The 37th symposium of the Gesellschaft für Unternehmensgeschichte was devoted to the topic “White-Collar Crime and Business.” Rolf Nonnenmacher, Chairman of the Gesellschaft für Unternehmensgeschichte, and Holger Kneisel, Regional Chairman of KPMG, welcomed the participants. Nonnenmacher pointed out that the topic of white-collar crime was relevant not only to legal scholars, but also to economic historians for a broader understanding of criminal behavior in corporations. In his introductory remarks Werner Plume, who filled in for Thomas Welskopp, noted that white-collar crime occurs in the context of otherwise lawful business and markets. The term white-collar crime, which originated in the United States, is a modern phenomenon that presupposes a functioning economic system; it differs from organized crime mainly in that its victims are not subject to physical force. The offenders come from all levels of society. There are different forms of white-collar crime in Germany, Britain, and the United States, as well as different penalties.

The first section, “White-Collar Crime in the Postwar Period,” began with Karl Christian Führer’s presentation “Fraud without Punishment? Real Estate Speculators in the Federal Republic of the 1970s and ‘Credit Fraud’ as a Criminal Offense,” which focused on real estate mortgaging as a form of credit fraud. He stressed that this
significant kind of white-collar crime in the Federal Republic was not just an instance of individual fraud, but of criminal actions performed by banks in particular. Despite the great public attention attracted by this issue, it is noteworthy that it was not fully investigated and cleared up by Germany’s state’s attorney’s office. The perpetrator was not brought to trial, and although he could not continue his practices in Germany, he was able to do so in the United States without hindrance, using the same methods. Therefore, it can be concluded that public criticism alone does not deter banks from committing white-collar crime. Comparable cases, however, still remain to be studied. The panel continued with Cornelia Rauh’s presentation, “Conditions like in Columbia? The Siemens AG’s handling of the Munich Sewage Plant Scandal, 1991-2001.” After pointing out that she had to shorten her presentation at the request of Siemens AG, Rauh expressed the hope that all presentations at this conference be published in full length in the near future. Turning to her case study, she explained how the greatest case of white-collar crime in Germany to date harmed not only other companies but also municipalities. One of the most respected German corporations, Siemens AG, caused a scandal that drew great public attention and led to significant consequences for the company. According to Rauh, the key explanatory factors include a “culture of corruption” common in international business, the construction project’s prestige, and historically developed structures such as the cartel of electric manufacturers as well as the long-standing, traditional corporate culture at Siemens in particular. The ensuing discussion revealed that irrational behavior by employees, encouraged by a need for acceptance, had most contributed to the scandal. The legal protection of their employees was more important to Siemens than the awareness that their actions were illegal. This was described as a severe lack of institutional ethics within the company. The employees seemed to have difficulty distinguishing between right and wrong.

The second day of the symposium began with Thilo Jungkind’s presentation “’On my mother’s honor ... I do not know where the barrels are!’ — The perception of the Hoffmann-La Roche Corporation as a Criminal ‘Multi’ after the Seveso Disaster (1976),” which concluded the first section. Jungkind indicated that the firm was now supporting the efforts of historians to investigate the incident in order to determine whether Seveso was indeed the worst accident in the history of the chemical industry in the twentieth century, as well as the extent to which the firm had acted criminally. The presentation showed that
the chemical industry’s safety standards at the time were significantly lower than today and that the company’s crisis management was a complete failure, so there was no dialogue with the public. Jungkind concluded that Seveso was indeed a terrible accident, that the company’s actions were not illegal, but rather naïve, and that the history of the company had to be rewritten in light of these findings.

The conference’s second panel, “Politics and White-Collar Crime,” began with Uwe Spiekermann’s presentation “The Bought Kingdom: Claus Spreckels, the Hawaiian Commercial Company and the Limits of Economic Influence in the Kingdom of Hawaii, 1875-1898.” His analysis of white-collar crime in Hawaii showed that Hawaii was not characterized by the rule of law, but a kingdom in which investments could only be made with the assent of the king. The American investor Spreckels introduced a new silver-based currency in Hawaii and maneuvered the island state into economic dependency. The power politics of the United States were successful when the Islands eventually became a United States territory. In closing, Spiekermann noted that white-collar crime in Hawaii was a common tool in a corrupt environment.

In his paper, “White-Collar Crime in the Third Reich,” Rüdiger Hachtmann argued had this topic has been of marginal interest to scholars. Using the example of the Deutsche Arbeitsfront (DAF), he showed that cases of corruption were considered illegal by the National Socialists but were not prosecuted or made public. When scandals were discovered, some staff members lost their jobs but key figures of the Nazi political system were spared. The offenders were able to operate in an extralegal realm. Nonetheless, the core elements of the judicial system (tax and economic law) were retained for pragmatic political reasons. The case of the DAF exemplifies how the lines between politics and the economy had become increasingly blurred after 1933. Finally, Hachtmann argued that the cases he examined were not exceptions but are representative of white-collar crime in the Third Reich.

Christoph Kreutzmüller’s presentation, “Of Cyclical Hyenas and Party Comrades,” showed that the National Socialists acted as both critics and supporters of corruption. By examining the persecution and destruction of Jewish businesses in Berlin during the 1930s, Kreutzmüller demonstrated that everybody, including politicians, public officials, and business men, could get rich at the cost of Jewish citizens. This form of crime flourished because the offenses were
not prosecuted. He concluded that the National Socialists had in fact committed white-collar crime. Though the contracts for business take-overs were technically legal, the prices were illegal; thus assessment of value was an essential element of the crime. However, it is virtually impossible for present-day historians to reconstruct the proper value of a business in the 1930s.

The conference’s final panel dealt with “Discourses and Legal Developments.” Volker Köhler analyzed the “Verein gegen das Bestechungswesen 1911-1935.” This “Association against corruption” wanted to draw attention to itself and battle corruption as a “force for good” that was independent of the state. Köhler’s historical comparison showed that its goals were in part similar to those of Transparency International (TI), founded in 1993. He concluded both at the beginning and at the end of the twentieth century it was primarily non-state actors that pushed for an objective examination of corruption. Much research remains to be undertaken in this field. Next, Stefan Dörre examined the personality of the individual offender. In his presentation, “White-Collar Crime as Pathology: Professional Discourse and Public Debate on the Personality Structure of Entrepreneurs, Managers and ‘Bankers’, 1965-1985,” he examined patterns of how the motives of the perpetrators have been interpreted. He pointed out that since the 1960s the personality of the overwhelmingly male offenders has received more scholarly attention. Although desire for recognition is often a central motive, Dörre insisted that there are multiple personality types among white-collar criminals, which should make scholars rethink the dominant view of white-collar crime as an “upper-class crime.” Finally, Hartmut Berghoff’s presentation, “From Watergate to the Compliance Revolution: The History of the Fight against Corruption in the United States and the German Federal Republic 1972-2012,” focused on conditions in the United States. During the presidency of Richard Nixon, corruption was rampant and had very negative ramifications for Nixon personally, politics in general, the state, the financial industry, and the United States as a whole. After corruption had been considered a trivial offense in the United States for a long time, Watergate became the starting point for the fight against corruption. Today, the battle against corruption takes second place, right after the fight against terrorism, in the United States.

In sum, it can be concluded that white-collar crime generally had far-reaching negative consequences for the businesses involved, the political system, and the individual offenders. A desire for recognition
and personal enrichment appear as the primary motives of the predominately male perpetrators. It is surprising how often irrational behavior is connected to white-collar crime in the otherwise supposedly rational world of the economy. Fighting corruption has become an important issue in contemporary politics. Some progress has been made since the year 2000; however, complete success has not been achieved. White-collar crime is a complex and a multilayered field of research for historians.

The concluding panel discussion, which featured Ursula Weidenfeld, Hartmut Berghoff, Cornelia Rauh, Alexander Geschonneck and Manuela Mackert as panelists, focused primarily on the question of whether preventive measures or sanctions were more effective in the fight against corruption. The "compliance revolution" that took place around the year 2000 increased overall awareness of criminal behavior in corporations. In Germany and in the United States new laws and changing company cultures helped to penalize white-collar crime. Mackert reported that in her experience the personal responsibility of employees and the priority given to the issue by the company most effectively facilitated the necessary change in business culture. By now, anti-corruption measures were, overall, regarded positively in the business world. Geschonneck and Rauh argued that the main causes of white-collar crime were a desire for recognition and personal enrichment, not a desire to prevent an insolvency of the company. Berghoff called for a stronger sense of responsibility among managers, who should support anti-corruption efforts by focusing on preventive actions instead of penalties; this could help avoid damage to the companies. Geschonneck concurred, noting that compliance was currently analyzed not only from a legal but also from business-management perspective. Plume pointed to the long-standing dilemma in international business that entrepreneurs have to adjust to cultures of corruption in order to be successful economically. Since it is not possible to prevent all white-collar crime, he stressed the importance of individual critical reflection as well as action against corruption by corporations. Rauh raised the question of what the history of emotions might contribute to the study of corruption, particularly regarding individual motives and circumstances. She concluded by stressing that the measures against white-collar crime remained insufficient and that prevention was more sensible than sanction.

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