

Course Outline

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

**TERM:** FALL 2018

**PREREQUISITES:** LAWS 2908 and Fourth-Year Honours standing

**CLASS:**       **Day & Time:** Wednesday 2:35pm – 5:25pm  
                  **Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:** Dr. Jamie Brownlee  
**(CONTRACT)**

**CONTACT:**       **Office:** B340 Loeb Building  
                  **Office Hrs:** 1:30-2:30pm Wednesday (or by appointment)  
                  **Telephone:** 613-899-2193  
                  **Email:** jamiebrownlee@cunet.carleton.ca

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**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:** Please contact 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: [carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf](http://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf)

**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: [carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf](http://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf)

**Academic Accommodations for Students with Disabilities:** If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or [pmc@carleton.ca](mailto: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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) [www.carleton.ca/pmc](http://www.carleton.ca/pmc)

**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://carleton.ca/studentaffairs/academic-integrity/>

### **Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: [carleton.ca/sexual-violence-support](http://carleton.ca/sexual-violence-support)

### **Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: [students.carleton.ca/course-outline](http://students.carleton.ca/course-outline)

### **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://carleton.ca/law/current-students/>

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## **CALNEDAR COURSE DESCRIPTION**

Legal, policy and theoretical perspectives on the regulation of corporate crime. Nature and causes of corporate crime. Selected case studies on the role of the state in regulating corporate behaviour. Failure of the criminal justice system to respond to corporate crime.

### **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 Canada 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 examine the problem of corporate crime within the context of political and economic power relations, including how corporate managers influence political and legal systems and the policy-making process. 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.

### **REQUIRED TEXTS**

There are three required texts for this course.

- Glasbeek, Harry. 2017. *Class Privilege: How Law Shelters Shareholders and Coddles Capitalism*. Toronto: Between the Lines.
- Snider, Lauren. 2015. *About Canada: Corporate Crime*. Halifax: Fernwood.
- Bakan, Joel. 2004. *The Corporation: The Pathological Pursuit of Profit and Power*. Toronto: Viking.

These books are available at Octopus Books, which is located at 116 Third Avenue.

Please note that **all other assigned readings** will be available through cuLearn.

### **COURSE REQUIREMENTS AND EVALUATION**

#### 1. **CLASS PARTICIPATION, ATTENDANCE & PRESENTATION** **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, thoughtful engagement with the ideas expressed by others), attendance and a presentation.

**Presentation:** Each seminar participant will be expected to present on the readings and facilitate seminar discussions once during the term. The presentations will be done in groups. The purpose of your presentation is to briefly review and analyze the main arguments and themes in the week's readings, and then encourage class discussion. Group presentations should be approximately 15-20 minutes. The presentations will begin the second class.

#### 2. **SHORT ASSIGNMENT, DUE OCTOBER 17<sup>TH</sup>** **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 information will be provided in class.

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

The critical reaction paper will involve writing approximately 6-7 double-spaced pages on all of the readings from one of the weeks during the term. The paper should briefly summarize the main themes and arguments of the readings and then *analyze* the arguments within them. The point of the paper is to allow for a more sustained engagement with a topic that especially interests you. 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 one of the weeks when they are *not* presenting on the readings; (ii) students are required to choose a set of readings from one of the first 11 weeks (not week 12); and (iii) papers are due in class on the selected week.

4. **FINAL PAPER, DUE DECEMBER 5<sup>TH</sup>** **35%**

Students will select their own topic, understanding that it must be relevant to the 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 and writing, strength of your analysis and arguments, and your ability to situate your arguments within existing debates. Students are encouraged to discuss paper topics with me at any point during the term. Late papers will be penalized 5 percent per day. Additional information will be provided in class.

Please retain a **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.

### COURSE SCHEDULE

#### WEEK ONE – SEPTEMBER 5<sup>TH</sup>

##### INTRODUCTION

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

**WEEK TWO – SEPTEMBER 12<sup>TH</sup>****THE COMMONS, PRIVATE PROPERTY AND 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.
- 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 – SEPTEMBER 19<sup>TH</sup>****THE EXTERNALIZING MACHINE: CORPORATE CITIZENSHIP AND 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. 2007. “Capital” in *The Enemy of Nature: The End of Capitalism or the End of the World?* Halifax: Fernwood. pp. 26-47.
- Glasbeek, Harry. 2017. “The Shareholder as Toxin” in *Class Privilege: How Law Shelters Shareholders and Coddles Capitalism*. Toronto: Between the Lines. pp. 64-82.

**WEEK FOUR – SEPTEMBER 26<sup>TH</sup>****GLOBALIZATION, (DE)-REGULATION AND CORPORATE POLITICAL POWER****READINGS**

- Ellwood, Wayne. 2015. “The Corporate Century” in *Globalization: Buying and Selling the World*. Oxford: New Internationalist. pp. 68-93.
- Bakan, Joel. 2004. “Democracy Ltd.” in *The Corporation: The Pathological Pursuit of Profit and Power*. Toronto: Viking. pp. 85-110.
- Glasbeek, Harry. 2017. “Cooking the Books” in *Class Privilege: How Law Shelters Shareholders and Coddles Capitalism*. Toronto: Between the Lines. pp. 17-28.

- Chaves, Elisabeth. 2011. "Money's Been Talking: How *Citizens United v. FEC* Obfuscates the View of the Role of Wealth in Our Democracy." American Political Science Association 2011 Annual Meeting. pp. 1-22.

#### WEEK FIVE – OCTOBER 3<sup>RD</sup>

#### THE CORPORATE VEIL: LIMITED LIABILITY, CRIMINAL LIABILITY AND THE IDEOLOGY OF MARKET CAPITALISM

##### READINGS

- 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. 2017. "Gaming the System" in *Class Privilege: How Law Shelters Shareholders and Coddles Capitalism*. Toronto: Between the Lines. pp. 29-44.
- Glasbeek, Harry. 2017. "The Shareholder as Gambler" in *Class Privilege: How Law Shelters Shareholders and Coddles Capitalism*. Toronto: Between the Lines. pp. 47-63.
- Glasbeek, Harry. 2017. "The Role of Limited Liability" in *Class Privilege: How Law Shelters Shareholders and Coddles Capitalism*. Toronto: Between the Lines. pp. 195-207.

#### WEEK SIX – OCTOBER 10<sup>TH</sup>

#### AIDING AND ABETTING: CORPORATE ADVERTISING AND 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.
- 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" in *This Little Kiddy Went to Market: The Corporate Capture of Childhood*. London: Pluto Press. pp. 6-22.

#### WEEK SEVEN – OCTOBER 17<sup>TH</sup>

#### UNSAFE PRODUCTS / UNSAFE PRODUCTION: HEALTH AND SAFETY CRIMES AT HOME AND ABROAD

##### READINGS

- Snider, Lauren. 2015. "Safety Crimes" in *About Canada: Corporate Crime*. Halifax: Fernwood. pp. 50-73.
- Rampton, Sheldon and John Stauber. 2001. "Dying for a Living" in *Trust Us, We're Experts!* New York: Penguin Putnam. pp. 75-98.

- Glasbeek, Harry. 2017. "The Ideal of Individual Responsibility" in *Class Privilege: How Law Shelters Shareholders and Coddles Capitalism*. Toronto: Between the Lines. pp. 107-130.
- Deneault, Alain and William Sacher. 2012. *Imperial Canada Inc.: Legal Haven of Choice for the World's Mining Industries*. Vancouver: Talonbooks. pp. 1-7, 45-64.

**\*OCTOBER 24<sup>TH</sup> – FALL BREAK, NO CLASS\***

**WEEK EIGHT – OCTOBER 31<sup>ST</sup>**

**UNDERMINING ECOLOGICAL SUSTAINABILITY: ENVIRONMENTAL CRIME AND REGULATION**

**READINGS**

- 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.
- Snider, Lauren. 2015. "Environmental Crimes" in *About Canada: Corporate Crime*. Halifax: Fernwood. pp. 23-49.
- 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. 171-204.
- Hatch, Christopher and Matt Price. 2008. "Canada's Toxic Tar Sands: The Most Destructive Project on Earth." Toronto: Environmental Defence. pp. 7-23.

**WEEK NINE – NOVEMBER 7<sup>TH</sup>**

**CLIMATE CHANGE: ASSESSING THE CRIMINALITY OF DENIAL AND THE POTENTIAL OF CLIMATE LITIGATION**

**READINGS**

- Klein, Naomi. 2014. "One Way or Another, Everything Changes" and "The Right is Right: The Revolutionary Power of Climate Change" in *This Changes Everything: Capitalism vs. the Climate*. Toronto: Knopf. pp. 1-28; 31-54.
- Derber, Charles. 2010. "The Denial Regime" in *Greed to Green: Solving Climate Change and Remaking the Economy*. Boulder, CO: Paradigm. pp. 74-87.
- Kramer, Ronald. 2013. "Carbon in the Atmosphere and Power in America: Climate Change as State-Corporate Crime." *Journal of Crime and Justice* 36 (2): 153-170.
- Carrington, Damian. 2018. "Can Climate Litigation Save the World?" *The Guardian*, March 20<sup>th</sup>, pp. 1-6.

**WEEK TEN – NOVEMBER 14<sup>TH</sup>****STATE-CORPORATE CRIME: HUMAN RIGHTS AND 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.
- Sanders, Barry. 2009. "Depleted Uranium" and "Bombs Away, All Day" in *The Green Zone: The Environmental Costs of Militarism*. Oakland, CA: AK Press. pp. 83-92; 95-106.
- Project Underground. 2006. "The Life & Death of Ken Saro-Wiwa: A History of the Struggle for Justice in the Niger Delta." pp. 1-11.

**WEEK ELEVEN – NOVEMBER 21<sup>ST</sup>****CORPORATE FRAUD, FINANCIAL REGULATION AND THE GLOBAL ECONOMIC CRISIS****READINGS**

- 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.
- Snider, Lauren. 2015. "Financial Crimes" in *About Canada: Corporate Crime*. Halifax: Fernwood. pp. 74-99.
- McNally, David. 2011. "The Great Panic of 2008" in *Global Slump: The Economics and Politics of Crisis and Resistance*. Halifax: Fernwood. pp. 13-24.
- Freidrichs, David. 2013. "Wall Street: Crime Never Sleeps" in *How They Got Away With It: White Collar Criminals and the Financial Meltdown*. New York: Columbia University Press. pp. 3-23.

**WEEK TWELVE – NOVEMBER 28<sup>TH</sup>****LIFTING THE CORPORATE VEIL: REGULATING CORPORATE CRIME****READINGS**

- Snider, Lauren. 2015. "Tackling Corporate Power" in *About Canada: Corporate Crime*. Halifax: Fernwood. pp. 100-125.
- Bakan, Joel. 2004. "Reckoning" in *The Corporation: The Pathological Pursuit of Profit and Power*. Toronto: Viking. pp. 139-167.
- Glasbeek, Harry. 2017. "A Step Off the Road to Serfdom" in *Class Privilege: How Law Shelters Shareholders and Coddles Capitalism*. Toronto: Between the Lines. pp. 238-252.

**WEEK THIRTEEN – DECEMBER 5<sup>TH</sup>**

- Submit Final Papers