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Reflections upon the Limits of a Concept: “victims” and corporate crime

TOMBS, S.¹, & WHYTE, D.² [UNITED-KINGDOM]

Authors

¹ Professor of Sociology – School of Sociology Sciences – John Moores University

² Reader in Sociology - School of Sociology and Social Policy - University of Liverpool

Résumé

Dans cet article, nous cherchons à comprendre si l'intérêt récent de la criminologie à l'endroit des victimes peut et doit être appliqué aux victimes de la criminalité des entreprises (*corporate crime*). En l'occurrence, l'article est divisé en quatre parties. Dans la première, nous ciblons la victimisation dans un contexte [d'économie] néolibéral[e] et nous nous intéressons à la manière dont ce contexte a redéfini les victimes de crimes, les entreprises et par ailleurs, les victimes des activités illégales de ces entreprises. Ensuite, nous présentons un ensemble de données et de faits probants concernant la victimisation en matière de crimes en col blanc, éléments qui mettent en évidence que des considérations telles que le genre, la race et le niveau socio-économique jouent un rôle dans le fait d'être ou non une victime, un constat qui souligne le lien existant entre, d'une part, la victimisation et, d'autre part, la vulnérabilité structurelle de certains groupes de la population. Dans une troisième partie, nous traitons d'enjeux similaires en portant une attention particulière à la nature des relations qui se déploient entre les victimes et les infracteurs dans un contexte de criminalité des entreprises (*corporate crime*), en outre, des aspects spécifiques ayant trait à la criminalité des sociétés commerciales y sont mis en exergue. Au final, ces réflexions nous permettent de mettre en lumière la nature des défis conceptuels qui attendent ceux qui étudient la question de la victimisation issue de la criminalité des entreprises, et nous soutenons que ces développements conceptuels pourraient également être généralisés à tout ce qui touche à la victimologie d'une manière globale.

Mots-clés : criminalité des entreprises; victimes; vulnérabilité structurelle.

Introduction

Corporate crime and thus victimization to it is routine, with economic, physical and social effects arguably far more widespread and enduring than those associated with conventional crimes. Yet victims of corporate crime barely register on any 'crime, law and order' agendas – not on the part of Government, through its rhetoric and practices, nor those research agendas

sustained by academic criminology through its research into victims.

The lists of achievements in relation to victim policy that we find in almost all contemporary liberal democracies tend to exclude any reference to corporate crime legislation or enforcement, while victims remain framed as individual service users (Walklate, 2007). At the same time, noting the general absence of discussions and analyses of the victims of corporate crime in

victimology has become standard practice in the textbooks, without actually developing any sustained analysis of corporate crime victimization. There is a scattering of notable exceptions, yet despite some recognition by victimologists that abuses of power by states and corporations cannot legitimately be ignored by research into victims (Walklate, 1989; Elias, 1994, 24-26), the crimes of the powerful remain pretty much absent from victimology. The agendas of academic criminology, typically and dispiritingly, remained dominated by state driven concerns.

That said, if there is little criminological work on corporate crime victims per se, there nevertheless exist a range of quantitative indicators of the scale of victimization to corporate crime (for reviews, see Tombs and Williams, 2008; Whyte, 2007). Further, in criminology it is quite simply no longer controversial to assert that corporate crime kills more people, maims more people and causes more financial loss than all other forms of 'mainstream crime'. The focus of this article is on the extent to which criminology's recent focus upon victims of crime can and should be applied to victims of corporate crime. To this end, the paper proceeds through four main sections. In the first, we consider the struggle for victimhood under conditions of neo-liberalism, and how this has repositioned crime victims, businesses, and victims of their illegal activities. Then, we point to existing evidence on corporate crime victimization which indicates a distribution of victims across class-based, gendered and racialised lines, thus noting the significance of victimization through structural vulnerability. In a third section, we address related sets of issues around the relationships between victims and offenders in the context of corporate crime, highlighting some of the peculiarities of corporate offending. These considerations lead us, in a concluding section, to highlight some conceptual challenges that must be met in analysing corporate victimization,

challenges which also apply more generally to victimology.

The Struggle for Victimhood

Some of the general observations in early work in critical criminology on criminal victimization (Christie, 1986; Quinney, 1972) actually presaged, very accurately, the foregrounding by governments of a kind of hyper-individualised victim as an important hegemonic device. We can see this most clearly in the ways that victims are used symbolically to legitimise or vindicate criminal justice policy. Thus, some thirty years after this work, Garland (2001: 143) has noted how: "[i]f victims were once the forgotten, hidden casualties of criminal behaviour, they have now returned with a vengeance, brought back into full public view by politicians and media executives who routinely exploit the victims experience for their own purposes. The sanctified person of the suffering victim has become a valued commodity in the circuits of political and media exchange."

Thus, the victims ushered into the fold of the criminal justice system during this period were those who cohered best with the intensification of a 'war on crime' - while white collar and corporate crimes, and their victims, remained largely absent in new penology agendas (Braithwaite, 2003), neo-liberal charters of victims' rights (Mawby and Walklate, 1994), and so on. This is no mere happenstance. As Christie (1986), in his discussion of the ideal crime event, has noted, the victim needs to be un-opposed by counter powers strong enough to silence the victim. Neo-liberalism as a political system of ideas and practices has had the effect of heightening the visibility of a highly differentiated group of crime victims, whilst rendering the victims of other crimes, in this case, victims of the predatory activities of private corporations, less visible and less amenable to ideal victim status

Thus, for example, workers who are victims of health and safety offences are at

times deemed collusive in their victimization through the dominance of accident-prone, lazy, careless and so on discourses, classic forms of victim-blaming, or cast as having exchanged a wage for risk (Tombs and Whyte, 2007). Consumers as victims are, too, often cast as somehow collusive in their fate, with some generalised sense of 'caveat emptor' implying a lack of innocence or a 'contributory negligence' on the part of those wishing to make a fast return, as investors in stock or pensions, or buying cheaper cuts of meat or market stall clothing, as consumers (Croall, 1995: 242, Levi and Pithouse, 1992: 244, Friedrichs, 1996: 61, Shover et al, 1994: 95). Victims of environmental crime, such as localised pollution, often find it impossible to have their claims taken seriously on the basis of counter-explanations in terms of lifestyles – smoking, drinking, bad diets – being ascribed to them and represented as causal factors in their ill-health. Thus, albeit perhaps with a little hyperbole, it is no coincidence that several commentators have drawn an analogy between being a victim of rape and a victim of corporate offences in terms of perceptions of personal culpability (Shover et al., 1994; Croall, 1995; Levi and Pithouse, 1992). In general, an imputed lack of innocence or credibility attached to victims of corporate crime simply reflects the general 'moral ambiguity' that some claim defines offending in this area, an ambiguity reflected in popular and many academic treatments of corporate crime, and virtually institutionalised in most state responses to these.

Thus there is little or no place in the schema of the "ideal" victim (Christie, 1986) for victims of crimes committed by institutions or organisations, nor do individual corporate offenders tend to fit the profile of 'ideal' offenders, most commonly constructed as "a dangerous man coming from far away." (ibid: 26.) Of course, as Christie observed, most victims and offenders do not fall within this definition of 'ideal' (in cases of violent crime, for example, offenders tend to be known to the

victim and it is a social group that is characterised by relative physical strength (young men) that are most victimized by violent crime). Thus as Quinney (1972) had earlier observed, dominant conceptions of the victim are limited to a narrow range of crimes – primarily murder, aggravated assault, forcible rape and robbery. In other words, this conception actively excludes types of crime associated with powerful offenders such as consumer frauds or war crimes. The ideal victim therefore must be a victim of certain kinds of interpersonal crimes, those committed by individuals against other individuals.

If the 'ideal' victim who 'deserves' support is hardly representative of victims in general, policy and services continue to perpetuate the myth, and prioritise the treatment, of this stereotypical victim. There remains, then, a 'hierarchy of victimization', both reflected and reproduced through a variety of official discourses and practices (Greer, 2007). Victims of many forms of corporate crimes tend not to cohere with such representations.

The ideologically driven nature of the recent and current governmental concerns with specific classes of victims can be most clearly highlighted in relation to another area of 'business crime' – that is, understanding businesses not as offenders, but themselves as victims of crime. This movement to integrate the business community into a wider community of legitimate crime victims is gathering momentum: nationally and locally, where business organisations and trade associations are involved in a concerted effort to re-frame how local publics think about the process of criminal victimization.

This is not say that crimes that target corporations do not very often have a human impact. Workers in shops and workers at the front line of services can of course be the victims of violence in the course of their work. Some isolated acts of sabotage have also been known to victimize

customers. It is here that we have to be careful of conflating the victimization of business with the victimization of the individuals who are employed by businesses. And there are two points that help us to clarify such a distinction. First, it is not the business itself that suffers the consequences of violence against its employees but more often than not the most vulnerable front-line workers within the organisation that suffer violence. Second, businesses are generally much better able to absorb the costs of crime precisely because they are corporations and not individuals. Businesses can offset the costs of thefts or shoplifting by redistributing costs across the business, because they are better placed to insure themselves against major thefts, and the rules of incorporation generally give the owners of private companies legal protections which indemnify them against losses.

The growing clamour to take crimes against business seriously is, of course, at one level, merely aimed at the reduction of crimes against business. But the proliferation of crimes against business surveys, and the accompanying proliferation of political and academic comment on the subject, are complex trends that require some more detailed analysis. From a governmentality perspective, governments now seek to 'responsibilise' businesses, alongside other civil society groups, into playing a more active role in crime prevention. Yet from a neo-Marxist perspective, there is an equally significant aspect to the rise of the discourse of the business victim: businesses, by positioning themselves in this way, are contributing to a more generalised, hegemonic, reconstruction of the notion of victimhood; they are also situating themselves carefully into forums of local and national governance, not least through their representing themselves as part of the solution to (rather than part of the problem of) the crime problem (Coleman et. al., 2005).

Such hegemonic contests are, of course, never settled, never entirely secure; the notion of the victimized corporation will remain a contested one. It may be difficult for some corporations and some industries to re-cast themselves in the mould of victim when there is such a body of evidence attesting to their record as offenders. Corporations as victims, after all, "lack human vulnerability, having no bloodied faces to display, no feelings to be injured, no fears to be allayed, no lifestyles to be undermined." (Young, 2002: 134) Those barriers to victim status may be compounded by a slowly dawning public awareness of the impact of corporate offending (Tombs and Whyte, 2003).

The struggle to define the corporation as victim is, in many ways, a hegemonic articulation of a wider process of consolidating the corporation as an indispensable economic and moral actor (Tombs, 2001). In the sense that this particular struggle over a definition of victimhood connects closely to a struggle for economic dominance, it is a struggle that has a distinctly class character. The form of power that is an effect of the social position of the key institutional form of capital, the corporation, is, insofar as it supports a system of profit accumulation, the key mechanism in maintaining capitalist social orders. To say, therefore, that the corporation is successfully positioning itself as a victim of crime, is to raise questions about the role that the discourse of victimhood has to play in re-inforcing a particular set of unequal social relationships based upon class.

If the class-based, and class biased, character of discourses of victimhood has always been apparent in the construction of the ideal victim (as we indicate above), then the absence of the victims of corporate crime from mainstream political discussion and action also provide evidence of class-bias. It is to a descriptive discussion of those victims of corporations that this paper now turns.

Victimization as Structural Vulnerability

The idea that the socio-economic position of workers, consumers, residents – their class – acts to structure vulnerability to crime is by no means one that has use only for the study of corporate crime. Criminologists studying other forms of crime have consistently documented, theoretically and empirically, that the risk of crime tends to be higher for those in lower socio-economic groups. Uncovering the way that crime victimization was structured in this way was central to the project of the left realist movement, a group of criminologists who pioneered the victim survey as a method to uncover the ‘dark figure’ of crime. Victimologists have also traditionally been concerned with how the qualitative impact of crime related to socio-economic markers. Successive studies found that wealth inequalities limit the ability of the poorest groups to absorb the costs of criminal victimization: to afford insurance premiums or to recover from the economic impact of a theft for example (Maguire and Kynch, 2000). Precisely the same point can be made about the victims of corporate crime; for example, it is the most casualised workers who are the least likely to be insured against injury or to have access to compensation schemes, just as it is the poorest consumers who are the least able to absorb the cost of corporate fraud.

Globally, a particularly heavy toll of death and injury occurs in developing countries where large numbers of workers are concentrated in primary and extraction activities such as agriculture, logging, fishing and mining (Takala, 2002: 2-3). This unequal international distribution of risk is further exacerbated by the struggle to secure safer and healthier workplaces in developed countries having as one effect the relocation of risk and hazard to developing economies – creating a key advantage for Transnational Companies in their ability to ‘export’ hazardous work from more to less regulated contexts economies (Castleman, 1979, Ives, 1985). The long

and still largely unsuccessful struggle of the victims of the Bhopal gas leak to gain compensation for human and environmental suffering clearly illustrates a further structural inequality associated with global risk distribution: for the economic consequences of death, injury and disease associated with working are also differentially distributed. Thus, for example, occupational health and safety compensation schemes differ enormously – while workers in Nordic countries enjoy nearly universal coverage, ‘only 10 per cent or less of the workforce in many developing countries is likely to benefit from any sort of coverage. Even in many developed countries, coverage against occupational injury and illness may extend to only half the workforce’ (Takala, cited in Demaret and Khalef, 2004). As this, and a plethora of other evidence indicates, then, unequal distributions of risk and harms at a global scale are reproduced within economies (Tombs and Whyte, 2007).

The distribution of the likelihood of victimization by socio-economic class is indisputable. Yet conflicts around corporate crime are also mediated by other social cleavages of power, in particular those drawn across ‘race’ and gender divisions. Womens’ structured vulnerability as consumers and as workers is central to understanding the unequal distribution of corporate crime victimization along lines of class and gender (Croall, 1995; Haantz, 2000; Szockyj and Fox, 1996; Wonders and Danner, 2001). The peculiar vulnerability of women to certain forms of corporate crime is, of course, a function of their socially ascribed characteristics and structural location within patriarchal societies (Friedrichs, 1999: 153-4, Gerber and Weeks, 1992, Peppin, 1995, Robb, 2006, Rynbrandt, and Kramer, 2001, Szockyi, and Fox, 1996, Wonders and Danner, 2001).

Moreover, what limited political and academic attention there has been to areas such as, for example, occupational death, injury and illness has itself largely

reproduced the further relative invisibility of women as employees. Thus occupational death and injury are traditionally associated with male occupations, and research has mostly ignored women's occupational health and safety issues (Szockyi and Frank, 1996: 17); yet trends in data indicates that those areas in which women are over-represented, notably services, are those which exhibit both persistently high, and rising, rates of injuries and ill-health (see Craig, 1981, Labour Research Department, 1996). Because women tend to be in more casualised, part-time work in comparison to men they are less likely to have the protection of a trade union to bargain and represent them on safety matters, or indeed in other areas of employment law. This relative lack of representation also means that we are less likely to know about some of the hazards associated with women's work: for example the widespread and relatively new evidence of industrial injuries associated with RSI and relatively unknown hazards associated with the synergistic effects of exposures to multiple chemicals in, for example, cleaning work.

Such claims also hold in the context of 'race' and ethnicity. That there are ethnic or racialised dimensions to corporate victimization in the course of working is evidenced in the work of John Wrench (Wrench, 1996, Lee and Wrench, 1980, Wrench and Lee, 1982; see also Boris and Pruegl, eds., 1996). Smith et al found a 'significant correlation' between work stress and ethnicity. In summary, they concluded that 'Racial discrimination, particularly in combination with gender and ethnicity, was identified as having a strong influence on work stress ... certain work characteristics were also associated with work stress: higher effort reward imbalance, greater job demand, and lower control over work were all associated with work stress' (Smith et al., 2005: viii). Further, a social division that Bullard (1994) calls "environmental apartheid" for example, structures the vulnerability of Black people in the US to

toxic poisons in their neighbourhood. He notes that in eight southern states, three quarters of hazardous waste landfill sites were located in predominately African American communities. Around 60% of African Americans across the US live in neighbourhoods with abandoned toxic waste sites.

Our discussion so far has centred on the structural relationships between workers and employers, and between industrial producers and local communities. Yet if we explore the commercial relationships between buyers and sellers of goods and services in the market place in cases of corporate crime, we find precisely the same types of structural vulnerabilities. Addressing the interconnections between class-race-gender in terms of corporate crime victimization, Friedrichs (1999: 149), for example, notes that racial minorities are more likely "to consume lower quality, unsafe products; they are more likely to have jobs characterized by unsafe working conditions; they are more likely to live in neighbourhoods prone to environmental hazards" (see also the work of Lynch, Stretesky and colleagues on environmental racism/justice, for example Lynch, Stretesky, and McGurrian, 2002, Stretesky and Lynch, 1998, 1999, Stretesky and Hogan, 1998).

Indeed, a major cause of corporate crime and harm is the fact that certain workers, consumers and communities become locked in or locked out of various forms of markets through little or no choice (Tombs, 2010; and Whyte, 2009). In terms of the risks of victimization women are exposed to as consumers, a body of academic work has documented how cosmetic and health products that are particularly targeted at women are often relatively untested and unregulated. Key examples here are those products that intervene in women's bodies and mental health. Products that have caused harm to women on a massive scale include those associated with pregnancy (eg

Thalidomide), menstruation (tampons with associated risks of TSS), physical appearance (silicon breast implants, diet products) and psychological health (tranquillisers) (Szockyj and Fox, 1996).

Such evidence, when placed alongside the evidence outlined above leaves no doubt about the importance of thinking in terms of how gender and race and class interact to pose greater risks of victimization.

In fact, the nature and intensity of actual forms of victimization can only really be accessed through such a multi-layered approach. One recent study (Gibbs and Melvin, 2008) has sought to examine the empirical correlation between structural disadvantage the presence and concentration of environmental hazards: both 'race' and 'class' are captured through an analysis of US school areas, where it is concluded that "school areas higher in structural disadvantage have more environmental hazards":

"we find an association between disadvantaged school areas and multiple forms of environmental hazards. Previous studies that focus on one type of hazard may underestimate the significance of the association. Proximity does not equate to exposure, but the presence of additional environmental hazards does increase the risk of exposure, negative health effects, missed school and so forth" (Gibbs and Melvin, 2008, 326).

Hazel Croall is surely correct when she notes that further research into the structural basis of victimization to corporate crime would no doubt "reveal other vulnerable groups" such as children or the elderly (1995: 241). And we would further concur with her call for further study of the racialised dimensions of such vulnerability, and reinforces the need in particular for explorations of the intersections of race, class and gender "in any full analysis of the

victim-offender relationships" involved in such crime (1995: 243).

At the same time, analysing corporate crime victimization through the lens of 'structures of vulnerability' in the way that we have indicated in this section begins to raise fundamental questions about the way that victimology has approached the question of the victim-offender relationship. Victimization is, in mainstream academic research, conceived of as the outcome of a criminal 'event.' In administrative criminology the dominant emphasis is on the closely observed interaction between 'criminal', the 'environmental' features of the 'crime' and the 'target'; interactions that are located around a small set of very specific 'crime events'. Those events are typically represented and analysed as if in isolation from the ongoing, ever-present power relationships between the victim and the offender. A similar critical observation is made consistently in feminist analyses of male violence, which is more adequately conceived of as a form of violence that can only be understood as part of an ongoing state of gendered power relations (Walklate, 2003: 127-129). In corporate crimes, a concept of an unfortunate 'event' or 'disaster' is also of limited value precisely this framing directs focus on a particular moment, fixed in time, with very particular circumstances, and does not allow us to view such phenomena as rooted in and as routine effects of more ongoing and ever-present social conditions of unequal power. This is illustrated very clearly by our brief discussion of the relationship between victimization and cleavages in social power relations above. But it also highlights why such a discussion – of victimization in terms of structural vulnerability – is itself, ultimately, inadequate. Because the very idea of victimization is one that forces us away from 'process' towards 'event', while at the same time is inherently individualising. In other words, victimization as a concept is intimately linked to a notion of a criminalising event per se, so that the dominant story of what a victim is – how a

victim relates to an offender, and also how s/he is situated within a criminal event - is one that simply cannot be adequately stretched to fit the types of corporate crime victimization illustrated in this section. There are limits on the extent to which the very ideas of the criminal or the victimizing 'event' can be applied to the sphere of corporate offending. It is to an analysis of these degrees of fit, and their limits, that we now turn, in the following section.

Beyond the Victimizing Event

As we note above, the dominant (positivist) tradition in victimology has historically been concerned with the 'victimizing event': the search for empirical indicators of 'victim precipitation' was the dominant mode of research in victimology until the 1970s, and emphasised the closely observed interaction between 'criminal' and 'victim' and the particular characteristics of incidents can be isolated to allow a prediction of victimization. Thus the very foundation stones of victimology shaped the sub-discipline around a small set of very specific 'crime events'; events that involved a close proximity between victim and offender and therefore allowed the victim's contribution to be analyzed.

Yet this dominant construction of crime as an event, positioning victims and offenders in certain ways, relative to each other, is a highly partial understanding of how most crime 'works' or indeed should be best understood. As we indicated in the last section and shall argue further in this, more important in understanding the aetiology of crime than the immediate conditions that surround an isolated event is a grasp of the social processes that produce certain kinds of phenomena we know as crimes or potential crimes. In this section, we move beyond a concern with the criminal event, located in a specific time and place, into exploring the less temporal and fixed contexts for understanding corporate crime.

The first of those contexts provokes us to explore corporate crime as a function of the distance or "proximity" that exists between victims and offender. In many forms of traditional crime there is, or must at some point be, a degree of proximity between offenders and victims: this is most obviously the case with regard to personal assaults, robberies and so on; but it also applies to theft of and from motor vehicles and to burglaries, in the sense that even if absent from a dwelling or car at the time of the theft or robbery, the victim does have some proximity in time and space to these as owners, residents, drivers, or passengers. By contrast, in the case of corporate crimes, there are frequently enormous distances between offender and victim, in terms of both space and time. Thus the decisions that were the source of the chain of events at the UCC plant in Bhopal were taken thousands of miles away, at corporate headquarters in Danbury, Connecticut, at an unspecified time long before the leak that caused such devastation: it is virtually certain that neither Warren Anderson, then CEO of Union Carbide Corporation, nor any members of his board, had met any of those Indian workers and citizens whose lives were ultimately destroyed by the nature of safety training, cuts in routine maintenance and reductions in spending on safety measures over which they presided. Similarly, in the case of asbestos-caused diseases, also considered above, the slow and painful death endured by many victims is one that unfolds over years following exposure up to forty years previously. When a toxic incinerator illegally releases highly deadly dioxins into the air, it is not immediately obvious who the victim will be - or indeed to apportion responsibility to an offender. Given that the health effects of exposure to deadly toxins often take a long period of time to become visible, problems also arise when we try to establish precisely when the 'victimization' took place. Such facets of corporate crime victimization have important implications in terms of awareness of, acting

upon, and establishing 'proof' of victimization.

Thus a second issue is that of the timespan over which victimization to corporate crime unfolds. Victims of corporate crime often experience their victimization over a long period of time in ways that cannot be adequately captured as a temporally bounded 'event'. Crimes related to occupational and environmental exposures are classic examples here. Thus if workers are aware that a skin rash, breathing problems, nausea, headaches and so on are likely to have a primary cause in working conditions, an enormous burden of proof rests with them. And proof in such instances must make reference to scientific discourses, this raising the location and role of expertise and experts, and the fact of unequal access to these, be they toxicologists, pharmacologists, epidemiologists, and so on. Proof also requires that highly unequal access to legal expertise - an inequality likely to be exacerbated given the direction of legal aid reform - be overcome. Thus even if one is aware that a particular condition can be caused by workplace exposures - for example, exposure to asbestos fibres - then there can remain enormous difficulties in locating exposures to a particular workplace or employer, at a particular time. The fact that many industrial diseases take long periods to develop makes pursuing (let alone proving) a case against a particular employer very difficult, and this is compounded where a worker has been employed by different companies over the course of a working life.

The problems of recognizing corporate crime victimization as victimization is, as we have argued, partly related to our inability adequately to recognize the scale of corporate victimization or recognize its aggregate or quantitative impact upon its victims. When it comes to measuring or understanding of the impact of corporate crime upon individual victims and groups of victims in a qualitative sense, we encounter

are a whole new set of barriers to recognizing victimization. For, even if we were to ask the questions in victim surveys, the response is dependant upon victims being aware of their own victimization. Self-awareness, or the subjective recognition of victimization by victims is a very complex matter that is a key focus of the victimology literature (for example, Zedner, 2002).

First, many victims of corporate crimes are unlikely even to be aware of any crime let alone their victimization to it (Croall, 1989, Grant Stitt and Giacomassi, 1993, Meier and Short, 1995). For example, when buying a new home, or glass products, or white or other electrical goods in Britain, most of us will not have stopped to consider that these might be cheaper, or that there might be more genuine choice, were it not for price-fixing or the creation of illegal barriers to market entry amongst manufacturers and retailers.

Somewhat different, but related, is an awareness of some unfavourable personal circumstance or outcome, but a lack of any awareness that we have been the victim of any type of legal offence. For example, most of us are unlikely to think of our workplace as a causal site when suffering some form of illness, and even less likely to consider unhealthy conditions in terms of illegality on the part of our employer. Where our child suffers from breathing difficulties, we may think in some generalised way about the state of our local environment (for example, poor air quality), but are unlikely concretely to consider ourselves as possible victims of illegal emissions from local taxis, buses, vans, and so on. Ideologies of the accident-prone worker that we note above are so prevalent that workers often routinely place blame upon themselves, as a result of their carelessness or bad luck (Tombs, and Whyte, 2007). Where representations of self-blaming or collusion are resisted, victims of safety and health crimes may still be unaware of the legal status of what they have experienced - that is, they may have a

sense that they of an injustice, or a bad employer, but not a perception of victimization to a criminal offence .

A key element in relation to the visibility of corporate crime victimization is the ability of victims, or most victims' perceptions of their abilities, to seek redress. That is, even where victims of corporate crimes are aware of their status as victims, actually acting upon this awareness is often extremely difficult (see Croall, 1989). Indeed, an informed understanding of the extent of these difficulties may act as a disincentive against reporting or acting. This might be manifest in rationalisations invoking bad luck or being more careful in the future, and uttering platitudes such as "win some, lose some" or "once bitten, twice shy", and so on. Yet even where victims might seek redress, either independently (via civil law, for example) or through an enforcement agency, then distances in time and space between victim and offender(s), and consequent difficulties of proving an offence has occurred even where - as is often the case - the offender is identified are likely to prove overwhelming obstacles.

Many of these problems of both awareness and then seeking redress can be illustrated concretely through the case of asbestos exposures. It is impossible to account for the scale of the physical, emotional, and psychological harm caused by the use of asbestos – knowledge of which the industry has tried to suppress for over 100 years by co-opting the medical community, attacking critical science and funding industry-friendly research, by forming apparently 'independent' lobbying groups, and through quite simple and routine cover-ups, manipulation of data, and lying to workers and regulators (Tweedale, 2000). But we need to bear in mind that the hazards associated with asbestos are now so well-known that the substance is highly regulated and, in Europe, as in some other parts of the globe, banned from use – a rarity amongst those substances to which

men and women are exposed on a daily basis, the health effects of which will only really be known after generations of use/exposure.

Many who comment upon the problematic nature of identifying corporate crime – and hence victimization to it – draw a useful contrast with many forms of conventional crimes. In the case of the latter, it is argued, the fact of a crime is rarely an issue; what is at issue, and what consumes agency (here, police) resources is identifying an offender. In the case of many forms of corporate crime, however, problems frequently arise in quite the opposite way. That is, there is very often little problem in identifying an offender (Clarke, 1990), although we should note that this is not always the case, not least given the (apparent) complexity of some forms of organisational structures; here, the issue is actually establishing whether any offence has occurred. This involves quite a different set of problems and processes to those commonly found with respect to conventional crime.

More generally, then, what we have seen in this section is that while corporate activities produce a range of harms that we might class as crimes, and within which we might locate victims who experience their effects, there are significant difficulties in placing these within dominant conceptions of crime 'victimization' – to the extent, indeed, that, as we have noted, these difficulties often prevent corporate crime victims from recognizing their own experiences as victimization. Clearly, of course, this disjuncture, not least revolving around issues of proximity and timespan, are not 'natural', somehow issues generated by the peculiarity of the phenomenon of corporate crime. Rather, they are effects, problems, created by the ways in which certain phenomena are recognized, recorded, measured - and controlled, or not. In these senses, they are effects of state activity and political preferences. The decision not to act on particular instances of

corporate offending, or to respond to offending in particular ways is a consequence of the decisions made by governments, by regulators and by other official actors. In other words, the ways that victimization are experienced, and the ways that victims are able to understand their victimization, is a very direct consequence of state power.

It is, then, no coincidence that some studies of corporate crime have referred to a double victimization – that is, from the offence and then from their treatment by the ‘official response’ (Shover et al., 1994: 94). Thus, in their study of the long term consequences of victimization to the collapse of a loan company, Shover et al conclude that “victims with the most extensive contact with the official system for redress of injury often emerge from the experience more disillusioned and more disheartened than when they began” (ibid.: 95) – such official, that is, state, responses, deemed ultimately unfair and unjust, amount to an official denial of their status as victims of crime. And on this point, criminologists, too, have a responsibility, for the discipline’s collective failure to challenge political definitions of real crimes and legitimate victims; thus “continued neglect or indifference” by social scientists towards victims “also may play a part in denying legitimacy to them and their suffering” (ibid., 1994: 96). Unsurprisingly, studies of corporate crime victimization, then, frequently refer to the associated traumatic and enduring psychological effects associated with it (Friedrichs, 1996: 63, Grant Stitt and Giacomassi, 1993: 70) - an observation common to other forms of crime victims.

Conclusion and Discussion

What, then, are the implications of our argument in this paper for developing our understanding of victimization to corporate crime?

To recap. We have considered the extent to which criminology’s recent focus upon victims of crime can and should be applied to victims of corporate crime. We began by reviewing recent struggles for, and developments in the concept of, victimhood under conditions of neo-liberalism – and argued that the net effect of the political fixation with victimhood in the neo-liberal period has been to make it less rather than more likely that corporate crime victims might in fact attain the status of victims, and that this might be understood explicitly as an example of the class bias of law and legal discourse. In the light of this, we then considered evidence on corporate crime victimization, specifically in terms of its distribution of victims of corporate crime across class-based, gendered and racialised cleavages, thus noting the significance of victimization through structural vulnerability. There we established that while corporate crime victimization can of course be usefully viewed through the lens of structures of vulnerability, this pointed to the limits inherent in such an exercise. For such an exercise leads us towards analysing processes of corporate power – as opposed to the criminal ‘event’ - and their ongoing outcomes, an analysis which appears to be distinct from both historically constructed, and more recently emerging, concepts of victimhood. Third, we argued that the longstanding, dominant understanding of victim has been generated and consolidated through a series of putative characteristics of the nature of offending and the victim-offender relationship which are problematic in terms of their actual or potential application to corporate crime victimization: there is necessarily and perhaps increasingly a ‘lack of fit’ between dominant stories about how crime works, who victims are and what their relation to an offender and a criminal event is. Those become clear when we explore the production of corporate crimes victimization across our categories of ‘proximity’ and ‘timespan’.

Indeed, the critique within this paper of dominant constructions both of victimhood and of how crime 'works', engaged in from the perspective of corporate crime victimization, has wider ramifications. For these dominant constructions do not just obscure corporate crime and corporate victimization, but in fact obstruct understandings of how criminal victimization is experienced generally: the notion of crime as interpersonal with little proximity between offender and victim, the construction of the victimizing event, and the politics of responsabilisation are all effects of and at the same time perpetuate the social, economic and political inequalities that produce differentially placed categories of victims and offenders in the first place. In other words, this paper offers up further ways of mounting critiques of and challenges to the poverty of mainstream criminological scholarship.

That is, the construction of victims is better understood as a social process. But, more than this, the construction of victims through these various processes is structured – in ways understood through class, gender and 'race' – so that we can only really understand those specific constructions of 'crime' and 'victimhood' that predominate in advanced capitalist economies through existing forms of social relations. Thus victimhood, rather than being understood as a spatially or temporally bound phenomenon, can only be meaningfully understood as a condition that is created as part of a set of social relationships. Death, injury, illness, environmental pollution, the systematic defrauding of consumers and so on are thus systematically produced through a dominant set of relations through which goods and services are produced, distributed and consumed. Of course, it is always possible to identify specific chains of events through which specific outcomes may be produced; but the fullest meaning of those events, how they are able to exist, emerge and have the impacts that they do upon certain classes of victim are only explicable within the wider

context of the social process of victimization itself. This therefore allows us to see the limits upon the reconstruction of victims of crime even in more critical and analytical terms, and also leads us to attach less significance to the phenomenon of crime more generally. For the issue at stake here is not crime or indeed victimhood, but power. Thus, corporate crime as a phenomenon can only partially and inadequately be understood through the lens of criminology – as the very focus upon structures of vulnerability in fact indicates. For to understand corporate crime is to understand its social production, which itself is only comprehensible through grasping the nature, distribution and effects of corporate power within a capitalist economy.

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