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Pink Collar Crime: An Analysis of Women's Involvement in White-Collar Offenses

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ABSTRACT

This legal study article investigates the phenomenon of "pink collar crime," which refers to women's involvement in white-collar criminal activities. Despite popular belief that white-collar crime is primarily committed by males, it is seen that, albeit to a lesser extent, women are also involved in these offences. The article examines existing literature on the subject, including the types of white-collar crimes in which women are engaged, as well as the reasons for their participation.

The article also looks at the societal and legal responses to pink collar crime. It emphasizes the importance of a gender-informed approach to addressing pink collar crime that takes into account the unique challenges and circumstances that women experience. The article ends with potential solutions for preventing and combating pink collar crime, such as improving women's access to education and job opportunities, as well as adopting gender-responsive policies in the criminal justice system. Overall, the purpose of this article is to add to the growing body of study on pink collar crime and to inform future efforts to address this critical problem.

Keywords: *white collar crimes, pink collar crimes, gender, women.*

I. INTRODUCTION

It is a very general saying that crime is born as a result of poverty. A man's poor socio-economic status is usually a driving motive to commit a crime. However, over the years, this notion has changed. It is now realized that even persons with good financial standing commits crime. Such crimes have known to be referred as 'white collar crimes.'

White collar crime is a nonviolent kind of crime committed by financially sound person during their course of professional or business activities. This term was coined by Edwin Sutherland and he defined white collar crimes as "a crime committed by a person of high social status and respectability in the course of his occupation." This type of crime is a novel term rather it was coined in the year 1939. Sutherland argued that such crimes were often overlooked or treated leniently by the criminal justice system because of the social status of the offenders.

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In Sutherland's view, white collar crime is associated with people of high social status and respectability. However, this has not remained the case since then. As the years passed, the scope of white-collar crimes has been expanding to include a wide range of offences such as cybercrime, corporate crimes, intellectual property frauds, health-care frauds, in addition to the traditional forms of white-collar crimes such as embezzlement, bribery, money laundering, tax evasions, etc. Globalization and with the advent of technology, the expansion in the scope of white-collar crimes has been possible. In other words, with evolution in economy and information communication technology, white collar crime has taken a much perilous shape as it eats up the economy of a country from within and causes greater harm than the traditional forms of crime.

Since the inception of this terminology, it has been seen and assumed that the gender of the perpetrators of crime is male. However, over time, females have also involved themselves in crimes like these. Therefore, this research explores the role of gender in crime, why women are seen implicating in white collar crimes and lastly, suggest some solutions to combat this issue.

II. GENDER AND CRIME- AN INTERRELATION

Gender and crime are two closely interconnected concepts that have been the focus of extensive research in criminology. Crime is not a gender-neutral phenomenon, as men and women have been found to have different patterns of involvement in criminal activities.

Gender differences in crime rates have been a consistent finding in criminological research. Men are more likely than women to commit crime, and this pattern is observed across different types of offenses, including violent and property crimes. In the United States, for example, men are more likely to be arrested for homicide, assault, robbery, and burglary, while women are more likely to be arrested for larceny, fraud, and embezzlement (Federal Bureau of Investigation, 2022).

One of the main explanations for the gender gap in crime is the differences in socialization and cultural expectations of men and women. Men are socialized to be more aggressive, dominant, and competitive, which may lead to higher levels of violent and property crime. Women, on the other hand, are socialized to be more nurturing, caring, and empathetic, which may discourage them from engaging in criminal behavior. Furthermore, gender roles and stereotypes may also affect the way that men and women are perceived and treated in the criminal justice system, leading to disparities in arrest, prosecution, and sentencing outcomes.

Another important factor that contributes to gender differences in crime is the impact of structural and economic inequalities. Men are more likely to experience poverty,

unemployment, and social marginalization, which can lead to frustration, anger, and a sense of hopelessness that may increase their likelihood of engaging in criminal activities. Women, on the other hand, may be more vulnerable to financial exploitation, domestic violence, and other forms of victimization, which may also contribute to their involvement in criminal activities.

In addition to these social and structural factors, biological and psychological differences between men and women have also been studied as possible explanations for gender differences in crime. Some researchers have suggested that hormonal and neurological differences may influence aggression and impulse control, which could make men more predisposed to committing violent and impulsive crimes. However, the evidence for these claims is mixed, and the role of biology in criminal behavior is still a subject of debate among criminologists.

Despite the gender gap in criminal behavior, it is important to recognize that women are not immune to involvement in crime. Moreover, the experiences of women in the criminal justice system may be different from those of men, as they may face unique challenges related to gender, race, class, and other social factors. For example, women may be more likely to be arrested for minor offenses like prostitution, drug use, or shoplifting, which may reflect broader social norms and stigmas related to gender and sexuality. Additionally, women may face higher rates of sexual harassment, assault, and abuse in prisons and jails, which can further exacerbate their vulnerabilities and increase their risk of recidivism.

Gender and crime are two closely related concepts that have been studied extensively in criminology. While men are more likely than women to engage in criminal behavior, the gender gap in crime is influenced by a range of social, structural, biological, and psychological factors. To understand and address this gap, it is important to consider the complex interplay between these factors and to develop policies and interventions that take into account the unique experiences and needs of men and women in the criminal justice system.

III. CRIMINALITY IN WOMEN

Gender and crime, as discussed above, reflects the possible reasons of women committing crime. Some of the scholars have developed theories stating the reasons for the same. These theories are listed as below:

*Strain Theory*²: According to this theory, criminality develops by pressure or tension. The root cause of this tension is increased aspirations to reach certain goals, which are accompanied by obstacles to their attainment. Frustrated people turn to crime to either relieve their stress or to

² Microsoft Word - RoSS-Vol5-No2-2018-v3-11.docx, (Oct. 31, 2018), <https://www.rossjournal.co.uk/wp-content/uploads/2018/11/RoSS-Vol5-No2-2018-v3.1.pdf>.

achieve their aims through illegal means. This idea was developed by Robert Merton and Albert Cohen to explain male delinquency. Cohen also stated that women are absorbed in a limited selection of relationships with the opposite sex. They exist on the periphery because they are idle, unambitious, uncreative, indolent, and frightened. Only those girls, according to his explanation, who are unable to establish fulfilling relationships through socially acceptable dating and marriage will resort to promiscuity for its immediate dividends. Females, he claims, do not commit the full gamut of transgressions because they are not subjected to the same performance expectations as men. Later, Cloward and Ohlin presented a variant of strain theory known as the differential opportunities' thesis. They contended that because she is not involved in the quest for material achievement, women are not eligible for either legal or criminal awards. Females are neither driven to accomplish their society's key success goals, nor are they given a deviant outlet for their grievances. Females' perspectives are limited to the family. In the 1960s, Ruth Morris switched the focus of strain theory to the delinquent female. She argued that preventing girls from accessing legitimate means of obtaining culturally defined success goals leads to delinquency, and that difficulties to maintaining strong affective relationships are more likely to contribute to delinquency in girls. She asserted that delinquent girls tend to come from shattered households or families with a lot of stress and bad family relationships.

*Differential Association Theory*³: Sutherland and Cressey proposed the Differential Association Theory, sometimes known as the Learning Crime Theory, which stated that criminal behavior is taught. Women do not associate with criminals because their gender roles define them as spouses and mothers, limiting their impact and experience to the house. Girls are educated to be kind and do not have the freedom that males enjoy, thus they do not have the opportunity to develop illegal activity. Ruth Morris asserted that there is a lack of a deviant subculture for female delinquents, as well as a lack of cultural support for them. Giordano argued that those girls who believed their female companions approved of a crime would be more offended. As a result, women commit fewer crimes than men since they have fewer learning experiences and skills.

Masculinity Theory: It is composed of two ideas: crime is symbolically masculine, and masculinity provides the motivation for many crimes. Daring, toughness, and aggression are all attributes expected of the criminal. Talcott Parson articulated it in 1947. Based on the structure and function of the American nuclear family, he gave an explanation for boys' higher criminality than girls. He argued that the primary role of women in the home is to nurture and socialize

³ *Ibid*

children, whilst men are expected to provide financial support for the entire family by working outside the home. This sex-based division of labor impacts boys and girls differently and explains why men rebel more than women. As a potential earner, he engages in delinquent behavior such as stealing, but the female, as a future wife and mother, is more inclined to indulge in sexual promiscuity, and girls who steal, steal items that will make them more desirable to the opposite sex. Klein and Kress explained female crime's pettiness in terms of women's social inferiority because the unlawful market place likewise has a sexist class structure.

*Control Theory*⁴: Hirschi believes that humans are inherently immoral, and that unless somebody intervenes, they will engage in both social and antisocial behavior. He claims that society has devised a number of methods for managing its members and preventing their natural proclivity to deviate. If a person is linked to conventional people, committed to and active in conventional institutions and behaviors, and believes in conventional society's rules, he or she will choose not to violate. He discovered that boy-parent communication closeness and good school records predicted minimal delinquent involvement. Criminologists who attempted to apply the same idea to girls discovered that, while greater social bonding of girls explains their greater conformance, it is insufficient to explain the sex differential in offending.

IV. PINK COLLAR CRIME- EVOLUTION, MEANING, NATURE AND SCOPE

Knappe Howe (1977) invented the term 'pink collar' during the second wave of feminism (the 1960s - 1980s). She recognized three distinct aspects of women's work: segregation, underpayment, and sexual harassment. During the same time period, the feminist criminology school began researching the treatment of women as offenders and victims, as well as how they were punished as both. Women had not been investigated as a distinct 'group' by criminologists, and conventional criminological theory had failed to explain why women commit many less crimes than men. Women's crime, victimization, and women in the criminal justice system were all studied by feminist theorists.

What is the origin of the word 'pink - collar'? What about pink, a color typically associated with women and used to identify female workers as 'pink-collar'? Why was this color 'selected' to describe women, and by whom? What does this color's utilization indicate about women and their work? Blue collar is supposed to allude to protective garments / dungarees worn by manual labor. Its use was first documented in the United States in 1924. Blue has not always been linked with men or the lower classes. The Smithsonian magazine (online) published the findings of

⁴ *Ibid*

Paoletti (2011)⁵'s lengthy research, which highlighted the shift from gender neutral clothes for children under the age of six to gender specific infant colors following WW1.

Interestingly, pastels were assigned to boys and blue to girls. In 1940s America, the distribution of infant hues was reversed, which might have gone either way. Color gendering is thus a recent occurrence that may not be as 'laden' as modern philosophers might indicate.

Knappe Howe used the phrase 'pink - collar' as the title of her acclaimed book to describe women workers in America. Her work is mentioned in her obituary in the New York Times (1984) as follows:

“...Pink Collar Workers,” which was nominated for a National Book Award, claimed that the majority of American women, despite the women's movement, remain as segregated occupationally as they were at the turn of the century. It argued that women are still trapped in traditional jobs as waitresses and secretaries, in which pay is consistently inferior to men's.”

According to Dodge (2007)⁶, "traditionally, and not surprisingly, white-collar crimes have almost exclusively been concocted and perpetrated by men." (p 379). Women workers were denied advancement opportunities due to their position in society and the workplace, which was referred to as the 'sticky floor' or 'pink collar ghettos'.

According to the feminist school of criminology, there is a reason why women are treated less well in society. The explanation for this is 'patriarchy,' or men's institutional subordination and exploitation of women. Despite being perceived less favorably by society, women often behave better than males – gender is the largest predictor of criminal activity.

The nature and scope of pink-collar crime is the same as the white-collar crimes. Pink collar crime is a term used to describe non-violent, white collar crimes that are typically committed by women in positions of trust and authority in the workplace. These crimes are often motivated by financial gain or the desire for power and status. Examples of pink-collar crimes include embezzlement, forgery, and theft.

The nature of pink-collar crime is characterized by its non-violent nature and the fact that it is often committed by women who occupy positions of power in traditionally female-dominated industries such as healthcare, education, and non-profit organizations. Women who commit pink collar crimes often have access to financial resources, information, and opportunities to exploit their positions for personal gain.

⁵ Paoletti, J.B. (2012) *Pink and blue: Telling the girls from the boys in America*. Bloomington: IN.

⁶ Dodge, M. (2007) From pink to white with various shades of embezzlement: Women who commit white-collar crimes. In *International handbook of white-collar and corporate crime* Springer: Boston, MA. 379-404

The scope of pink-collar crime has broadened over time due to advancements in technology and changes in the nature of work. With the rise of the digital economy and the increasing reliance on technology in the workplace, cybercrime has become a prevalent form of pink-collar crime. This includes crimes such as identity theft, credit card fraud, and computer hacking.

Another area of pink-collar crime that has gained increased attention in recent years is healthcare fraud. This type of crime involves the submission of fraudulent claims for medical services, medications, or equipment in order to receive payment from insurance companies or government programs. Healthcare fraud can have serious consequences for patients who may receive unnecessary or harmful treatments, and for taxpayers who fund government healthcare programs.

The scope of pink-collar crime also includes intellectual property crimes such as copyright infringement, trade secret theft, and patent infringement. These crimes often involve the theft of valuable intellectual property from companies or individuals for personal gain.

V. SOCIETAL AND LEGAL PERSPECTIVE

Societal and legal responses to pink-collar crime have varied over time and across different contexts. In general, there has been a growing recognition of the seriousness and prevalence of this type of crime, and a corresponding increase in efforts to prevent and punish pink-collar criminals.

From a societal perspective, there has been a greater focus on educating people about the risks and consequences of pink-collar crime, particularly in industries where women are overrepresented. This may involve providing training to employees on topics such as financial ethics and fraud prevention, as well as creating more supportive and transparent work environments that discourage criminal behavior.

Societal responses to pink-collar crime have primarily focused on increasing awareness and educating the public about this issue. This includes media campaigns and public education programs aimed at raising awareness about the problem and promoting gender equality in the workplace. By highlighting the unique challenges and circumstances that women face, these efforts seek to create a more gender-informed approach to preventing and combating pink-collar crime.

In addition to public awareness campaigns, legal responses to pink-collar crime have also emerged in many countries. For instance, some jurisdictions have created specialized units within law enforcement agencies to investigate and prosecute white-collar crimes committed

by women. Such units have been established in the United States, Canada, and other countries to focus on crimes such as embezzlement, fraud, and identity theft.

Moreover, some countries have also introduced legal frameworks that specifically address pink-collar crime. In India, the Prevention of Money Laundering Act, 2002, includes provisions that address the role of women in money laundering and other white-collar crimes. Similarly, in Canada, the Criminal Code was amended in 2002 to create new offences that specifically target money laundering and other forms of financial crime.

From a legal perspective, there has been a growing recognition of the need to hold pink-collar criminals accountable for their actions. This has involved increasing penalties for white-collar crimes, as well as developing new laws and regulations that specifically target pink-collar crimes such as healthcare fraud and cybercrime. However, the courts in India have not used this term while deciding any of the cases. While the term "pink-collar crime" may not yet be widely used in legal proceedings in India, there is a growing recognition of the role of women in white-collar crime and the need to address this issue. The Indian government has implemented a number of measures to combat financial crimes, including the establishment of specialized agencies such as the Serious Fraud Investigation Office and the Financial Intelligence Unit.

In India, there have been notable cases wherein women have been a part of a white-collar crime and are punished for the same.

*Nirmala Devi*⁷ - A former professor at Devanga Arts College in Tamil Nadu, who was arrested in 2018 for allegedly trying to lure female students into sexual activities with senior officials in exchange for money.

*Shivani Saxena*⁸ - A director of Dubai-based M/s UHY Saxena and M/s Matrix Holdings who was arrested in 2017 in connection with the AgustaWestland VVIP helicopter case. She was accused of receiving and laundering the proceeds of the crime and was sentenced to three years in prison in 2021.

*Jaya Jaitley*⁹ - A former Samata Party president who was convicted in 2016 of corruption charges in connection with a defense deal in the late 1990s.

⁷ *Tamil Nadu Professor, Accused In 'Sex For Degrees' Case, Granted Bail*, <https://www.ndtv.com/tamil-nadu-news/tamil-nadu-professor-nirmala-devi-accused-in-sex-for-degrees-case-granted-bail-2006710>.

⁸ *Times of India, Dubai-based woman held in AgustaWestland case*, Times of India (July 18, 2017), <https://timesofindia.indiatimes.com/india/dubai-based-woman-held-in-agusta-westland-case/articleshow/59640888.cms>.

⁹ *Former Samata Party Chief, 2 Others Convicted In Corruption Case*, <https://www.ndtv.com/india-news/former-samata-party-chief-jaya-jaitly-2-others-convicted-in-corruption-case-2268906>.

*Sukanya Iyer*¹⁰ - A former employee of Satyam Computer Services who was convicted in 2015 for her involvement in a financial fraud scandal at the company.

*Shubhada Gudekar*¹¹ - A former vice president of IL&FS Financial Services who was arrested in 2019 in connection with a multi-crore loan default case.

Overall, the societal and legal response to pink-collar crime reflects a growing recognition of the importance of addressing this issue in order to protect individuals, organizations, and society as a whole from the harmful effects of financial and professional misconduct.

VI. CONCLUSION AND SUGGESTION

In conclusion, pink-collar crimes have emerged as a critical issue in contemporary society. Despite the widespread notion that white-collar crimes are primarily committed by men, women's involvement in such criminal activities has become increasingly visible in recent years. This research paper has explored the nature and scope of pink-collar crimes, including the various types of crimes committed by women and the factors that contribute to their participation in such activities.

Preventing and combating pink-collar crime requires a multifaceted approach that addresses both the root causes of such crimes and the systems and structures that enable them to occur. Here are some potential solutions:

- i. **Education and Awareness:** Education and awareness-raising programs can help individuals and organizations recognize the signs and consequences of pink-collar crimes. This can help prevent potential victims from falling prey to scams, frauds, or other illegal activities.
- ii. **Regulatory Mechanisms:** Strengthening regulatory mechanisms and developing new ones to identify, investigate and prosecute offenders can serve as an effective deterrent against such crimes.
- iii. **Gender Sensitization:** Addressing the systemic biases and gender inequalities that contribute to women's participation in pink-collar crimes through gender sensitization training for employers, employees and other stakeholders can help foster a more equitable work environment and prevent such crimes.

¹⁰ Bobins Abraham, *Ramalinga Raju And Satyam Scam: All You Need to Know*, (Oct. 9, 2020), <https://www.indiatimes.com/news/india/ramalinga-raju-satyam-scam-india-biggest-accounting-fraud-all-you-need-to-know-524758.html>.

¹¹ Bar & Bench, *Explainer: The IL&FS Insolvency case*, (July 21, 2019), <https://www.barandbench.com/columns/litigation-columns/ilfs-insolvency-the-journey-so-far>.

- iv. **Ethical Business Practices:** Encouraging ethical business practices and promoting a culture of accountability and transparency can help reduce the incidence of pink-collar crime.
- v. **Whistleblower Protection:** Implementing measures to protect whistleblowers can encourage more people to report instances of pink-collar crime and enable law enforcement authorities to take appropriate action.
- vi. **Strengthening Laws:** Strengthening existing laws and creating new ones to address specific types of pink-collar crimes can help deter potential offenders and make it easier to prosecute those who do commit such crimes.
- vii. **Empowering Women:** Empowering women through education, employment opportunities, and financial independence can reduce their vulnerability to economic exploitation and reduce the likelihood of them engaging in pink-collar crimes.

Overall, a comprehensive approach that incorporates these and other strategies can help prevent and combat pink-collar crime and promote a more just and equitable society.
