

## **A Gender Perspective on Corruption: The Case of Building Permits**

Petter Gottschalk\*

### **Abstract**

The dominance of males in virtually all forms of crime is one of the most well established empirical regularities in criminology. The gender gap in crime, however, is not uniform, that is, it varies over offense type. Men dominate in the commission of direct contact predatory street crime involving violence, such as murder and robbery, while women commit a somewhat larger share of minor property crime types such as shoplifting. The gender gap in crime extends to white-collar crime. Proposed reasons for gender differences in white-collar crime include lack of opportunity and risk aversion among women. As it does with street crime, the gender gap in white collar crime varies over different types of It came as a surprise that a female officer in the building permits department in the city of Drammen in Norway was detected for corruption. She confessed having received bribes from a number of builders. When applying convenience theory, gender theory as well at the gender model, however, it comes as no surprise that also women are involved in corruption. The lack of detection is linked to the lack of suspicion against female managers.

**Keywords:** Opportunity theory; gender theory; white-collar crime; corruption; detection.

### **Biography**

Petter Gottschalk is Professor in the Department of Leadership and Organizational Behavior at BI Norwegian Business School in Oslo, Norway. Dr. Gottschalk has published extensively on knowledge management, fraud examinations, police investigations, financial crime, and white-collar crime.

### **Introduction**

Out of 405 convicted white-collar criminals in Norway from 2009 to 2015, only 8 percent were women. The female offenders were convicted of bank fraud, employee embezzlement, tax evasion,

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\* Department of Leadership and Organizational Behavior, BI Norwegian Business School, Nydalsveien 37, 0484 Oslo, Norway, petter.gottschalk@bi.no, +4746410716

and other kinds of financial crime. None of them were convicted of corruption (Benson and Gottschalk, 2015).

In a variety of audiences, we have frequently asked the following question: If you want a building permit for your new house in an area regulated for recreation – such as a public beach – who would you bribe: A female or male executive officer with the same powers and in the same positions in your municipality? More than ninety percent respond the man, less than ten percent respond the woman.

Therefore, it came as quite a surprise when a female executive officer in the City of Drammen in Norway was detected for corruption in 2016. Deloitte (2017) – a global professional service provider – was hired by the city to conduct a private internal investigation of the building permit department by the municipality's control committee.

In this article we address the following research question: *What is the risk of detection for female offenders in corruption?* Based on the case study, we are unable to come up with a clear answer. But we are able to discuss gender differences that are important to understand when studying occurrences of financial crime by white-collar criminals by means of gender theory, opportunity theory, and convenience theory (Gottschalk, 2017). And we are able to conclude that the risk of detection is far less for women compared to men.

### **Deloitte Investigation**

Mette Cranner (58) was in charge of building permits in the municipality of Drammen. She was an architect and ran her own architecture firm that went bankrupt, before she joined public service. Her expenditure in private life far exceeded her income, and she started to accept bribes from construction firms, land owners and home owners. She confessed to corruption (Tommelstad and Quist, 2016).

Deloitte's review was based on the control committee's mandate, which essentially deals with organizational conditions. Deloitte had to take into account that there was a police investigation going on in parallel. Fraud examiners from Deloitte collected data through document analysis, interviews and review of 58 building cases, which had been processed in the municipality's building permit department.

The building permit department is part of city planning, building regulations and development projects, including architectural and historical heritage, urban regeneration, the City's real estate holdings and environmental protection related to urban development. Climate-friendly urban development is a key issue in many municipalities.

All the investigated 58 building construction cases were disputes discovered by the municipality in connection with the corruption case and cases reported to Deloitte in connection with the investigation. Thus, no random selection was made from the building permit department's portfolio. The violations of legal rules, routines and guidelines that Deloitte (2017) detected, are based on review of building permit cases, verified information through interviews and document analysis.

The background for the review is that two employees at the building permit department in the winter of 2016 were arrested and charged with corruption after the municipality discovered serious deviations and reported the two executive officers to the police. The Deloitte (2017) investigation focused on organizational issues. Investigators revealed no additional criminal offenses in their review. Three incidents that were notified directly to Deloitte were handed over to the police for their investigation.

According to the report of investigation by Deloitte (2017), significant weaknesses over several years can be found in management, leadership, control mechanisms, quality assurance and internal audits in the department responsible for building regulations and permits. These weaknesses and shortcomings have led to violations of legal rules and internal procedures that should ensure sound case handling work in the municipality of Drammen. Several aspects revealed by Deloitte regarding permit applications represent acts that cause speculation concerning misconduct.

### **A Gender Perspective**

The dominance of males in virtually all forms of crime is one of the most well established empirical regularities in criminology. The gender gap in crime, however, is not uniform, that is, it varies over offense type. Men dominate in the commission of direct contact predatory street crime involving violence, such as murder and robbery, while women commit a somewhat larger share of minor

property crime types such as shoplifting (Benson and Gottschalk, 2015).

The gender gap in crime extends to white-collar crime. Proposed reasons for gender differences in white-collar crime include lack of opportunity and risk aversion among women. As it does with street crime, the gender gap in white collar crime varies over different types of offenses. In the Norwegian sample, women were involved in fraud, manipulation and theft, but no corruption.

Steffensmeier and Allan (1996) suggested a gendered theory of female offending. The theory focuses on the following elements and interactions between them:

1. Organization of gender: Gender norms, moral development and social control.
2. Biological factors: Physical, sexual and affiliate differences.
3. Criminal opportunities: Sexism in the criminal underworld, access to skills, crime associates and settings.
4. Gender differences in crime: Women avoid more serious white-collar crime, such as insider trading, price-fixing, restraint of trade, dumping of toxic waste, fraudulent product commerce, bribery, and official corruption, as well as large-scale governmental crime.
5. Context of offending: Many of the most profound differences between the offenses committed by men and women involve the context of offending, where context refers to the characteristics of a particular offense. It might be the setting, whether the offense is committed with the assistance of others, the offender's role in initiating and committing the offense, the type of victim, the victim-offender relationship, whether a weapon is used, the extent of injury, the value or type of property destroyed or stolen, and the purpose of the offense.
6. Motivation for the crime: Tastes regarding risk, likelihood of shame or embarrassment, self-control, and assessment of costs versus rewards of crime.

Some white-collar criminals suffer from personality disorders such as psychopathy. Psychopathy can be characterized by fearlessness, antisocial behavior combined with high social attention seeking, immunity to stress, egoism, and self-centered impulsivity (Blickle and Schütte, 2017).

Gender theory allows for interactions among these six factors. For example, criminal motivation will be influenced by both gender organization and criminal preference (Steffensmeier and Allan, 1996: 478):

Gender norms, social control, lack of physical strength, and moral and relational concerns also limit female willingness to participate in crime at the subjective level –by contributing to gender differences in tastes for risk, likelihood of shame or embarrassment, self-control, and assessment of costs versus rewards of crime. Motivation is distinct from opportunity, but the two often intertwine, as when opportunity enhances temptation. As in legitimate enterprise, being able tends to make one more willing, just as being willing increases the prospects for being able. Like male offenders, female offenders gravitate to those activities that are easily available, are within their skills, provide a satisfactory return, and carry the fewest risks.

One important message from gender theory is that white-collar crime among women is strongly linked to opportunity. If, for example, nobody is offering bribes to women in public office, then the opportunity structure is deficient.

### **An Opportunity Perspective**

Organizational opportunity is a distinct characteristic of white-collar crime that varies with the persons who are involved in crime (Michel, 2008). An opportunity is attractive as a way to respond to needs (Bucy et al., 2008). It is the organizational dimension that gives white-collar criminals the opportunity to commit economic crime and hide it in seemingly legal activities in the business. White-collar crime is an offense based on specialized access.

The opportunity perspective holds that opportunity is a fundamental cause of crime. The perspective assumes that individuals make choices to engage or not engage in crime based on the availability and attractiveness of criminal opportunities. Situational crime prevention theory seeks to identify the factors that influence the distribution and attractiveness of criminal opportunities, and then to suggest ways in which attractiveness might be reduced. The theory predicts that reducing the attractiveness of criminal opportunities will lead to reductions in crime (Ceccato and Benson, 2016).

Persons at the pinnacle of a corporate hierarchy (or just about any hierarchy, for that matter) who have considerable authority, are not often challenged, insist upon results, and are accustomed to getting their way. Therefore, various forms of dishonest and illegal behavior that elite members are engaged in seem to be convenient for the offenders. They believe they can ignore various reservations they would have if they were lower down in the power structure, and if they were expected to demonstrate leadership and achieve ethical results. Greed, self-importance, immunity from criticism, getting one's way, and fear of falling all contribute to the convenience of white-collar crime in the organizational setting. An offender is in a position of pointing to the importance of one's place in an organizational hierarchy, one's ability to cover one's tracks, blame others, or insist on deniability, and the pressure to achieve results. White-collar criminals tend to engage in various rhetorical strategies to make it sound to their subordinates as though they have done nothing wrong.

Aguilera and Vadera (2008: 434) describe a criminal opportunity as "the presence of a favorable combination of circumstances that renders a possible course of action relevant". Opportunities for crime occur when individuals and groups can engage in illegal and unethical behavior and expect, with a certain confidence (Haines, 2014), that they will avoid detection and punishment. Opportunity to commit white-collar crime can be found at the community level, the business level, and the individual level. At the community level, control regimes might be absent, and entire industries may be available for financial crime. An example here could be the construction industry, where one can find instances of both cartels and undeclared work. Another example could be tax collection authorities that are unable to trace and control accounting figures from businesses, thereby opening up for tax evasion with minimal risk of detection and punishment.

Huisman and Erp (2013) argue that a criminal opportunity has the following five characteristics: (i) the effort required to carry out the offence; (ii) the perceived risks of detection; (iii) the rewards to be gained from the offense; (iv) the situational conditions that may encourage criminal action; and (v) the excuse and neutralization of the offense.

At the business level, ethics and rules can be absent, while economic crime is a straightforward business practice. An example here is subsidy fraud, where ferry companies report lower traffic number to ensure greater government transfers. Another example is internal invoice fraud, where the accounting department lacks overview over who is allowed to approve what invoices.

At the individual level, greed can dominate, where the business does not have any relevant reaction to economic crime. An example here might be law firms where partners abuse money in client accounts. Another example is corruption, where the bribed person receives money from the bribing person, without anybody noticing on either side.

Benson and Simpson (2015) write that the organizational opportunity to commit white-collar manifests itself through the following three characteristics: (1) the offender has lawful and legitimate access to the premises and systems where crime is committed, (2) the offender is geographically separated from his victim, and (3) criminal acts appear to be legitimate business.

This is very different from street crime such as violence and burglary, where the offender has no legal access, the offender is at the same place as his victim, and the offense does not appear to be legal. A fundamental difference between white-collar crime and street crime is that while white-collar people conceal their crime but do not hide themselves, street criminals do not conceal their crime but hide themselves. Street crime is easily detected, while street criminals are not always easy to find. White-collar crime is hardly detected, but white-collar criminals are easy to find.

White-collar crime does not take place privately, it takes place on the job. The organization is the venue for crime. McKendall and Wagner (1997) describe the opportunity by context and environmental conditions that facilitate rather than prevent the carrying out of criminal activities. For example in the case of corruption, both the briber and the bribed are linked to a job context. The briber typically uses company money to pay, while the bribed receives the money personally because his organization is attractive to the bribing company.

The organizational dimension through work represents the offender's scope for crime. By virtue of employment, ownership, position, relations and knowledge, the offender can explore and

exploit his association with the organization to commit financial crime. As sales executive, the person can pay bribes, and as procurement executive, the person can receive bribes. As finance executive, the person may safely commit embezzlement by fixing accounting figures, and as chief accountant, the person can manipulate accounting to providing tax evasion. As chief executive, the person can sign fake contracts or order fraudulent appraisals that open up for bank fraud by asking the bank to finance future income to be expected from contract partners and sale of real estate. There are ample opportunities for economic crime by executives and others linked to enterprises. Examples of others include administrative managers, attorneys, auditors, bank managers, board members, boat dealers, car dealers, concert organizers, councilmen, management consultants, district managers, entrepreneurs, investors, mayors, medical doctors, members of parliament, nursery owners, property developers, real estate agents, shipbrokers, stockbrokers and surveyors.

White-collar crime opportunities occur through the three characteristics described by Benson and Simpson (2015). The opportunities are greatest for top executives and other members of the elite in society. In relation to convenience theory, the three characteristics make it comfortable, easy and convenient to commit financial crime to solve a problem or answer to a challenge. It may be relatively simple and thus convenient for white-collar elite members to hide criminal activities in the stream of legal activities, and thus give crime an outer semblance of credibility in a respectable business (Pickett and Pickett, 2002).

Opportunity makes a thief, it is sometimes stated. If the availability of legal opportunities to solve problems and exploit possibilities deteriorates, while illegal opportunities flourish and are considered convenient, then white-collar individuals will become less law-abiding. If fraud, theft, manipulation and corruption are easily docked in the enterprise, while law-abiding alternatives are invisible or hard to implement, then opportunity makes an offender.

Organizational opportunity for economic crime depends on intellectual and social capital that is available to the potential white-collar criminal. Intellectual capital is knowledge in terms of understanding, insight, reflection, ability and skill. Social capital is

relations in hierarchical and transactional exchanges. Social capital is the sum of actual and potential resources available for white-collar individuals by virtue of his or her position in formal and informal hierarchies, networks, and matrices (Adler and Kwon, 2002). Formal as well as informal power means influence over resources that can be used for crime.

White-collar offenders are often not alone when committing financial crime. They may cooperate with people internally as well as with people externally. If there is internal crime cooperation, then it may be more convenient for each individual to participate. An environment where crime is accepted strengthens the organizational opportunity. If there is external crime cooperation, then it may again be more convenient for each individual to participate. External actors who, for example, submit fake invoices or receive bribes, enter into a relationship with the internal actor(s) with a code of silence.

The organizational dimension of white-collar offenses is particularly evident when crime is committed on behalf of the business. A distinction is often made between white-collar criminals who commit financial crime for personal gain and white-collar criminals who do it for their employer (Trahan, 2011). The first is labelled occupational crime, while the second is labelled corporate crime. Examples of corporate crime include manipulation of financial figures for tax evasion and unjustified government subsidies, bribery to obtain contracts, false loan applications to obtain credit in banks, and money laundering in tax havens to recruit securities clients. The organizational anchoring of crime is evident in corporate offenses as crime takes place within the business and to the benefit of business (Bradshaw, 2015).

While occupational crime is often hidden by the individual to enrich himself by abusing corporate resources (Hansen, 2009), corporate crime is often hidden by a group of individuals to improve business conditions. In both cases, crime is committed by virtue of position and trust in the organization, which prevents monitoring, control, and accountability.

### **A Gender Model**

Gottschalk (2014) has suggested a stage model to study gender differences in white-collar crime. The stage model is illustrated in

Figure 1. There are a total of five stages, which are discussed in the following. The purpose of the model is to illustrate and explain how common opinions documented in theoretical thoughts can predict the decreasing female fraction from general population fraction to imprisonment fraction. The common opinion in society is that men represent the large majority within all kinds of crime, including white-collar crime (Friedrichs, 2009). The model supports Messerschmidt's (1997) suggestion that gender is an important predictor of criminal involvement – males dominate criminal activity in society. Both Friedrichs (2009) and Messerschmidt (1997) receive support from Steffensmeier and Allen (1996), who list a number of empirical studies in different countries where men commit far more crimes than women. Additionally, Blickle et al. (2006) show that men were the dominant majority among white-collar criminals in Germany.

The relevant stage for this article is concerned with relative detection, where the relative detection risk is estimated at 30 percent from crime stage to prosecution stage in Figure 1. This means, for example, that when the detection rate for men is 10%, then the detection rate for women is 3%. Out of 100 white-collar criminals among men, 10 men will be brought to justice. Out of 100 pink-collar criminals, 3 women will be brought to justice. Theories and studies are used in the following to argue the case of relatively lower detection likelihood for women.

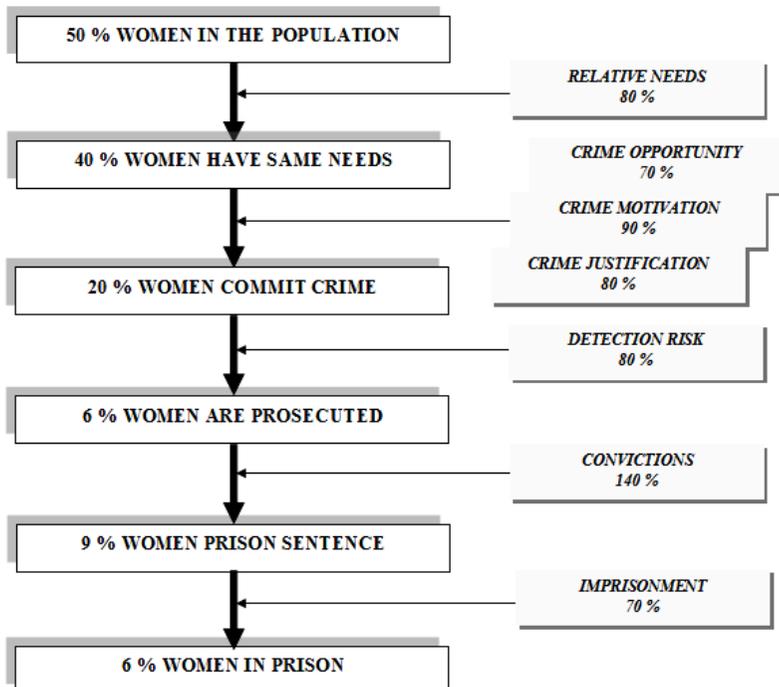


Figure 1: Model for estimation of female fraction in white-collar crime (Gottschalk, 2014)

The environment is generally less suspicious of women than men. The environment tends to decriminalize women. To the extent crime is detected, a woman is not considered or treated as the main suspect. She is either treated as a criminal follower or as a criminal victim in a typical criminal investigation when there are more people involved in the crime. Detection risk is linked to general reasons why women, to a far lesser extent than men, are convicted of white-collar crime, namely that women generally are not convicted of crime, when compared to men.

A simple experiment we have often performed in different audiences is the question who you would bribe. You would like to build a new home on a property that is regulated for recreation. You have the choice of bribing a female or male official in the municipality. Considering all the audiences, a large majority vote almost exclusively men. Almost no-one would bribe a female official.

There are two learning points here. First, very few people think that a woman is corrupt, thereby reducing the detection rate. Second, since almost no-one would bribe a woman, then a woman has less opportunity to be a criminal, which is relevant in the crime star discussed above.

Possibly women are smarter criminals than men. Again, when an experiment is carried out in an audience, most agree with this statement. One reason for relative smartness is that women may tend to stop criminal activities before it is too late. They are smart and manipulating, and often get their will through indirect ways. Women are usually brought up and thought of as the weaker sex in society, and thus have to resort to other ways to accomplish things. It may seem that they only do work and carry out tasks that are indeed important for the company to get done, while men only do what they would like to do. Women monopolize areas where they seem innocent, such as care, health and environment. Women tend to talk most strongly about ethics, morale and social responsibility. It is almost impossible for others to think, at the same time, that they are criminals. Thus, the detection fraction for women will be lower than men's. That women talk most often about ethics, is confirmed by a study carried out by Dodge (2007). She refers to her Canadian study where 94 percent of all companies with an executive board with three or more female members, had established guidelines for conflict-of-interest. In companies with only male board members, the fraction was 68 percent. Studies such as this can help confirm that women, to a larger extent than men, are concerned that the company should follow rules and policy lines to develop and maintain a good reputation.

Some make a distinction between ethics and being ethical. Research by O'Fallon and Butterfield (2005) shows no difference between women and men when it comes to making ethical and unethical decisions. Dollar et al. (2001) found, nevertheless, that a greater fraction of women in parliament is associated with a lower extent of corruption. But here, detection rate can play a role. Research findings that women are more occupied with ethics and demonstrate stronger ethical attitudes than men is also confirmed in earlier studies as well.

Lower relative detection rate can also be explained by the tendency that white-collar crime only captures financial crime of a

large magnitude. This leads to a smaller female fraction, since the average amount in female crime tends to be lower than the average amount in male crime. In addition, women may be cleverer in avoiding the radar and attention, to keep quiet and to stop crime at an earlier stage. Relative low detection rate might also be explained because investigators and detectives misunderstand female roles in crime and tend to perceive women as a victim of crime. Women typically present themselves as victims by claiming to be abused by men.

On the other hand, men have a reputation to be the gender that takes initiatives at high risk, and therefore are more easily detected. They are also detected because they like to show their material success. The police also contribute to the low detection fraction for women. We can here compare with other kinds of crime. When the police come home to a family because of home disorder, the main suspect is always the man, and the man is typically removed from the situation. If the police find documents in the home, it is assumed that they belong to the man.

In a historical perspective, we may find that society has accepted a gender culture where it is more normal for men to be criminals. This can be explained by the confirmation trap, where humans tend to try to confirm what they already think they know. When there are so few convicted women, then there must be fewer female criminals. When there are fewer female criminals, the police will hunt male criminals. When female criminals are not hunted, then fewer women will be convicted.

Yet another reason for a relatively lower detection fraction is that organizations internally treat suspicion as well as detection differently for women. Maybe it is because it is more normal for the board, management and auditor to hand cases of male misconduct and crime over to the police. One might be more afraid of stepping wrong in terms of discrimination by accusing female employees of crime. It can be most convenient to forget about female misconduct and concentrate on male misconduct in internal investigations. It can be argued that traditional investigations are more suited to male suspects than to female suspects.

While some women may stop in time and not to be detected, men typically have a longer criminal career than women (Cauffman 2008: 126):

On average, males tend to have longer criminal careers than females. Because it is difficult to assess when a criminal career is “finished”, convincing evidence about the duration of criminal careers is sparse. A long-term study by Roger Tarling followed a sample of male and female offenders who were born in 1958 through age thirty-one, finding that the average duration of offending was 4.9 years for females, and 7.4 years for males.

In our model, crime detection leads to prosecution. However, sometimes this is not the case. Therefore, it is not only the detection rate that is gender dependent, but also the prosecution rate in court. If detection occurs within a business enterprise, the enterprise may decide not to go ahead with prosecution. Maybe they want to protect their reputation, keep it internal, and not have the public lose confidence in the company. Anecdotal evidence suggests that only three out of ten serious financial crime cases are reported to the police by companies. This number is probably even lower for female crime in the enterprise.

### **Conclusion**

It came as a surprise that a female officer in the building permits department in the city of Drammen in Norway was detected for corruption. She confessed having received bribes from a number of builders. When applying convenience theory, gender theory as well as the gender model, however, it comes as no surprise that also women are involved in corruption. The lack of detection is linked to the lack of suspicion against female managers.

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