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CELIA WELLS

Corporations and Criminal Responsibility

Second Edition



Corporations And Criminal Responsibility

E. N. Ngwafor



Corporations And Criminal Responsibility:

Corporations and Criminal Responsibility Celia Wells, 2001-05-24 Contemporary concern about technological hazards posed by business enterprises has intensified interest in the criminality of corporations Incorporating ideas from a wide range of literature the book argues that there is no magic answer to corporate power to issues of personal safety and their inter relationship with criminal law and justice The attention paid to corporate criminal liability by courts legislatures law reform bodies and international organizations has increased markedly in the past decade As in the first edition the book takes what might be called a panoptic approach to the subject Corporations and their susceptibility to criminal law are examined from sociological psychological philosophical and organizational perspectives as the book progresses This edition has been revised and updated to take account of the burgeoning scholarly literature Detailed analysis of judicial and legislative movements in England and Wales in other national jurisdictions and at the level of international organizations follows Two new chapters on corporate manslaughter and on comparative and international responses to corporate crime accommodate these changes The book is distinctive in combining legal analysis and discussion of law reform debates with a theoretical account of the relationship between legal institutions and the role of risk and blame in shaping criminal law and the practices of the criminal justice system *Corporate Criminal Liability* Mark Pieth, Radha Ivory, 2011-04-20

With industrialization and globalization corporations acquired the capacity to influence social life for good or for ill Yet corporations are not traditional objects of criminal law Justified by notions of personal moral guilt criminal norms have been judged inapplicable to fictional persons who think and act through human beings The expansion of new corporate criminal liability CCL laws since the mid 1990s challenges this assumption Our volume surveys current practice on CCL in 15 civil and common law jurisdictions exploring the legal conditions for liability the principles and options for sanctioning and the procedures for investigating charging and trying corporate offenders It considers whether municipal CCL laws are converging around the notion of corporate culture and in any case the implications of CCL for those charged with keeping corporations and other legal entities out of trouble **Corporations as Criminals** Ellen Hochstedler Steury, 1984 Can a corporation commit a crime If so who in the organization is to be held responsible and how does a criminal justice system designed to process individual criminals cope with the criminal corporation This book explores both the theoretical and practical problems of bringing criminal sanctions against corporate offenders through the courts and regulatory agencies and offers some of the latest legal historical and sociological research on the subject of sanctioning corporate wrongs

Corporations, Crime and Accountability Brent Fisse, John Braithwaite, 1993 Explaining why accountability for corporate crime is rarely imposed under the present law this text proposes solutions that would help to extend responsibility to a wide range of actors It develops an Accountability Model under which the courts and corporations work together to achieve accountability across a broad front *Corporate Criminal Liability and Compliance Management Systems* Santiago

Wortman Jofre,2019-08-26 In Corporate Criminal Liability and Compliance Management Systems A Case Study of Spain Santiago Wortman Jofre offers a case study where he examines the way in which Spain understands and implements Compliance Management Systems Corporate criminal liability has become a matter of controversy in civil law countries since it challenges the traditional principle of *societas delinquere non potest* by which corporations cannot be held criminally responsible However corporations have taken a new position in the world s political agenda as evidenced by the 2017 G20 s High Level Principles on the Liability of Legal Persons for Corruption The new trend in criminal law advocates for the criminal responsibility of legal persons and pushes for the implementation of Compliance Management Systems as deterrent for corporate criminality Santiago Wortman Jofre then presents evidence on the role of criminal justice and the importance of positive stimuli requirements as effective incentives to drive companies to implement compliance programs **Towards**

Corporate Liability in International Criminal Law Desislava Stoitchkova,2010 Seeking to address the problem of corporate involvement in grave human rights abuse i e genocide crimes against humanity and war crimes this study explores the desirability and feasibility of subjecting business enterprises to regulation through international criminal law

Regulating Corporate Criminal Liability Dominik Brodowski,Manuel Espinoza de los Monteros de la Parra,Klaus Tiedemann,Joachim Vogel,2014-06-30 Corporate Criminal Liability is on the rise worldwide More and more legal systems now include genuinely criminal sanctioning for legal entities The various regulatory options available to national criminal justice systems their implications and their constitutional economic and psychological parameters are key questions addressed in this volume Specific emphasis is put on procedural questions relating to corporate criminal liability on alternative sanctions such as blacklisting of corporations on common corporate crimes and on questions of transnational criminal justice Corporate Criminal Liability Kathleen F. Brickey,1984 **Corporate Criminal Responsibility** E. N.

Ngwafor,1989 *Corporate Criminal Liability and Prevention* Richard S. Gruner,2004 The book instructs corporate counsel on how to adopt forward looking compliance policies that can prevent criminal liability and how to mitigate the severity of penalties when they are unavoidable *Rethinking Corporate Crime* James Gobert,Maurice Punch,2003-03 Critiques the application of the current criminal law system to corporate wrongdoing and assesses the potential for legal control of corporate criminality **European Developments in Corporate Criminal Liability** James Gobert,Ana-Maria

Pascal,2011-06-10 When corporations carry on their business in a grossly negligent manner or take a cavalier approach to risk management the consequences can be catastrophic The harm may be financial as occurred when such well regarded companies as Enron Lehman Brothers Worldcom and Barings collapsed or it may be environmental as illustrated most recently by the Gulf oil spill Sometimes deaths and serious injuries on a mass scale occur as in the Bhopal gas disaster the Chernobyl nuclear explosion the Paris crash of the Concorde the capsizing of the Herald of Free Enterprise and rail crashes at Southall Paddington and Hatfield in England What role can the law play in preventing such debacles and in punishing the

corporate offenders This collection of thematic papers and European country reports addresses these questions at both a theoretical and empirical level The thematic papers analyse corporate criminal liability from a range of academic disciplines including law sociology criminology economics philosophy and environmental studies whilst the country reports look at the laws of corporate crime throughout Europe highlighting both common features and irreconcilable differences between the various jurisdictions

Criminal Liability of Corporations = LA Criminalisation Du Comportement Collectif Hans De Doelder, Klaus Tiedemann, 1996 This volume contains fourteen national reports and the general report on the subject of Criminal Liability of Corporations written for the XIVth Congress of the International Academy of Comparative Law which was held in 1994 in Athens Greece The issue of criminal liability of corporations is being discussed worldwide as is apparent in the many changes which are taking place in both criminal law and administrative law in several countries The national reports give an overview of the various trends in criminal policy when addressing the topic of liability of corporations and the general report sets out a common thread in this field

Corporate Bodies and Guilty Minds William S. Laufer, 2008-10-31 We live in an era defined by corporate greed and malfeasance one in which unprecedented accounting frauds and failures of compliance run rampant In order to calm investor fears revive perceptions of legitimacy in markets and demonstrate the resolve of state and federal regulators a host of reforms high profile investigations and symbolic prosecutions have been conducted in response But are they enough In this timely work William S Laufer argues that even with recent legal reforms corporate criminal law continues to be ineffective As evidence Laufer considers the failure of courts and legislatures to fashion liability rules that fairly attribute blame for organizations He analyzes the games that corporations play to deflect criminal responsibility And he also demonstrates how the exchange of cooperation for prosecutorial leniency and amnesty belies true law enforcement But none of these factors according to Laufer trumps the fact that there is no single constituency or interest group that strongly and consistently advocates the importance and priority of corporate criminal liability In the absence of a new standard of corporate liability the power of regulators to keep corporate abuses in check will remain insufficient A necessary corrective to our current climate of graft and greed *Corporate Bodies and Guilty Minds* will be essential to policymakers and legal minds alike This timely work offers a dispassionate analysis of problems relating to corporate crime Harvard Law Review

Reevaluating Corporate Criminal Responsibility Charles R. P. Pouncy, 2012 Challenging the neoclassical economic theory that corporate behavior is best governed by the self regulating process of the free market this Article maintains that corporations should continue to be subjected to criminal prosecution for violating the law Stressing the underlying struggle between social and economic institutions to shape our future society the Author employs institutional economic theory to identify the shortcomings inherent in market deployed mechanisms as they relate to curtailing corporate criminal behavior First the Article details the public mistrust of corporations in light of recent scandals and explores divergent views among academia and practicing attorneys regarding the application of criminal law to artificial

entities Next the Author examines the relationship of corporations and the criminal law through the lens of institutional economic theory asserting that financial penalties alone fail to deter corporate criminal activity The Author rebuffs the claim that individual actors and not corporations commit crimes asserting that corporate cultures tacitly influence the individual actor and thus the entity should bear responsibility for criminal behavior Finally the Article suggests assigning criminal liability to corporations is a rational reflection of the public sentiment and eliminating corporations from the ambit of criminal law runs counter to the expectations of society

Accountability for Collective Wrongdoing Tracy Isaacs, Richard Vernon, 2011-01-31 Ideas of collective responsibility challenge the doctrine of individual responsibility that is the dominant paradigm in law and liberal political theory But little attention is given to the consequences of holding groups accountable for wrongdoing Groups are not amenable to punishment in the way that individuals are Can they be punished and if so how or are other remedies available The topic crosses the borders of law philosophy and political science and in this volume specialists in all three areas contribute their perspectives They examine the limits of individual criminal liability in addressing atrocity the meanings of punishment and responsibility the distribution of group punishment to a group's members and the means by which collective accountability can be expressed In doing so they reflect on the legacy of the Nuremberg Trials on the philosophical understanding of collective responsibility and on the place of collective accountability in international political relations

Corporate Criminality and Liability for Fraud Alison Cronin, 2018-03-14 Through a rational reconstruction of orthodox legal principles and reference to cutting edge neuro science this book reveals some startling truths about the criminal law its history and the fundamental doctrines that underpin the attribution of criminal fault While this has important implications for the criminal law generally the focus of this work is the development of a theory of corporate criminality that accords with modern theory of group agency itself informed by advancements in contemporary philosophy and social science The innovation it proposes is the theoretical and practical means by which criminal fault can be attributed directly to the corporate actor where liability cannot or should not be reduced to its individual members

Corporations, Accountability and International Criminal Law Kyriakakis, Joanna, 2021-12-09 This timely book explores the prospect of prosecuting corporations or individuals within the business world for conduct amounting to international crime The major debates and ensuing challenges are examined arguing that corporate accountability under international criminal law is crucial in achieving the objectives of international criminal justice

Corporate Criminal Liability and Sanctions Michala Meiselles, Nicholas Ryder, Arianna Visconti, 2024-09-18 This edited collection sheds light on the evolution of corporate financial crime exploring a myriad of offenses ranging from money laundering and fraud to market manipulation and bribery Considering and assessing the models used in national law to determine the culpability of corporations this book compares the different schemes used to address financial and other organisational crimes committed by these entities Through a combination of history law and global perspectives its chapters dissect landmark cases and

provide detailed analyses of money laundering fraud market manipulation manslaughter and legislative responses in various locations around the world This comparative approach offers a unique lens exploring diverse jurisdictions and shedding light on global patterns of corporate wrongdoing By critically assessing the challenges of prosecuting economic crimes on a large scale the collection proposes innovative solutions including the introduction of failure to prevent offences Corporate Criminal Liability and Sanctions Current Trends and Policy Changes is a valuable resource for academics professionals and anyone intrigued by the ever evolving realm of white collar and corporate wrongdoing It will appeal to scholars across the fields of law criminology sociology and economics as well as those professionally engaged in preventing and investigating corruption and in developing or enforcing regulation such as solicitors barristers businessmen and public servants

Corporate Criminal Liability in Environmental Jurisprudence Indrajit Dube, Mia Mahmudur Rahim, 2025-09-08

Environmental jurisprudence is a dynamic field that integrates insights from various disciplines including basic sciences earth science economics and law At its core this discipline emphasizes the importance of enforcing rights as environmental pollution poses significant threats to individuals and society as a whole The repercussions of pollution are not confined to the immediate vicinity they can reverberate across vast regions and impact countless future generations Addressing pollution as a wrong or crime demands a nuanced understanding of the law making the study of environmental jurisprudence essential This book explores corporate polluter liability within the framework of environmental jurisprudence While protective measures for the environment have been embedded in various statutes since the early 20th century the notion of environmental jurisprudence has only recently come to the forefront of legal discourse This field is crucial for safeguarding the natural and legal rights of individuals communities and the state With a comprehensive approach that encompasses both national and international dimensions this book critically engages with the foundational concepts of environmental jurisprudence exposing the rampant environmental violations perpetrated by corporations and outlining how these entities can be held accountable within regulatory frameworks Furthermore it provides a thorough analysis of essential international instruments aimed at combatting corporate induced environmental degradation offering recommendations to elevate corporate criminal liability within the realm of environmental jurisprudence scholarship Highlighting the urgent need for accountability but also inspiring action toward a sustainable future this book will interest legal scholars researching on criminal liability and environmental law

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Table of Contents Corporations And Criminal Responsibility

1. Understanding the eBook Corporations And Criminal Responsibility
 - The Rise of Digital Reading Corporations And Criminal Responsibility
 - Advantages of eBooks Over Traditional Books
2. Identifying Corporations And Criminal Responsibility
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Corporations And Criminal Responsibility
 - User-Friendly Interface
4. Exploring eBook Recommendations from Corporations And Criminal Responsibility
 - Personalized Recommendations
 - Corporations And Criminal Responsibility User Reviews and Ratings

- Corporations And Criminal Responsibility and Bestseller Lists
- 5. Accessing Corporations And Criminal Responsibility Free and Paid eBooks
 - Corporations And Criminal Responsibility Public Domain eBooks
 - Corporations And Criminal Responsibility eBook Subscription Services
 - Corporations And Criminal Responsibility Budget-Friendly Options
- 6. Navigating Corporations And Criminal Responsibility eBook Formats
 - ePub, PDF, MOBI, and More
 - Corporations And Criminal Responsibility Compatibility with Devices
 - Corporations And Criminal Responsibility Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Corporations And Criminal Responsibility
 - Highlighting and Note-Taking Corporations And Criminal Responsibility
 - Interactive Elements Corporations And Criminal Responsibility
- 8. Staying Engaged with Corporations And Criminal Responsibility
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Corporations And Criminal Responsibility
- 9. Balancing eBooks and Physical Books Corporations And Criminal Responsibility
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Corporations And Criminal Responsibility
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Corporations And Criminal Responsibility
 - Setting Reading Goals Corporations And Criminal Responsibility
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Corporations And Criminal Responsibility
 - Fact-Checking eBook Content of Corporations And Criminal Responsibility
 - Distinguishing Credible Sources

13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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