Chapter 2
Between Hackers and White-Collar Offenders

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ABSTRACT

Scholars often view hacking as one category of computer crime, and computer crime as white-collar crime. However, no study to date has examined the extent to which hackers exhibit the same characteristics as white-collar offenders. This chapter looks at empirical data drawn from 54 face-to-face interviews with Israeli hackers, in light of the literature in the field of white-collar offenders, concentrating on their accounts and socio-demographic characteristics. Hackers and white-collar offenders differ significantly in age and in their accounts. White-collar offenders usually act for economic gain; hackers act for fun, curiosity, and opportunities to demonstrate their computer virtuosity. Hackers, in contrast to white-collar offenders, do not deny their responsibility, nor do they tell a "sad tale."

INTRODUCTION

Today, the falsified ledger, long the traditional instrument of the embezzler, is being replaced by corrupted software programs. The classic weapons of the bank robber can now be drawn from a far more sophisticated arsenal containing such modern tools as automatic teller machines and electronic fund transfers. In short, white-collar crime has entered the computer age. (Rosoff, Pontell, & Tillman, 2002, p. 417)

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The National Institute of Justice defines "computer crime" as any violation of criminal law that involves the knowledge of computer technology for their perpetration, investigation, or prosecution (NIJ, 2000). Computer crime is usually classified as white-collar crime (WCC), in which the perpetrators gain from offenses committed against individual victims or organizations and is usually done as part of someone's occupational activity (Clinard & Quinney, 1973). According to Bequai (1987), computer crime is a part of WCC, since WCC is defined as unlawful activities characterized by fraud and deception, and no

direct violence. McEwen (1989) claims that the advent and proliferation of computer crimes have become as costly as WCC, equally obscure in the public's mind, and similarly underreported. Duff and Gardiner (1996) state that, due to the advent of computers, WCC has become more visible, with the media having an important role in presenting computer crimes as an acute social problem in the new information age. Recent publicized scandals in major corporations have increased public awareness to WCC (Holtfreter, Slyke, Bratton & Gertz, 2008). Duff and Gardiner claim that the "criminalizing of unauthorized access to computer systems, hacking, is one step in this process to the city of surveillance" (p. 212). Recently, Pontell and Rosoff (2009) labeled the term "white-collar delinquency" as the committing of computer crimes (such as piracy, securities fraud, auction fraud, espionage, and Denial of Service attacks) by middle and upper-class youthful offenders.

In this chapter, I view the phenomenon of hacking with regard to that of WCC to learn whether hacking should really be included in the same category. Duff and Gardiner (1996) argued that hacking should not be considered as criminal, and that most forms of hacking cannot be seen as WCC (p. 214). Other scholars, however, view hacking as one of the categories of computer crime (e.g., Rosoff et al., 2002), and computer crime generally as WCC (Bequai, 1987; Clinard & Quinney, 1973; Parker, 1989; Rosoff et al., 2002). No study to date, has been completed pairing hackers and white-collar offenders.

This chapter looks at empirical data drawn from interviews with Israeli hackers in light of the literature in the field of white-collar offenders, concentrating on socio-demographic characteristics and accounts. The roots of the term 'account' can be traced back to Mills' work (1940), who claimed that vocabularies of motives are used to determine behaviors and expectations when faced by other people's responses, regarding different situations (p. 911). "Account" is a statement made by a social actor to explain unanticipated or untoward behavior. An account is not called for when people engage in routine, commonsense behavior in a cultural environment that recognizes the particular behavior as such (Scott & Lyman, 1968, p. 46-7).

I refer to hackers as possible white-collar offenders on three dimensions: content, form, and structure. In the first dimension, the content of the accounts is examined; that is, the language offenders use to explain and justify their behavior to themselves and to others. The second dimension of form relates to whether hackers, as in WCC, employ the "techniques of neutralization" (Sykes & Matza, 1957; Scott & Lyman, 1968). The third dimension of structure deals with the construction of identity (i.e., the way hackers that structure their self-identity and their formation, relative to white-collar offenders).

WHITE-COLLAR CRIME

The term "WCC" can be traced as far back as the works of Sutherland (1940), who defined white-collar crime as "a crime committed by a person of respectability and high social status in the course of his occupation" (p. 9). For sociologists and criminologists, claimed Sutherland, crime is a phenomenon found mainly among the lower social classes, driven by poverty or personal and social characteristics, and statistically linked to poverty, psychopathic deviance, destitute living conditions, and dysfunctional families. But there is evidence that the criminal use of force and fraud exists in all social classes. WCC can be found in every occupation--money laundering, insurance, banking, the financial market, and the oil industry, among others.

Including the offender's social status and level of respectability in the definition of WCC has created a problem in researching and analyzing the terms "high" or "respected status" (Croall, 1992; Green, 1990; Nelken, 1994). Edelhertz (1975) solved this significant problem in Sutherland's