

Publicity as 'cause or cure' for corporate harmful behavior

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Globalisation of the economy has given rise to unprecedented corporate power and has created new opportunities for corporate crime, social and environmental harm and global risk. Traditional state institutions, such as public regulatory agencies and national legislation, are increasingly considered insufficiently effective in addressing these transnational risks. This has led to an increase in scholarly attention for private and societal forms of regulation and control by non-state actors. This presentation addresses the potential and role of the media as a 'regulator' of corporate harm.

I will review two opposing perspectives in the literature regarding media as a 'cure' or a 'cause' of corporate crime (Rosoff 2007). In regulatory governance literature, business concern for their reputation is considered a powerful regulatory mechanism, and the media performs an important intermediary role by distributing reputational information and naming and shaming businesses. The white collar crime literature however criticizes media for failing to condemn corporate crime and framing it either as individualized or infotainment (Levi 2006), or anti-regulation (Almond 2009).

This presentation reviews these perspectives in the light of recent developments related to the globalization of news production. On the one hand, corporations increasingly control reputational information by employing legal instruments such as gag orders, public relations advisors and by controlling news production and negative publicity. On the other hand, globalisation has also generated a more open society, in which the internet creates new opportunities for global social control and transparency. I will argue therefore that neither of the two perspectives adequately represents the role of publicity in the globalized and digitalized society of today and that it is time to innovate the research agenda on the role of the media in relation to corporate crime.

Prof. Judith van Erp holds the chair 'Public Institutions' within the strategic theme 'Institutions for Open Societies' at Utrecht University. Her chair is embedded in the Utrecht School of Governance at the Department of Law, Economics and Governance at Utrecht University. Judith has published extensively on private forms of social control, such as 'naming and shaming', and their interaction with formal legal enforcement. She has also conducted empirical research on various monitoring and enforcement instruments. She currently works on a project on whistle blowing by third parties.

Judith van Erp has a background in Public Administration and Criminology. In 2009, she was a visiting scholar at the Centre for the Study of Law and Society at the University of California, Berkeley. She co-chairs the Collaborative Research Network on Regulatory Governance of the Law & Society Association and is one of the founders and board members of the European Working Group on Corporate and White-Collar Crime of the European Society for Criminology. Together with Wim Huisman and Gudrun Vandewalle, she edited the first Routledge Handbook on White-Collar and Corporate Crime in Europe (2015).