

# Index

- Abbott Laboratories 3
- Aborigines, Australian 232, 233
- Abrams, R. I. 172
- accountability
  - agreements, assurances and orders 141, 143, 144, 147–9, 177
  - responsibility for compliance with 151–2
  - supervision and monitoring 152–3
  - threshold requirements for 149–51
  - collective 12
  - importance of 12–15
  - individual 1–4, 6, 10, 12, 14, 43, 62, 79, 81, 140
  - lines of 38, 39, 126
  - mechanisms of 122, 209–10
  - nominated 111, 116
  - principles of 128, 130–2, 137
  - problems of 1–15, 57, 58
  - report 155, 156
  - structures 129
- Accountability Model
  - accountability agreements, assurances and orders 146–53
  - applications of 222–37
  - corporate action 204–8
  - corporate behaviour 210–13
  - cost-efficiency 167–9
  - criminal justice system 199–201
  - cultures of resistance 198–9
  - deterrence trap 189–90
  - desiderata for allocating responsibility 158–218
  - equality 178–82
  - illustrations of 154–7
  - individual interests 169–77
  - managerial flexibility 209–10
  - motivational complexity 190–3, 195
  - organisations, public and private 215–16
  - private systems of justice 193–8
  - prosecution guidelines 145–6
  - pyramidal enforcement 141–5
  - redundancy 208–9
  - responsibility 158–62, 162–3, 163–7
  - spillovers 187–9
  - scapegoating 153–4, 182–7
  - transnationality 213–15
  - varieties of responsibility 201–4
- Ackerman, B. A. 69
- action
  - corporate 19–24, 34–36, 75, 76, 138, 190, 204–8
  - organisational 121, 122
  - rules of 92, 134, 140
- actors, types of 220
- Adams, J. R. 8, 222, 223, 226
- Adams, S. 56
- Adhocracy 106–8, 131, 132, 195
- Adler, M. J. 19
- adverse publicity 42, 140, 144, 156, 163, 186, 187, 192, 234, 237
- agencies
  - regulatory 129, 130, 210
  - enforcement 147
- agent
  - responsible 45
  - insurance 232, 233, 235
- Air New Zealand 25, 26, 186
- Akers, R. L. 159
- Alchian, A. A. 74
- Alexander, C. P. 2, 14
- Allied Chemical Corporation 84
- Allison, G. T. 101, 102, 104
- allocation of responsibility 220, 225, 228
- Accountability Model 138–57, 208, 228

Cambridge University Press

978-0-521-44130-8 - Corporations, Crime and Accountability

Brent Fisse and John Braithwaite

Index

[More information](#)

- desiderata for 135–8, 158
- deterrence 85–6
- dramaturgical model 110–11
- economic theories and 60, 98–100
- individualism 17–18
- justice and 185, 195–6, 225
- Pearce Report 69–71
- organisational theory and 101, 108, 202
- retribution 44–6
- Stone on 66–9
- theories of 15
- Allport, F. H. 12
- Allport, G. W. 182
- Alphacell Ltd v Woodward* 5
- Alschuler, A. W. 18, 170
- American Airlines 10
- American Bar Association 4, 9, 42, 43, 82, 86, 144, 153
- American Law Institute 40
- Andenaes, J. 69
- Anderson, F. R. 7
- Anderson, L. S. 159
- antitrust 13, 16, 61, 62, 168, 222
  - enforcement 6
- Aoki, M. 27
- Apps, P. F. 74
- Arkin, S. I. 29
- Arrow, K. J. 33
- Ashford, N. M. 69
- asset insufficiency 64
- Athos, A. G. 112
- auditing 128, 231
- Australia, Commonwealth Director of Public Prosecutions 12
- Australia, Law Reform Commission 30, 41, 42, 144
- Australia, Senate Standing Committee on Constitutional Affairs 12
- Australia, Standing Committee of Attorneys-General 30
- Australia, Trade Practices Act 47
- Australia, Trade Practices Commission 2, 9, 11, 16, 37, 55, 151, 152, 180, 182, 185, 192, 230, 231, 232, 235
- Australian Chamber of Commerce and Industry 16
- Australian Securities Commission 55
- Australian Tax Office 5
- autopoiesis 119, 120
- Ayers, K. A. 4, 36
- Ayres, I. 85, 131, 141, 143, 153, 191, 193, 198, 237
- Bailey, M. 5
- Baker, D. I. 4
- Bank of England 56, 225, 226
- bankruptcy 189, 219
- Barack, G. 215
- Barbash, J. 171, 173
- Barbier, E. B. 59
- Bardach, E. 198, 237
- Barnard, C. I. 107
- Barrett-Howard, E. 175
- Barton, N. E. 148
- Bateson, G. 120
- Baucon, L. 7
- Baumrind, D. 134
- Bayles, M. 173
- Baysinger, B. D. 101
- BCCI (Bank of Credit and Commerce International) 8, 56, 217, 222–7, 237
- Becker, G. 61
- Belair, R. L. 172
- Bell, D. 79
- Bellah, R. N. 17
- Bendor, J. 88, 208
- Benedict, R. 112
- Benn, S. I. 73
- Benson, M. 204
- Bequai, A. 37, 69
- Bergman, D. 8, 94, 229
- Berle, A. A. 74
- Bernstein, M. H. 69
- Bhopal disaster 7, 8, 30
- BHP 186
- Bierce, A. 12, 15
- Bindley Western 7
- Bingham, T. H. 5
- Bishop, D. M. 159
- Bittel, L. R. 48
- Bittker, B. I. 19
- Black, T. 48
- Blades, L. E. 171, 173
- blameworthiness 57, 85, 92
  - corporate 157, 162–3, 211
    - assessment of 35–6, 229
    - conditions 26–7, 46–8
    - examples 25–6
    - guidelines for prosecution 146
    - sanctions 83
  - individual 157

Cambridge University Press

978-0-521-44130-8 - Corporations, Crime and Accountability

Brent Fisse and John Braithwaite

Index

[More information](#)

## 268 INDEX

- Blankenburg, E. 176  
 Block, A. A. 14, 111  
 Block, D. J. 14, 111, 148  
 Blum, R. H. 165  
 Blumberg, P. I. 165  
 Blumrosen, A. W. 171  
 Boesky, Ivan 55  
 Boonin, L. G. 128  
 Bosk, C. L. 106  
 Bosly, H. D. 41  
 Boulding, K. 39  
 Boulton, D. 111, 190, 213  
 Bower, J. L. 29  
 Box, S. 5, 37  
 Braithwaite, J. 12, 28, 53, 56, 57, 79, 84, 86, 88, 111, 113, 125, 130, 141, 158, 160, 178, 188, 200, 201, 204, 207, 210, 214, 216, 237  
     and Ayres 131, 141, 143, 153, 191, 193, 198, 237  
     and Fisse 9, 10, 11, 33, 43, 48, 51, 57, 111, 118, 123, 152, 156, 161, 168, 176, 181, 186, 191, 192, 199, 204, 214  
     and Geis 41  
     and Grabosky 2, 4, 5, 85, 176  
     and Pettit 18, 44, 46, 93, 173, 179, 200, 219  
 Braithwaite, V. 201, 216  
 Brakel, S. J. 43, 161  
 Bratton, W. W. Jr 75, 76  
 Breit, W. 1, 4, 36, 39, 59, 60–2, 65, 66, 72, 73, 78, 80, 83, 89, 90, 91, 94, 95, 96, 99  
 bribery 12, 94, 206, 214  
     BCCI 226  
     Flick 6  
     Gulf Oil Corporation 12, 139–40, 194  
     McDonnell Douglas Corporation 3–4  
 Brickey, K. F. 1, 36, 47, 52  
 British Petroleum 5  
 Brodbeck, M. 18  
 Brown, G. M. Jr 7, 69  
 Bruck, C. 55, 188, 218  
 Brudney, V. 76  
 Bruns, N. 29  
 Buchholz, E. 6  
 Bucy, P. 28, 164, 180  
 Bullock, A. 20  
 bureaucracy 39  
     *see also* Machine Bureaucracy, Professional Bureaucracy  
 Bureaucratic Politics Model 102–4, 108  
 Burkett, S. 159  
 Burkey, L. M. 171, 172  
 Burns, T. 102, 118, 125  
 Burrell, G. 125  
 Burrough, B. 2  
 Byam, J. T. 17, 41, 85  
 Byrne, J. 33, 73, 74, 90  
  
 Campbell, D. N. 147  
 Canada, Law Reform Commission 5, 12, 36, 40, 80, 138  
 capital punishment, corporate 15, 143, 156, 193, 200, 201, 209  
 captain of the ship responsibility 111, 113–16  
 Carlson, A. 171–3, 177  
 Caroline, M. W. 17  
 Carpenter, D. S. 2  
 Carr, E. H. 21  
 Carson, W. G. 5  
 Cashman, P. 213  
 Cass, R. 90  
 Cavender, G. 12, 37  
 Chapman, B. 60  
 Charles, D. 18  
 Chayes, A. 161  
 Chemie Grunenthal 6  
 Chiricos, T. G. 159  
 choice 32–4  
     collective 33  
 Clark, R. 12, 76, 112  
 Cleveland, F. W. Jr 9  
 Clinard, M. 2, 4, 37, 39, 160, 188  
 CML (Colonial Mutual Life Assurance Society Ltd) 16, 222, 232–7  
 Coal Mines Regulation Act 1982 (NSW) 6, 125, 126, 129  
 coal-mining industry 113, 116, 125–7, 129  
 Coase theorem 89  
 Coffee, J. C. Jr 42, 84, 87, 90, 139–40, 148, 150, 187, 194  
 bribery 12  
     ‘Corporate Crime and Punishment’ 1, 8, 9, 60, 66, 74, 78, 94, 98  
     ‘Liquidity Versus Control’ 81  
     ‘No Soul to Damn ...’ 41, 43, 82, 86, 103, 144

Cambridge University Press

978-0-521-44130-8 - Corporations, Crime and Accountability

Brent Fisse and John Braithwaite

Index

[More information](#)

- Cohen, A. K. 18  
 Cohen, M. A. 2, 4, 7, 62, 71, 78, 84, 89  
 Cohen, S. 24, 25, 236  
 Coleman, J. L. 93  
 Coleman, J. S. 12, 24, 27, 39, 49, 73  
 collectivism 134  
 Collier, N. C. 17  
 Collins, H. 61, 165, 171, 177  
 command and control 80  
 community service 42, 143, 144, 156  
     order 116  
 compensation 48, 67, 95, 146, 169, 190, 229–32, 235  
 compliance 86–8, 125–7, 129, 130, 143, 151, 152  
     failure, responsibility for 205  
     mechanisms 216  
     policies 49, 211  
     responsibility for 152  
     voluntary 85, 237  
 Compte, A. 21  
 Conard, A. F. 52  
 Conklin, J. E. 6  
 construction, social 23, 24  
 consumer protection 16  
 contingency theory 118, 119  
 Cook, J. D. 126  
 Cooper, D. 30  
 Cooper, G. 14  
 Cooter, R. 60  
 Copetas, A. C. 2  
 corporate action 19–24, 34–6, 75, 76, 138, 190, 204–8  
 corporate regulation, theories of 60  
 corporations 30  
     features of 19, 20  
     Japanese 111–14, 116, 117, 123  
 cost-efficiency 65, 66, 69, 99, 135, 145, 167–9, 209  
 counsel, outside 194–7, 208, 223  
 Craver, C. B. 171, 172, 173, 174  
 Cressey, D. 18, 22, 32, 33, 34  
 crime, level of organisational 221  
 Cuban missile crisis 104  
 Cullen, F. T. 12, 37, 41  
 culture of resistance 137, 151, 180, 198–200, 213  
 culture, corporate 22, 131, 137, 170, 196, 207  
     and accountability 116, 222  
     law and 122, 123, 132  
     Japanese corporations 117, 119, 123  
     and responsibility 28, 206  
 culture, law and 29, 122, 123, 132  
 Curtler, H. 18  
  
 Dallas, L. L. 96  
 Dalton, M. 96  
 damages 144  
 Dan-Cohen, M. 18, 25, 27, 52, 77, 122, 148  
 Davis, J. H. 75  
 Dawson, S. J. 177  
 Dawson, W. S. 8, 84  
 Day, P. 12, 236  
 Deal, T. E. 125  
 decisionmaking 29, 46  
     responsibility 205  
     corporate 92, 123, 131, 132, 137  
     aims of 82  
     bottom-up/top-down 112, 123  
     models for 101–4, 110–11, 117–18, 206  
     rational actor model 73–5  
 Delatte, P. 41  
 Delbecq, A. 118  
 delegation 110, 129, 134  
 Demb, A. 31  
 DeMott, D. A. 76  
 Derrida, J. 29  
 Dershowitz, A. 4  
 Dertouzos, J. N. 171  
 desert, just 44, 49, 50, 179, 219  
 desiderata, for allocation of  
     responsibility 135–8, 158  
 deterrence 57, 200, 201, 208–9, 219, 220, 232  
     and choice 32–4  
     and corporate action theories 34–5  
     and corporate reform 35–6  
     economic theory of 71  
     efficacy of 73–4  
     and efficiency 78–93  
     and financial incentives 60, 61  
     goal of 68  
     limits of individual liability and 36–41  
     non-monetary 81–8  
     and sanctions 41–4, 191–3  
 deterrence trap 82, 83, 136, 189, 190, 200, 219

Cambridge University Press

978-0-521-44130-8 - Corporations, Crime and Accountability

Brent Fisse and John Braithwaite

Index

[More information](#)

## 270 INDEX

- Dewey, J. 18  
 Dickens, L. 177  
 diligence, due 211, 212  
 DiMento, J. 18  
 directing mind 8, 229  
 discipline, internal  
     and allocation of responsibility 1,  
     8–12, 79, 80, 101, 143, 145, 159,  
     181, 194, 228  
     effectiveness of 67, 69, 82, 91, 92,  
     136, 212–31, 214, 234  
     and individual interests 93, 95–7,  
     132  
     procedural justice in 52–3, 170–1,  
     177, 204  
     and sanctions 139, 160  
     scapegoating and 153–4, 186  
 diversity, organisational 201–4  
 Divisionalised Form 106  
 Doig, J. W. 41  
 domination 121, 132, 206, 208  
 dominion 174, 175  
 Donaldson, L. 75  
 Donaldson, T. 13, 14, 25, 29, 30  
 Doré, R. 112, 113, 117  
 Dowd, J. 220  
 Downs, A. 96  
 dramaturgical model 109–11, 165  
 Drane, R. W. 25  
 Drew, A. B. 170  
 Dubeck, P. J. 41  
 due process 185  
 Duguit, L. 17, 26  
 Duke, S. 52  
 Durkheim, E. 20, 21  
 Dworkin, R. 25  
 Dworkin, T. 186  
  
 E. F. Hutton and Co. 2–4, 9, 11, 13,  
     34, 194  
 Eagles, I. 170  
 Ebener, P. 171  
 EC (European Community)  
     Commission 5  
 economic analyses of law 59, 60, 72,  
     80, 93, 98, 99, 134  
 education 210, 231, 235, 236  
 Edwards, H. T. 172, 173  
 Edwards, J. LI. 5  
 Eells, R. 97, 112  
 efficiency 63, 79–98  
 Eli Lilly and Co. 4  
  
 Ellickson, R. C. 60  
 Ellis, D. D. 60  
 Elzinga, K. G. 1, 4, 36, 39, 59, 60–2,  
     72, 73, 78, 80, 83, 89, 90, 91, 94,  
     95, 96, 99  
 Emery, F. E. 21  
 Emmet, D. 77  
 empowerment 153, 183  
 enforcement  
     agencies 57, 87, 136  
     civil 48  
     costs 37–8, 167–9  
     difficulties of 39  
     extraterritorial 226  
     insufficiency 65  
     objective-driven 54, 55  
     pyramid of 85, 86, 140, 141–5,  
     152, 153, 154, 157, 160, 161, 183,  
     186, 201, 208, 209  
     resources 53, 54, 133, 226  
     strategies 58, 138, 190, 194, 235,  
     237  
     target-driven 54, 55  
 English Electric 117  
 enterprise liability 59–72, 79, 80, 89,  
     93–6, 97, 98, 99, 134  
     non-fault based 69  
 environmental contingency theory  
     207  
 environmental protection 69, 70  
 equality 136, 178–82  
 equity fines 42  
 Erickson, M. 159  
 Ermann, M. D. 7, 30  
 ethnomethodology 202  
 Etzioni, A. 30, 60, 73, 78, 92  
 external actor responsibility 205  
*Exxon Valdez* oil spill 115, 166  
 Ezorsky, G. 19, 45  
  
 failure of enforcement 55  
 fairness, procedural 171  
 Falls, M. M. 45  
 Fauconnet, P. 12, 18  
 fault 29, 44, 138  
     corporate 46–9  
     initial 162  
     reactive 47, 48, 162, 163, 201,  
     210–13  
 fault-based individual responsibility  
     111, 117, 127, 205

Cambridge University Press

978-0-521-44130-8 - Corporations, Crime and Accountability

Brent Fisse and John Braithwaite

Index

[More information](#)

INDEX 271

- Federal Aviation Administration (US) 10
- Feeley, M. 79
- Feinberg, J. 84
- Feloni, J. 2
- Felsteiner, W. L. F. 170
- Fialka, J. J. 222
- Fiebach, H. R. 148
- Field, S. 30, 229
- Film Recovery Systems 2, 7
- Findlay, M. 170
- Fine, S. 4
- finances 8, 41, 44, 67, 71, 84, 92, 143
- efficiency of 61
- equity 42
- limitations of 43
- Finkelstein, J. J. 25
- Finn, P. 186
- Finnis, J. 45
- Finzen, B. A. 165
- Firm
- agency theory of 72, 75–8, 90, 95, 96, 97
- theories of the 60, 61, 73
- unitary model of 74
- Fiske, Robert 7
- Fiss, O. 35, 43, 170
- Fisse, B. 1, 2, 8, 18, 26, 30, 40, 41, 43, 44, 46, 47, 48, 49, 82, 83, 88, 92, 103, 104, 147, 149, 151, 165, 180, 187, 211, 213–15, 238
- and Braithwaite 3, 4, 9, 10, 11, 33, 43, 48, 51, 57, 111–17, 118, 123, 152, 156, 161, 168, 176, 181, 186, 191, 192, 199, 204, 214
- Fleming, R. L. 147
- Fleming, R. W. 171, 172, 173
- Fletcher, G. 18
- Flick bribery case 6
- Florman, S. C. 25
- Food, Drug and Cosmetic Act 1938 13
- foreign actor responsibility 206
- Francis, J. J. 17
- Frank, J. 36
- Frantz, D. 222, 223, 226
- Freedman, Robert 55
- Freiberg, A. 2, 5, 9, 14, 81, 164
- French, P. A. 12, 18, 25, 26, 27–9, 47, 49, 56, 128, 211
- Fricker, M. 2
- Friedman, H. M. 148
- Freidman, L. M. 122
- Friedrich, John 57
- Friendly, H. J. 172, 173
- Frug, G. 74
- functionalism, sociological 21
- Gaines, S. E. 69
- Galbraith, J. K. 82
- Garet, R. R. 19
- Garfinkel, H. 202
- gatekeeper 65, 78, 80, 91, 99, 162, 166
- responsibility 205
- Geertz, C. 19, 20, 23, 24
- Geis, G. 2, 18, 41, 219
- Gelb, H. 52
- General Dynamics Corp 4, 7
- General Electric 9, 10
- General Motors 186
- Geraghty, J. A. 41, 42, 49, 82, 86, 144
- Gerber, J. 88
- Gerth, H. H. 105
- Geyelin, P. 12
- Gibbons, T. 84
- Gibney, F. 112
- Gibson, D. 201, 216
- Gibson, W. 30
- Giddens, A. 21, 31
- Ginzberg, E. 125
- Goff, C. H. 4, 5
- Goffman, I. 109
- Goldberg, A. M. 7
- Goldman, Sachs 55
- Goldring, J. 111
- Good Laboratory Practices Regulations 125
- Goodin, R. E. 24, 25, 26, 27, 34
- Goodpaster, K. 26
- Goodwin, S. D. 1, 52, 138
- Gordon, Robert 81
- Gouldner, A. W. 124
- government responsibility 206
- Grabosky, P. 2, 4, 5, 12, 36, 85, 176, 190
- Gray, S. M. 5
- Great Britain, Law Reform Commission 36
- Green, M. J. 2, 3
- Greenberg, B. D. 8, 84
- Grippando, J. M. 52
- Groening, W. A. 4

Cambridge University Press

978-0-521-44130-8 - Corporations, Crime and Accountability

Brent Fisse and John Braithwaite

Index

[More information](#)

## 272 INDEX

- Grote, R. C. 147  
 groups, self-governing 77  
 Gruner, R. 42, 82, 86, 88, 103, 116, 144, 147–9, 161, 187, 189  
 Grupp, S. E. 45  
 Guinness plc 7  
 Gulf Oil Corporation 12, 180, 194  
 Gunningham, N. 69  
 Gurwin, L. 223, 224, 225
- Habermas, J. 175, 176  
 Haddock, M. D. 60, 62  
 Hallis, F. 18, 20, 25–7, 29  
 Hans, V. 30  
 Harada, A. 123  
 Hare, T. 52  
 Harm-Based Liability Rules (HBLRs) 66, 69, 78  
 Hart, D. K. 27  
 Hart, H. L. A. 24  
 Hart, O. 60, 77, 89, 99  
 Hartz Mountain Corp 4  
 Hassler, W. T. 69  
 Hawkins, K. 33, 36, 48, 85  
 Hay, G. 61, 91  
 Hayek, F. A. 19, 20  
 Hedberg, B. L. T. 107  
 Heilbroner, R. 79  
 Heimer, C. A. 73, 92  
 Helyar, J. 2  
 Henry, S. 81, 97, 170, 177, 193  
 Herlihy, E. D. 11, 12  
 Herling, J. 9, 10  
 Herman, E. S. 74  
 Hessler, C. A. 12  
 Hill, M. 5  
 Hindess, B. 20  
 Hinings, C. R. 108  
 Hitachi 117  
 Ho, C. 2, 4  
 Hobson, D. 7, 188  
*Hodge v Higgins* 114, 115  
 Hodgkinson, C. 118  
 Hoffman La Roche 56  
 Hoffman, S. M. 33, 73, 74, 90  
 Hogg, P. W. 215  
 holism, methodological 20, 57  
 Holland, E. 171  
 Holmes, O. W. 34  
 hologram, organisations as 119  
 Holstrom, B. 77  
 Honoré, A. M. 1
- Hopkins, A. 101, 201  
 Horster-Philipps, U. 6, 40  
 Horwitz, M. 74  
 Hovenkamp, H. 60  
 Hrebiniak, L. G. 118  
 Hwang, C.-L. 90  
 Hyde, W. W. 25
- IBM (International Business Machines) 168, 169, 222  
 immunity 145, 179, 180  
 incentives 40, 71, 73–7, 85, 159, 162, 187  
     financial 60, 62, 78, 81, 86, 92, 99, 188  
     managerial 66  
     market-based 70  
 indemnification 63, 64, 67–9, 94, 134  
 individual interests 50–7, 93, 95–8, 136, 169–77  
 individual responsibility 2, 8, 13, 31, 53, 78, 90, 101, 123, 135, 146, 158–62, 164, 183  
 individualism 15, 17–18, 36, 38, 41, 50–1, 52, 53, 54, 57–8, 66, 94, 134  
     and corporate action 19–24  
     and corporate responsibility 24–31  
     methodological 18, 57, 76  
     versus holism 24  
 individuals, features of 19, 20  
 inequality 51, 53–7, 93, 96–9, 133, 179  
 injunction, mandatory 148  
     punitive 35, 36, 42, 43, 44, 82, 83, 86, 143, 144, 156, 187  
 injustice 99  
 innovation 106, 127–9, 131, 132  
 insider trading 55  
 insurance 63, 64, 134  
     agents 232, 233, 235  
     scams 8  
 intentionality 26, 27, 30, 31, 35, 48  
     corporate 73, 107, 133, 162, 211  
 International Labour Organization 171  
 intervention 66, 125, 137, 161  
 Iovanni, L. 159  
 Irwin, W. A. 69  
 Iseman, R. H. 12
- Jackall, R. 96  
 Jacobs, F. 127

Cambridge University Press

978-0-521-44130-8 - Corporations, Crime and Accountability

Brent Fisse and John Braithwaite

Index

[More information](#)

INDEX 273

- Jacoby, N. H. 112  
 jail 40, 98, 144, 156, 192  
 Janis, I. L. 22  
 Jensen, E. 159  
 Jensen, G. F. 74, 75–6, 159  
 Jescheck, H.-H. 6, 18  
 Jevons, W. S. 73  
 Johnson, R. 7, 69, 159  
 Jones, E. A. 171, 172  
 Jones, E. D. 2, 4  
 Jörg, N. 30, 229  
 Josephson, M. 17  
 Jung, H. 6  
 justice 51, 124, 136  
   as fairness 45, 50  
   procedural 52, 53, 173, 175–7,  
     184, 185  
   private systems of 81, 121, 140,  
     145, 146, 159, 170, 181, 187, 191;  
     fairness of 16, 51, 52–3;  
     monitoring 138, 158;  
     relationship with public system  
       15, 149, 153, 160, 164, 169, 174,  
       175–6, 178–80, 180, 184, 188,  
       193–8, 199, 207–8, 214, 215–16  
   public system of 160, 164, 169,  
     171, 176, 178, 179, 182, 187, 208,  
     213, 216, 221; relationship with  
     private systems 15, 158, 160,  
     164  
   punitive 204  
   republican theory of 158, 173–5
- Kadish, S. 17  
 Kafka, F. 12  
 Kagan, R. A. 33, 73, 159, 198, 203  
 Kahan, J. S. 52  
 Kahn, R. L. 118, 125  
 Kanski, A. M. 171, 172  
 Kant, I. 45  
 Kanter, R. M. 108  
 Katz, D. 118, 125  
 Kaufman, H. 125  
 Kennedy, C. 43, 125  
 Kepone case 84  
 Kerry Report 223, 224, 227  
 Kerse, C. S. 6  
 Kidd, C. J. F. 177  
 Kidder Peabody 4, 55  
 Kilz, H. W. 6  
 Kirkpatrick, W. W. 1  
 Klein, R. 12, 236
- Klevorick, A. K. 60  
 Kneese, A. V. 7  
 Knightley, P. 6  
 Komarow, G. 12  
 Koprowicz, K. M. 12  
 Kraakman, R. H. 1, 3, 39, 59, 62–6,  
     72, 75, 78, 80, 83, 89, 91, 94–6, 99  
 Kramer, R. C. 12  
 Krause, F. 6  
 Kraut, R. 159  
 Kreigler, R. J. 69  
 Kreimer, S. F. 26  
 Kreisberg, S. M. 33, 101, 102, 104,  
     105, 108, 117, 119, 203, 207  
 Krohn, M. D. 159  
 Kruse, S. V. 18, 52
- Ladd, J. 31  
 Lahti, R. 18  
 Lakoff, S. A. 81, 193  
 Landau, M. 88, 208  
 Lanza-Kaduce, L. 159  
 Lareau, W. 14  
 Latham, E. 81  
 Laufer, W. S. 24  
 law 15, 24, 123–32, 211  
   criminal 218–22  
   culture and 29  
   economic analyses 59, 60, 72, 80,  
     93, 98, 99
- Lawrence, P. R. 118, 119, 207  
 Lazard Freres 55  
 Lederman, E. 17, 18, 32, 41, 50  
 Leigh, L. H. 17, 18  
 Lenard, P. M. 177  
 Lennon, K. 18  
 Levi, M. 178  
 Levine, D. 55  
 Levine, T. A. 11, 12  
 Lewis, D. 220  
 Lewis, D. R. 4  
 Lewis, H. D. 12, 127
- liability  
   civil 64, 73, 84, 146  
   corporate 17, 18, 50, 54, 62, 63,  
     64, 66, 70, 89, 98, 107, 113, 183,  
     229  
   corporate criminal 17–18, 40, 47,  
     52, 72, 73, 86, 146  
   criminal 8, 13, 17, 18, 32, 34, 39,  
     52, 84, 93, 97, 107, 137, 146, 201,  
     212



## 274 INDEX

- enterprise 59–72, 79, 80, 89, 93–7,  
98, 99, 134
- forms of 109
- gatekeeper 65, 91
- individual 17, 18, 36, 38–40, 52,  
63, 66–8, 70, 78, 89, 98, 103, 167
- individual criminal 47, 51, 54, 64,  
65, 69, 72, 78, 80, 81, 86, 94, 95,  
138
- individual, limits of 37
- limited 68, 69
- liberties, civil 169
- Lin, M.-J. 90
- Lind, E. A. 170, 175
- Link, B. G. 12
- Liroff, R. A. 69
- Loasby, B. J. 59
- Lofquist, W. S. 30, 42, 82, 86, 144
- Loomis, C. J. 37
- Lorsch, J. W. 118, 119, 207
- Luban, D. 18
- Lucas, J. 25
- Luhmann, N. 120, 175
- Lukes, S. 17, 18, 21
- Lundman, R. J. 7
  
- Maakestad, W. J. 12, 37
- Macey, J. R. 62
- Machine Bureaucracy 105–7, 119,  
202
- Mackie, J. L. 46
- Madsen, R. 17
- Maher, L. W. 111
- Makkai, T. 201, 216
- managerial flexibility 209, 210
- Mangham, I. 109, 118
- Mann, K. 22, 37, 148
- Mannheim, H. 127
- Manning, R. 27
- Manson, T. 41
- Markandya, A. 59
- Marris, R. 60
- Martin, D. D. 169
- Marx, G. T. 172, 177
- Mathews, A. F. 148
- Matsuo, K. 123
- Matthews, R. 169
- Maturana, H. 119
- Matz, A. H. 37
- Matza, D. 216, 236
- May, L. 18
- Mayer, M. 8
  
- McAdams, T. 13
- McCarry, G. J. 171
- McCarthy, C. 10
- McChesney, F. S. 60, 62
- McCloy, J. J. 9, 12, 139, 213
- McConnell, G. 77, 97
- McCormack, D. R. 51
- McCulloch, K. J. 171, 172
- McDonald, M. 19, 27, 30, 31
- McDonnell, M. 38
- McDonnell Douglas Corp 3, 4, 37
- McDowell, B. 186
- McVisk, W. 1, 138
- Means, G. C. 74
- Meckling, W. H. 74, 75–6
- Meier, R. F. 159
- Mendeloff, J. 69
- Merrill Lynch 55
- Metzenboun, Sen Howard M. 13
- Michelman, F. I. 175
- Michels, R. 96
- Miester, D. J. 42
- Milan, V. 26
- Milken, Michael 218
- Mill, J. S. 12, 13, 79
- Miller, C. O. 10
- Millon, D. 27
- Mills, C. W. 105
- Mills, E. B. 2
- Ming, W. W. C. 1
- Minow, N. 81
- Mintzberg, H. 48, 79, 105, 106, 108,  
117, 119, 127, 131, 164, 202
- Mitchell, E. 26
- Mitnick, B. M. 69, 75, 198
- Mitroff, I. 216
- money laundering 222, 223
- Monks, R. A. G. 81
- Moore, B. C. 2, 3
- Moore, C. A. 41
- Moore, S. F. 128
- Morgan, G. 27, 34, 77, 118, 119–21,  
125, 205, 207
- Morgan, Robert 94
- Mortimore, G. W. 73
- Morvillo, R. G. 148
- motivation 136
- motivational complexity 190, 191,  
192, 193, 195
- Mount Erebus disaster 25
- Mouzelis, N. P. 77
- Muchlinski, P. T. 7

Cambridge University Press

978-0-521-44130-8 - Corporations, Crime and Accountability

Brent Fisse and John Braithwaite

Index

[More information](#)

- Mueller, G. O. W. 17  
 Muller, E. 6  
 Mulock, R. 129  
 Muolo, P. 2  
 Murphy, J. 28, 45, 88
- Neal, D. J. 25  
 Near, J. 186  
 negligence 29, 30, 73, 89, 133, 162  
 Nehemkis, P. 112  
 Neilson, W. A. 143  
 Nemerson, S. S. 127  
 Neubauer, F.-F. 31  
 Nilsson, R. 6  
*noblesse oblige* 111–13, 116, 127  
 Nolan, D. R. 172  
 nominated accountability 111, 116, 117  
 non-assurance of accountability 8–12  
 non-compliance 160, 162, 180  
   *see also* compliance  
 non-intervention 66  
 non-prosecution of individuals 2–5, 7, 13, 61, 66, 158  
   in Australia 5  
   in Canada 5  
   in Europe 6  
 Nonet, P. 26  
 Noonan, J. T. 111  
 Norwich Union Life Insurance Society 232  
 Nowak, N. S. 42, 103  
 Nozick, R. 25  
 NSW, Independent Commission  
   against Corruption 30  
 Nystrom, P. C. 107
- O'Brien, M. W. 69  
 O'Neill, J. 18  
 occupational health and safety 69  
 offences, view of 84, 85, 87, 90, 95  
 Ogren, R. W. 37  
 Ohmae, K. 112  
 Oilgate scandal 5  
 Olson, M. 33  
 organisation theory 15, 202  
   beyond positivist theories 117–31  
   decisionmaking models 101–4  
   dramaturgical model 109–111  
   structuring of organisations 105–9  
   varieties of responsibility 111–17
- Organisational Process Model 102–5, 207  
 organisations 21–3, 27, 35, 36, 76, 77, 100  
   images of 119–21  
 Orland, L. 3  
 Osunbor, O. 165  
 Ouchi, W. G. 112  
 overspills 43, 187–9, 219
- Packer, H. L. 69, 172  
 Page, J. A. 69  
 parent–subsidiary relationship 165  
 Parker, J. S. 61, 82  
 Parsons, T. 118  
 Pascale, R. T. 112  
 Passas, N. 222, 225–7  
 Paternoster, R. 159  
 Patterson, G. R. 134  
 Pauchant, T. 216  
 Pearce Report 59, 69, 70, 72, 78, 83, 89, 94–6, 99  
 Penal Harm-Based Liability Rules (HBLR(P)s) 66  
 penalties  
   civil 144  
   monetary 8, 41, 43, 59, 61, 62, 68, 73, 84, 99, 143  
   non-monetary 81, 86, 87  
 Pepinsky, H. E. 43, 52, 164  
 Perrow, C. 115, 117, 118  
 person, conception of 19, 20, 24  
 Pettit, P. 24, 44, 46, 93, 158, 173, 179, 200, 219  
 pharmaceutical industry 106, 116  
 Phillips, B. 171, 172, 173, 177  
 Phillips, D. E. 41  
 Pizzo, S. 2  
 Polanzi, C. W. 12  
 policy, corporate 26–9, 35, 49, 107, 133  
 Polinsky, A. M. 59, 71–3, 78, 80, 81, 83, 89, 91, 95, 96, 99  
 political actor model 207  
 pollution 70, 71  
 Popper, K. 21  
 Posner, R. A. 1, 8, 41, 43, 60, 78, 85, 89  
 Potter, E. 6  
 presentence reports 139  
 President's Commission on Coal 69  
 Preuss, J. 6

## 276 INDEX

- probation 42–4, 86, 144
  - corporate 88, 102, 103, 116, 139, 148, 156, 192, 200
- process benefits 173
  - control 175
  - rights 17
  - values 173
- Professional Bureaucracy 105, 106, 108
- profit maximisation 82, 190, 191
- prosecution guidelines 140, 145–6
- protection, consumer 232
- publicity, power of 166
  - see also* adverse publicity
- Pugh, D. S. 108
- punishment 31, 32, 34, 35, 51, 57, 79, 83–5, 100, 133, 200
  - deterrent 18
  - distribution of 49, 50
  - retributive theories of 44–7
- punitive injunctions 42–3, 82–3
- Pye Industries Sales Pty. Ltd. 11
- pyramid of enforcement 85, 86, 140, 141–5, 152, 153, 154, 157, 160, 161, 183, 186, 201, 208, 209
- Queensland Coal Mining Act 1925 125
- Radosevich, M. 159
- Ramsay, I. M. 39
- Rational Actor Model 33, 73–4, 77, 102, 104, 108, 193, 219
  - rational corporate actor 78, 90, 95, 96, 189
- reactive fault 47, 48, 49, 146, 162, 163, 201, 210–13
- Reasons, C. E. 4, 5
- reductionism 21, 25
- redundancy 88, 92, 137, 208, 209
- Reed, P. D. 7
- Reel, A. F. 52
- Rees, R. 74, 75
- reflexive law 175, 176
- reform, corporate 35, 36, 40, 48, 125, 133, 146, 153, 163, 188, 193, 197, 198, 208
- regulation, international 224
- regulatory agencies 129, 130, 210
- rehabilitation 192, 198, 200, 201, 209, 219
- Reilly, E. W. 125
- Reiman, J. H. 69
- Reiss, A. 92, 225
- repute 34, 190, 192, 209
- responsibility 24, 57, 85, 100, 109, 187
  - allocation of 220, 225, 228; Accountability Model 138–157, 208, 228; desiderata for 135–8, 158; and deterrence 85–6; dramaturgical model 110–11; economic theories and 60, 98–100; and individualism 17–18; justice and 185, 195–6, 225; Pearce Report 69–71; organisation theory and 101, 108, 202; and retribution 44–6; Stone on 66–9; theories of 15
- collective 127, 164
- for compliance failure 205
- concept of 92, 93
- corporate; and individual
  - responsibility 90; and individualism 24–31, 51, 57; intentionality 133; law and economic analyses 72, 75, 76; organisation theory 101; rational corporate actor model 78; recognition of 162–3, 197; sanctions 83
- criminal 28
- decisionmaking 205
- external actor 205
- fault-based 205
- fault-based individual 111, 117, 127
- foreign actor 206
- gatekeeper 205
- government 206
- individual 164, 183;
  - Accountability Model and 202; and individualism 53; organisation theory and 101, 123; value of 13, 78, 90, 135, 146, 158–62
- individual criminal 50, 79
- levels of 236
- model of 218
- notion of 78
- principles of 111, 117, 118, 122, 123, 127, 129, 131, 202;
  - Accountability Model and 202; law and 127, 129, 131;

Cambridge University Press

978-0-521-44130-8 - Corporations, Crime and Accountability

Brent Fisse and John Braithwaite

Index

[More information](#)

INDEX 277

- organisation theory and 103, 111, 117–18, 122–3
  - recognition of 134
  - social 190, 198, 199
  - standards of 27
  - strict 95, 112–14, 116
  - types of legal 105
  - value of 87, 98
  - value of individual 79, 89
  - varieties of 111–17, 201–7, 208
- retribution 18, 31, 44–6, 48–51, 57, 133, 137, 200
- Rich, D. 81, 193
- Richards, E. P. Jr 8, 30
- Ricketts, M. 60
- rights, employee 172, 177, 194, 204
- risk-shifting 63, 64, 90, 97, 134
- Roach, K. 161
- Robins, E. 173
- Rockwell International Corporation 4
- role-playing 118, 122
- Romano, R. 15, 89
- Rorty, A. O. 18
- Rose-Ackerman, S. 69
- Rudge, P. F. 77
- rules of action 92, 134, 140
- Russell, B. 92
- SA, Criminal Law and Penal Methods Reform Committee 82, 103, 139, 144
- Sadurski, W. 19, 45
- Safire, W. 2
- Sagoff, M. 59
- Salisbury, S. 96, 172
- Salomon Brothers 183
- Saltzman, T. 159
- sanction insufficiency 64
- sanctions
  - corporate 8, 36, 58, 92, 139, 187–8, 216, 229
  - criminal 143
  - and deterrence 34–5, 41–44
  - escalating 86–7, 144, 152, 153, 156, 157, 160, 183, 186, 192–3, 201
  - individual 102
  - monetary 82
  - non-monetary 11, 72, 81, 82, 83, 88
- Sand, P. H. 7
- Sanford, A. 193
- Sargent, N. 178
- satisficing 74, 90
- Saunders, E. 7
- savings and loan scandal 8
- scapegoating 16, 40, 94, 96, 97, 121, 129, 130, 132, 136, 141, 153–4, 166–7, 181, 182–7, 197
  - and enforcement 51, 55–7
- Scarpitti, F. R. 14, 111
- Schelling, T. C. 7, 33
- Schlegel, K. 24, 46
- Schleich, L. M. 2, 4
- Schneider, K. 111
- Schneider, M. W. 7
- Schneyer, T. 1
- Scholz, J. T. 33, 73, 85, 159, 203
- Schon, D. 211
- Schrager, L. S. 4
- Schwartz, B. 161
- Sciamanda, J. 29
- Scott, R. 69
- Scott, W. G. 27
- Screvens, R. 41
- SEC (Securities and Exchange Commission) (US) 128
- Segerson, K. 71
- self-interest 152
- self-investigation 196, 203, 212, 228
  - Accountability Model and 188, 192, 205–6, 207, 223, 228
  - enforced 168, 169
  - justice in 185, 208
- self-organisation 119
- self-regulation 11, 145, 161, 198
  - enforced 88, 130
- self-restraint 45
- Selznick, P. 124, 125
- Sen, A. 59, 60
- Seney, H. W. 127
- sentencing criteria 44
- Settle, R. 69
- settlement, administrative 230, 231
- settlement, deed of 233, 234
- Shackle, G. L. S. 59
- shame 79, 81, 92, 128, 159, 190, 191, 201, 236
- Shapiro, S. P. 9, 76, 77, 79
- Shavell, S. 59, 60, 71–3, 78, 80, 81, 83, 89, 91, 95, 96, 99
- Shaver, K. G. 24, 29
- Shearing, C. 1, 53, 74, 77, 81, 96, 170, 193

Cambridge University Press

978-0-521-44130-8 - Corporations, Crime and Accountability

Brent Fisse and John Braithwaite

Index

[More information](#)

## 278 INDEX

- Shearson Lehman 55  
 Shell Oil 5  
 Sher, G. 19  
 Shirk, W. B. 8, 84  
 Short, J. F. 4  
 Siegel, M. 55  
 Sigler, J. A. 28, 88  
 Silard, J. 171–3  
 Siliciano, J. A. 64, 99  
 Silk, L. 82  
 Silver, E. 171  
 Simon, H. A. 26, 27, 74  
 Simple Structure 105, 106, 164  
 Singer, R. 45  
 Sjostrom, H. 6  
 Smith, R. A. 2  
 social control 23, 166, 183, 204,  
     208–9, 229  
     problems of accountability and 12,  
     14  
     and responsibility 133, 149,  
     158–62, 238  
 social costs 189  
     of production 93–5  
 social organisation, pluralistic model of  
     77  
 social pressure 114  
 social theory 24  
 Society of Consumer Affairs  
     Professionals in Business  
     (Australian) 16  
 Solomon, L. D. 42, 103  
 Solomons Carpets 152, 180, 186,  
     190, 192, 222, 230, 231, 237  
 Spelfogel, E. J. 171–3  
 Spiegel, M. 60, 62  
 Spiegelhoff, T. L. 1, 2, 52, 138  
 spillovers 43, 187–9, 219  
 Staaf, R. J. 69, 167  
 Stalker, G. M. 118, 125  
 Stallybrass, O. 20  
 Stanbury, W. T. 5  
 standard operating procedures (SOPs)  
     102, 104, 107, 108, 188  
 Starbuck, W. H. 107  
 Steiner, I. D. 22  
 Stenning, P. 1, 53, 74, 77, 81, 96,  
     170, 193  
 Stevenson, R. B. 7  
 Stewart, A. 147, 171  
 Stewart, J. B. 2  
 Stewart, R. B. 69, 81, 140, 211  
 Stiglitz, J. E. 60  
 Stirling, J. 39  
 Stoljar, S. J. 25  
 Stone, C. D. 8, 11, 18, 27, 39, 42, 99,  
     103, 127, 187  
     enterprise liability 18, 37, 52, 59,  
     66–9, 72, 78, 80, 83, 89, 94–5, 97,  
     125  
     on corporations 14, 47  
 Stone, M. 171  
 Strasser, K. A. 165  
 Stretton, H. 52  
 structuring of organisations 105–32  
 Strudler, A. 18  
 Stubbing, R. A. 22  
 Sullivan, R. 6, 115  
 Sullivan, W. M. 17  
 Summers, C. W. 171–3  
 Sunga, L. S. 12  
 Surber, J. 24–6  
 surveillance 172, 174, 177  
 Sutton, A. 69  
 Swindler, A. 17  
 Sykes, G. 60, 89, 216, 236  
 Tannian, F. X. 69, 167  
 taxes 84, 94  
 Taylor, S. 7  
 Taylor, W. W. 6, 115  
 technology, types of 118  
 Temby, I. 14  
 Tepker, H. F. 173, 177  
*Tesco Supermarkets Ltd v Natrass* 5,  
     8, 47, 229  
 Teubner, G. 21, 120, 176  
 Thalidomide 6  
 Thompson, D. F. 51, 52, 215  
 Thompson, J. D. 118  
 Tiedemann, K. 6  
 Tietenberg, T. 71  
 Tigar, M. E. 26  
 Timberg, S. 41, 97  
 Tipton, S. M. 17  
 Tittle, C. R. 159  
 Toffler, A. 107  
 Tombs, S. 74, 77, 101, 118  
 Tower, C. B. 13  
 transnational corporations 108, 111,  
     138, 212, 213–15, 224, 226  
 Trebilcock, M. 60  
 Truell, P. 222, 223, 224, 225  
 trust 110, 152, 161, 197

Cambridge University Press

978-0-521-44130-8 - Corporations, Crime and Accountability

Brent Fisse and John Braithwaite

Index

[More information](#)

- Tundermann, D. W. 2  
 Turner, J. C. 22  
 Turner, R. K. 70  
 Tyler, T. R. 84, 170, 175  
  
 UK, Department of Transport 36, 40, 228  
 Ulen, T. 60  
 uncertainty 73, 82, 88–91, 93, 134  
 Union Carbide 7, 8, 30  
 unitary rational actor 72, 73  
*United States v Park* 13  
 US Food, Drug and Cosmetic Act 125  
 US House of Representatives 7  
 US House of Representatives  
     Committee of the Judiciary,  
     Subcommittee on Crime 2, 3, 9, 38, 49  
 US House of Representatives  
     Committee on the Judiciary,  
     Subcommittee on the Judiciary 3  
 US National Commission on Reform of  
     Federal Criminal Laws 2, 3  
 US National Transportation Safety  
     Board 166  
 US Securities and Exchange  
     Commission 11, 12, 129, 148, 180, 214  
 US Sentencing Commission 86, 87, 90, 144  
*US v Carroll* 174  
  
 Van de Ven, A. H. 118  
 van der Haas, H. 79, 81  
 Varela, F. 119  
 Vaughan, D. 34, 38, 124  
 Velasquez, M. 25, 26  
 victims 188, 236, 237  
 Vogel, D. 82  
 voluntarism 155  
 voluntary  
     cooperation 168  
     disclosure 224  
     reform 200  
 Von Hirsch, A. 45  
 Vroom, V. H. 198  
  
 Walburn, R. B. 165  
 Walde, T. W. 165, 213  
 Waldman, D. E. 169, 201  
 Waldo, G. 159  
  
 Wallace, M. 6  
 Walsh, W. M. 99, 127, 128  
 Walt, S. 24  
 Walter, C. 8, 30  
 Walton, C. C. 9  
 Warbrick, C. J. 6, 115  
 Warner, M. 29  
 Warnick, L. 55  
 Wasserman, D. 18  
 Wasserstein, B. 2, 3  
 Watkins, M. 2, 52  
 Weber, M. 105  
 Wells, C. 14  
 Westin, A. F. 96, 171, 172  
 Westin, R. A. 69  
 Westinghouse Corp 9  
 Weyland, R. 171–3, 177  
 whistle-blowers 9, 56, 186  
 Whitbread, C. K. 9, 82, 86, 139  
 Whiting, R. A. 4, 49  
 Wigton, Richard 55  
 Wild, R. 69  
 Williams, F. P. 159  
 Williams, G. 5  
 Williamson, O. 74, 75  
 Wilson, B. 73  
 Wilson, L. C. 110  
 Wilson, P. R. 12  
 Wilson, S. V. 37  
 Wilson, President 13  
 wisdom, systemic 120  
 Wolf, S. 24, 30  
 Wolfe, A. 210, 236  
 Wolff, J. C. 11, 26, 147  
 Wolff, M. 29  
 Wood, A. 60  
 Wray, C. A. 61, 82  
 Wylie, M. I. 148  
  
 Yamashita, General 52  
 Yarborough, T. E. 161  
 Yeager, P. C. 2, 4, 16, 37, 39  
 Yoder, S. A. 41, 103  
 Young, H. 36, 39  
  
 Zeebrugge ferry disaster 8, 39, 40, 222, 227–30  
 Zvekcic, U. 170