

Résumé du contenu/English Summary

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RÉSUMÉ DU CONTENU/ENGLISH SUMMARY

Translation : D. Crelinsten

The summary of an article does not always give a sufficiently precise idea of its full content. Hence in order to better reflect the philosophy and aims of this volume, which stresses the need to study the ramifications of business crimes, we are presenting the following translation of the editorial written by Mr. Denis Szabo, which clearly outlines the theme of each article.

Having gone into the question of juvenile delinquency, the prison system and detention methods in previous volumes, « Criminologie » now undertakes the subject of business crime in Quebec. For a long time on the criminological agenda, « white collar » crime has been subjected to very little empiric research. The criminology of poverty, according to the Venezuelan criminologist Lola Aniyar de Castro, has been viewed by many as the « poverty of criminology ». In other words, it has been easier to compile documentation on the social maladjustments and pathologies of the underprivileged classes of society than to study the « deviations » and delinquencies of the middle and upper classes. Information on « white collar » crime is difficult of access (settlements out of court, private handling of cases, etc.), and its very nature is extremely complicated (the determination of the grounds for litigation calls for highly complex legal concepts, multidisciplinary knowledge, various branches of law, and the sciences of economic, commerce, finance and accounting, in addition to ordinary criminological knowledge). However, the development of a business-related type of criminology was dependent on the political consent of the legislator within a society determined to handle this particular type of delinquency more severely.

During the sixties, there was finally a social and political trend in North American society towards giving priority to the fight against various forms of « white collar » crime. It may be remembered that during the investigations into organized crime, it was discovered that there were links between the underworld and the « legitimate » economic and political sector. There was proof of corruption in certain milieus and a great many charges were laid by public ministers (especially when Mr. Robert Kennedy

was present in the Department of Justice). Many political figures were arraigned, some even imprisoned. The Watergate affair was the culmination of this process. In Quebec, the Minister of Justice, under the direction of Mr. Jérôme Choquette, established a commission on organized crime whose revelations and results were similar to those that took place south of the border.

What is business-related criminology? Georges Kellens presents several aspects in his report to the Council of Europe in 1976. There is the parasitic element of business life; legitimate profit-making in a given economic system can become parasitic or be abused... « The mechanism of fraud can be triggered by a debt... not honoured when due. It can also begin little by little when a business adopts conduct which promises an easy profit. On the other hand, it may merely be the expression of a personality motivated by a taste for risk, by ambition or even estheticism (p. 11) ». Crimes of this type « are innumerable minor infractions which run the gamut from the unscrupulous to complicated fraudulent schemes. Numerically, they are the most « abundant » category of white collar crimes. What Kellens calls the « *pathology of failure* » is limited to actual, that is, basically unintentional, bankruptcies (p. 21). This category of crime increases considerably in times of economic crises. In many cases, the « aggressor » like the « victim » commits suicide — physically, or morally by fleeing the country. Risk being in the very nature of business, as Kellens points out, under certain circumstances, it may become excessive.

Finally, there is the *abuse of power*, that is, « success that doesn't bother with petty laws and regulations — these are alright for others. Once a certain position has been achieved, and the ideal of success established, the fair play in getting there is no longer questioned » (p. 27). This third category of white collar criminals implies tremendous economic power. The antitrust laws, agencies such as the Security and Exchange Commission, and the commissions set up to supervise prices when public controls on salaries were established, are examples of the government's response to this type of crime.

The articles presented in this volume show that Quebec is in the vanguard of criminological studies concerning the privileged classes. José Rico's article places these studies in theoretical

perspective and his analysis points out the avenues of investigation. Jean-Pierre Charbonneau, well known for his first-hand inquiries into cases of corruption linked with the infiltration of the underworld into « business » and politics, draws a picture of the complex field open to the talents of both defenders of the law and scientific researchers. Judge Cliche, who undertook the particularly delicate investigation of corruption in the unions, writes of ones of his experiences. Finally, Jacques Marquis, of the Montreal Police, who has a front seat as far as observing white collar crimes is concerned, gives us the point of view of the police charged with the detection of fraud. The contribution of Alice Parizeau of the « Dubois Brothers » adds a vivid description of these « mercenaries » who fight the battle of those behind the scene, comfortably installed between the economic and political powers and those of organized crime.

The only empiric study in this volume, written by Reneault Tremblay, is devoted to the unofficial control of managers of financial institutions when banking infractions occur. The research, without prejudging the justice of their reasons, shows the considerable effort put forward by victims to settle these offences outside the criminal justice system. It is indeed difficult for the criminologist to properly assess the number of white collar crimes when the victims find it more to their advantage to « take justice into their own hands ».

It is obvious to the reader that the amount of white collar crime is far greater than the criminology dealing with this type of offence, not only in our own milieu but throughout the world. However, there has been a much needed change of focus : like the United Nations Congress, held in Geneva in 1976, which dealt with this problem in a special section, the Council of Europe devoted its second conference of Directors of Criminological crime. We may recall that in 1973 the France/Quebec seminars in criminology examined this situation. Research projects in this area are now at the planning stage in both the School of Criminology and the International Centre for Comparative Criminology of the University of Montreal.

Though we have to make up time in order to reduce the « poverty of criminology », we must not ignore the many difficulties that lie in our way. Let us briefly enumerate them :

a) No public agency in Canada or Quebec considers this domain one of its priorities. Consequently, it is very difficult to obtain research grants ;

b) The political aspects of these studies discourage professional organizations and the government authorities from cooperating with researchers. Since the great majority of data are accessible only through the cooperation of those involved, this creates a considerable obstacle to overcome before research can be undertaken ;

c) The close interrelation between the juridic, economic and psychosociological elements demands a multidisciplinary team and requires research animators trained in at least three disciplines : law, economics and sociology. There are exceedingly few experts of this stamp in our midst.

It seems, however, that there is a desire among the public and in the universities, still not strong but growing, to put an end to our discipline remaining a « criminology of poverty ». We trust we shall obtain the cooperation of the public authorities and the representatives of commerce and industry so that we can bring to light the somber side of their activities. No individual or social agency is exempt. The suspicion which casts a slur on the morality of the entire political and economic system can only be allayed by a better understanding of the socio-cultural mechanisms that produce « white collar crime ». For some, business will remain « criminal » and politicians « corrupt » until objective scientific clarification can provide a just evaluation of the situation.

The recent studies of George Cabot Lodge in the United States show changes in the value system which redefine the conditions of legitimacy in the business world in American society. In the work of L. Silk and D. Vogel ¹, on « Ethics & Profits : The Crisis of Confidence in American Business » (1976), the authors warn the business world against the dangers of a conservatism and an attachment to values such as « business is business », inherited from the XIX^e century. The prestigious Conference Board of the United States lent its assistance for the preparation of this book whose authors invite commercial enterprises to make a significant revision of the criteria and values that govern their activities. If

1. L. Silk, D.T. Vogel. See above, N.Y. Simon & Schuster, 1976.
G. Kellens, *la Criminalité des affaires, aspects sociologiques et psychologiques*, Strasbourg, Council of Europe, 1976.

there is an awakening of conscience in these milieus, criminological research on delinquency in business will lose its stigma of subversion as well as that of carrying on a crusade. It will appear side by side with the other areas of criminology, devoted in this field, as in the others, to the service of justice.