

The book cover features a stylized illustration. On the left, a large, dark, textured shape resembling a giant foot or a massive boot is shown, with a smaller, similar shape above it. The background is a light blue with a pattern of vertical lines. On the right side, two silhouettes of men in suits are standing, facing each other. The title 'Geis, Sutherland and white-collar crime' is written in a large, white, serif font across the top. Below the title, a dark blue horizontal band contains the text 'Part 1 of 2' in white. The author's name 'By Robert F. Meier, Ph.D.' is printed in white below the band.

Geis, Sutherland and white-collar crime

Part 1 of 2

By Robert F. Meier, Ph.D.

Edwin Sutherland and Gilbert Geis share a strong mutual interest in white-collar crime. Both of these criminologists had made important contributions to the theory and research of white-collar crime at different times. My purpose here is to compare the contributions of these scholars to our understanding of white-collar crime. In so doing, I hope to elucidate the important contributions made by Gilbert Geis to this topic.

The thesis of this article can be stated simply: The promise in the pioneering work of Edwin Sutherland on white-collar crime has been fulfilled more in the works of Geis than in the works of any other scholar. That promise was vast, and there was much work to be done at the time of Sutherland's death in 1950, in spite of his vigorous labor.

While Sutherland's mark was strong (he coined the term "white-collar crime"), one could argue that he left the study of white-collar crime in disarray, without a definitional rudder and sufficient empirical work to power the field beyond his initial foray. While Sutherland staked the initial claim, Geis exploited it to the point where it became a major area of study and public policy.

We will see that early ventures into the study of white-collar crime immediately after Sutherland's death were tentative and not especially helpful in refining and building the concept. It would be nearly two decades after Sutherland's death that the area of white-collar crime would come into its own, and the principal reason for that were the contributions of Gilbert Geis.

This article examines both biography and intellectual approaches to discern the unique contributions of Sutherland and Geis in understanding white-collar crime.

Sutherland and the irony of white-collar crime

It is now 63 years since Edwin Sutherland died, and with him criminology's total preoccupation with conventional, or street, crime. But Sutherland's contribution to modern understanding of white-collar crime has not been entirely clear. While he pioneered the subject matter, his legacy is marked by a lack of consensus by scholars both about the meaning of the term white-collar crime and the general approach that best generates the kind of theoretical and empirical understanding criminologists require. Sutherland was the leading figure in American criminology throughout most of the twentieth century, but that appellation is more likely due to his championing his theory of differential association, rather than his work on white-collar crime.¹

In contrast with the cosmopolitan nature of white-collar crime, Sutherland's biography is decidedly rural. He was born in 1883 in Gibbon, Neb., and spent almost all of his time to age 21 in Grand Island, Neb. (Population at the time was about 6,000.) He graduated in 1904 with a class of 70 others from Grand Island College, where his father was president. He then taught at Sioux Falls (S.D.) College for two years before enrolling as a graduate student in sociology at the University of Chicago, where he stayed until 1908. From 1909 to 1911 he returned and taught at Grand Island

College, finally returning to Chicago to finish his Ph.D. in 1913. Sutherland's family was strongly religious, and his educational experiences, except for those at Chicago, were all at religious schools. (Grand Island and Sioux Falls Colleges were Baptist institutions.)

Sutherland's first teaching position after his Ph.D. was at William Jewel College in Liberty, Missouri, another Baptist school. He remained there until 1919 when he began something of a cook's tour of Midwestern universities: 1919-1926 at the University of Illinois (where his interest in criminology became systematized), 1926-1929 at the University of Minnesota, 1930-1935 at the University of Chicago, and from 1935 until his death in 1950 at the University of Indiana.

Sutherland's influential criminology textbook was first published while he was at the University of Illinois, and his theory of differential association first made its tentative appearance in an edition while he was at the University of Chicago.

Sutherland had taught a criminology course every year from 1913 to 1921 but, he reports, "My organized work in criminology began in 1921 when E.C. Hayes, head of the department of Sociology at the University of Illinois, asked me to write a text on criminology for the Lippincott series" (Sutherland, 1973, 13). Sutherland was unable to draw from his dissertation research for his criminological contributions. Sutherland's dissertation, titled "Unemployment and Public Employment Agencies," dealt with labor problems in the city of Chicago.

Sutherland's relatively provincial upbringing paralleled that of

This article is excerpted and adapted from the 2001 book "Contemporary Issues in Crime & Criminal Justice: Essays in Honor of Gilbert Geis," edited by Henry N. Pontell and David Shichor. This collection, published by Prentice Hall, was assembled in honor of Dr. Geis on his 75th birthday. We republish the article from the September/October 2001 issue of the ACFE's The White Paper, the predecessor to Fraud Magazine, in honor of Dr. Geis who passed away Nov. 10, 2012. — ed.

many of the sociologists at the University of Chicago. The faculty of the "Chicago School" stressed local issues and problems, and their reach seldom stretched beyond the city limits of Chicago. Sutherland was no hick, but he was the product of a relatively sheltered existence. Sutherland's early life centered around Grand Island, but even his mature years never found him far — socially and intellectually — from those Midwestern roots.

Sutherland's work with Chic Conwell (a student in one of his classes), his jarring exposure to big city life in Chicago, and his fondness for applying differential association to all forms of crime, each suggests the work of someone with first-hand knowledge of crime. But there is no record of Sutherland having had personal experience with crime. Sutherland adopted more of an insider position on his subject matter, but the closest he would come to real-life crime would be an encounter with an occasional wayward student or the library, not from personal experience.

He resorted frequently to documenting crime by means of anecdotes, one being a pedestrian recital of the small-time shenanigans of a college student who worked weekends as a shoe salesman — a story according to Donald Cressey that was based on "Sutherland's personal experiences" (Geis and Goff, 1983, 178). The anecdote is indeed dull, and Sutherland may in fact have exaggerated it for illustrative purposes.

Throughout his career, Sutherland adopted a social psychological perspective that focused on offenders. Sutherland was not a reductionist, but his starting point was always individual criminals, their offenses, and the learning experiences they had to bring them to their crimes.

Geis and the extension of Sutherland

Gilbert Geis was born in 1925 in New York City. His parents divorced when Geis was five years old, and he was raised by his mother and grandmother in a two-family house in Brooklyn. His grandmother, who

helped support the family with the sale of bootleg liquor during the Depression, died when he was 13. His mother was a secretary for a company in Manhattan. After graduation from high school, Geis attended New York University for one year before joining the U.S. Navy for World War II. He returned in 1945 to go to school, at Colgate University and the College of the Holy Cross.

He attended the University of Stockholm after graduating from Colgate, but financial demands forced his return to the United States after eight months. Finding that Brigham Young University didn't charge tuition, he traveled to Utah for his master's degree in 1949, after which he entered the doctoral program in sociology at the University of Wisconsin. Geis was interested in Scandinavian area studies, and neither of his advisors, Svend Reimer and Hans Gerth, had the slightest interest in crime. His dissertation, based on field research in Norway, dealt with the operation of the municipally owned movie theaters in Oslo and the reaction of Norwegian audiences to American films.

He describes his education as "ecumenical" in the sense that the schools he attended had student bodies that were predominantly Protestant, Catholic, Jewish or Mormon, but there is little hint of religious persuasion in Geis' writings.

Along the way, Geis worked for a newspaper and did considerable writing in college to help make ends meet. He would write for popular periodicals to help make ends meet, often writing different versions of the same article to suit different audiences (for example, "You and Your Cat" became "You and Your Dog" or

"You and Your Parakeet," depending on the magazine). For a time, he commuted on university buses to Madison from temporary student housing nearly an hour from campus. It was here he met fellow student Frank Remington, who would later become a well-known professor of criminal law at the University of Wisconsin.

Like Sutherland, Geis developed his interest in crime and criminology after he left graduate school. In fact, Geis reports that he never had a course in criminology. Nevertheless, his first position was as an instructor at the University of Oklahoma in 1952, where he taught race relations and criminology. Geis' interest in race relations led to a collaboration with an anthropologist on the migration patterns of African-Americans.

His only notable criminological work during this time was a pulp fiction novel that involved a rape on a college campus.

One of the major characters was a criminology professor.

After five years, Geis secured a position at California State University at Los Angeles, where he stayed for 13 years before taking a professorship at the University of California at Irvine in 1970. Undoubtedly his time in California was the most productive of his professional life, and the range of topics on which he has written is impressive: juvenile delinquency, victimization, organized crime, confidence swindling, criminal justice policy, bystander intervention, prostitution, drugs, crime theory, victimless crimes — and of course, white-collar crime.

Geis' work has always reflected a combination of cosmopolitan orientation with the kind of basic values and approaches found in Sutherland's work. Sutherland, as noted earlier, was more



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influenced by a social psychological approach to crime and was more interested in the behavior of specific individuals. Although differential association can be said to be operating at both a structural and individual level, it was clearly the individual level that interested Sutherland.

Throughout his academic career, Geis too focused on individual criminals, even when addressing the topic of corporate crime. But Geis was less awed by the white-collar criminals he studied than was Sutherland. To Sutherland, white-collar criminals were people with whom he could not relate; they came from different backgrounds, had different interests and lived different lifestyles. Geis' work displays more appreciation of the social contexts of white-collar criminals, although he shares Sutherland's high degree of disapproval of their crimes.

The use of irony

Sutherland's interest in white-collar crime stems in part from an appreciation of the subject's irony. The respectability of the white-collar is what both attracts and repels Sutherland to this topic. Clearly, it is ironic that the most "respectable" — in terms of social position and reputation — are at the same time the most criminal — in terms of the dramatic consequences to society of white-collar crime. But there is another irony in white-collar crime, because explaining white-collar crime poses special challenges.

Virtually all other theories of crime are explanations of early crime or delinquency. But the white-collar criminal is almost by definition, a law-abiding child, adolescent, and early adult. It is this respectability that permits the eventual white-collar criminal to be placed in positions where white-collar crime can take place. Corporate officers don't have histories of earlier crime or they wouldn't have been able to occupy the corporate boardroom. They are the successes of the American dream, those to whom nature or deity had provided the ambition and means to succeed in the American

marketplace. Yet, in terms of the damage to society, they are the most dangerous criminals. In this sense, Sutherland (and Merton — the other major theoretical figure of the first half of the twentieth century) was talking not about the idealized notion of "getting ahead" in America (the lure to immigrants), but of the tragic

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consequences of the freedom and choice in this country. The criminals theorized by Merton and Sutherland want it both ways: they yearn for the rewards of society but they are unwilling or unable to achieve them conventionally. They are trapped by the desires of the society in which they live and the lack of conventional opportunity afforded them by that same society. What is a conventional opportunity to one is an unconventional opportunity to another. Criminals are fated by their socialization to want something they cannot have legally. Their only choice is to follow their desires illegally.

One of the most important motivations for Sutherland in his study of white-collar crime was to extend his theory of differential association. Sutherland's commitment to differential association was well known by the 1940s. The theory appeared in his textbook, "Criminology" (later "Principles of Criminology") The first edition of the book appeared in 1924 and did not contain a theory of criminal behavior. The book was one of the first criminology texts and contained a summary of virtually all of the criminological literature at the time, something that cannot now be done. It offered Sutherland a platform on which to proclaim the superiority of environmental

over genetic influences on behavior and undoubtedly increased Sutherland's visibility professionally as he proudly carried forth the relatively new sociological flag into intellectual battle.

The text went through two editions by the time Henry McKay complemented Sutherland on his theory of crime. Not knowing what theory McKay was referring to, Sutherland (1973, 15) found the passage McKay referenced and read that crime was the result of culture conflict in particular city areas. McKay, of course, was pleased that Sutherland was sensitive to the notion of "natural areas," of which Shaw and McKay had made much, but Sutherland appears to have been naïve in understanding that his statement was vaguely theoretical, let alone a theory of crime. In any case, by the next edition in 1939, differential association makes its tentative appearance as a formal theory only of "systematic" crime, not all crime, a designation that would be dropped in later editions. The importance of the theory for Sutherland is reflected in its position in the 1939 edition: it was the whole of Chapter 1.² The next (1947) edition contains the theory as we know it today: nine propositions directed explaining all criminality.

Sutherland's commitment to differential association is well known, and his fervor led him to consider the theory, at least by 1947, to have general applicability to all forms of crime. The topic of white-collar crime permitted him to demonstrate that applicability. His effort at theoretical hegemony, however, was coupled with another desire, one derived from his conservative, rural background: moralizing. (To be concluded in the May/June issue of *Fraud Magazine*.) ■ FM

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Gil Geis: Simply no one like him

The following, which Dr. Joseph T. Wells, CFE, CPA, founder and Chairman of the ACFE, wrote in 1999, is the foreword from "Contemporary Issues in Crime & Criminal Justice: Essays in Honor of Gilbert Geis." — ed.

I knew Gilbert Geis before we were formally introduced by the late Donald R. Cressey in 1986. However, like so many others, I had met him only through his writings. But thanks to Don's retirement party, that was about to change.

There were at least a hundred people in the hotel ballroom that night. It was hard to get Don's attention — what with the crowd around him. Yet, I knew Gil Geis was there, and I was anxious to meet this man who had already exerted significant influence on my thinking about important sociological issues. And having already read "On White-Collar Crime," I learned that since his childhood, Gil had kept track of every single book he had read. I found that fact perpetually fascinating and wondered why I never thought of doing the same thing.

My persistence that evening with Don Cressey finally paid off. When the crowd around Don momentarily subsided, I waded in. "Don," I said, "I really want to meet Gil Geis." Cressey smiled and motioned over my shoulder. "Well, you won't have to wait long," Don said. "He is right behind you."

I thrust my hand in Gil's, introduced myself, and proceeded to fawn over him like he was a rock star. It was clear that Gil didn't have a clue who I was. He was nonetheless extremely gracious to the stranger in front of him.

At the time Gil and I met, Don Cressey and I had known each other for several years. As a matter of fact, it was Don who introduced me to Gil's early work, which I devoured

hungrily. Unlike both Don and Gil, I had no formal training in criminology. But I did have a background that fit nicely with academics — for nearly 10 years, I was an FBI agent specializing in the investigation and prosecution of white-collar crime, and had almost 200 convictions under my belt.

After leaving the FBI, I established an investigative and consulting practice dealing with fraud detection, prevention and education. I had sought out Don Cressey early in that career. He was able to educate me in a much larger sociological context and, in turn, claimed it was fascinating for him to hear the experiences of someone who had worked in the trenches. In short, it was a perfect merger between academics and the "real world." That merger was not destined to last, as Don passed away suddenly in July 1987. Not only did I lose my friend; I also lost his wise counsel.

But on the eve of Don's retirement party, neither he nor Gil nor I could have possibly fathomed that — nearly 15 years later — I would be the chief executive officer of the largest anti-fraud association in the world, or that Gil Geis would be its president.

Like so many events in life, what has occurred between Gil and me was destined to happen. The evening we met, I found out that he owned a condominium in Austin, Texas — where I also lived. Gil had purchased the property to be near his stepson, Ted, who teaches at the University

of Texas. Naturally, I encouraged the eminent Dr. Geis to visit my offices on one of his trips. I was thrilled when he called. It became tradition for us to lunch at Katz's deli, a short walk from my office. There, stuffing our faces with kosher pickles and big, juicy Reuben sandwiches, we would philosophize.

I was — by this time — in the midst of establishing a new professional organization: the Association of Certified Fraud Examiners. Its purpose was to recognize and educate that specialized cadre of individuals who concentrate exclusively on the detection and deterrence of fraud and white-collar crime. Typical CFEs include corporate and government fraud investigators, internal auditors responsible for antifraud matters and public accountants who specialize in white-collar crime.

As with any profession, one of the first tasks was to codify a common body of knowledge. We decided that the Certified Fraud Examiner would need expertise in four areas: fraud investigation techniques, legal elements of fraud, fraudulent financial schemes and criminology. It was further agreed that the common body of knowledge would be set forth in the soon-to-be-created *Fraud Examiners Manual*.

Gil wrote the entire criminology section of the *Fraud Examiners Manual* in less than six months. It was an amazing feat for anyone to condense the fundamentals of criminology into a mere 400 pages. It



was made possible only by the fact that he knew much of the material from memory. Since then, Gil had co-authored three separate editions of the "Fraud Examiners Manual," which have been used to educate literally tens of thousands of antifraud practitioners. Indeed, since 1988, when the Association of Certified Fraud Examiners was organized, its membership has grown to 25,000 in 70 countries.

In 1992, when our rolls were less than 5,000, I asked Gil to serve as president of the Association. He has been a significant influence in the 500 percent growth of the organization since that time. Don't get me wrong — Gil doesn't run things. That's my job. But he tells me how. And no one could have done it better.

I have only one regret about my association with Gil: I didn't meet him sooner. It would have been a particular honor to sit in his classroom hours on end, learning from one of the true masters. However, that was not meant to be. Instead, I have forged a tremendous friendship with Gil over the years that will continue to last, regardless of any professional collaborations. I find Dr. Geis immensely stimulating. At the time in life when most men would be looking back on their accomplishments, Gil is anxiously looking forward to the next challenge. With his quick wit and razor-sharp mind, he can both educate and entertain — often in the same sentence. But so it is with this man, the preeminent Dr. Gil Geis. There is simply no one like him.

Notes

¹ Sutherland's theory of differential association contains nine propositions: 1) Criminal behavior is learned; 2) Criminal behavior is learned in interaction with other persons in a process of communication; 3) The principal part of the learning of criminal behavior occurs within intimate personal groups; 4) When criminal behavior is learned, the learning includes a) the techniques of committing the crime; and b) the specific motives, drives, rationalizations, and attitudes; 5) The motives and drives are learned from a definition of legal codes as favorable or unfavorable; 6) A person becomes delinquent because of an excess of definitions favorable to violation of law over definitions

unfavorable to violation of law; 7) Differential association may vary in frequency, duration, priority, and intensity; 8) The process of learning criminal behavior by association with criminal and anti-criminal patterns involves all of the mechanisms that are involved in any other learning; and 9) While criminal behavior is an expression of general needs and values, it's not explained by these needs and values, since non-criminal behavior is an expression of the same needs and values.

² When Donald Cressey took over the book for the 1955 edition, he placed the theory of differential association, more modestly, as Chapter 4.

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— Dr. Joseph T. Wells, CFE, CPA

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