

Course Outline

COURSE:	LAWS 4302B– Regulation of Corporate Crime
TERM:	WINTER 2021
PREREQUISITES:	LAWS 2908, CRCJ 3001 or CRCJ 3002 and Fourth-Year Honours standing
CLASS:	Day & Time: Thursdays, 6:05 pm – 8:55pm EST
	Room: All Courses in the Winter 2021 term are offered online. seminars in this course will be delivered "live", online using the Zoom conferencing platform during our regularly scheduled class time I plan to record seminar sessions for students who are not able to make seminars due to their presence in different time zone or any other unavoidable reasons. Please check CULEARN for current Class Schedule and Zoom link.
INSTRUCTOR:	Dr. Mohammad Hasan
CONTACT:	Office Hrs: By appointment through Zoom. Check in CULEARN for my Zoom link. I will hold office hours every Tuesday between 1-2pm EST. Let me know by email if you would like to talk with me. Allow 36 hours for reply. No replies on weekends or evenings.
	Email: MohammadHasan@cunet.carleton.ca

CALENDAR 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

The course examines the current debates over regulating corporate crimes in Canada and around the world from both legal and policy perspectives. Drawing on different theoretical perspectives, the course focuses on the nature and causes of corporate crime and how states react in regulating corporate behaviour, limitations of existing state laws and regulations against corporate criminality, what factors influence the success or failure of the criminal justice and regulatory systems in responding to corporate crime. The role of criminal, civil and regulatory sanctions in deterring corporate crime will also be examined. Throughout the semester, the course will move forward with assessing corporate and white

collar crimes; offenders and victims of corporate crimes; transnational and international controlling mechanisms, how corporate managers influence political and legal systems and the policy making process.

COURSE MODALITY & TECHNICAL REQUIREMENTS

This course is a real-time, online course where the instructor and students meet via web conferencing tools, at scheduled days and times. Instructors and students share information, ideas and learning experiences in a virtual course environment. Participation in synchronous courses requires students to have reliable, high-speed internet access, a computer (ideally with a webcam), and a headset with a microphone.

Sessions may be recorded to enable access to students with internet connectivity problems, who are based in different time zone, and/or who have conflicting commitments. If students wish not to be recorded, they need to leave your camera and microphone turned off. You will be notified at the start of the session when the recording will start, and Zoom will always notify meeting participants that a meeting is being recorded. It is not possible to disable this notification.

Please note that recordings are protected by copyright. The recordings are for your own educational use, but you are not permitted to publish to third party sites, such as social media sites and course materials sites. You may be expected to use the video and/or audio and/or chat during web conferencing sessions for participation and collaboration. If you have concerns about being recorded, please email me directly so we can discuss these.

LEARNING OBJECTIVES

Upon successful completion of the course, students will be able to:

- Recognize various forms of corporate crimes and white-collar crimes by assessing different theoretical, legal and policy perspectives;
- Explain and illustrate different current corporate crimes and why the behaviour or criminality is problematic;
- Investigate Canadian, transnational and international legal frameworks to regulate corporate behaviour and apply relevant rules to the case studies and challenges;
- Read, summarize and evaluate legal and policy frameworks on different types of corporate crimes and strategies of regulating corporate crimes;
- Write a research paper by analyzing existing literature, cases and legislation.

REQUIRED TEXTS

There is no required coursepack or textbook for this seminar. Almost all of the required readings will be available through the CULEARN page.

SUPPLEMENTARY TEXTS

As we proceed, additional related readings may be posted throughout the semester.

EVALUATION

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.

Reading Responses: 15%

Attendance and Participation: 15%

Seminar Presentation: 20% [Schedule will be posted on CULEARN]

Essay Proposal: 15% [Due on February 25]

Term Paper: 35% [Due on April 8]

Total: 100%

Attendance and Participation (15%): Your attendance will be counted for this seminar course. Since this is a seminar class, you will require to participate in the discussion during the seminar and presentation. The weekly discussion questions you posted on CULEARN may be brought into the discussion in group activities in the given week. To engage you more meaningfully, I plan to use breakout rooms where you will be given time to discuss with your peers and disseminate your understanding of the readings.

Discussion Posts (15%): Every week you (except presenters of that week) are expected to post a 250 words summary of an assigned reading of your choice that includes at least one discussion question which may be discussed during the presentations or breakout rooms. The short summary and discussion questions must be posted on CULEARN by 2:30 pm every Thursday. You are welcome to write more questions. The questions should be thought provoking and insightful which can open fruitful conversations/discussions for the seminar. Throughout the semester, you are expected to submit at least 7 posts total. At the end of the term, discussion post grades will be the average grade for all posts for the term.

Seminar Presentation (20%): Every student will be expected to pick at least one reading and present it individually. It is expected that there will be two to three students presentations each week. Once an individual presentation is done, the presenter will facilitate a seminar discussion using pre-prepared discussion questions. Each student will have 20-25 minutes for their presentation and facilitated discussion. 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. The presentations will begin in the second class. Scheduling presentations will be completed in the first seminar class.

Essay Proposal (15%): This research proposal will be the basis of the research essay students will complete in the course. Students only have to write between 750 and 1000 words (2-3 double spaced pages, Times New Roman with 12 font size) for the research proposal that includes research topic, thesis statement, research questions, theoretical framework, summary of literature, and methodology. When you

consider picking a research topic, please narrow the topic down on one single issue and think how the topic is relevant to the subject matter of the course. Ensure that you have reviewed at least 3 scholarly sources and added the sources in the bibliography/work cited for your proposal. Use proper citation (footnotes) using the *Canadian Guide to Uniform Legal Citation*, 9th ed (Toronto: Thomson Reuters, 2018). You can find a citation guide here (https://library.carleton.ca/sites/default/files/help/writing-citing/Using_uniform_legal_citation_2018.pdf).

The proposal is due on February 25 before 11:59pm. Additional instructions for the assignment may be posted on CULEARN.

Term Paper/Research Essay (35%): This is an independent research paper and must be original to this course. Students may select the topics for their research essay. However, the research essay must draw on an area of research related to the course and either have a conceptual/theoretical and empirical link to “Corporate Crime” or “Regulation of Corporate Crime”. You will be required to do research beyond the readings in the course. The research essay should be between 3500 and 4500 (about 12-16 double spaced pages, Times New Roman with 12 font size) excluding footnotes and bibliographies. You can use any article from our course readings for your research paper. Your research should be based on scholarly journal articles and book chapters or newspaper articles/web sources, but you must engage at least 7 scholarly sources. Use proper citation (footnotes) using the *Canadian Guide to Uniform Legal Citation*, 9th ed (Toronto: Thomson Reuters, 2018). You can find a citation guide here (https://library.carleton.ca/sites/default/files/help/writing-citing/Using_uniform_legal_citation_2018.pdf).

The paper is due on April 8 before 11.59pm. Additional instructions for the assignment may be posted on CULEARN.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Late Penalty

Late submission will be penalized. Assignments submitted later than the due date will be penalized 5% per day of the total value of the assignment. For example, if an assignment worth 25% of the total course grade is a day late, 1 point out of 20 (or 5% per day) will be deducted.

Extension

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date. https://carleton.ca/registrar/wp-content/uploads/COVID-19_Self-declaration.pdf **Extensions for longer than 7 days will normally not be granted.** In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

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: <https://carleton.ca/registrar/academic-integrity/>*

SCHEDULE**Important Dates:**

January 11, 2021	Winter Term Begins. Winter Classes Begin
February 15-19, 2021	Winter Reading Break, No Classes
April 14, 2021	Winter Term Ends
April 16-27, 2021	Formally Scheduled Final Exams May Be Held

Weekly Schedule

Please read the assigned material before each lecture and review it again after each lecture. Students are responsible for all assigned readings. Most of the readings are posted on CULEARN.

Week 1 [January 14] Introduction

Overview, key concepts, readings and assignments
Presentation schedule

Week 2 [January 21]: Corporate Personality**Readings:**

- Dewey, John, "The Historic Background of Corporate Legal Personality." (1926) 35.6 The Yale Law Journal 655. [20 pages]
- Boukaert, Boudewijn, "Corporate Personality: Myth, Fiction or Reality" (1991) 25:2 Israel LR 156. [32 pages]

Week 3 [January 28]: Ethics and Corporate Behaviour**Readings:**

- Schwartz, Mark, “The nature of the relationship between corporate codes of ethics and behaviour.” (2001) 32.3 *Journal of business ethics*: 247-262. [16 pages]
- Cragg, Wesley, “Ethics, enlightened self-interest, and the corporate responsibility to respect human rights: A critical look at the justificatory foundations of the UN framework.” (2012) 22.1. *Business Ethics Quarterly*: 9-36 [28 pages].
- Rogers HP, Ogbuehi AO, & Kochunny CM, “Ethics and transnational corporations in developing countries: A social contract perspective.” (1995) 4.2 *Journal of Euromarketing*: 11-38. [28 pages]

Week 4 [February 4]: Corporate Crime and White-collar Crime

Readings:

- Sutherland, Edwin H, “Is ‘white collar crime’ crime?.” (1945) 10.2 *American sociological review*: 132-139. [8 pages]
- Braithwaite, John, “White collar crime.” (1985) 11.1 *Annual Review of Sociology*: 1-25. [25 pages]
- Kramer, Ronald C., Raymond J. Michalowski, and David Kauzlarich. “The origins and development of the concept and theory of state-corporate crime.” (2002) 48.2 *Crime & Delinquency*: 263-282. [20 pages]

Week 5 [February 11]: Cause and Effects of Corporate Crimes

Readings:

- Croall, Hazel, “Victims of white collar and corporate crime.” (2007) *Victims, crime and society*: 78-108. [30 pages]
- Feeley, Drew, “Personality, environment, and the causes of white-collar crime.” (2006) 30 *Law & Psychol. Rev.*: 201. [31 pages]
- Sagar, Aneel, “The Concept of White-Collar Crime: Nature, Causes, Political and Legal Aspects in Accountability and Way Forward.” (2019) 26.1 *Journal of Political Studies*. [10 pages]

Reading week [No class]

Week 6 [February 25]: Corporate Criminal Liability and Criminal Justice

Readings:

- Simpson, Sally S, “Assessing the Failure of Corporate Deterrence and Criminal Justice [Chapter 3]” in *Corporate Crime, Law and Social Control*, Cambridge University Press, 2002” 45-60. [16 pages]
- Leigh, Leonard H. “The criminal liability of corporations and other groups: a comparative view.” (1982) 80.7 *Michigan law review*: 1508-1528. [21 pages]
- Hamdani, Assaf, and Alon Klement, “Corporate crime and deterrence.” (2008) 61 *Stan. L. Rev.*: 271. [40 pages]

Week 7 [March 4]: Corporate Deterrence: Civil Justice and Regulatory Justice**Readings:**

- Simpson, Sally S, “Corporate Deterrence and Civil Justice” [Chapter 4]” in *Corporate Crime, Law and Social Control*, Cambridge University Press, 2002” 61-78. [18 pages]
- Simpson, Sally S, “Corporate Deterrence and Regulatory Justice” [Chapter 5]” in *Corporate Crime, Law and Social Control*, Cambridge University Press, 2002” 79-98. [19 pages]
- Wilson Meeks, “Corporate and White-Collar Crime Enforcement: Should Regulation and Rehabilitation Spell an End to Corporate Criminal Liability.” (2006) 40:1 Colum JL & Soc Probs 77. [48 pages]

Week 8 [March 11]: International and Transnational Perspectives on Controlling Corporate Crime**Readings:**

- Baars, G. “Capital, corporate citizenship and legitimacy: The ideological force of ‘corporate crime’ in international law.” (2017) *The Corporation: A Critical, Multi-Disciplinary Handbook*: 419-433. [38 pages]
- Simons, Penelope, “International law's invisible hand and the future of corporate accountability for violations of human rights.” (2012) 3.1 *Journal of Human Rights and the Environment*: 5-43. [39 pages]
- Michalowski, Raymond J., and Ronald C. Kramer. “The space between laws: The problem of corporate crime in a transnational context.” (1987) 34.1 *Social Problems*: 34-53. [20 pages]

Week 9 [March 18]: Corporate Behaviour: Indigenous Rights and Social Movement**Readings:**

- Miranda, Lillian Aponte, “The Hybrid State-Corporate Enterprise and Violations of Indigenous Land Rights: Theorizing Corporate Responsibility and Accountability under International Law” (2007) 11:1 *Lewis & Clark L Rev* 135. [50 pages]
- Holwick, Scott, “Transnational Corporate Behavior and Its Disparate and Unjust Effects on the Indigenous Cultures and the Environment of Developing Nations: Jota v. Texaco, A Case Study” (2000) 11:1 *Colorado J of Intl Environmental L & Policy* 183.[40 pages]
- Kirsch, Stuart, “Indigenous Movements and the Risks of Counter globalization: Tracking the Campaign against Papua New Guinea's Ok Tedi Mine” (2007) 34.2 *American Ethnologist* 303 [19 pages]

Week 10 [March 25]: Corporate Business and Toxic Capitalism**Readings:**

- Anderson, Michael, “Transnational Corporations and Environmental Damage: Is Tort Law the Answer” (2002) 41:3 *Washburn LJ* 399. [28 pages]
- Pearce, Frank, and Steve Tombs. "Hazards, law and class: Contextualizing the regulation of corporate crime." (1997) 6.1 *Social & Legal Studies*: 79-107. [29 pages]

- Seck, Sara, “Revisiting Transnational Corporations and Extractive Industries: Climate Justice, Feminism, and State Sovereignty” (2017) 26:2 Transnat’l L & Contemp Probs 383. [32 pages]

Week 11 [April 1]: Canadian Corporations Abroad and Human Rights Violation

Readings:

- Imai, Shin, Leah Gardner, and Sarah Weinberger. “The ‘Canada Brand’: Violence and Canadian Mining Companies in Latin America.” (2017) 17 Osgoode Legal Studies Research Paper. [130 pages]
- Pena, Susana C. Mijares, “Human rights violations by Canadian companies abroad: Choc v Hudbay Minerals Inc.” (2014) 5 WJ Legal Stud. [22 pages]
- Tzeuschler, Gregory GA, “Corporate Violator: The Alien Tort Liability of Transnational Corporations for Human Rights Abuses Abroad.” (1998) 30 Colum. Hum. Rts. L. Rev.: 359. [15 pages]

Week 12 [April 8]: State Responsibility in Regulating Corporate Crime

Readings:

- McCorquodale, Robert, and Penelope Simons. “Responsibility beyond borders: state responsibility for extraterritorial violations by corporations of international human rights law.” (2007) 70.4 The Modern Law Review: 598-625. [28 pages]
- Seck, Sara L. “Environmental harm in developing countries caused by subsidiaries of Canadian mining corporations: The interface of public and private International Law.” (2000) 37 Canadian Yearbook of International Law/Annuaire canadien de droit international: 139-221. [39 pages]
- Seck, Sara L. “Transnational Business and Environmental Harm: A TWAIL Analysis of Home State Obligations.” (2011) 3 Trade L. & Dev.: 164. [41 pages]

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

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 Department of Equity and Inclusive Communities (EIC): <https://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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

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 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) <https://carleton.ca/pmc>

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: <https://studentsupport/svpolicy>

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: <https://students.carleton.ca/services/accommodation/>

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. <https://carleton.ca/law/current-students/>