4
Outer-Legal Self and Inner-Moral Self

Introduction

This chapter considers the importance of managing an individual’s stigmatisation, by reviewing the pleas made in court by the offenders, compared to their own personal belief in their guilt. They may go through a number of stages in admitting their guilt over the period of their offending and incarceration. Chapters 5, 6 and 7 examine how they viewed their crime, from their original motivation through to the assessment, when imprisoned, of their gains and losses. However, the first matter considered here is how they viewed their offence when choosing to plead guilty or not guilty in court.

Within the sample of 41 offenders, 26 (63 per cent) had pleaded guilty in court. There was some variation here between the genders, with 59 per cent of men (n = 19) and 78 per cent of women (n = 7) pleading guilty. Nevertheless, as Rothman and Gandossy point out, a guilty plea is not always as clear-cut as it might first appear, and often defendants may only grudgingly acknowledge their guilt. They note that a guilty plea may not itself be an indication of admitting full personal responsibility, stating that many offenders maintain their innocence throughout their prison sentence. Furthermore, they caution that pleading guilty in court may have little relevance to the level of acceptance of guilt admitted by individuals to themselves, or other audiences outside the criminal-justice system, during the trajectory of their offending and incarceration (1982, p.455).

The importance of being able to manage the labelling process so as to avoid stigmatisation as a criminal is particularly crucial for white-collar offenders (Sykes and Matza, 1957; Benson, 1984; McBarnet, 1991). However, for many of these individuals achieving this may create personal tensions between their internal, ‘inner-moral’ self, and the presentation

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of their external, ‘outer-legal’ self. During the interviews, the accounts offered by the subjects – used in the first instance to measure the level of their acceptance of their guilt – gave details of their legal plea in court. Either through the accounts of their behaviour, by direct admission, or by the very nature of their accounts, a mismatch in some offenders between their outer-legal and inner-moral selves became evident. In other words, what they had pleaded in court did not always agree with what they believed to be true. By using their accounts of the formal plea entered in court, compared with those of their internal acceptance (or otherwise) of their criminality in a non-judicial setting, a typology of legal and moral acceptance of guilt was developed, as detailed in Figure 4.1 below.

The analysis highlights four distinct categories of offenders relating to their acceptance of criminality and of the preservation of their characters, which were termed ‘total rejectors’, ‘acceptors’, ‘tactical acceptors’ and ‘tactical rejectors’. Allocating each offender to one of these categories was not a straightforward process because of the detailed nature and complexity of his/her account. In addition, data gathered during interviews was

*Figure 4.1* Typology of outer-legal and inner-moral selves with respect to acceptance of guilt by white-collar offenders