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Economic Lawfare: The Geopolitics of Corporate Justice

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Abstract

Large corporations are increasingly on trial. Over the last decade, many of the world's biggest companies have been embroiled in legal disputes over corruption charges, fraud, environmental damage, taxation issues or sanction violations, ending in convictions or settlements of record-breaking fines, well above the billion-dollar mark. For critics of globalization, this turn towards corporate accountability is a welcome sea-change showing that multinational companies are no longer above the law, simply because they are too big, too mobile and too important for economic growth. But the new world of corporate justice has a decidedly geopolitical dimension as well that helps to explain this new aggressive pursuit of corporate prosecutions. It requires market power to be able to impose legal norms beyond national boundaries, and the United States in particular has skillfully expanded its effective jurisdiction beyond its territory. I analyze the geopolitical tensions that result from the extraterritorial extension of American corporate criminal law and highlight both the politics of more stringent global corporate justice and the ways in which these reshape national legal approaches to corporate criminal law and business-government relations more generally.

Biographical information

Cornelia Woll is Professor of Political Science, Co-Director of the Max Planck Sciences Po Center on Coping with Instability in Market Societies and Researcher at the Center for European Studies and Comparative Politics at Sciences Po, Paris.