do, making them less relevant to blame when suspicion arises. However, as documented in a study by Dalton and Ortegren (2011), women's responses to ethical issues can result from the social desirability response bias. The social desirability response bias appears to be driving a significant portion of the relationship between gender and ethical decision-making, where females consistently report more ethical responses than males. A review of the empirical ethical decision-making literature by O'Fallon and Butterfield (2005) concluded that often there are no differences found between men and women. Adding to the convenience theme of expressing ethical responsibility, women offenders can also expand their organizational opportunity by expressing emotional intensity. A quite consistent finding in the emotions literature is that both expectations to women and behavior by women imply greater emotional intensity and emotional expressiveness than men, and such differences hold for both positive and negative emotions. According to Scott and Barnes (2011), the root of such differences may lie in role development, whereby females follow a socialization to be more emotionally expressive while

men follow a socialization to stay more restrained emotionally. For example, confronted with allegations of financial crime, females tend to respond by crying innocently more frequently than males do. This has been observed frequently in Norwegian court rooms. Listeners become motivated to believe a story from a crying person. Misleading attribution of blame to others might follow (Eberly et al., 2011).

Female offenders can hide behind their leaders as frequent followers in crime rather than leaders in crime (Gottschalk and Smith, 2015). When someone detects deviant leaders, followers might still avoid attention. Even when female co-offenders get attention from the criminal justice system, the prosecution tends to focus on the main individuals involved in crime, which can benefit women who played minor roles in the crime.

In their analysis of the schemes behind corporate frauds, Steffensmeier et al. (2013) found that most of the time women received directives and orders from others and were included in the criminal conspiracy only because their job duties made them instrumental to carrying out the crime. A U.S. study documents that female white-collar crime increases when women feel invited by men to participate (Becker and McCorkel, 2011).

As frequent followers in crime, rather than leaders in crime, female offenders have gender-specific themes in the willingness dimension of convenience theory. For example, claiming loyalty is a potential neutralization technique for women as followers. In the perspective of leader and follower, a follower has a belief in the leader's pressure as morally right that can make the follower experience shame and guilt if failing to support the leader (Fehr et al, 2015). Glasø and Einarsen (2008) studied emotion regulation in leader-follower relationships. They found that followers typically suppress negative emotions such as disappointment, uncertainty, and annoyance, while they typically express or fake positive emotions such as enthusiasm, interest, and calmness. Leader may use language that followers do not necessarily understand. Followers nevertheless trust leader messages. Language shapes what people notice and ignore (Ferraro et al., 2005), and language is a window into organizational culture (Holt and Cornelissen, 2014; Srivastava and Goldberg, 2017; Weick, 1995). Leader language can cause obedience among followers (Mawritz et al., 2017).

This article challenges traditional thinking that it is mainly lack of motive, lack of opportunity, and lack of willingness that explain the registered gender gap in financial crime by elite members in society. Given the assumed and estimated substantial gap in detection rate

(Dearden and Gottschalk, 2020; Gottschalk and Gunnesdal, 2018), this article suggests some special convenience themes that are in favor of women. However, to balance this article, there are obviously strong forces that keep female offending below male offending.

Many organizations, both public and private, apply management by objectives as the dominating governance structure. Such goal-oriented organizations have sometimes a culture of ends justifying means, where you do whatever it takes to reach goals. Goals can be at the organizational level as well as at the individual level. If deviant means, including crime, find justification in achievement of objectives, goals and ends, then the tendency to commit crime increases in such organizations. In our gendered perspective, the question arises whether there is a difference in attractiveness of such organizations for males versus females. Jonnergård et al. (2010) found that organizations with a strong management by objectives culture are less attractive to women. Their survey shows that women find less motivation in achievement of performance goals compared to men. In our perspective of organizational opportunity for women, female avoidance of goal-oriented organizations leads to reduced organizational opportunity to commit and conceal economic crime as compared to men.

The gendered structure of many workplaces restricts women from achieving the kind of leadership positions that provide convenient opportunity to commit occupational and corporate crime (Holtfreter, 2015). As long as a glass ceiling exists for most women in terms of promotion to top positions, women have less opportunity to commit white-collar crime (Dodge, 2009). The emancipation hypothesis suggests that incidents of women in white-collar crime will increase as access to opportunities increase (Steffensmeier et al., 2013). However, Benson and Gottschalk (2015) found very limited support for the emancipation hypothesis as they compared Norway to the United States, where the Norwegian gender gap is much smaller than the US gender gap. Even though gender inequality is much lower in Norway than the United States, the gender gap in Norwegian white-collar crime appears to be nearly identical to that observed in the United States. Even when women have reached the top of an organization as the chief executive officer (CEO), there are still gender differences in the disfavor of females. For example, Gupta et al. (2020) found that female CEOs are significantly more likely to experience dismissal than male CEOs. Interesting is their finding of a CEO gender by firm performance interaction such that male CEOs are less likely to be dismissed when corporate performance is

according to expectations, whereas female CEOs have a similar level of dismissal probability regardless of corporate performance.

In conclusion, this article has approached the gender perspective on elite financial crime in a perspective of special convenience themes for female offenders. Some of the convenience elements that are gender-specific to the advantage of women need further study. Future research based on evidence of lower detection rates for female versus male white-collar offenders needs to expand the convenience themes that can explain the detection gap. If successful, then such research can, in fact, reduce the detection gap by increasing the detection rate for female offenders as the special convenience themes for women enter into governance actions in public and private organizations.

5. The Case of Harriette Walters

Harriette Walters served as a tax assessments manager for the District of Columbia. She was convicted of being the central participant in the largest fraud scheme ever perpetrated by a government official in the District. In September 2008, Walters pleaded guilty to federal charges related to the theft of over \$48 million of district funds. Counsel from Wilmer Cutler Pickering Hale and Dorr and forensic accounting advisors from PricewaterhouseCoopers were hired to investigate how Walters was able to embezzle 48 million of funds from the District of Columbia (WilmerHale and PwC, 2008).

Walters masterminded a nearly two-decade-long scheme in which she processed fraudulent real property tax refunds and arranged for the proceeds of those funds to be deposited into bank accounts controlled by her and her friends and family. For example, she cashed refund checks that were returned when the taxpayer recipient had died. She also fabricated several tax refund checks. It appeared that Walters had figured out that she had the last eyes on the tax refund check and operated with little monitoring (Stewart and Nakamura, 2007).

Because of the lack of monitoring, four managers were held responsible for failing to catch the fraud. The four managers resigned: deputy chief financial officer Sherryl Hobbs Newman, her deputy director Matthew Braman, the director of real property tax administration Martin A. Skolnik, and the chief assessor Thomas Branham (Stewart and Nakamura, 2007).

The investigation by WilmerHale and PwC (2008) had a mandate of determining how Walters was able to embezzle over nearly 20 years and recommending changes in controls,

work environment, and oversight structures that could help prevent future fraudulent schemes. The investigation should not attempt to trace the stolen money or determine how the money was distributed or spent. Nor did the mandate seek to determine the guilt or innocence of any participants in Walters' scheme. Federal authorities had addressed those issues.

Upon completing the investigation, WilmerHale and PwC (2008) concluded that Walters perpetrated her lengthy fraud scheme due to a failure of controls, a dysfunctional work environment, and a lack of oversight. The reliability of the real property tax refunds process could not be ensured because no policies or procedures could be found within the Office of Tax and Revenue (OTR), which formally documented how real property tax refunds should be processed. If policies and procedures did exist, managers and employees did not follow them consistently. Managers in the OTR did not test the refund process or take basic steps to examine real property tax refunds. In fact, when Walters began her scheme her managers in the Real Property Tax Administration (RPTA) signed off on these refund vouchers without reviewing the attached documentation for legitimacy (WilmerHale and PwC, 2008: 3):

Worse, Walters's direct supervisor in 2003 evidently made clear in words or deeds that she no longer wished to sign off on real property tax refund vouchers at all. This apparent abdication of managerial responsibility allowed Walters to process all real property tax refunds, regardless of amount, without any need to obtain the review and approval of a higher-level authority.

This failure of managers to exercise responsibility allowed Walters to process all real property tax refunds without review and approval from upper management. In addition, there was a lack of automated controls.

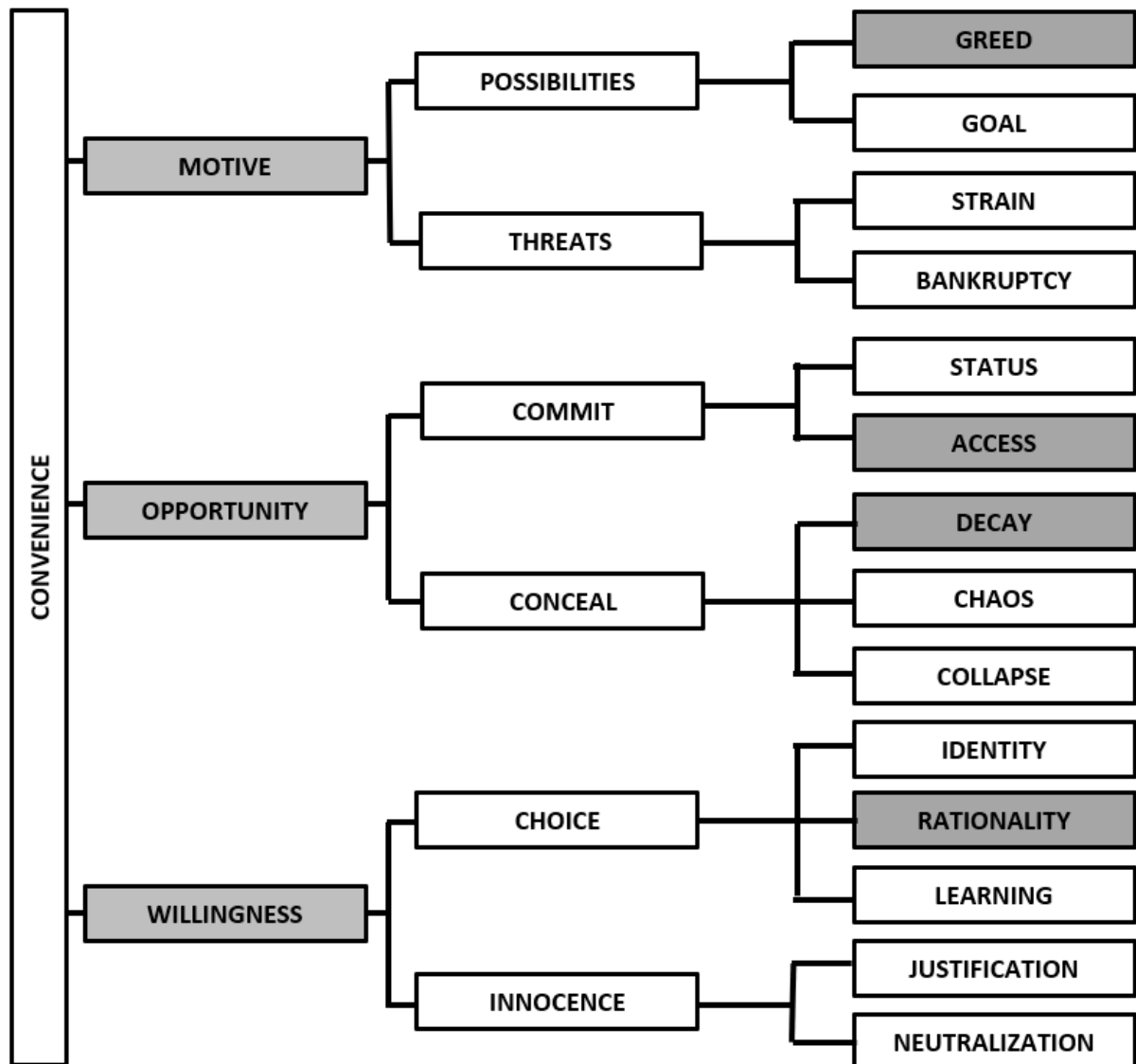


Figure 2 *Convenience themes in the case of Harriette Walters*

When finally detected, Walters confessed to the charges. In addition to Walters, ten more individuals pled guilty in connection with her scheme. None were District employees. They were a bank manager, relatives and friends. Convenience themes in Walters' fraud scheme are illustrated in Figure 2.

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