

BOOK REVIEW

Joe McGrath (ed), *White-Collar Crime in Ireland: Law & Policy* (Clarus Press 2019), ISBN 978-1-911611-21-9.

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'The Irish architecture addressing white-collar crime has changed profoundly since the 1990s, but particularly in the last decade since the financial crisis'. These are some of the concluding remarks from Dr. Joe McGrath and it is against this backdrop that this book has been written. In bringing together authors from professional and academic backgrounds, *White-Collar Crime in Ireland: Law and Policy* makes a significant contribution to the scholarship on white-collar crime in Ireland. This publication cogently captures the multi-faceted nature of white-collar crime through its deft treatment of its varying subjects.

It seems uncontroversial to state that the study of white-collar crime, broadly speaking, is both an area with a distinct history, and one which is experiencing a renaissance as of late through increased scholarly interest. Not only have academics from various disciplines converged in their study on the effects and causes of white-collar crime, but the general public too has become acutely aware of the potential for white-collar criminals to cause unfathomable levels of financial, social, and environmental harm. Prior to providing an overview of the contents of the book, it is important to note one of its particularly commendable features, which is its ability to weave 10 articles seamlessly into one publication in a manner which never feels disjointed or artificial - a not so simple feat for a publication of this kind.

The following is designed to provide a snapshot of the contents of each chapter. Chapter 1 provides a strong introduction to the book and exposes the reader to the plethora of contemporary issues in policing, prosecution, and punishment. Chapter 2 highlights numerous concerns in relation to, *inter alia*, the role played by structural issues in placing prototypical white-collar offenders outside of the remit of 'ideal' prosecution. The increasingly important role played by regulatory agencies in recent years is addressed, in addition to an assessment of the role of whistle-blowing in facilitating prosecutions. Chapter 3 provides a nuanced account of cost/benefit analysis for the reader to consider and this account is coloured to great effect with some very interesting real-world examples. Chapter 4, while focusing on different types of fraudulent schemes, provides an outstanding contextual account of corporate investigations in a modern context, particularly as they relate to the processing of large volumes of data. The protections afforded to whistle-blowers under the Protected Disclosures Act 2014 are well discussed in Chapter 5. In this chapter, the authors criticise, among other things, the sectoral approach to whistle-blower protection, as this creates opacity in relation to potential protection and the deterrent effect this lack of clarity has on whistle-blowers is explored.

Thereafter, Chapter 6 provides a fascinating insight into the need to assess corporate culture during investigations into financial services firms. A firm's culture was presented as not just an innate feature of a particular corporate sector, but as a reflection of external forces too. For example, the culture of a financial services firm may be influenced by the level of competition in the market, which may drive firms to become more or less consumer-focused, and a lack of financial literacy amongst the public generally may promote a less consumer-focused approach. The role of the regulator, it was suggested,

should be to provide guidance and to assist in the raising of sectoral standards, and not just enforce minimum standards. Chapter 7 makes the following compelling case: the Competition and Consumer Protection Commission cannot administer fines, it instead needs to initiate civil court proceedings, thus rendering settlement procedures relatively ineffectual. Firms are not incentivised to engage in settlement procedures before a lengthy and costly trial has at least been threatened, if not begun. Whereas settlements, when established in a credible context, prove to be an efficient tool for ensuring corporate compliance. Chapter 8 delves into several issues surrounding the prosecution of bodies corporate. Thereafter, the prosecution of directors is analysed, most notably in the context of cases where the firm itself is not convicted of an offence, or where liability may be attached to a director under consent and connivance provisions.

The penultimate substantive chapter considers sentencing approaches to white-collar crimes, with major considerations such as proportionality and deterrence being assessed in addition to more subject specific mitigating factors, e.g. the defendant being of good character, early guilty pleas, and the scope for a reduction in sentence severity for first time offenders. The role played by more peripheral considerations, such as the operation of due diligence and corporate culture, is explored well. Finally, Chapter 10 contributes a strong comparative discussion of confiscation and forfeiture of benefits from financial and regulatory offences in Scotland, England and Wales, and Ireland. This chapter serves as a cautionary tale for anyone, student and practitioner alike, who may be tempted to read regulatory offenses in isolation without due consideration of possible further legal ramifications which may come in the form of confiscation and forfeiture orders.

As the reader can probably now gather, this book covers a lot of ground, but its worth lies in the fact that this ground is not covered in a superficial manner. On the contrary, detailed analysis occurs throughout the book and each chapter commendably balances detail and rigour with readability and engaging prose. This edited collection is replete with policy recommendations and thought provoking legal analysis, yet remains light on its feet - which is undoubtedly no easy task. *White-Collar Crime in Ireland: Law & Policy* warrants a place on the bookshelf of anyone who works in the field, but also those who may only be tangentially associated with this area. If there is one thing this book teaches its reader, it is that white-collar crime comes in various guises and interacts with a multitude of legal disciplines. This book dispels the misconception that regulatory offences are relatively limited in their application and minor in their significance. Those of us who wish to keep abreast of this fast changing, and increasingly important area of law, are recommended to consider this book very carefully as it should prove to be a useful companion for years to come.