

SYMPOSIUM

THE CRIMINAL LAW AND POLICING CORPORATE CONDUCT

At the start of the 21st century, a tide of corporate scandals washed over the United States. The collapse of huge businesses that, it turned out, had been built, maintained, and/or looted by fraud of one kind or another affected thousands of employees through job loss and many more investors through financial loss. The resulting shock brought a sustained wave of legislative, executive, and media attention to the criminal law and its role in preventing such occurrences and in punishing responsible parties.

Some criminal justice scholars consider the realm of business or “white collar” crime a field apart from their usual concerns. Yet the prosecution of white collar crime in fact involves many of the core concerns of these scholars. Such questions as the appropriate scope of the criminal law, the proper limits on the state in overcoming investigatory difficulties, the impact of the politics of punishment on legislation, the scope and division of the sentencing power and the very purposes of punishment are all front and center in the white collar crime field.

Given the current ferment in the law surrounding business crime, we asked scholars with a variety of core interests to discuss the criminal law’s role in policing corporate conduct. Their responses address the questions mentioned above and many others. We hope and expect that you will find the articles in the symposium interesting and provocative; the relevance of issues of corporate criminality to the broader field of criminal justice should be readily apparent.

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