

# The Social Construction of Corporate Crime

## An Integrative Theoretical Framework

Based on Existing Literature

Ana Luísa Pereira (PhD Student | Centre for Interdisciplinary Research on Justice | School of Criminology, Faculty of Law of the University of Porto, Portugal | [up201200883@edu.direito.up.pt](mailto:up201200883@edu.direito.up.pt))  
Rita Faria (Centre for Interdisciplinary Research on Justice | School of Criminology, Faculty of Law of the University of Porto, Portugal)  
Amadeu Recasens (Emeritus Professor, Spain)

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### Overview

#### Definition

Corporate crime refers to “*offenses committed by corporate officials for their corporation and the offenses of the corporation itself*” (Clinard & Quinney, 1973: 188).

#### Constructionist Perspective

This integrative theoretical framework, based on existing literature, conceptualises corporate crime as a socially constructed phenomenon, shaped through social definition, labelling, and institutional reaction (Quinney, 1970).

#### Critical Approach

The framework highlights how power relations can influence which behaviours are criminalised and which remain socially tolerated - often including corporate crime -, thereby producing uneven patterns in the enforcement of norms (Reiman & Leighton, 2010; Rothe & Kauzlarich, 2016).

#### Actors, Processes, and Power Dynamics

This literature review therefore examines the actors and processes involved in the social construction of corporate crime, exploring how power defines the boundaries of corporate deviance.

### Social Construction Actors



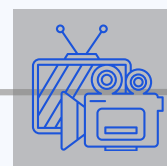
#### State, Legislators & Regulatory Agencies

Selectively criminalise conduct, draw negotiated boundaries between regulatory non-compliance and criminality, and may facilitate corporate impunity (Michalowski & Kramer, 2006; Prechel & Morris, 2010; Tombs & Whyte, 2015).



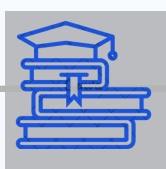
#### Formal Criminal Justice System

Interprets harm, processes cases, and translates social concern into institutional response or non-response, that can structurally benefit corporate actors (Diamantis & Laufer, 2019; Lund & Sarin, 2021).



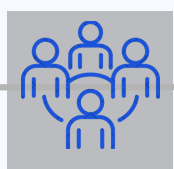
#### Media & Public Opinion

Selective media coverage and framing of corporate crime as “accident” or “management failure” may attenuate moral culpability and limit public visibility (Jewkes & Linnemann, 2017; Macfarlane-Horn, 2023).



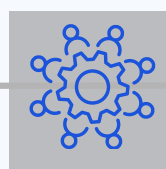
#### Academic Research

Constructs such as “corporate crime” shape legislation and public policy. Competing theories can generate divergent reform recommendations (Braithwaite & Geis, 1982; Dervan & Podgor, 2016).



#### Victims & Civil Society

Transform diffuse harms into recognised injustices. May mobilise pressure for criminalisation and redefine victimisation in the context of corporate crime (Haines & Macdonald, 2021).



#### Corporations & Economic Elites

Regulatory capture, “cosmetic” compliance programmes, and narrative legitimization can reframe criminal conduct as “legal business practices” (Benson, 1985; Faccio, 2006; Rorie & van Rooij, 2022).



#### International Organisations

Promote norms, standards, and transnational pressure that may influence regulatory and enforcement agendas (Ivory & Søreide, 2020; Yepes, 2025).

### Social Construction Processes

#### Visibilisation

The process through which harmful corporate conduct acquires legal and/or social status as “crime”, rather than being treated as mere risk or regulatory issue (Cullen et al., 2009; Macfarlane-Horn, 2023).

#### Normalisation

The process through which conduct that is or could be formally classified as “criminal” is progressively redefined as “normal business practice” (Ashforth & Anand, 2003; Macfarlane-Horn, 2023; Tombs & Whyte, 2015; Vaughan, 1996).

#### Concealment

The process through which corporate harms remain structurally unseen, never recognised, named, or treated as crime (Henry, 2009; Tombs & Whyte, 2015; Wall-Parker, 2019).

| VISIBILISATION                                                                                                                                                                      | NORMALISATION                                                                                                                                                                                 | CONCEALMENT                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                     |                                                                                                                                                                                               |                                                                                                                                                                                                 |
| <ul style="list-style-type: none"><li>Harm gains legal status</li><li>Media visibility</li><li>Political pressure</li><li>Moral framing</li><li>Academic reclassification</li></ul> | <ul style="list-style-type: none"><li>Redefined as accepted practice</li><li>Habituation</li><li>Discursive reframing</li><li>Institutionalisation</li><li>Responsibility diffusion</li></ul> | <ul style="list-style-type: none"><li>Harm prevented from recognition</li><li>Diffuse victimisation</li><li>Technical opacity</li><li>Low political salience</li><li>Weak enforcement</li></ul> |

These processes do not operate independently but interact across institutional settings.

### Conclusions

The literature suggests that the social construction of corporate crime is a complex phenomenon, shaped by multiple actors with divergent interests, operating through complementary processes within asymmetrical power structures.

#### Criminalisation is neither inevitable nor uniform

It reflects dynamic conflict between actors seeking visibility and actors deploying normalisation and/or concealment.

#### Beyond simplistic explanations

Understanding corporate crime requires moving beyond simplistic explanations toward systemic analysis of how power defines the limits of legality and criminality.

#### Future directions

In my PhD project, following this literature review, empirical data will be collected through a **content analysis of news articles** and associated **social media user comments**, complemented by **interviews** with professionals engaged in the research, communication, prevention, and response to corporate crime. The resulting findings will subsequently be **analysed within the Portuguese context over the past two decades**.

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