While the behavior that constitutes white-collar crime can reasonably be argued to be as old as crime itself, the concept of white-collar crime has a very definite beginning. It was first coined by Edwin Sutherland during his presidential address to the American Sociology Society in 1939 and developed in 1949 into a controversial book titled *White-Collar Crime*. Despite its age as both a behavior and an academic concept, white-collar crime has still not been popularly integrated into criminological discourse, and resistance against the concept remains.

Arguably, the most exhaustive academic dispute regarding whether white-collar crime can really be considered a ‘crime’ is that involving Sutherland himself and sociologist–lawyer Paul Tappan. As Gilbert Geis notes, Tappan focused on Sutherland’s anti-business bias and on his failure to understand that individuals who have not been convicted in criminal courts cannot be called criminals. Unlike some of the definitional problems still discussed in certain circles within the discipline, Tappan only objected to the concept because it did not meet the strict definitional standards of law and what constituted a crime. Tappan had no problem understanding what the concept was referring to, however, which indicates that the definition may not be as unclear as some purport it to be.

Nonetheless, the definitional problems of white-collar crime widely persist today and can sometimes end up being used against the concept. This is especially true in a business-friendly territory such as Hong Kong. For example, the University of Hong Kong’s Department of Sociology does not have a course titled ‘White-Collar Crime,’ because, as the course instructor explained, ‘I have named this course “Corruption, Fraud, and Computer Crime” rather than “White-Collar Crime” because white-collar crime does not exist. It does not exist because there is no clear definition of what it stands for.’

Y. Fun, *Cloaking White-Collar Crime in Hong Kong’s Property Sector* © Yujing Fun 2015
While having the benefit of a clear definition would, without doubt, seem to make things much easier for the discussions in this book, the flexibility offered by a loose definition presents undeniable opportunities to push understandings of what the concept of crime could and should entail. Indeed, the fact that the term ‘white-collar crime’ appears unable to move from this state of limbo into any state of certitude (despite its age, both as a behavior and perception) tells a story of its own. While our discussions will leave little room in telling this story, it is hoped that some of it will shine through in the following chapters.

Before going further, I should note that beyond the sociological understanding of white-collar crime that is primarily based on class and status, there is also a legal understanding of the concept. This distinct perspective is due to the fact that the legal definition of white-collar crime is informed by different motivations and values. Thus, in a legal context the term normally implies nonviolent crimes – and almost definitely fraud. While this distinction may not seem to matter much here, it is nonetheless important to keep it in mind. This division between the legal and sociological understandings of white-collar crime will be discussed at the end of this chapter and, afterwards, I will argue for my general focus on the sociological understanding of the concept.

Classical objections to white-collar crime

When the concept of white-collar crime was first introduced, it was not without its detractors. In this section, the work of those who first objected to the use of the term ‘white-collar crime’ is outlined. In launching what became a steady stream of opposition since Sutherland’s introduction of the concept, these arguments had the benefit of context and thus tended to attack the concept at its academic core. It is this line of attack and its proximity to the time of Sutherland that make these objections ‘classical,’ because much of the academic disagreement today can be reflected in the opposition set out here.

Tappan and Caldwell: partners against the concept of white-collar crime

It can be safely said that the most-heated contemporaneous objection during white-collar crime’s inception was made by Tappan. His 1947 article, ‘Who is the Criminal?’, lays out a systematic and carefully thought-through response as to why the term ‘white-collar crime’ carries no weight – legally or scientifically. His article remains extremely