

Course Outline

COURSE:	LAWS 4302 B – Regulation of Corporate Crime
TERM:	Winter 2010-11
PREREQUISITES:	One of LAWS 2302 or LAWS 2004 [1.0] (no longer offered), and one of LAWS 3005, LAWS 3201, LAWS 3800
CLASS:	Day & Time: Friday 11:35-2:25 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Dr. Dale Spencer
CONTACT:	Office Hrs: Friday, 2:45-3:45 Email: daspone@gmail.com

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 15, 2010 for Fall exams and March 12, 2011 for Winter exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

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 on WebCT or through the Carleton University library online journal and catalogue system.

*This text is available for purchase at Octopus Books bookstore, 116 Third Avenue.

GRADES & SCORING - All components must be completed to pass this course		
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, 2011
Paper Abstract and Bibliography	5%	March 11, 2011
Research Paper	40%	April 8, 2011

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	

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%)

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.

Critical commentaries must be 2-3 double-spaced typed pages in length.

Paper Abstract and Bibliography Assignment (5%) - Due March 11, 2011

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%)

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 1, 2011). 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 8, 2011

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 **15-20 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 12-15 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 *Canadian Journal of Sociology*.

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, 2011 - 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, 2011 - What is White Collar or Corporate Crime?

Readings

Sutherland, E. (1940) ‘White Collar Criminality’, *American Sociological Review* 5/1: 1-12.

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, 2011 - 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, 2011 - 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, 2011 - Corporate Crimes Against the Environment and its Regulation**Readings**

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

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.

Walters, Reece (2010) 'Toxic Atmospheres Air Pollution, Trade and the Politics of Regulation' *Critical Criminology* 18(4): 307-323.

Week 6 – February 11, 2011 - 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, 2011 - Criminal Sanctions of Corporate Crime**Readings**

Friedrichs, David (2004) 'Enron Et Al.: Paradigmatic White Collar Crime Cases for the New Century', *Critical Criminology* 12(2): 113-132.

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.

Jefferson, M. (2001) 'Corporate criminal liability: The problem of sanctions', *Journal of Criminal Law* 65(3): 235-61.

Week 8 – Reading Week**Week 9 – March 4, 2011 - The 'Policing' of and Accounting for 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.

Lehman, C. R., & Okcabol, F. (2005) 'Accounting for crime', *Critical Perspectives on Accounting* 16(5): 613-639.

Week 10 – March 11, 2011 - 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.

Week 11 – March 18, 2011 - 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, 2011 - 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 - Presentations**No Readings****Other matters****Late Assignment Policy:**

Planning your work, scheduling time and meeting deadlines is an important skill and a reality of life inside and outside the university. As incentive to develop this skill, and to be fair and equitable to all involved, late papers and other assignments will be penalized at the rate of three (3) percent per day, including weekend days.

Your feedback about the course:

If you have any suggestions about the course, they are encouraged at any time, and will count towards your attendance and participation mark. I have incorporated a number of students' suggestions in the past.

The following announcements are mandatory on all Carleton course outlines:

All final grades in this course are subject to the approval of the Dean, who also has the authority to change grades. Students must retain a clean hard copy of their essays.

Drop/Withdrawal Date:

The last day to withdraw from fall courses is 31 January 2011.

Plagiarism:

The University Senate defines plagiarism as “to use and pass off as one’s own idea or product the work of another without expressly giving credit to another.” This can include:

- Copying from another person's work without indicating this through appropriate use of quotation marks and footnote citations.
- Lengthy and close paraphrasing of another person's work (i.e. extensive copying interspersed with a few phrases or sentences of your own).
- Submitting written work produced by someone else as if it were your own work (e.g. another student's term paper, a paper purchased from a term paper "factory", materials or term papers downloaded from the Internet, etc.).
- Handing in "substantially the same piece of work to two or more courses without the prior written permission of the instructors...involved." (University Senate)

Plagiarism is a serious offence which cannot be resolved directly with the course’s instructor. The Associate Deans of the Faculty conduct a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They range from a mark of zero for the plagiarized work to a final grade of "F" for the course, and even suspension from all studies or expulsion from the University.

Pregnancy:

Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a letter of accommodation. The student must then make an appointment to discuss her needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

Religious Observance:

Students requesting academic accommodation on the basis of religious observance should make a formal, written request to their instructors for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory academic event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Students or instructors who have questions or want to confirm accommodation eligibility of a religious event or practice may refer to the Equity Services website for a list of holy days and Carleton's Academic Accommodation policies, or may contact an Equity Services Advisor in the Equity Services Department for assistance.