

Course Outline

COURSE:	LAWS 4302B – Regulation of Corporate Crime
TERM:	Winter 2015
PREREQUISITES:	LAWS 2302, and one of LAWS 3005, LAWS 3201, LAWS 3800
CLASS:	Day & Time: Wednesday, 2:35pm-5:25pm Room: Please check with Carleton Central for current room location
PROFESSOR:	Dr. Dale C Spencer
CONTACT:	Office: Loeb D582 Office Hrs: By Appointment Telephone: 613-520-2600 Ext. 8096 Email: dale.spencer@carleton.ca

Academic Accommodations

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance

compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:
<http://www.carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

COURSE DESCRIPTION

In this course, we will identify, understand, and explain the history surrounding corporate crime. We will examine the detrimental effects of corporate crime at the state and transnational level as well as on the environment. We will analyze the efforts of state and transnational actors to regulate corporate crime. In this course will consider the use of sanctions to respond and deter corporate crime We will also consider various alternative efforts to regulate corporate crime undertaken by manifold actors.

Course Objectives

1. To seek understanding of the etiology and types of and key issues related to the regulation of corporate crime.
2. To read and discuss a variety of theoretical perspectives and empirical investigations of these issues, utilizing legal, criminological, sociological, philosophical and interdisciplinary perspectives.
3. To assist in the development of critical reading, analytical, writing, discussion, presentation and analytical skills through seminar participation and presentations, and written assignments.

REQUIRED MATERIALS

John Minkes and Leonard Minkes (2008, eds.) *Corporate and White-Collar Crime*. London and Thousand Oaks: Sage.* All other required materials are available through the Carleton University library online journal and catalogue system.

*This book is available at Octopus books.

GRADES & SCORING

Assignments	Percentage of Total Grade	Due Date
Presentation	20%	See Sign Up Sheet
Critical Commentaries and Class Participation	30%	Weekly
Research Paper Discussion/Presentation	5%	April 1 st , 2015
Paper Abstract and Bibliography	5%	January 28 th , 2015
Research Paper	40%	April 7 th , 2015

The following percentage equivalents apply to all final grades at Carleton:

A+ 90-100	B+ 77-79	C+ 67-69	D+ 57-59	
A 85-89	B 73-76	C 63-66	D 53-56	F 0-49
A- 80-84	B- 70-72	C- 60-62	D- 50-52	

(All components must be completed in order to get a passing grade)

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

PAPERS & PROJECTS

Presentation (20%)

Each student will conduct **one** presentation. See sign-up sheet.

Presentations will introduce the class to the major issues related to the designated topic, will synthesize the required readings of the respective week, and will evaluate the material in terms of its strengths and limitations (presenters are encouraged to include their own views, criticisms, and interpretations).

The presenter will prepare a presentation of approximately 30 minutes in length. The remainder of the class will be dedicated to a discussion of the issues.

The use of visual aids is encouraged as the aim of the presentation is to promote class discussion and debate not only on the content of the material but also on the general theme.

Critical Commentaries & Class Participation (30%)

Students who are not presenting are expected to attend each presentation and are responsible for engaging in scholarly debate, posing critical questions, or raising scholarly

points for discussion on the assigned readings and the presentation of the assigned readings (10%)

To promote class discussion and participation, each class member shall prepare a written critical commentary on the required readings (two per week) and be prepared to raise issues from their commentaries in class each week (20%) from week 2 through week 11.

Critical commentaries should briefly outline the central claims and issues, the central debates or points of comparison, and the scholarly strengths and limitations of material as you see it (interpretations of the material are encouraged).

Commentaries must include at least two critical questions that will inform class discussion and stimulate debate of issues of scholarly importance.

Each submission of critical commentaries must be 3 double-spaced typed pages in length and *handed in on the day that the reading is assigned*.

Students *are not required to submit* a critical commentary on the week that they are presenting.

Paper Abstract and Bibliography Assignment (5%) - Due January 28th, 2015

This assignment involves the development of a specific research question and research parameters for your final paper.

The abstract (250 words) should briefly outline the *thesis*, issues, and arguments you will present in your final paper. Try to choose a clearly delineated and manageable topic and avoid embarking on vast research enterprises.

The bibliography should present the literature you propose to use to address these issues. The bibliography is expected to conform to the minimum requirements for the final research paper (see below).

You are strongly encouraged to discuss your papers with me, particularly at the abstract stage.

Research Paper Discussion/Presentation (5%) – April 1st, 2015

Students are required to present some of the main ideas of their research paper in a short presentation (approx. 5 minutes) during the final seminar (April 1st, 2015). This session will be organized as a mini-conference or workshop where students can share ideas and receive feedback on their work before submitting their final paper.

Research Paper Assignment (40%) – Due April 7th, 2015 by 11:59pm via email.

For this assignment, students shall write an essay on a subject matter suitable to the course. It is important to utilize ideas, arguments, and concepts presented in class and in course readings and to discuss and critically evaluate the materials you use in your paper.

The aim of the research paper is to synthesize, discuss, and assess (not simply describe or summarize) scholarly literature and to develop a conceptual analysis of the topic chosen. Papers shall be limited to **15 pages** (plus references) and must be typed and double-spaced. The paper should reflect and communicate specific information from the writer to the reader. It should start with a statement of intentions and objectives, followed by a discussion and analysis of supporting and illustrative materials.

Do not limit yourself to descriptive analyses only; employ relevant concepts and incorporate theoretical (or formal explanatory) arguments within your study.

In writing your essay, you should be able to summarize the thesis (major argument) in a brief statement or short paragraph.

Layout of the Research Paper

Introduction: The introduction presents the theme or issues explored in the essay. It briefly outlines your approach to the topic and the major ideas and argument(s) advanced in the main body of the essay. This section is usually 1 to 2 pages in length.

Main body of the research essay: This section develops and contains the central thesis or argument(s) of the essay. This main body should review and assess the appropriate literature, while providing an exposition of the central points. The research theme, together with ideas relating to the central thesis, should be clearly presented and substantiated. Ideally, each paragraph should focus upon a major point related to the central argument(s) or theoretical framework. Internal headings and sub-headings are useful as a device to mark shifts in discussion while, at the same time, maintaining an integration of points to the central theme. This section is usually 12 pages in length.

Conclusion: This last section provides a brief summary of the essay's major argument(s) within the context of the central theme addressed. The conclusion is usually 1 to 2 pages in length.

Bibliography: Each research paper must make direct references to appropriate course readings on your specific topic.

A minimum of fifteen cited scholarly references is required including; at least five references from course reading materials and at least ten separate scholarly journal articles or academic quality book chapters on your selected topic by different reputable social scientific authors.

References to source(s) of information should include the author's surname, year of publication, and pagination as in the *American Psychological Association style guide*.

Citation of the sources must always be given for the following: all direct quotations; paraphrases of the statements of others; opinions, ideas, and theories not your own; and, information which is not a matter of general knowledge. Even when using proper citation, it is a mistake to place too much reliance on one source. Furthermore, direct quotations from one or more authors should seldom occur in an essay and should not be longer than two or three sentences in length. All quotations of over four text lines should be indented and single spaced with quotation marks omitted. Quotations of any kind, however, must be acknowledged by a reference to the source, and include the page number(s). Quotations should be used as a way to emphasize a point or because the original author has an authority of expertise that can be best expressed by her/him).

ATTENDANCE & TARDINESS POLICY

In order to pass the course, students are required to attend 50% of the classes throughout the school year. Only extreme (as deemed by the instructor) cases with documented proof will be exempt from this rule.

If a student arrives more than halfway into the class, they will only receive half the participation grade and will *not* be able to hand in their critical commentary.

Weekly Breakdown

Week 1 – January 7, 2015 - Introduction

Discussion course themes, readings and assignments.

Video: ‘The Corporation’.

Suggested Reading

Minkes, John and Leonard Minkes (2008) ‘Introduction’ in J. Minkes and L. Minkes (eds.), *Corporate and White-Collar Crime*, pp. 1-17. London and Thousand Oaks: Sage.

Week 2 – January 14, 2015 - What is White Collar or Corporate Crime?

Readings

Sutherland, E. (1940) ‘White Collar Criminality’, *American Sociological Review* 5/1: 1-12
[Presented by Dr. Spencer].

Croall, Hazel (1989) ‘Who is the White Collar Criminal?’, *British Journal of Criminology* 29(2): 157-174.

Engdahl, Oskar (2008) ‘The Role of Money in Economic Crime’, *British Journal of Criminology* 48: 154-170.

Week 3 – January 21, 2015 - Perspectives on Corporate Crime and its Regulation

Readings

Agnew, Robert, Nicole Leeper Piquero, and Francis T. Cullen (2009) ‘General Strain Theory and White Collar Crime’, in *The Criminology of White Collar Crime*, S. Simpson and D. Weisburd (eds.), pp. 35-62. New York: Springer.

Snider, Lauren (2008) ‘Corporate Economic Crimes’ in J. Minkes and L. Minkes (eds.), *Corporate and White-Collar Crime*, pp. 39-60. London and Thousand Oaks: Sage.

Punch, Maurice (2008) ‘The Organization Did It: Individuals, Corporations and Crime’ in J. Minkes and L. Minkes (eds.), *Corporate and White-Collar Crime*, pp. 102-121. London and Thousand Oaks: Sage.

Benson, Michael, Tamara Madensen, John Eck (2009) ‘White Collar Crime from An

Opportunity Perspective’ in *The Criminology of White Collar Crime*, S. Simpson and D. Weisburd (eds.), pp. 175-194. New York: Springer.

Week 4 – January 28, 2015 - Historical Accounts of Corporate and White Collar Crime and its Regulation

Readings

Wilson, Sarah (2006) ‘Law, Morality and Regulation: Victorian experiences of financial crime’, *British Journal of Criminology* 46: 1073-1090.

Robb, George (2006) ‘Women and White-Collar Crime: Debates on Gender, Fraud and the Corporate Economy in England and America, 1850–1930’, *British Journal of Criminology* 46: 1058–1072.

Ruggiero, Vincenzo (1997) ‘Daniel Defoe and Business Crime’, *Social and Legal Studies* 6(3): 323-342.

Week 5 – February 4, 2015 - Corporate Crimes Against the Environment and its Regulation

Readings

White, Rob (2003) ‘Environmental Issues and the Criminological Imagination’, *Theoretical Criminology* 7(4): 483-506.

Spencer, Dale & Fitzgerald, Amy (2013). Three ecologies, transversality and victimization: the case of the British Petroleum oil spill. *Crime, Law and Social Change*, 59(2): 209–223.

Dennis Mares (2010) ‘Criminalizing Ecological Harm: Crimes Against Carrying Capacity and the Criminalization of Eco-Sinners’, *Critical Criminology* 18(4): 279-293.

Katz, Rebecca (2010) ‘The Corporate Crimes of Dow Chemical and the Failure to Regulate Environmental Pollution’, *Critical Criminology* 18(4): 295-306.

Week 6 – February 11, 2015 - Corporations and Health and Safety

Readings

Tombs, Steve (2008) 'Corporations and Health and Safety' in J. Minkes and L. Minkes (eds.), *Corporate and White-Collar Crime*, pp. 18-38. London and Thousand Oaks: Sage.

Storey, Robert and Wayne Lewchuck (2000) 'From dust to DUST: asbestos and the struggle for worker health and safety at Bendix Automotive', *Labour* 45: 103-129.

Gray, Garry (2006) 'The Regulation of Corporate Violations: Punishment, Compliance, and the Blurring of Responsibility', *British Journal of Criminology* 46: 875-892.

Tombs, Steve (2007) '“Violence”, Safety Crimes and Criminology', *British Journal of Criminology* 47: 531-550.

Week 7 – February 18, 2015 – WINTER BREAK; NO CLASS

Week 8 - February 25, 2015 - Criminal Sanctions of Corporate Crime

Readings

Bittle, Steven (2013) *Still Dying for a Living*, Chapter 2, 'Criminal Liability and the Corporate Form'. Vancouver: UBC Press.

Cooney, John (2006) 'Multi-Jurisdictional and Successive Prosecution of Environmental Crimes: The case for a consistent approach', *The Journal of Criminal Law and Criminology* 96(2): 435-464.

Gobert, James (2008) 'The Evolving Legal Test of Corporate Criminal Liability' in J. Minkes and L. Minkes (eds.), *Corporate and White-Collar Crime*, pp. 61-80. London and Thousand Oaks: Sage.

Pontell, H. N., Black, W. K., & Geis, G. (2014). Too big to fail, too powerful to jail? On the absence of criminal prosecutions after the 2008 financial meltdown. *Crime, Law and Social Change*, 61(1), 1–13.

Week 9 – March 4, 2015 - Accounting for and Policing Corporate Crime

Readings

Williams, James (2005) 'Reflections on the Private versus Public Policing of Economic

Crime', *British Journal of Criminology*, 45: 316-339.

Gerber, J., and Jensen, E. (2000). "Controlling Transnational Corporations." *International Journal of Offender Therapy and Comparative Criminology*, 44 (6): 692-678.

Christensen, J. (2012). The hidden trillions: Secrecy, corruption, and the offshore interface. *Crime, Law and Social Change*, 57(3): 325–343.

Ghazi-Tehrani, A. K., Pushkarna, N., Shen, P., Geis, G., & Pontell, H. N. (2013). White-collar and corporate crime in China: a comparative analysis of enforcement capacity and non-issue making. *Crime, Law and Social Change*, 60(3): 241–260.

Week 10 – March 11, 2015 – The Media, Public Shaming and Corporate Crime

Readings

Murphy, Kristina and Nathan Harris (2007) 'Shaming, Shame and Recidivism: A Test of Reintegrative Shaming Theory in the White-Collar Crime Context', *British Journal of Criminology* 47: 900-917.

Levi, Michael (2002) 'Suite Justice or Sweet Charity? Some Explorations of Shaming and Incapacitating Fraudsters', *Punishment and Society* 4(2): 147-163.

McMullan, John (2006) 'News, Truth, and the Recognition of Corporate Crime', *Canadian Journal of Criminology and Criminal Justice* 48(6): 905-939.

Klein, J., & Lavery, C. (2011). Legitimizing war by victimization: state-corporate crime and public opinion. *Crime, Law and Social Change*, 56(3), 301–317.

Week 11 – March 18, 2015 – Alternative Systems For Achieving Corporate Regulation

Readings

Perez, Oren, Yair Amichai-Hamburger and Tammy Shierental (2009) 'The Dynamic for Corporate Self- Regulation: ISO 14001, Environmental Commitment, and Organizational Citizenship Behavior', *Law and Society Review* 43(3): 593-630.

Tyler, Tom (2006) 'Self-Regulatory Approaches to White Collar Crime: The Importance of Legitimacy and Procedural Justice' in *The Criminology of White Collar Crime*, S.

Simpson and D. Weisburd (eds.), pp. 195-216. New York: Springer.

Humphreys, David (2009). 'From corporate social responsibility to the democratic regulation of transnational Corporations', *International Journal of Environmental, Cultural, Social and Economic Sustainability*, 5(4), pp. 207–218.

Week 12 – March 25, 2015 - Perspectives on Accountability and Business Ethics

Readings

Messner, Martin (2009) 'The Limits of Accountability', *Accounting, Organizations and Society* 34: 918-938.

Everett, Jeff, Dean Neu, and Abu Shiraz Rahaman (2007) 'Accounting and the Global Fight Against Corruption', *Accounting, Organizations and Society* 32: 513-542.

Allinson, Robert Elliot (2008) 'The Foundations of Business Ethics' in J. Minkes and L. Minkes (eds.), *Corporate and White-Collar Crime*, pp. 81-101. London and Thousand Oaks: Sage.

Week 13 – April 1, 2011 – Paper Presentations

Week 14 – April 7th – No class

Submit Research Papers via email by 11:59pm.

My Philosophy of Teaching

I believe that the purpose of education – my philosophy on life – is to inquire and to reflect on the past, present, and future and to carry this quest for understanding beyond this educational institution into the world. What I can promise is that what you will learn and the skills acquired in this class will help you critically engage with what you hear and see in the world. I am inimical to forms of education that are predicated on indoctrination for conformity and the pursuit of a high grade without actual reflection on the academic material.

Other matters

Late Assignments: Late assignments will receive a 10% deduction for every day the assignment is late. Only under exceptional circumstances (e.g., medical issues accompanied by a valid doctor's note) will a student be able to receive an extension. To be clear, in the event of a medical issue or death in the family, you *must* submit a doctor's note or a death

certificate. Unless you can demonstrate through documentation that you need or deserve an extension, you will receive the 10% deduction for every day that your assignment is late. Students that miss their presentations will receive '0' their presentation grade.

Student Concerns/Complaints: From time to time students object to or have concerns about the grade they receive on a given assignment. While students may raise concerns regarding the grade they receive from me, you must wait two days after the assignment was handed back and must put your specific reasoning of why you deserve a higher grade in print. There is also a chance – upon reevaluation of the grade you received – that you will receive a lower grade on your assignment. To be clear, it is *not* enough to say that you worked really hard on an assignment, that you get higher grades in other classes, or that you believe, without a rationale, you deserve a higher grade.

Your feedback about the course: If you have any suggestions about the course, they are encouraged at any time. I have incorporated a number of students' suggestions in the past.