

Carleton University

Department of Law and Legal Studies

Course Outline

LAWS 4302B, WINTER 2014

REGULATION OF CORPORATE CRIME

Instructor: Jamie Brownlee
Classroom: Please check with Carleton Central for current room location
Class Time: 11:35-2:25 Friday

Office: B442 Loeb Building
Office Hours: 2:30-3:30 Friday (or by appointment)
Email: jamie.brownlee@carleton.ca
Phone Number: 613-234-7833 (home)

Pre-requisites: LAWS 2302 and one of LAWS 3005, LAWS 3201, LAWS 3800

COURSE DESCRIPTION

Drawing on a wide range of empirical and theoretical issues, this course critically examines the nature, scope and impact of corporate crime in Canadian society and around the world. A key focus of the course is how the modern, for-profit corporation functions as a social institution whose existence and capacity to operate depends upon the law. We will analyze the legal and administrative frameworks that define and regulate corporate crime, and use examples to illustrate the limitations associated with existing laws and regulations against corporate criminality. We will also explore how, in some cases, the law is not only limited in its ability to constrain corporate crime, it actually facilitates it. Throughout the course, we will broaden the analysis with a sociological lens to examine the problem of corporate crime within the context of political and economic power relations, and to talk about how corporations influence the policy-making process and our political and legal systems. Students will be encouraged to think critically about the socio-economic conditions that underlie corporate crime and to identify opportunities for engagement with these issues beyond the boundaries of the classroom.

COURSE TEXT AND READING MATERIALS

There are two required texts for this course. They can be purchased at Octopus Books, 116 Third Avenue.

- Bakan, Joel. 2004. *The Corporation: The Pathological Pursuit of Profit and Power*. Toronto: Viking.
- Glasbeek, Harry. 2002. *Wealth by Stealth: Corporate Crime, Corporate Law, and the Perversion of Democracy*. Toronto: Between the Lines.

All other required readings will be available through the library reserves and/or cuLearn.

COURSE REQUIREMENTS AND EVALUATION

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

1. ***CLASS PARTICIPATION, ATTENDANCE & PRESENTATIONS*** **25%**

This is a reading intensive course. Students are strongly encouraged to keep up with the assigned readings and come to class prepared to discuss them. This is also a student-driven course, meaning that students are expected to be active participants. The grade for this requirement will be distributed over a variety of kinds of participation throughout the term, including class participation (e.g., raising questions and making observations related to the readings, and thoughtful engagement with the ideas expressed by others), attendance and presentations.

Seminar participants will be expected to present on the readings and facilitate seminar discussions once during the term. The presentations will begin the second class. The purpose of the presentations is to briefly review and analyze the main arguments and themes presented in the readings, and then stimulate class discussion. Oral presentations should be approximately 15 minutes.

2. ***SHORT ASSIGNMENT, DUE FEBRUARY 14TH*** **20%**

This short assignment paper will give students the opportunity to analyze a corporation's record as it relates to corporate crime. The paper should be approximately 6-7 double-spaced pages. Additional details to follow in class.

3. ***CRITICAL REACTION PAPER*** **20%**

The critical reaction paper will involve writing a critically reflective piece of approximately 6-7 double-spaced pages on all of the readings from one of the weeks during the term. The paper should briefly summarize some of the main arguments of the readings and then analyze and compare the arguments within them. The point of the paper is to allow a more sustained engagement with the topic and to critically assess the arguments presented. No other sources are expected to be used in the writing of this paper. Please note that for the critical reaction paper: (i) students are required to choose a set of readings from one of the first 10 weeks (*not* the last 2 weeks); (ii) students are required to choose from one of the weeks when they are *not* presenting on the readings; (iii) papers are due in class on the selected week.

4. ***FINAL PAPER, DUE APRIL 4TH*** **35%**

Students can select their own topic, understanding that it must be relevant to the theoretical and substantive issues addressed in the seminar. While the paper can engage with some of the weekly readings, it must also reference additional academic sources. Papers will be graded on the quality of your research, strength of your arguments, and your ability to situate your arguments within existing debates. Students are encouraged to discuss paper ideas with me at any point during the course. The final paper should be approximately 15 double-spaced pages.

Please keep a **hard copy** of all work that is submitted.

GRADES

In accordance with the Carleton University Undergraduate Calendar (p. 45), the letter grades assigned in this course will have the following percentage equivalents:

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

WDN = Withdrawn from the course

Final grades are subject to the Dean's approval.

ACADEMIC REGULATIONS, ACCOMMODATIONS AND PLAGIARISM

University rules regarding registration, withdrawal, appealing marks, and most anything else you might need to know can be found on the university's website, here:

<http://www.carleton.ca/cu0708uc/regulations/acadregsuniv.html>

REQUESTS FOR 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/> For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

PLAGIARISM

Plagiarism is the passing off of someone else's work as your own and is a serious academic offence. For the details of what constitutes plagiarism, the potential penalties and the procedures refer to the section on Instructional Offences in the Undergraduate Calendar.

What are the Penalties for Plagiarism?

A student found to have plagiarized an assignment may be subject to one of several penalties including: expulsion; suspension from all studies at Carleton; suspension from full-time studies; and/or a reprimand; a refusal of permission to continue or to register in a specific degree program; academic probation; award of an FNS, Fail, or an ABS.

What are the Procedures?

All allegations of plagiarism are reported to the faculty of Dean of FASS and Management. Documentation is prepared by instructors and/or departmental chairs.

The Dean writes to the student and the University Ombudsperson about the alleged plagiarism. The Dean reviews the allegation. If it is not resolved at this level then it is referred to a tribunal appointed by the Senate.

Students are expected to familiarize themselves with and follow the Carleton University Student Academic Integrity Policy (See <http://www2.carleton.ca/graduate-studies/policies-and-guidelines>).

ASSISTANCE FOR STUDENTS

Student Academic Success Centre (SASC): www.carleton.ca/sasc

Writing Tutorial Services: www.carleton.ca/wts

Peer Assisted Study Sessions (PASS): www.carleton.ca/sasc/pass_home/index.html

COURSE CALENDAR

WEEK ONE – JANUARY 10TH INTRODUCTION

- Introduction to the course: themes, readings and assignments
- Presentation schedule

WEEK TWO – JANUARY 17TH THE COMMONS, PRIVATE PROPERTY & THE RISE OF THE MODERN CORPORATION

READINGS

- Rifkin, Jeremy. 1991. “A Private Nature” in *Biosphere Politics: A New Consciousness for a New Century*. New York: Crown. pp. 38-47.
- Coulter, Karen. 2006. “The Role of Property.” *Program on Corporations, Law and Democracy*. pp. 1-11.
- Bakan, Joel. 2004. “The Corporation’s Rise to Dominance” in *The Corporation: The Pathological Pursuit of Profit and Power*. Toronto: Viking. pp. 5-27.
- Grossman, Richard and Frank Adams. 1993. “Taking Care of Business: Citizenship and the Charter of Incorporation.” *Earth Island Journal*, Spring. pp. 1-18.
- Hartmann, Thom. 2004. “The Robots Take Over” in *The Last Hours of Ancient Sunlight*. New York: Three Rivers Press. pp. 215-221.

WEEK THREE – JANUARY 24TH CORPORATE CITIZENSHIP & CRIMINOGENIC PERSONHOOD

READINGS

- Bakan, Joel. 2004. “Business as Usual” in *The Corporation: The Pathological Pursuit of Profit and Power*. Toronto: Viking. pp. 28-59.
- Bakan, Joel. 2004. “The Externalizing Machine” in *The Corporation: The Pathological Pursuit of Profit and Power*. Toronto: Viking. pp. 60-84.
- Kovel, Joel. “Capital” in *The Enemy of Nature: The End of Capitalism or the End of the World?* Halifax: Fernwood. pp. 26-46.
- Glasbeek, Harry. 2002. “The Corporations as an Invisible Friend” in *Wealth by Stealth: Corporate Crime, Corporate Law, and the Perversion of Democracy*. Toronto: Between the Lines. pp. 6-14.

WEEK FOUR – JANUARY 31ST
NEOLIBERALISM, (DE)-REGULATION & CORPORATE POLITICAL POWER

READINGS

- Bakan, Joel. 2004. “Democracy Ltd.” in *The Corporation: The Pathological Pursuit of Profit and Power*. Toronto: Viking. pp. 85-110.
- Snider, Laureen. 2000. “The Sociology of Corporate Crime: An Obituary.” *Theoretical Criminology* 4 (2): 169-193.
- Glasbeek, Harry. 2002. “Government in Their Own Image: Corporations and Political Power” in *Wealth by Stealth: Corporate Crime, Corporate Law, and the Perversion of Democracy*. Toronto: Between the Lines. pp. 229-251.
- Chaves, Elisabeth. 2011. “Money’s Been Talking: How *Citizens United v. FEC* Obscures the View of the Role of Wealth in Our Democracy.” American Political Science Association 2011 Annual Meeting. pp. 1-22.

WEEK FIVE – FEBRUARY 7TH
THE CORPORATE VEIL: REGULATORY SANCTIONS, CRIMINAL LIABILITY & THE IDEOLOGY OF MARKET CAPITALISM

READINGS

- Glasbeek, Harry. 2002. “The Small and the Ugly” in *Wealth by Stealth: Corporate Crime, Corporate Law, and the Perversion of Democracy*. Toronto: Between the Lines. pp. 37-60.
- Glasbeek, Harry. 2002. “Corporate Deviance and Deviants: The Fancy Footwork of Criminal Law” in *Wealth by Stealth: Corporate Crime, Corporate Law, and the Perversion of Democracy*. Toronto: Between the Lines. pp. 118-143.
- Glasbeek, Harry. 2002. “‘It’s Not a Crime’: Reclassifying Corporate Deviance” in *Wealth by Stealth: Corporate Crime, Corporate Law, and the Perversion of Democracy*. Toronto: Between the Lines. pp. 144-167.
- Glasbeek, Harry. 2002. “New Corporate Responsibilities – Or More Window Dressing?” in *Wealth by Stealth: Corporate Crime, Corporate Law, and the Perversion of Democracy*. Toronto: Between the Lines. pp. 168-182.

WEEK SIX – FEBRUARY 14TH
AIDING AND ABETTING: CORPORATE ADVERTIZING & THE PUBLIC RELATIONS INDUSTRY

READINGS

- Karliner, Joshua. 1997. “The Emerald City” in *The Corporate Planet: Ecology and Politics in the Age of Globalization*. San Francisco: Sierra Club. pp. 168-194.
- Beder, Sharon. 1997. “Fronting for Industry” in *Global Spin: The Corporate Assault on Environmentalism*. White River Junction, VT: Chelsea Green Publishing. Pp. 27-35.

- Rampton, Sheldon and John Stauber. 2001. “Packaging the Beast” in *Trust Us, We’re Experts!* New York: Penguin Putnam. pp. 99-119.
- Stauber, John and Sheldon Rampton. 1995. “Smokers’ Hacks” in *Toxic Sludge is Good for You: Lies, Damn Lies and the Public Relations Industry*. Monroe, ME: Common Courage Press. pp. 25-32.
- Beder, Sharon. 2009. “Turning Children into Consumers” and “Branding Childish Identities” in *This Little Kiddy Went to Market: The Corporate Capture of Childhood*. London: Pluto Press. pp. 6-22; 37-50.

WEEK SEVEN – FEBRUARY 28TH

UNSAFE PRODUCTS / UNSAFE PRODUCTION: HEALTH & SAFETY CRIMES

READINGS

- Rampton, Sheldon and John Stauber. 2001. “Dying for a Living” in *Trust Us, We’re Experts!* New York: Penguin Putnam. pp. 75-98.
- Bittle, Steven. 2012. “Disciplining Capital: Corporate Crime and the Neo-Liberal State” in *Thinking About Justice: A Book of Readings*. Nova Scotia: Fernwood. pp. 122-136.
- Glasbeek, Harry. 2002. “The Westray Story” in *Wealth by Stealth: Corporate Crime, Corporate Law, and the Perversion of Democracy*. Toronto: Between the Lines. pp. 61-66.
- Deneault, Alain and William Sacher. 2012. *Imperial Canada Inc.: Legal Haven of Choice for the World’s Mining Industries*. Vancouver: Talonbooks. pp. 1-7, 39-64.
- Gioia, Dennis. 1996. “Why I Didn’t Recognize Pinto Fire Hazards: How Organizational Scripts Channel Managers’ Thoughts and Actions.” In M.D. Ermann and R. Lundman (eds.), *Corporate and Governmental Deviance*. New York: Oxford University Press. pp. 139-155.

WEEK EIGHT – MARCH 7TH

ENVIRONMENTAL CRIMES IN THE GLOBAL CONTEXT

READINGS

- Faber, Daniel. 2008. “The Unfair Trade-Off: Globalization and the Export of Ecological Hazards” in *Capitalizing on Environmental Injustice: The Polluter-Industrial Complex in the Age of Globalization*. New York: Rowman & Littlefield. pp.171-212.
- Karliner, Joshua. 1997. “The Greening of Global Reach” in *The Corporate Planet: Ecology and Politics in the Age of Globalization*. San Francisco: Sierra Club. pp. 30-47.
- Katz, Rebecca. 2010. “The Corporate Crimes of Dow Chemical and the Failure to Regulate Environmental Pollution.” *Critical Criminology* 18 (4): 295-306.
- Environmental Defence. 2008. “Canada’s Toxic Tar Sands: The Most Destructive Project on Earth” pp. 7-28. Available at: http://environmentaldefence.ca/sites/default/files/report_files/TarSands_TheReport.pdf

WEEK NINE – MARCH 14TH
CLIMATE CHANGE & THE CRIMINALITY OF DENIAL

READINGS

- Lynch, Michael, Ronald Burns and Paul Stretesly. 2010. “Global Warming and State-Corporate Crime: The Politicalization of Global Warming under the Bush Administration.” *Crime, Law and Social Change* 54 (3-4): 213-234.
- Derber, Charles. 2010. “Scientists United,” “The X-Rated Truth” and “The Denial Regime” in *Greed to Green: Solving Climate Change and Remaking the Economy*. Boulder, CO: Paradigm. pp. 24-46 and 74-87.
- Gutstein, Donald. 2009. “Delaying Action on Climate Change” in *Not a Conspiracy Theory: How Big Business Hijacks Democracy*. Toronto: Key Porter Books. pp. 227-259.
- Monbiot, George. 2009. “Canada’s Image Lies in Tatters.” *The Guardian*, November 30th. pp. 1-4.

WEEK TEN – MARCH 21ST
STATE-CORPORATE CRIME: HUMAN RIGHTS & MODERN WARFARE

READINGS

- Scahill, Jeremy. 2007. *Blackwater: The Rise of the World’s Most Powerful Mercenary Army*. New York: Nation Books. pp. 3-44.
- Rothe, Dawn. 2006. “Iraq and Halliburton.” In R. Michalowski and R. Kramer (eds.), *State-Corporate Crime: Wrongdoing at the Intersection of Business & Government*. New Jersey: Rutgers University Press. pp. 215-238.
- Broszmitter, Franz. 2002. “The Planet as Sacrifice Zone” in *Ecocide: A Short History of the Mass Extinction of Species*. London: Pluto Press. pp. 70-81.
- Project Underground. 2006. “The Life & Death of Ken Saro-Wiwa: A History of the Struggle for Justice in the Niger Delta.” pp. 1-11 Available at: http://justiceinnigerianow.org/jinn/wp-content/uploads/2009/03/life_death_ksw.pdf

WEEK ELEVEN – MARCH 28TH
CORPORATE FRAUD, FINANCIAL REGULATION & THE GLOBAL ECONOMIC CRISIS

READINGS

- McNally, David. 2011. “The Great Panic of 2008” and “Financial Chaos: Money, Credit and Instability in Late Capitalism” in *Global Slump: the Economics and Politics of Crisis and Resistance*. Halifax: Fernwood. pp. 13-24; 85-112.
- Snider, Laureen. 2011. “The Conundrum of Financial Regulation: Origins, Controversies, and Prospects.” *The Annual Review of Law and Social Science* 7: 121-137.

- Rosoff, Stephen, Henry Pontell and Robert Tillman. 2004. "Corporate Fraud" In *Profit Without Honor: White Collar Crime and the Looting of America*. New Jersey: Prentice-Hall. pp. 278-294.

WEEK TWELVE – APRIL 4TH**LIFTING THE CORPORATE VEIL: REGULATING CORPORATE CRIME****READINGS**

- Bakan, Joel. 2004. "Reckoning" in *The Corporation: The Pathological Pursuit of Profit and Power*. Toronto: Viking. pp. 139-167.
- Glasbeek, Harry. 2002. "The Stakeholder/Social Responsibility Movement Goes Private" in *Wealth by Stealth: Corporate Crime, Corporate Law, and the Perversion of Democracy*. Toronto: Between the Lines. pp. 206-228.
- Bittle, Steven. 2012. "Disciplining Capital: More of the Same or Hope for the Future?" In *Still Dying for a Living: Corporate Criminal Liability After the Westray Mine Disaster*. pp. 183-193.
- McNally, David. 2011. "Conclusion" in *Global Slump: the Economics and Politics of Crisis and Resistance*. Halifax: Fernwood. pp. 183-194.