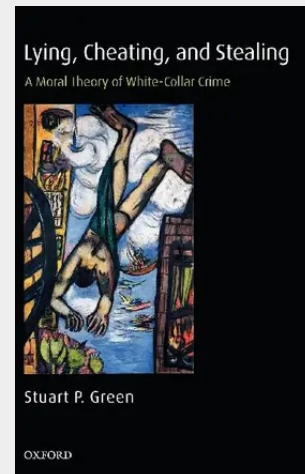


Green

Lying, Cheating, and Stealing

A Moral Theory of White-Collar Crime

Where should the line between serious criminal fraud and lawful 'puffing' be drawn? What constitutes tax evasion beyond mere 'tax avoidance'? What separates obstruction of justice from 'zealous advocacy', or insider trading from 'savvy investing'? Can we meaningfully distinguish bribery from 'campaign contributions', or perjury from 'wiliness' on the witness stand? A look at some of the most high profile white collar crime cases in recent history will quickly reveal that there can sometimes be a fine line between serious fraudulent conduct and behaviour which, though it might be shrewd, crafty, or even devious, is not ultimately criminal. According to the traditional conception of the criminal law, penal sanctions should be used as a 'last resort', applicable only to conduct that is truly and unambiguously blameworthy. White-collar crime poses a serious challenge to this traditional view. This is the first book to use the tools of moral and legal theory as a means to examine a range of specific white-collar offenses, aiming to develop and apply a methodology that will allow us to make meaningful distinctions between genuine white collar criminality and merely aggressive business behavior. Particular attention is paid to the concept of moral wrongfulness, which is described in terms of violations of a range of familiar, but nevertheless powerful, moral norms that inform and shape the leading white-collar criminal offenses - norms against not only lying, cheating, and stealing, but also coercion, exploitation, disloyalty, promise-breaking, and defiance of law. It is through such analysis that the whole moral fabric of white-collar crime is brought into sharp relief.



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