

## Course Outline

**COURSE:** LAWS 4302 A – Regulation of Corporate Crime

**TERM:** Fall 2008/09

**PREREQUISITES:** LAWS 2004 and one of LAWS 3005, LAWS 3201 or LAWS 3800

**CLASS:** Day & Time: Tuesday – 8:35-11:25 am  
Room: B146 LA (Loeb)

**INSTRUCTOR:** Professor Neil Sargent

**CONTACT:** Office: D594 LA (Loeb)  
Office Hrs: Tuesday & Friday – 1:00-3:00 pm  
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"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 7, 2008, for December examinations, and March 6, 2009, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html)

**COURSE DESCRIPTION**

The course examines the current debates over the regulation of corporate crime from both legal and policy perspectives. Different theoretical perspectives on the nature and causes of corporate crime, and the role of the state in regulating corporate behaviour will be examined, with a view towards determining the reasons for the failure of the criminal justice and regulatory systems to respond to corporate crime. The role of criminal, civil and regulatory sanctions in deterring corporate crime will also be examined.

**REQUIRED READINGS**

1. Sally S. Simpson, **Corporate Crime, Law and Social Control**. Cambridge: Cambridge University Press, 2002

**RECOMMENDED READINGS**

1. Fisse and Braithwaite, **Corporations, Crime and Accountability**. Cambridge University Press, 1993.
2. Celia Wells, **Corporations and Criminal Responsibility**. 2d.ed. Oxford: oxford University Press, 2001
3. Harry Glasbeek, **Wealth by Stealth**. Toronto: Between the Lines, 2003
4. Joel Bakan, **The Corporation. The Pathological Pursuit of Profit and Power**. Toronto: Viking Press, 2004

**COURSE EVALUATION**

Students will be required to prepare a seminar presentation and a term paper during the course. In addition, students will be required to present an essay proposal worth 10 % of the final grade, which will be due by the third week in February. The seminar presentation will be worth 35% of the final grade. The term paper will be worth 40% of the final grade. 15% of the final grade will be allocated based on class participation. There will be no final examination in the course.

**Seminar Presentation: 35%**  
**Essay Proposal: 10%**  
**Term Paper: 40%**  
**Class Participation: 15%**  
**Total: 100%**

**COURSE SYLLABUS**

- Week 1:** **Aims and objectives of the course.** What is the significance of corporate crime and why do we study it? Different approaches to the study of corporate crime
- Week 2:** **Defining White Collar and Corporate Crime.** Official accounts of deviance and the problem of counting corporate crime. Who are the offenders and who are the victims? The significance of definitions of criminality and corporate deviance
- Week 3:** **Theorizing the causes of white collar and corporate criminality** - individualist theories of white collar crime (Sutherland, Shapiro, Gottfredson and Hirschi); organizational theories of corporate crime (Kramer, Schragger and Short, Ermann and Lundman, Stone, Fisse and Braithwaite)
- Week 4:** **Conflict theory approaches to understanding corporate deviance.** The role of the state in controlling corporate and organizational deviance. Is the state part of the solution or part of the problem?
- Week 5:** **Using the criminal law against corporate offenders.** The hybrid nature of corporate criminal liability. The legal basis of attaching liability to the corporation. Identification theory, delegation theory and corporate culture. Problems of mens rea. Criminal liability of corporate directors and officers
- Week 6:** **Using criminal sanctions against corporate and white collar offenders.** Sentencing goals and philosophies and their applicability to white collar and corporate offenders. Deterrence versus retribution as a sentencing justification? Sentencing options: Fines, imprisonment, probation, conditional sentencing, restitution, compensatory damages? Role of restorative justice in sentencing white collar and corporate offenders?
- Week 7:** **The regulatory approach to controlling organizational and corporate deviance.** Structure and objectives of the regulatory process. Prevention not accountability as the primary function of regulatory controls. Strict liability offences and the limits of the regulatory sanction
- Week 8:** **Alternatives to regulatory sanctions:** Negotiated compliance, enforced self-regulation and voluntary compliance systems. Use of alternative dispute resolution approaches for responding to regulatory concerns
- Week 9:** **Market-Driven incentive systems for achieving corporate compliance.** Using carrots rather than sticks to achieve regulatory compliance goals. Emissions trading systems and the Kyoto protocol. Pros and cons of letting the market reward “efficient” polluters?
- Week 10:** **Controlling corporate and white collar crime through the civil justice system.** Use of compensatory damage awards as legal accountability mechanisms. The regulatory function of tort law. Pros and cons of mass torts and class action litigation in responding to corporate harms.
- Week 11:** **International perspectives on controlling corporate crime.** Corporate crime as a trans-national phenomenon. Limits of national enforcement mechanisms for controlling international corporate crime. Problems of different legal standards and enforcement approaches in different jurisdictions. Extra-territorial application of home or host country law? International standards and enforcement mechanisms for controlling trans-national corporate crime