CONTENTS

List of Illustrations and Tables ix Preface xi Abbreviations xv

1.	Sites of Conflict	1
	An End to Corporate Impunity or American Imperialism?	3
	How Extraterritorial Law Enforcement Leads to the Rise of Negotiated Corporate Justice	б
	Market Power and Legal Irritants	8
	Unfolding the Argument	10
2.	The Moral Economy of Corporate Justice	12
	Legal Change across Boundaries	15
	Legal Traditions and Corporate Criminality	21
	Moral Economies	27
	Conclusion	33
3.	Corporate Prosecutions in the United States	35
	The Evolution of Corporate Criminal Enforcement	37
	Overview and Trends	42
	Global Enforcement—Home Advantage	51
	Possible Explanations for Home Bias	54
	Conclusion	56

4.	Extraterritoriality through Market Power	58
	Law and Territory	61
	Unilateral Expansion of Jurisdiction	63
	The Long Arm of American Law	66
	Conclusion	78
5.	Economic Lawfare	81
	Economic Rivalries in an Interdependent World	84
	Economic Lawfare in Support of Geoeconomic Strategies	87
	Targeting Companies to Win Geoeconomic Advantage	93
	Conclusion	105
б.	The Rise of Negotiated Justice	108
	Institutional Change through Irritation	111
	Negotiated Corporate Justice	113
	Comparing Institutional Change	116
	Varieties of Negotiated Justice	131
7.	Crime and Punishment in the Global Economy	134
	Globalization as the Competitive Transformation	
	of Corporate Justice	134
	The Challenges of Negotiated Corporate Justice	137
	Lessons from Abroad	139
	Geopolitics vs. Democratic Legitimacy	140
	Appendix 143	
	TT /	

Notes 153 Bibliography 191 Index 221

ILLUSTRATIONS AND TABLES

Illustrations

1.1	Corporate criminal fines by country of origin	5
3.1	Total fines and number of cases per year	43
3.2	The rise of deferred and nonprosecution agreements	44
3.3	Variation in dispositions by company type	45
4.1	Share of total payments of foreign firms by type of crime	77

Tables

2.1 Perspectives on the circulation of law	17
2.2 Two paradigms of corporate justice	33
3.1 Linear regression on log fines	53
5.1 Defining authority in global markets	92
6.1 Alternatives to criminal trial procedures	115
6.2 Institutional adaptation across cases	132
A.1 Top 20 of total fines	145
A.2 Top 20 of total payments	146
A.3 Penalties by type of crime	147
A.4 Linear regression on log fines vs. total payment	149
A.5 Linear regression on log fine and two-part model estimating probability and size of fines	150-51