
Corruption in the transnational textile industry: an exception or the rule?

Exploración de la corrupción textil transnacional: ¿Excepcionalidad o norma sistémica?

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Abstract: The concept of corruption, in any of its manifestations, has been extensively researched and investigated throughout the course of history. In this study, in addition to exploring its complex and dynamic nature, a broad analysis has been attempted through a literature review which focuses on the processes of globalization of labour and other economic aspects within the transnational textile sector. Today, many global industrial developments are centred around corrupt, but legal processes and asymmetry in the regulations which control them. These circumstances must be deconstructed and placed at the service of the community in order to allow both a better analysis, as well as a critical understanding of the processes which lie behind them. At the same time, these processes have consequences and effects on many levels which are also explored and analysed in this study.

Keywords: Corruption, Corporate_Social_Responsibility, Globalization, Textile_Industry, Ethics.

Resumen: El concepto de corrupción, en cualquiera de sus dimensiones, tiene una amplia tradición dentro de la investigación a lo largo de la historia. En este caso, además de incorporar el carácter complejo y dinámico del mismo, se ha generado un amplio análisis que incorpora una revisión de la literatura enfocada en los procesos de mundialización económica y laboral dentro del sector textil transnacional. Hoy día, muchos de los desarrollos industriales de carácter global pivotan sobre procesos de corrupción -legalizada- y asimetrías normativas. Esas circunstancias deben ser recodificadas y puestas al servicio de la comunidad para generar un mayor análisis, así como una comprensión crítica de los procesos que la generan, teniendo presentes las consecuencias multidimensionales de sus efectos.

Palabras clave: Corrupción, Responsabilidad Social Empresarial, Mundialización, Industria Textil, Ética.

INTRODUCTION

The study of the concept of corruption, together with all of the related processes which revolve around it, have taken on great importance recently. As a result, there is currently a need to engage in a critical exploration of all aspects of this concept by means of an ontological, epistemological and axiological analysis. Jain indicates that “although it may seem a question of semantics, the definition of corruption will determine what is to be modelled and what is to be measured”¹. Corruption is as ancient as humanity itself, although it has perhaps never had such importance in the lives of individuals, nations and their surroundings as it has nowadays. The existing inequality on a global scale, together with the large number of transactions of an economic nature, as well as of other interests, which take place around the world without let or hindrance (though not to the same degree for everyone), should be thoroughly analysed from a multidimensional perspective.

The existence of a dysfunctional society is generally accepted, in which some members have all of their needs met, or indeed exceeded, by transnational (TN) textile companies, while others, prepared to do anything in order to survive, are subjugated to the so-called first world economies and form a kind of shadow-world. Meanwhile, the weakest members are excluded² as a result of this inequality and the established, often illegal, processes of corruption. This underground world does whatever is necessary to achieve its objectives, including the encouragement of inequalities and asymmetries and the pursuit of maximum profits. The processes of corruption are supported by judicial systems which are designed precisely so as to rule in favour of those situations which allow personal enrichment. These circumstances are necessary in order to keep the West supplied with its weekly demand for new clothes³ at a minimal cost, sourced from remote locations with scant labour laws. In response to this inequality, the TN textile companies carry out, on an *ad hoc* basis, supposedly philanthropic or corporate socially responsible (CSR) activities, none of which are examples of truly ethical conduct. In many cases in fact, these simply mask a pernicious and reprehensible behaviour which further conforms to the concept of corruption as analysed here⁴.

1 Jain, A. K. (2001), pp. 71-120.

2 Sassen, S. (2015).

3 Luque, A. (2017).

4 Becker, G. & Stigler, G. J. (1974); Buscaglia, E. (1999); del Castillo, A. (2001) and (2003); Azpur, J. & Ballón, E. (2006); Hodgson, G. M. & Jiang, S. (2008); Calvo, J. A.; Alvarez, I. & Garayar, A. (2011); Villoria, M. & Jiménez, F. (2012).

One interpretation of the word corruption is defined as “the illegitimate use of public power for private gain”, or as⁵ “all illegal and unethical use of governmental activity as a result of personal or political gain”⁶. Montaner states that corruption in Latin America is expressed in at least three ways: 1) classic corruption, which consists in receiving commissions or bribes for each contract awarded, or each regulation which is broken to someone’s advantage, 2) indirect corruption, which is permitted in order to benefit an allied party, 3) patronage, which involves the use of public money to purchase a wide base of support through sinecures and unjustifiable privileges⁷.

Heidenheimer separates corruption into three types: that which is based on public office: “behaviour which diverges from the normal functions of civil service as a result of private interests (motivated by family or friends), pecuniary interests, or for reasons of status”; that which is based on the market and defined as “business, the income of which will be maximised by breaking those laws and regulations designed to prevent private gain and influence”; and that which is based on issues of public and common interest⁸. As stated by Flores: “corruption is not necessary, or indeed even desirable, from an economic point of view; but it may become an effective and systematic mechanism for personal enrichment and the acquisition of additional benefits for both companies and the individuals involved”⁹. As indicated by the etymology of the word corruption, the breadth of its significance and the extent of its reach may be clearly perceived.

I. CONCEPTUAL FRAMEWORK

Bertolt Brecht¹⁰, in his play about Julius Caesar, wrote “the governors’ clothes consisted entirely of pockets”. Tondini states that “in 1529, one may point to the first clear link between crime and money. King Francis I of France, having paid 12 million *escudos* for the ransom of his children who were being held captive in Spain, was forced to wait 4 months while the hostage-takers counted the money and checked its authenticity, leading to their rejec-

5 Nas, T. F.; Price, A. C., & Weber, C. T. (1986), p. 108.

6 Benson, G. C. S.; Maaranen, S. A., & Heslop, A. (1978), p. 8.

7 Montaner (2005), pp. 30-36.

8 Heidenheimer, A. J. (1989), p. 166.

9 Flores, G. (2015).

10 Brecht, B (2016), p. 28.

ting 40,000 on the grounds that it did not meet their requirements”¹¹. Other authors¹² see the origins of corruption even further in the past, in the reign of Rameses IX, c.1100 BCE, when a certain Peser, a former civil servant to the pharaoh, officially denounced the illicit business interests of a fellow civil servant who was associated with a band of tomb-robbers.

Today, it is enough simply to open any daily newspaper in order to contemplate the shameless and unhindered behaviour of human beings. According to Bannenberg and Chaupensteiner¹³, corruption in Germany may not be separated from the processes of globalization; a sentiment echoed by Bulard¹⁴, who claims that: “In China [...] corruption is a national sport, despite president Xi Jinping’s campaign [...]”. Among many illicit and irresponsible conducts, the stand-out practices are money-laundering, fraudulent conveyance, embezzlement, mafia activity, bribery of civil servants, business interests and government corruption, in which the bankrolling of political parties with private capital has left them open to blackmail on a grand scale¹⁵, which in turn allows further control.

The concept of corporate corruption, according to Spinellis¹⁶, may be understood as the degeneration of the principles which underpin society, or more precisely, as the misuse of civil servants and resources, both public and private, for personal gain. In other words, corruption is a general way of proceeding in corporate transactions in which secretive exchanges are made with a view to obtaining an undeclared benefit in return, thereby conferring considerable power on those involved through their habits and customs. By means of the development of corrupt processes, individuals and companies which hold power (political, economic, administrative and social) gain some kind of illicit benefit. The illegality of such benefits, as Kaufmann¹⁷ states, is determined by the values and culture of the society in which the corrupt process takes place, since that which is considered corrupt in one country, may be acceptable in another. These circumstances are sometimes trivialised in contexts in which more pressing preoccupations are present (murder, state or corporate repression, epidemics, natural disasters, or simply the daily struggle to

11 Tondini, B. M. (2009), p. 6.

12 González, L. (2011), p. 380.

13 Bannenberg, B. & Chaupensteiner, W. (2004).

14 Bulard, M. (2015), p. 9.

15 Vidal-Beneyto, J. (2006); Stiglitz, J. (2006); Argullol, R. (2006).

16 Spinellis, D. (1995).

17 Kaufmann, D. (1997), pp. 114-131.

subsid). This leads to the question: is it legitimate to scrutinise and pass judgement on developing countries using the rather different norms and ethical or environmental standards of the West?

In regard to the environment, the European Commission¹⁸ describes the textile industry as one of the greatest polluters in the world. This sector uses large quantities of water resources, produces vast volumes of waste, and contaminates in a most visible and palpable way¹⁹, resulting in dire consequences for both the environment and people²⁰. According to the United Nations Economic Commission for Europe (UNECE):

“The fashion or apparel industry has an often underestimated impact on the development of our planet. This \$2.5 trillion-dollar industry is the second highest user of water worldwide, producing 20 percent of global water waste. The production of one cotton shirt requires 2700 Litres – the amount a person drinks in 2.5 years. 10 percent of the global carbon emissions are emitted by the apparel industry and cotton farming is responsible for 24 percent of insecticides and 11 percent of pesticides despite using only 3 percent of the world’s arable land”²¹.

Parallel to this, the road is paved for the appearance of all manner of corrupt processes and regulatory abuses running from made-to-measure legislation customised to the requirements of TN textile corporations²², to the unreasonable and incongruous injunction imposed on the scientific community requiring them to accept as valid a large number of the studies presented by the industry. It is irrational to propose that a public research group make continual verification of their results in the knowledge that they lack the means to do so. Such groups will never have the same resources at their disposal as those of the industry which, further to this, is often not prepared to accept scientific results that differ from its own analysis, demanding further tests be carried out. Such requirements are almost impossible to fulfil for the scientific community, not for lack of will, but due to insufficient means.

18 European Commission (2013).

19 Pinheiro, H. M., Touraud, E., & Thomas, O. (2004) and Kant, (2012).

20 Chen, H., & Burns, L. (2006); Gallezot, P. (2012); Oliveira, G., Zaroni, M., Palma, D., Cardoso, J., Ferraz, E., & Chequer, F. (2013).

21 United Nations Economic Commission for Europe (UNECE), (2018).

22 “As no limits have been set for the concentration of NP/NPE in imported textiles, these substances may occur in clothing and textile products imported from countries outside the EU where there are no limits on the use of NPE and NP in the manufacturing process”. Text produced by the Danish Environmental Protection Agency, (2013), p.49.

Behind these tactics lies the true motive of the industry's interests: the defence of their dividends. Scientific ideas and projects which might prejudice these interests, exposing dangers, are silenced, even when this may put lives at risk²³. Those researchers who dare investigate or publish on this subject may suffer reprisals and denigration by the industry or by scientists linked to government projects. On occasion the textile sector, in order to continue with its output, resorts to 'scientific studies' which corroborate the harmlessness of their products. According to Rodríguez-Farré & López, corporations exercise power by:

"[...] recruiting scientists (scientists?) to publish articles (generally not subject to peer review by fellow researchers) in which are questioned the facts, proofs and arguments recognised by the great majority of the scientific community, and by allowing the repeated intervention of 'experts' in informing—and of course, in poisoning—public opinion with a view to sowing doubt and confusion among sectors [...]"²⁴.

States and TNCs ought to contribute to the reduction in the effects of climate change, as well as move toward a more ethical, sustainable and less corrupt kind of production. It is worth asking if, or indeed when, all countries should involve themselves in resolving such a quandary. Would it be justifiable to level disproportionate condemnation at states such as China or India (the principal textile producers in the world) for their high levels of pollution on the basis of a snapshot of their activity taken from afar, but not to condemn other countries which took advantage of sudden industrial expansion, couched in a view of a 'resource-rich' world, to produce unlimited pollution and use semi-slave labour? Many current problems faced by the textile sector come from a historical past, such as the colonial era. These processes, in conformity with the power-relations which are established during conquests, leave unpleasant traces. Beyond simply now being autonomous or independent territories, many still conserve the language of the conqueror, ties of kinship and economic interests, all of which are used by certain groups to obtain commercial advantage over their competitors by imposing trade barriers and legitimising processes of risk-externalisation, including corruption, towards rivals.

23 Johns, D. M., & Oppenheimer, G. M. (2018).

24 Rodríguez-Farré & López, (2016), p. 1.

Low standards in social and working practices prevail (e.g. India, Bangladesh, Morocco, Vietnam, Cambodia, Thailand, Eastern Europe, Turkey, etc.) together with governing elites, often composed of a single clan, infested with private interests and far removed from any kind of rational ethical or democratic process. The multinational corporations of centralised economies suggest, and even impose, customised legislation; peripheral or semi-peripheral states are placed under pressure by leading countries to not institute certain kinds of legislation unfavourable to their multinationals. Here indeed is an international economic infrastructure in which the greater part of the world's countries occupies a politically and economically subordinate position of long historical pedigree, and which has come to be known as 'neo-colonialism', with all its consequences.

It is necessary to not to pass generalised judgements on, and not to expect the same of, one country or another when these may not have the same means, nor obtain the same profits. One should take into account the nuances of each situation, as indicated by Carroll & Buchholtz²⁵. Roberto Toscano, professor and the former Italian ambassador to India and Iran, when asked if it is necessary to adopt corrupt practices in order to produce competitively and on a level playing field in certain apparel-producing countries (Asia, Brazil, Morocco, Eastern Europe and Africa) stated: "Yes. One would have to attack corruption, the true unifying element of all political systems, from Mexico to China, passing through Europe. *Vaste programme!*"²⁶.

In response to the processes of corruption, other authors²⁷ have developed a vision based on acts of social benefit, holding to the tenet that "good ethics is good business"²⁸. Such a circumstance *per se* is insufficient, considering that, in general terms, the TNCs impose on their textile workshops the obligation to subscribe to ethical principles, codes of conduct, methods of production management, etc., while at the same time the processes of corruption continue to escalate. The containment of corruption is achieved not simply through changes in legislation (employment, commercial, criminal or environmental law) but rather by putting in place real measures, such as a staunch defence against all manner of abuses against persons, living things and eco-

25 Carroll, A. B. & Buchholtz, A. K. (2014), p. 293.

26 Toscano, R. (2015).

27 Pettijohn, C.; Pettijohn, L. & Taylor, A.J. (2008); Cialdini, R. B.; Petrova, P. K.; Goldstein, N. J. (2004); Ferrell, O. C.; Fraedrich, J. & Ferrell, L. (2014).

28 Kraft, K. L. & Jauch, L. R. (1992).

systems, providing legal aid etc., as well as the use of other social, institutional and spiritual agents in order to observe and verify the processes. Such observers might be trade unions, the International Labour Organisation (ILO) or any religious organization with moral authority, providing they command the ability to coordinate on a transnational level.

One palliative measure has been to compile the most ethical corporations internationally into lists, such as *Ethisphere* or *Transparency International*. However, these lists do not record whether any of the businesses' shareholders or benefactors have been sanctioned in any of the countries in which they are active, or whether these have been barred from operating commercially or indeed if they have been the subject of any kind of judicial process. For the code of conduct of all TNCs to promote true transparency, it ought to record the totality of the suppliers, sub-contractors, affiliates etc. It is important to highlight that the process of drawing up indices of corruption is based on 'perceptions', rather than real scientific studies which use reliable methodologies that may be universally accepted by all parties and countries²⁹.

Furthermore, Transparency International has adopted the practice of not 'naming and shaming' individual corporations, but only the state involved. This circumstance is of vital importance in understanding the *modus operandi*, as TN textile companies may often deliberately be structured so as not to be identified with any particular nation, which can lead to strategically and politically erroneous decisions being taken, based on misleading information, in regard to investment in one country or another. There is even the possibility that a corporation may identify itself with a state that is known for its transparency, but precisely in order to be the least transparent possible³⁰.

Demonstrating ethical behaviour does not guarantee success in business *per se*, but it may lay solid foundations on which to build projects, especially if it is not used cynically and deliberately as an instrument, dressed up as an example of CSR of great impact. Corporate corruption is inherent to the very development of any activity which engenders interests. Such activity can be

29 The process of selection of experts, with the purpose of making identical analyses, has not been standardised across all countries. The selection may sometimes draw on experts recognised nationally, local entrepreneurs, company executives, etc., according to Transparency International's Corruption perceptions index 2016: full source description. Furthermore, there is no indication of how to measure the level of corruption in a country when abuses by public officials for private gain are carried out in the shadows, and off the record.

30 Abramovici, P. (2000).

attributed to individuals as both originator and author, and their actions and omissions interact in a way that may be considered personally motivated (these are human actions and therefore subject to ethics), unjust and disloyal. It is necessary to distinguish between cases where the corporation is the direct or indirect beneficiary, and those where an employee or director stands to gain, typically by using their position to make purchases at inflated prices, resulting in unnecessary costs which harm the economic and social aspects of their company or a third party, as well as damaging its image and reputation.

Corruption may occur when the regulations and parameters are drawn up for the safe limits of exposure to certain dangerous chemicals necessary to the process of clothes manufacturing; thus, according to de Prada “[...] many of the exposure limits that are set take into account, more than anything else, studies carried out, or paid for by the very industry concerned”³¹. This situation generates legalised, yet largely unreported inequality, which may be characterised as corruption, since having regulations drafted-to-order by the industry is a corrupt practice, especially when scientific studies³², such as those by Luongo³³ or Browne³⁴ are deliberately put aside, or when certain industry standards are used which poorly-funded universities and NGOs will find difficult to monitor. In Horel’s view “the science of regulation [of the maximum safe limits of exposure—albeit inadvertant—to chemical circumstances] is of necessity tainted with national policies and laws, and therefore with ideology in its broad sense. There is subjectivity in all assessment”³⁵.

In Table 1 we can observe how in many countries there is an existing correlation between low minimum legal wages, precarious employment conditions and a high incidence of corruption, with these same countries being also the greatest exporters, proportionately, of clothes and apparel worldwide. TN textile companies exploit, and indeed help create, the weakest countries, and even to failed states rife with violence, which have the fewest civil and employment rights³⁶. According to the forecasts of the World Bank³⁵, by 2030

31 de Prada, C. (2015).

32 Report 6/14 of KEMI, the Swedish chemicals agency, entitled “Chemicals in textiles. Risks to human health and the environment” states that 10% of residual substances found in textile garments may be considered a risk to health. At the same time, 5% of these products are potentially harmful to the environment.

33 Luongo, G. (2015).

34 Browne, M. A. (2015).

35 Horel, S. (2015).

36 Luque, A.; Hernández Zubizarreta, J. & de Pablos, C. (2016b).

between 43 and 60 percent of the world's population defined as poor will live in countries affected by fragility, conflict and violence. This situation must be evaluated by both TNCs and other supranational bodies.

Considering these determinants, and without engaging in a retrospective analysis, such as that of Garriga & Melé³⁸, or of Carroll³⁹, the strategies sometimes applied to combat corruption are not completely efficient at identifying, isolating and definitively eliminating these processes. Volatility of employment and of the economy facilitated by chiefly technological and economic instruments at the service of corruption, and political monetarisation in a cash-orientated society, are interwoven both in corporations and in society at large. These strategies are ephemeral in their reach but are multi-reproducible in time, and they are the *leitmotif* of an individualised society, orientated toward maximised production, often dressed-up as eco-social. Therefore, it is worth articulating and putting into practice those procedures able to encapsulate the vast number of theories related to this issue, from the classical perspectives which highlight the importance of all aspects of interest, such as those of Hillman & Keim⁴⁰, and Prahalad & Hammond⁴¹, to those of Abrams⁴² and Sacconi⁴³, which place an emphasis on the ethical and the social.

It is necessary to keep in mind the impossibility of talking about an efficacious and trustworthy roll-out of CSR policies in countries in which the majority of ILO conventions have not been ratified (including the most basic), and where there are no existing resources for effective monitoring and checking that is both independent and proportionate to the benefit obtained by the TNC, or where regulation has been substituted by mere voluntary agreements. For these reasons, more solid and universal employment legislation must be established, together with trustworthy monitoring instruments, free of private interest and much less short-termist. Thousands of subordinate textile workshops are at the service of TNCs. These ensure they are fully certified, and are even subject to the obligation of subscribing to 'first-world' codes of conduct, despite being part of a globalised society at the service of

37 The 2018 Fragility Forum: Managing Risks for Peace and Stability. A través del Banco Mundial 22/02/2018.

38 Garriga, E. & Melé, D. (2004).

39 Carroll, A. B. (2006).

40 Hillman, A. J. & Keim, G. D. (2001).

41 Prahalad, C. & Hammond, A. (2002).

42 Abrams, F. W. (1951).

43 Sacconi, L. (2005).

production and removed from the centres of transnational corporate decision-making⁴⁴. As an example, in India, micro, small and medium enterprises (MSMES) account for at least 45% of industrial production, 40% of exports, 42 million job opportunities⁴⁵ and 8000 quality products which are manufactured for local and global markets, all while maintaining a high incidence of informality. Such an aspect is far-removed from the processes of CSR so vaunted by TNCs, who rather oppose, in an almost fratricidal way, any recognition of responsibility and liability throughout their supply chains. This has become one of the principal points of departure for corruption in the transnational textile sector, and an example of unprecedented regulatory abuse.

44 Luque, A.; Hernández Zubizarreta, J. & de Pablos C. (2017b).

45 Mathiyazhagan, K., Govindan, K., NoorulHaq, A. & Geng, Y. (2013).

Table 1: POVERTY, HUMAN RIGHTS AND TEXTILE-PRODUCING COUNTRIES

	Minimum wage ¹ (in US dollars.)	Vulnerable employment ²	People in a condition of modern slavery ³
India	135.73	76.7%	18,354,700
Bangladesh ⁹	139.80	78.8%	1,531,300
Nepal ¹⁰	59	69.4%	234,600
Pakistan	142.82	60.9%	2,134,900
China	751.99	44.9%	3,388,400
Thailand	382.70	55.1%	425,500
Vietnam	188.64	61.3%	139,300
Cambodia	160.50	62.3%	256,800
Myanmar ¹¹	2.75 día	69.9%	515,100
Indonesia	165.54	60.1%	736,100
Sri Lanka ¹²	270	41.7%	45,900
Turkey ¹³	499.85	29.9%	480,300
Marocco ¹⁴	255	49.7%	219,700
Honduras	278.57	53.1%	23,800
Guatemala	291.68	52.0%	138,100
El Salvador	298	40.2%	18,100
Colombia ¹⁵	781.24	47.7%	308,200

Source compiled by author from:

- 1) ILO World Wage report 2016/2017a (with all currencies converted to US dollars),
- 2) ILO World Employment and Social Outlook Trends 2016b
- 3) The Global Slavery Index 2016,
- 4) ILO, January 2017 Convention Ratification tool
- 5) Transparency International 2017,
- 6) Reporters Without Borders 2017,
- 7) WTO International Trade Statistics 2015,
- 8) OXFAM International: The state of Human Rights in the world (indicating human rights violations, such as torture, lack of freedom of expression, of assembly and of movement, the death penalty, etc.) 15/06/2015,

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Total ratification of ILO conventions ⁴	Country rank for "perception of corruption" ⁵ (176 countries)	Country rank for freedom of the press ⁶ (out of 180 countries)	Exports of apparel in 2014 ⁷ (millions of US dollars.)	Human Rights violations per country ⁸
47 (6/8)	79	137	17.742	8
35 (7/8)	145	146	24.584	6
11 (7/8)	131	100	-	4
36 (8/8)	116	139	4.991	7
26 (4/8)	79	176	186.607	9
17 (5/8)	101	142	4.129	5
21 (5/8)	113	175	19.544	4
13 (8/8)	156	132	5.869	4
23 (3/8)	136	131	986	6
19 (8/8)	90	124	7.670	7
43 (8/8)	95	141	4.919	6
59 (8/8)	75	155	16.680	7
62 (7/8)	90	133	3.278	7
26 (8/8)	123	140	3.182	4
73 (8/8)	136	118	1.325	4
30 (8/8)	95	62	2.076	3
61 (8/8)	90	129	546	6

- 9) Bangladesh Bureau of Statistics (BBS) p. 27 Consumer Price Index (CPI), Inflation Rate and Wage Rate Index (WRI),
- 10) Government of Nepal Labour Act, 1992 (2048),
- 11) Business & Human Rights Resource Centre Myanmar,
- 12) Parliament of the Democratic Socialist Republic of Sri Lanka: Budgetary Relief Allowance of Workers Act, no. 4 of 2016,
- 13) Turkish Labour and Social Security 2017,
- 14) Ministère de l'Emploi du Maroc (2015)
- 15) Ministry of Labor of Colombia 2017, Decree 2269 30/12/2017.

The interest of certain managers (fortunately, not common to all) in maximising profits through the personal and spurious use of all manner of legal, employment and mercantile acrobatics engenders great harm to both property, as indicated by Erturk, Froud, Johal & Williams⁴⁶, and to the environment. This situation has resulted in a two-speed society and enterprise in which the managing directors of TNCs are able to generate more and more profit (for themselves and others), often to the detriment of third parties who lack the same degree of manoeverability and find themselves on a financial cliff-edge⁴⁷.

According to Braithwaite, corruption brings power to politicians and administrators “who

in general will put self-interest ahead of the public interest, and transnational corporation interest ahead of national interest”⁴⁸. A clear ideological bias is established using various parameters to ‘measure’ corruption, and indeed to proceed to its eradication. The private sector is seen as possessing calm, analysis, rigour, freedom and ethics, all of which is under attack from public administration, which is placed under constant scrutiny and criticism. All things public are degraded and labelled the antithesis of liberty. It is forgotten, it might be said, that thanks to the creation and advancement of law, and sometimes drafted-to-order legislation, TNCs have achieved headline economic, political, environmental, social and employment benefits, none of which are exactly grounded in ethics and the promotion of human rights. The question of abolishing either of the two perspectives (private or public), apart from being impossible other than in exceptional situations, brings to mind the sheer quantity of interrelations and interdependencies which exist between both. The two feedback and mimic one another, often making it difficult to distinguish which is which. As stated by Naím⁴⁹, the power exhibited by some organisations has even infiltrated national and international bodies and administrations. Now more than ever do the writings of Kapuscinski ring true:

“To the eyes of the average Iranian the Great Civilisation, that is the Revolution of the Shah and the People, was nothing more than the Great Pillaging carried out by the elite. All those with some element of power

46 Erturk, I.; Froud, J.; Johal, S. & Williams, K. (2004).

47 Human Rights Watch (2015).

48 Braithwaite, J. (1979), p. 126.

49 Naím, M. (2007), pp. 45-46; p. 79.

engaged in the theft. If there were someone occupying an important position who did not wish to steal, he would find himself isolated and held in suspicion. Everyone would say of him: he is certainly a spy sent to denounce which of us is stealing, and how much, since such information is necessary to our enemies”⁵⁰.

The beneficiaries of illicit acts of corruption may be very diverse: from individuals, castes, enterprises, organisations, administrations, to governments with economic interests and persons with unmentionable relationships and remunerations. Maingot states that there is no “general theory of corruption”⁵¹. In the public sphere, according to Brizio⁵², this is a social phenomenon through which a public servant is impelled to act contrary to law, regulation and accepted practice in order to favour private interests. Such a circumstance confirms the existing difficulty in arriving at a unanimous definition. It is sufficient to examine as an example Verger’s report⁵³ on the ex-president of Nicaragua, Violeta Chamorro (1990-94). Under her administration, 341 out of 351 state enterprises were sold off at 75% of their market value. Tanzi⁵⁴, referring to public contracts, indicates that corrupt civil servants are able to authorise the use of sub-standard materials for public works, as well as cutting back on the products and services initially contracted. Hines states that high-tech defence projects, such as in the case of the international trade in military aircraft, are especially susceptible to corruption⁵⁵.

However, there is no limitation to the military sphere only, since corruption may be legalised and democratised in any area of private and professional life. In Europe, lobbies are legal and are indeed held on an official EU register⁵⁶, despite not being obliged to publish for whom they work (including whatever chain of suppliers and economic interrelationships there may be behind them), what remunerations they receive, nor even, most importantly, who supervises their activities, and by what means, there being no regulatory bodies. In fact, there is no way to truly regulate a pseudo-legal body, when it has been intentionally designed to be invisible. The *modus operandi* va-

50 Kapuscinski, R. (1987), pp. 85-86.

51 Maingot, A. P. (1995).

52 Brizio, G. (1995).

53 Verger, A. (2003), p. 45.

54 Tanzi, V. (1990).

55 Hines, J. R. (1995).

56 A transparency register of the EU in which one may search for, register or update an ‘organisation’, available at <http://ec.europa.eu/transparencyregister/public/homePage.do>

ries, but the who-is-who of their regulatory bureaucracy is fully understood and how this relates to their ability to manoeuvre any state or supranational body. TNCs claim that it would be unfair for a government to take decisions without listening to businesses, which is an extraordinary assertion considering that TNCs permeate all aspects of social and institutional affairs⁵⁷. Lobbies call themselves ‘pressure groups’, reflecting the fact that their purpose is to persuade third parties, be that an enterprise, state, or to influence in local legislation (to favour the interests of the corporation which bankrolls them) or transnational legislation (e.g., regulations on permitted chemical substances⁵⁸, and free-trade treaties affecting commerce in its strict sense, such as TTIP, TPP, TiSA and CETA). According to Laurens:

“Could such a group as EADS (European Aeronautic Defence and Space) maintain a position in the area of aviation and defence without each year investing 4.5 million euros in exerting pressure on Brussels? Surely not. At the same time, the company receives 39 million euros in direct annual subsidies from the European administration, and 239.7 million euros of indirect funding from the Commission in the form of public contracts”⁵⁹.

In the European Union alone, there are 1,400 treaties⁶⁰, which have consolidated the private system of Investor-State Dispute Settlement (ISDS), and encouraged development toward the Multilateral Investment Court (MIC). There is at present no empirical proof which indicates that free-trade agreements encourage foreign investment⁶¹, rather there is evidence that, on the contrary, foreign enterprises are given preferential treatment over local businesses⁶² through these vehicles, which are really a mechanism of abuse utilised by TNCs with a view to becoming standardised systematically⁶³ in accordance

57 Hernández Zubizarreta, J. (2009).

58 Valls, J. M. (2011) in *Pollution and health* states that “today some 100.000 chemical substances in use, and between about 4,000 and 8,000 of these are suspected of being toxic. The surrounding environment and the home and working environments are being increasingly polluted by more and more substances, it is reckoned that up to 45% of the food consumed contains toxic residues. Out of the 3,000 most commonly used chemical products, 85% of their toxicity is unknown. This growing contamination is increasingly affecting the quality and sustainability of the environment, and the health of humans and all living species”.

59 Laurens, S. (2005), p. 25.

60 The European Commission Proposes a Move Towards a Multilateral Investment Court System. Faculty of Law. Oxford Business Law 9/11/2017.

61 Sauvart, K. P. & Sachs, L. E. (2009).

62 Aisbett, E. y Poulsen, L. (2016).

63 The Arbitration Game. Taken from *The Economist*, 11/10/2014.

with one simple criterion: win-win. All investments risks are eliminated, subjugating even governments—despite lacking the training, means, or resources of the states which created these systems—to accept conditions which limit any kind of legislation designed to improve the quality of life of the people at the expense of the profits of TNCs.

This also has the effect of promoting an unprecedented lack of ethics⁶⁴ on the part of TNCs, as well as establishing and encouraging a jurisdictional regression⁶⁵ in the authority of each state. The exclusion of domestic legal statutes is made a condition *sine qua non* for the establishment of trade treaties, in such a way that, in accepting these agreements, implicit consent is given to all of the aforementioned abuses, effectively eliminating the power of local legal rulings, since all disputes (between states and TNCs) are then resolved by arbitration panels of private interests. Taking all of this into consideration, Bensaid's contention that "we are in the age of the mercantilisation and privatisation of the world"⁶⁶ cannot be viewed as a mere trend, when free trade treaties are the prime mover of international relations. According to Hernández Zubizarreta & Ramiro:

"The totality of trade and investment treaties and agreements which permeates the whole planet corresponds to the legal logic of the feudalisation of the global regulatory system. This feudal system breaks and reinterprets the classic principles of the rule of law, and is articulated through the privatisation of legislative and judicial power. Public regulatory bodies are subordinated to private ones which infringe on the rights of the greater part of societies and peoples. What is more, it corresponds to the interests of capital, of the dominant classes, and of complicit governments"⁶⁷.

The evolution of corruption

Corruption has gone from being a mere cultural phenomenon to being accepted by society and by corporations as a cause of processes of develop-

64 Luque, A & de Pablos, C. (2016a).

65 The EU Tribunal of Justice opened the floodgates by ruling the arbitration tribunals (ISDS) of 196 treaties to be invalid. It annulled an arbitration tribunal's resolution between a Dutch insurance firm and Slovakia for being incompatible with EU law, the corresponding sentence being C-284/16, Luxembourg 06/03/2018.

66 Bensaid, D. (2004), p. 27.

67 Hernández Zubizarreta, J. & Ramiro, P. (2017).

ment, or even a fashion, as stated by Galtung⁶⁸. Contentions such as those of Barnet and Muller make more sense than ever before: “the men who run the global corporations are the first in history with the organisation, technology, capital and ideology to make a credible try at managing the world as an integrated unit”⁶⁹. This also makes corruption a global phenomenon able to transcend borders and move without hindrance.

Irresponsible management on the part of business leaders or politicians has fostered a growing loss of legitimacy and trustworthiness⁷⁰ in enterprises due to continual and systematic abuses, and due, in many cases, to irresponsible corporate behaviour⁷¹, including a lack of social and environmental justice⁷². Ethical crises encourage epidemics of avarice, fraud, improper conduct⁷³, or the creation of fictitious situations whose only purpose is to engender remunerations of various kinds, in such a way as to make routine the erosion of the principles underpinning all democratic societies.

Let there be no doubt that for this situation—somewhat pernicious in many cases—to occur, something must have gone wrong at the level of organisations or society, and at the level of their individual members, on whom must be laid the greater share of the blame. They have chosen the conduct which they exhibit, albeit conditioned by the pressures and urgent needs they experience, and further conditioned by their surroundings, lives, contexts, etc. Meanwhile the other part of the responsibility for this ethical problem falls on the supervisory authorities which have prepared the way for all manner of illicit behaviour through their lack of monitoring, and the absence or weakness of legislation. Horkheimer⁷⁴ points to fraud as the dominant archetype,

68 Galtung, F. (2001), p. 189.

69 Barnet, R. J. & Muller, R. E. (1975), pp. 13-15.

70 Lodge, G. & Wilson, C. (2006).

71 Gallino, L. (2009) coins the phrase ‘irresponsible enterprise’ and defines this as something more than a legal body, which does not need to present its accounts before the pertinent authorities as other mere mortals do.

72 Matthews, J. B.; Goodpaster, K. E. y Nash, L. L. (1985); Epstein, E. M. (1987), pp. 99-114.

73 “Within EU the bureaucracy the overlapping of the work of investigation into and the representation of businesses is such that, in many sectors it is hard to distinguish who Works for the European Commission, who for a university, and who for the industry concerned. Of the thirty two individuals summoned by the Directorate-General of Research and Innovation (DG RTD) for its expert group on nanotechnology, supposedly with the aim of preparing the ‘Horizon 2020’ project, fifteen worked directly for the industry, while seventeen were drawn from the field of research. But of these, eight owned their own companies or a consortium in which public investments and private interests were interwoven. Are the results of elections sufficient to find a solution to such dysfunction?” Information taken from S. Laurens in *Le Monde Diplomatique* 09/2015, p. 25.

74 Horkheimer, M. (1982) and (1988).

brought about by regulations drafted to the order of corrupt multinationals or powerful individuals. These engender risk, and look the other way, while promoting the interests of third parties. These ideas strengthen the view that there are failings in the marketplace, which is not in a position to regulate itself adequately. As Horkheimer contends “the economy largely lacks its own dynamic. It lost its own power in the face of economic power”⁷⁵.

What is needed in order for corruption to appear?

The main purpose of corruption is the generation of some kind of benefit, usually of an illicit nature⁷⁶, since it lacks any moral compass⁷⁷. These processes are not only confined to faraway democracies and dictatorships, but equally exist in the developed or ‘first’ world. In Sandel’s view:

“[...] putting a price on all human activities can be corrupting. Consider voting. No democracies officially permit the buying and selling of votes. To sell my vote would be to degrade it, to corrupt its meaning as an expression of civic duty. But if a market in votes is objectionable because it corrupts democracy, what about systems of campaign finance (including the one currently in place in the US) that give wealthy donors a disproportionate voice in elections? [...]”⁷⁸.

Ethically speaking, corruption occurs when an individual infringes the prevailing corporate norms or deontological code in order to cause both benefit and harm, since this will lead directly or indirectly to either. Elegido⁷⁹ contends that, in situations of bribery or extortion, at least four principles are broken: 1) that of being induced to take wrong decisions, 2) that of not adopting any measures to avoid corruption, 3) that of misappropriation and 4) that of not taking the necessary steps to correct this behaviour.

Corruption, at the same time as it generates profits for the enterprise, modifies behaviour and values. In the opinion of professor of public revenues, Zubiri:

“The worst thing is not the waste of public funds, but rather the setback that the country suffers: public contracts are not given to the most effi-

75 Horkheimer, M. (1988), p. 316.

76 Carbonell, M. & Vázquez, R. (2003); Villoria, M. & Jiménez, F. (2012).

77 Torres, M. B. (2009); Alvarez, D. & de la Torre, J. (2011).

78 Sandel, M. (2015), p. 3.

79 Elegido, J. (1996).

cient, but to the most adept in bribery and knowledge of the ins-and-outs of government; in the end, the general sensation is that merit and productivity have no value”⁸⁰.

Corruption is not “in essence a mere legal affair, it is basically a matter of morality”, assuming that stealing out of the necessity of feeding oneself is not to be judged the same as illicit personal enrichment. Individuals may act corruptly for moral purposes: the so-called “corruption for noble causes”⁸¹. To Horkheimer “the borders between respectable and illegal fraud are uncertain”⁸². This confusion can arise from a multiplicity of situations, such as legal lacunae or imperfections in the market, and attenuating circumstances may also intervene, such as local regulations.

It is necessary to include a risk assessment in any corporate development and trade agreement that affects ancestral rights (those of tribes, claims to territory or access to water, etc.). This involves identifying a possible clash of rights not only in order to avoid any action that infringes the law, but also to prevent the bulldozing of the acquired rights of peoples in areas where industrial development is to take place. On occasion, these rights are not acknowledged by the dominant system, including governments themselves, encouraged by the desire to reach trade objectives, and results in an oxymoron of rights. Consultations to the Permanent People’s Tribunal can be a useful ethical indicator at an international level, since these report cases of the systematic violation of basic human rights. According to Anaya:

“[...] This regulatory framework requires laws or regulations which incorporate international rules concerning indigenous rights and which put them to work through the administrative apparatus of the state that governs landholding, mining, petroleum and gas exploration and other aspects of the exploitation and development of natural resources. In general, regulatory frameworks of this type are not to be found in all of the world’s states”⁸³.

Underdeveloped countries tend to favour multinationals in return for some kind of benefit or caprice⁸⁴ and TNCs take advantage of this. In this sense, in Kaipl’s view “[...] lamentably, from centuries ago to the present, nu-

80 Zubiri, I. (2014).

81 Miller, S.; Roberts, P. & Spence, E. (2005).

82 Horkheimer, M. (1997), p. 258.

83 Anaya, J. (2012), p. 2.

84 Ramonet, I. (2001); Caves, R. (2002).

merous textile producers have found regions (countries) of the world with sufficient legal insecurity to be able to produce through large-scale exploitation at little cost⁸⁵. According to Nieto de Alba⁸⁶ the weaker the ethics, the greater the likelihood of corruption. On occasion, it is the result of different factors, such as opportunity, the risk taken on, or the profit obtained. To Ziegler: “wherever corruption wreaks havoc, those countries are prey to the predators of globalised financial capital who are able to dispose of the world at their whim”⁸⁷.

In the view of Clements, Hugounenq & Schwartz⁸⁸, and separately of Ades & di Tella⁸⁹, through government grants corruption is modelled as a function of industrial policy which relates subsidies to levels of corruption. Tanzi⁹⁰ analyses the relationship between civil servants and their family members, in which the opportunity of doing favours among themselves is increased, and also finds that wherever corruption is most rife, candidates for political posts are most corruptible, being prepared to pay large sums in order to secure their goal.

The World Bank (1983) maintains that control over prices allows enterprises to operate with prices different to those of the marketplace, thereby creating an economic fiction in which they are able to pervert, for their own benefit, both the preponderate economic system (TNCs and supranational bodies) together with the economic reality. This is synonymous with corruption. Another aspect is the discretionary character of foreign currency exchanges, which may be used at will for advantage, a fact which causes insecurity and forces the search for alternative *alegal* avenues. Low wages, which often are not sufficient even to cover basic needs, compel the use of positions of employment as a stepping-stone to accessing other sources of income. Sachs & Warner⁹¹ analyse economies rich in resources, which are more likely to show a behaviour of accruing extreme levels of revenue than other economies (these resources may always be sold at the maximum price occasioned by their extraction). According to George, this is similar to the processes of globalisation and foments:

85 Kaipl, E. (2015).

86 Nieto de Alba, U. (1994).

87 Ziegler, J. (2013), pp. 303-304.

88 Clements, B. J.; Hugounenq, R. & Schwartz, G. (1995).

89 Ades, A. & di Tella, R. (1994).

90 Tanzi, V. (1994).

91 Sachs, J. & Warner, A. (1995).

“the advancement of the worst operator in terms of social and environmental policy as well as of wages and working conditions. Under its influence, the citizen is nothing more than a consumer, and equality before the law becomes, for transnational firms, a simple ‘code of conduct’”⁹².

III. CONDITIONS WHICH MAKE CORRUPTION POSSIBLE

In general, there are different methods by which corruption takes root and develops. Many of these have not been documented, but implicitly the following elements may be identified:

1) engendering discretionary actions (*ad hoc* rules, or constantly-changing procedures, which are, by definition, difficult to trace and eradicate);

2) creating the necessary climate for favouring self-interest, such as giving planning permission to the company of a family member (or withholding permission from a clear rival), or a sector from which some kind of benefit may be obtained;

3) introducing additional costs where none exist, thereby overpricing the product and creating legal insecurity;

4) encouraging extortion as the counterweight to profit;

5) discouraging investigation and auditing (including those of an indirect nature); in the words of the Setem organization: “Audits [of the factories of Tazreen, Rana Plaza, or Ali Enterprise in Bangladesh] were incapable not only of protecting the lives of employees in those factories, but also of identifying infringements of the companies’ own codes of conduct”⁹³.

According to a report by the European Parliament⁹⁴, there are different modes of tax evasion used in developing countries, such as:

1) deliberately flawed or in-existent declarations of personal income or corporate profits, with a view to avoiding revenue taxation or other fiscal burdens;

92 George, S. (2012), p. 102.

93 Setem (2015).

94 European Parliament (2015), p. 15.

2) manipulation of market prices through fraudulent invoicing between exporters and importers working in collusion, which is a common way to transfer funds illegally from a developing country to offshore bank accounts in order to avoid taxation;

3) the evasion of VAT through false declarations of commercial transactions;

4) bribery of taxation officers. This is characteristic of developing countries, and itself encourages further tax-avoidance tactics, such as the masking of profits through the use of legal loopholes (which may, or may not be of deliberate creation) in the existing fiscal legislation⁹⁵, commonly through the deliberate placing of invisible assets, such as patents and property rights, etc. As an example, *The New York Times* detailed the *modi operandi* of Bangladeshi bureaucracy, in this case of a Mr. Kader, the acting mayor of Savar, who stated:

“You must understand the reality in Bangladesh. These people who are setting up industries and factories here are much more powerful than me. When a government minister calls me and tells me to give permission to someone to set up a factory in Savar, I cannot refuse”⁹⁶.

IV. THE NEGATIVE EFFECTS OF CORRUPTION

Evaluating to a first approximation actions of these characteristics and their effects would be something more than bold, especially if exogenous factors, such as the existing submerged economy, are taken into account. However, as the business publication *Finanzas* contends: “the difficulty of measuring this phenomenon in no impediment to confirming its existence”⁹⁷. According to the European Commission⁹⁸, more than 11% of work in the EU private sector is undeclared, with the figure possibly rising to 20% in Eastern European countries, such as Poland or Lithuania⁹⁹. 4% of those surveyed ad-

95 Typically, subsidiaries of MNCs are treated as separate entities by tax authorities. Profit shifting can be achieved by manipulating transfer prices or exploiting intra-group loans. Apart from that, MNCs can distort transfer prices to reduce the group's overall tax burden by manipulating the allocation of profits in particular high- and low-tax jurisdictions. European Parliament (2015).

96 *The New York Times* (2013).

97 *Finanzas* (2013).

98 European Commission (2014a).

99 European Commission report (2014b) entitled *Undeclared Work in the European Union, Eurobarometer 402*.

mitted having themselves received an undeclared payment in return for work, while 1 in 30 (3%) received part of their wages ‘cash-in-hand’.

The creation of illicit profits engenders greater inequalities in the distribution of income¹⁰⁰. Currently, 225 millionaire families possess incomes equivalent to 2.5 billion people in employment, as shown by van den Eynde¹⁰¹ and Cohen & Ligammari¹⁰², which constitutes a political and economic power bloc. Families and TNCs with great resources (such as those indicated above) have the capacity to lay the foundations of regulations, which may then be aligned with their interests, but far removed from those of ordinary people. The establishment of legal defenses beyond the reach of most rivals and states is a key feature which generates processes of legal inequality. Being ‘poor’ does not imply being more ethical, but it does mean that the effect of one’s corrupt actions are more limited. From this, it follows that a lack of monitoring and effective legislation of the source of corporate profits on a gigantic scale, in the case of the textile industry, may bring with it implicit processes of corruption. As the European Parliament asserts:

“In 2011, domestic resources lost by developing countries to IFFs added up to over 630 billion USD, equivalent to 4.3% of developing country GDP (with LICs being particularly affected). Illicit flows are only one way that developing countries lose out on tax revenues from corporations. Abusive tax avoidance—where companies try to dodge taxes through complex internal structures and by finding loopholes in tax laws—is another significant problem.”¹⁰³.

The EU experiences great difficulty in investigating and publishing about companies with corrupt and ethically questionable practices¹⁰⁴, while showing little interest in their eradication. The World Bank points to corruption as the single greatest impediment to achieving economic development¹⁰⁵. In Jain’s opinion¹⁰⁶, corruption may increase costs and lower production, and even provoke a loss of quality or the misuse of apportioned time on tasks which have no connection with fulfilling the order¹⁰⁷. As claimed by

100 Rose-Ackerman, S. & Stone, A. (1996); Loayza, N. A. (1996); Kaufmann, D. & Kaliberda, A. (1996).

101 van den Eynde, A. (2003)

102 Cohen, S. & Ligammari, P. (2006).

103 Parlamento Europeo (2015), p. 14.

104 Herranz de la Casa, J. M. (2006), pp. 263-282; Hernández Zubizarreta, J. (2009).

105 Galtung, F. (2001).

106 Jain, A. K. (1998).

107 Kaufmann, D. (1997).

Gupta, Davoodi & Alonso-Terme¹⁰⁸, and by Lambsdorff¹⁰⁹, the processes of corruption encourage inconsistency in the treatment of the same procedures.

Murphy, Shleifery & Vishny analyse the occurrence of “rent seeking” situations¹¹⁰, which provide more lucrative opportunities than does productive activity. Alcaide Zugaza & Larrú Ramos¹¹¹, and Sanahuja¹¹² analyse, from different perspectives, the possibility that the effects of corruption reduce the effectiveness of international aid in connection with the deviation of funds. This takes on particular importance in developing countries, in which “in addition to the problem of misorientation, the situation is aggravated by abject corruption and bureaucratic inefficiency”, as Alesina states¹¹³.

Corruption causes great harm to society and to all its components and related aspects. The appearance of corrupt actions or behaviour diminishes the credibility of the system and blurs the conditions of transparency which are necessary for any kind of industrial or corporate activity, including those of the most basic human characteristics. It engenders distrust, harms trade (on any scale) and can even set itself up as a model to be followed. Timofeyev, in his analysis of the situation in the former Soviet Union, makes reference to “metacorruption [...] as a stage beyond corruption; it is the corruption of the corruptors, when corrupt power no longer hides its corruption [...] it is a new form of anomie, anomie squared”¹¹⁴.

In relation to international aid, countries have begun to consider achieving greater control over the aid they assign to third-party countries, limiting it to those which have the best government policies for preventing the unproductive use of public expenditure¹¹⁵. This corroborates the inefficacy of international projects, caused by economic mismanagement. Investment in less efficient public expenditure (chiefly on education and health) tends to be more susceptible to private appropriation through large-scale projects, as well as lower tax revenue, as claimed by Tanzi & Davoodi¹¹⁶, and Mauro¹¹⁷. In Rus-

108 Gupta, S.; Davoodi, H. & Alonso-Terme, R. (1997).

109 Lambsdorff, J. G. (1998).

110 Murphy, K. M.; Shleifery, A. & Vishny, R. V. (1991).

111 Alcaide Zugaza, L. & Larrú Ramos, J. M. (2007), pp. 27-58.

112 Sanahuja, J. A. (2008), pp. 71-101.

113 Alesina, A. (2000), p. 3.

114 Timofeyev, L. (1992), pp. 163-164.

115 Kilby, C. (1995); Boone, P. (1996).

116 Tanzi, V. & Davoodi, H. (1997).

117 Mauro, P. (1995) and (1997).

sia, there are signs that corruption grew markedly in the 1990s, creating a clear connection with the processes of widespread privatisation¹¹⁸. These processes may diminish some kinds of state corruption, although they may, at the same time, encourage opportunities for private individuals to corrupt a country's civil servants¹¹⁹; in fact, the processes of privatisation and the growth of market competition do not always reduce levels of corruption¹²⁰. Huntington states that "in terms of economic growth, the only thing worse than a society with a rigid, over-centralized and dishonest bureaucracy, is a society with a rigid, over-centralized and honest bureaucracy"¹²¹. Other authors criticise this positivist view of corruption¹²².

Large corporations influence the election of those in government, in many cases by remote control through companies designed to favour their interests. Some enterprises explore the limits of the system—legal or illegal—in order to corrupt the state. Indeed, in Kwame Sundaram's view:

"The level of corruption in the private sector remains disturbingly high. [...] Such practices are all too often encouraged by or met with cooperation from civil servants, many of whom may be underpaid and hence struggling to make ends meet, or corrupt political leaders who use politics to make money that they may claim they need to advance their political ends or to pay for political support. Some who amass huge fortunes while in office may smuggle these assets out of their countries into secret personal bank accounts abroad"¹²³.

At the socio-political level

Social reality is established through structures which contain social rules¹²⁴. These may be undermined by organised corruption, as indicated by Kaufmann & Siegelbaum¹²⁵, and involve moral rupture and deterioration, as

118 Levin, M. & Satarov, G. (2000).

119 Root, H. L. (1996), pp. 741-757; Rose-Ackerman, S. (1999); White, G. (1996), pp. 149-169; Manion, M. (1996), pp. 167-195; Kaufmann, D. (1997), pp. 114-131; Bliss, C. & di Tella, R. (1997), pp. 1001-1023; He, Z. (2000), pp. 243-270.

120 Hodgson, G. M. & Jiang, S. (2008), pp. 55-80.

121 Huntington, S. P. (1968), p. 386.

122 Leys, C. (1965); Shleifer, A. & Vishny, R. W. (1993); Bardhan, P. (1997); Kaufmann, D. (1997).

123 Kwame Sundaram, J. (2009), p. 18.

124 Ostrom, E. (1986), pp. 3-25; Crawford, S. & Ostrom, E. (1995), pp. 582-600; Hodgson, G. M. (1997), pp. 663-684; Potts, J. (2000); Dopfer, K.; Foster, J. & Potts, J. (2004), pp. 263-279.

125 Kaufmann, D. & Siegelbaum, P. (1997).

well as generating social learning routines which encourage less-than-ethical, or indeed immoral behaviour that often infringes on current legislation. It is assumed that social rules are in some way normative in character and are based on habits, given that “the essence of beliefs is the establishment of a habit”¹²⁶. Schumpeter contends that “no social system can work that is based exclusively upon a network of free contracts between (legally) equal contracting parties and in which everyone is supposed to be guided by nothing except his own (short-run) utilitarian ends”¹²⁷. Additionally, in agreement with Commons¹²⁸ and Samuels¹²⁹, legal rules cannot arise privately as habitual norms, but rather require the support of the state. This opinion is very much in line with that of Iglesias, the former president of the Inter-American Development Bank and former executive secretary of the economic commission ECLAC, who asserts:

“A democratic rule of law guarantees both legal and political stability and security, which are indispensable for investment and growth, and which also allow efficient state intervention for the purposes of redistribution and social equity”¹³⁰.

Corruption undermines any kind of political action, however laudable that may be, as it destroys the principle of equality for all, and thereby produces differing results in hypothetically equal situations¹³¹. This malpractice also runs the risk of ‘contagion’, a term which is used in various models, such as those of Andvig & Moene¹³²; Sah¹³³; Tirole¹³⁴; Cartier-Bresson¹³⁵, and Mishra¹³⁶. Even in Johnston’s view¹³⁷, it could pave the way for the perpetration of coups d’état, which in turn may further foment, if that were possible, the procedures of corruption.

126 Peirce, C. S. (1878), p. 294.

127 Schumpeter, J. A. (1976), pp. 423-424.

128 Commons, J. R. (1924).

129 Samuels, W. J. (1989).

130 Iglesias, E. V. (2015), p. 2.

131 Veblen, T. (1919); Ouellette, J. & Wood, W. (1998), pp. 54-74; Hodgson, G. M. & Knudsen, T. (2004), pp. 19-47.

132 Andvig, J. C. & Moene, K. O. (1990), pp. 63-76.

133 Sah, R. (1991), pp. 1272-1295.

134 Tirole, J. (1996), pp. 1-22.

135 Cartier-Bresson, J. (1997), pp. 463-476.

136 Mishra, A. (2006), pp. 349-358.

137 Johnston, M. (1997).

According to Tanzi & Davoodi¹³⁸, with corruption comes a move toward private profit which leads to a lower return for society. Murphy, Shleifer and Vishny, in their political analysis, define corruption as “the sale of government property by civil servants for personal gain”¹³⁹. At the corporate level, corruption can cause all manner of harm, even ruining true centres of business and commerce in a question of hours¹⁴⁰. Here, it must be kept in mind that corruption in itself is difficult to measure, since it generally appears in contrast or comparison with something or someone else (indeed, it is impossible to quantify all of these processes), although it is evident that more procedures have been developed in corrupt enterprises through all manner of economic artifice. What there is certainly evidence of, is the consequences of corruption (other than personal ones). Various reports¹⁴¹ show that room for manoeuvre is reduced, business-confidence is lost, conflicts are created, fines are incurred from regulators and tribunals, corporate reputation is damaged, and compromises are made in order to be able to operate and invest.

Within the processes of corruption, it is worth highlighting the public aspect proposed by Ross, who identifies the elements of the gathering of information, the violation of human rights, state-sponsored crime and violence, and points to the detriments “committed by individuals who abuse their state authority, or who use it erringly when working with individuals or organisations of the private sector”¹⁴². There is a thin line separating public and private affairs. One is put in mind of phenomenon of the revolving door, in which some of the offices of state institutions pass over to the private sphere (or viceversa), and of the regulatory inefficacy in all of the aforementioned situations.

Another effect of ‘legalised’ corruption is that which is generated by the geography of transnational relations. As Sassen, professor of sociology at the University of Colombia indicates:

138 Tanzi, V. & Davoodi, H. (1997).

139 Murphy, K. M.; Shleifer, A. & Vishny, R. M. (1993), p. 599.

140 Sharma, R. & Sharma, M. (2014).

141 “¿Quién tiene algo que esconder?: en búsqueda del fraude interno”, Kroll, Economist Intelligence Unit in 2013; “Economic crime and fraud survey, 2014. Results in Spain”, PricewaterhouseCoopers (2014) J. López Andreu; “Report from the Commission to the Council and the European Parliament Eu Anti-corruption”, UE 3/02/2014; and the Confederation of Danish Industry Dansk Industri “Avoid Corruption January 2007: A Guide for Companies”, 01/2007.

142 Ross, I. (2003), p. 148.

“The key point in this configuration is the weakening of the formal and exclusive authority of states over national territory. This facilitates the creation of trans- and subnational spaces and agents in economic processes, as well as in political and civil cultures”¹⁴³.

Therefore, a weakening of its institutions is not in the interests of the majority of the civilian population, since a weak state, as we have already seen, is more vulnerable to corrupt behaviours. What is more, it makes commonplace such situations that ought to be extraordinary by permitting, by way of example, that a kilo of rice grown and sold in Senegal be more expensive than one imported from Thailand¹⁴⁴. The processes of transnational textile production principally unfold in developing countries, forcing employees to accept miserable working conditions. According to the professor of economics of the University of Jahangirnagar in Bangladesh, Anu Muhammad:

“Bangladesh did not always live under the rule of the manufacture of apparel. Until the mid-1980s, the cultivation of jute was the principal source of income for the country. Then the IMF [International Monetary Fund] and the World Bank arrived. Under their aegis, privatisation plans and cuts in public expenditure made unemployment soar, created a dependence on imports, and started the collapse of local industries. The bureaucrats of the main political parties, high-ranking officials of the army and the police, and the sons of wealthy families fought over the spoils. The incentives to invest in the textile industry became irresistible: cheap labour, trade unions weakened by the privatisation of state companies, and the elimination of import duties on machinery destined for export industries. Corruption did the rest”¹⁴⁵.

The processes of corruption equally install themselves in advanced countries. As an example, let us take the footwear industry in the eastern areas of Spain, particularly in Elche, Elda and the surrounding area (there is a similar issue in Galicia, Spain, centred on the textile sector). In this region there are hundreds of clandestine workshops, in which a largely female workforce is employed, who work from home or from shared private premises¹⁴⁶. The origins of this informal labour lie in the supposed need to contribute to the family in-

143 Sassen, S. (2012), p. 10.

144 <https://preciosmundi.com/>

145 Cyran, O. (2013), p. 22.

146 Ybarra, J. A. (2000).

come, based on the false idea that women would be unable to take on full-time work (due to childcare and other family obligations, and indeed male chauvinism). Currently, for many women this is the only source of economic subsistence. In these dark areas, the lack of employment rights is considered normal, as is the absence of unions or of inspectors of working conditions, who lack resources and dedicate their time to compiling statistics. As a result, these workers find themselves in precarious conditions, with low wages and no hope of receiving a pension, having made no social security contributions. A great proportion of employment activity is done outside of the factory, clandestinely, although most of the profits of labour do not come back to the workers, but rather go to the businesses which farm out the work, and to intermediaries.

In addition, the *omertà* code of silence with which this work is carried out, and the impunity enjoyed by the ‘big family’ of clandestine workshops, make the individual who wishes to claim their rights seem at fault or *persona non grata*, rather than the delinquent people or organisations who normalise the processes of corruption through their unethical behaviour. Having a contract, being paid for overtime, the right to holidays or sick-days are all alien to this situation. Many clandestine workshops have an unwritten code whereby any worker who files a complaint is automatically expelled and excluded from any future involvement with these pirate businesses. One need not look to remote workshops in Asia: this normalised informality¹⁴⁷ of working practices can be found at just two hours’ flight from Brussels, one of the principal centres of transnational decision-making in the world.

The unlooked-for effects of corruption

In certain contexts, corruption may be the only escape route, due to the existence, *per se*, of a corrupt environment, which makes it necessary to become corrupt in order to compete on a level playing field within the otherwise unequal circumstances created by this situation. In the transnational textile sector, this situation can be aggravated by the development of the processes of monopsony, a lack of competition and an institutional bias toward one investor or another.

147 Jordá, J. H. (2010).

Lui¹⁴⁸ points out that corrupt procedures may make rigid administrative processes more agile with the purpose of generating profits and, therefore, improving the inefficient management of resources. He also contends that bribery may reduce delays and incentivise civil servants. Leff¹⁴⁹ & Huntington¹⁵⁰ maintain that the benefits of corruption may be greater than its costs. As Cortina¹⁵¹ asserts, in many cases the effects of corruption are negligible and those who use corrupt tactics may find them favourable, although there may also be cases where some low-level sanctions are incurred.

In the textile sector, a broad spectrum of effects is produced. On the one hand, environmental effects and on the other, chiefly social and economic ones. The use, abuse and the deliberate miscoordination of scant environmental policies on a global and local level produce unwanted effects, both through action and omission, on society and the natural surroundings, flattening any hindrance to the interests of TNCs and governments avid for investment. As an example, for the manufacture of garments, TN textile companies make intensive use of vast quantities of water at a lower cost than that applied to human consumption. Even if the prices were made the same, the cost incurred by the TN textile companies would still be lower than it should be, given the scarcity of the resource and the object of its use. It is necessary to bear in mind the paucity of water resources worldwide, and the fact that the uses of this resource by TN textile companies are non-essential, the consequences of which should be regulated in proportion to its effects. TNCs, through regulatory pressure in their favour, afford themselves an à-la-carte and incomplete treatment of their waste-water¹⁵², as well as permitting themselves to produce a large quantity of waste as a by-product of their use of chemicals in the industrial process. This last aspect has been the subject of innumerable studies showing many of these substances to be highly toxic to health and the environment. In other cases, the danger is yet unknown, but taken together, the situation points inexorably to the need for a total ban on such chemicals until proof be produced of their harmlessness.

Any such studies should not be published at the service of the TN textile companies themselves – or indeed any other interested party. This would be

148 Lui, F. (1985).

149 Leff, N. (1964).

150 Huntington, S. P. (1968).

151 Cortina, A.; Peces Barba, G.; Velasco, D. y Zarzalejos, J. A. (2009), p. 27.

152 Browne, M. A. (2015).

like providing a friendly reference for a jobseeker or aspirant to a degree programme, that is to say, of little use other than documenting the corruption in the system and providing good material for comedy. There are, of course, no bad references for candidates, and the fact that it is the aspirants who ask for recommendations from their referees makes such letters effectively worthless, or indeed counter-productive. Yet these are analogous to the studies which are promoted, backed, sponsored, etc., by TNCs, or by academic institutions in the service of private interests. Such a circumstance is extremely difficult to remedy due to the *de facto* union between lobbies, supranational bodies and the TNCs, wherein all manner of shortcomings may be found, but certainly not a lack of economic power, this often being an essential instrument for the achievement of their objectives. In the view of Romano, an expert in this field:

“Spanish and European regulations permit the use of all chemical substances that are not expressly banned. That is, their use is allowed unless it be proven they pose an unacceptable risk to health and/or the environment. This burden of proof implies a long process of risk-assessment, so that the Commission or a member-state would have to be concerned enough about the effects of a substance to wish to prepare a restriction dossier”¹⁵³.

The textile industry contributes to global warming as the second largest polluter on the planet, being responsible for around 20% of all toxic substances entering water sources. Textile manufacture involves the generation of 3% of all carbon dioxide produced in the world, some 850 million tons. In addition, the recycling of garments ought to be similar to that of vehicle batteries, owing to their non-biodegradable components, but this is far from a reality where the long shadow of the textile industry is cast over a landscape of used clothes for which it has no solution. At the same time, one of the essential elements of the apparel industry is cotton, whose production involves a high proportion of pesticide and insecticide use¹⁵⁴. In the laboratory or in countries with high standards, training, preventions and sanctions (where necessary) for their use, such substances may be very effective. However, in states with high levels of illiteracy, corruption, poor training, rudimentary systems of prevention and inexistent provision for their processing and treatment, they are per-

153 Romano, D. (2015).

154 In 2006 47 distinct pesticides were discovered in Spanish rivers, 35 of which are banned and 26 are classed as capable of altering the hormonal system of living things. Balaguer, R.; Dimastrogiovanni, G.; García, K.; González, E.; Lysimachou, A. & Romano, D. (2018).

nicious contaminants. In regard to countries in which textile production takes place, often irreparable harm and abuse occurs due to the fragility of the state. A slave-like dependency may develop in the mind of the farmer who sees the purchase of certain chemical products (pesticides, insecticides, fertilizers, dyes, colour-fixers, etc.) and seeds as tantamount to enjoying unlimited harvests. It will be necessary to improve competition, through global regulation, among the biotechnology companies which produce seeds. This market should not be allowed to be cornered by a handful of companies, nor should state projects be allowed to develop which serve the agricultural sector by acting as a commercial counter-weight. In this way transparency may be fostered as a pillar of a democratised transnational textile industry.

The consequences of this type of corruption, centred on the abuse and use of the existing spurious legislation, are broad and varied, and in many cases also unpredictable. Among the most important are the harmful effects on health (contamination, endocrine disruptors, environmental risk-externalisation to countries with low standards, etc.), making society even poorer, if it were possible, and one which not only fails to advance toward a more ethical and sustainable production, but which rather regresses. This may be seen in both underdeveloped or developing countries (the mainstay of textile production) and in advanced states which boast of their white-collar-wearing and briefcase-carrying status. In either case profits are boosted by a business model based on environmental, social and economic overexploitation and the exhaustion of labour resources. This image is very far removed from that of the truly ethical enterprise, however much corporations may style themselves as such.

There is no doubt that the effects of corruption vary greatly in function of the situation (market, culture, point in history, ethnic considerations, geopolitics, or the prevailing forces of supply and demand) we wish to describe. Beyond merely trivial depictions, which are always negative since they focus on misconduct, collateral effects, lack of morality and the loss of value, among other considerations, Baumhart highlights the more existential questions of corruption:

“Around the world, we are frequently described as being corporate societies. If this is so, and if it is judged that corporations are corrupt, then it will be assumed that the society itself is corrupt”¹⁵⁵.

155 Baumhart, R. (1978) in Martínez, H. (2005), p. 74.

At the level of society, corruption (in the textile sector) takes partisan advantage of scarce and obsolete labour regulation in lands where few democratic guarantees are asked for. An underground world of businesses (dealing with logistics, dyeing, clothes-manufacture, etc.) and vested interests interconnect in the service of TNCs which, through an auctioning of rights and liberties to the lowest bidder, base their business on lower employment costs, fewer environmental restrictions, weaker unionism, and repression-at-will (e.g. with the collusion of the army and police), etc. Such a scenario is nothing short of the perversion of international trade and ethics. TNCs offer their business to any textile workshop, or unscrupulous government (generally speaking, TNCs have not included scruples in their enterprise vision) with the purpose of receiving their 'investments', often through agreements that guarantee them not to make a loss. This win-win situation, which is proof against even the slightest of risks, external or inherent, is tantamount to theft. Certain states place all of their infrastructure at the disposition of a tangled web of textile interests, with all manner of regulatory manoeuvrings and flattery that would make even a freshman student of constitutional law cringe. Constitutional indeed, as this is replaced by mercantile law, thereby subverting the fundamental legal pecking-order, allowing the prevalence of the rule of trade. Government and public authorities are deregulated, both in their relationships with citizens and with other organs of state, disturbing the normal development and protection offered to these. These states renounce their obligations, ceding sovereignty to TNCs, decision-making bodies whose control and influence are not designed for such an end.

From this it follows that many TNCs are not in fact enterprises, but rather predatory and short-termist systems, which have no qualms about the harmful effects on the environment of their activity, and abuse all manner of legislation for their own profit. They abuse the very soul of the workforce they employ, while perhaps believing they have none at all. This presents a very different view from that of a truly sustainable enterprise which operates in an ethical and responsible manner, showing how the natural advance of the times need not be in conflict with the development and growth of the ancient and noble activity of textile production, and indeed trade in general. There are legal, technical and economic mechanisms (a lightened tax burden, for example) able to promote this type of company and industrial development, encouraging the coexistence of all the intervening parties with the purpose of allowing every one of the nations to develop, and preventing overexploitation and the loss of identity.

CONCLUSIONS

It is evident that, where the processes of corruption take root, the situation tends to the extreme and the delicate, influenced by either the action or the omission of any irradiating element. Human rights are affected, together with all spheres of the private and professional life of individuals and living beings. It should be pointed out that the incidence of this is not the same at all the latitudes and contexts in which it occurs, since it is often necessary to use different routes of access to corporations and their components, in order to be able to develop without disturbing the living ecosystem of which every corrupt society consists.

At the economic level, the nexus imposed in human relations, there is a broad series of negative effects capable of generating processes of corruption, such as tax evasion, the creation of uncertainties, the subjugation of workers to the dilemma of accepting inhuman working conditions, or else face the likelihood of being without the means of subsistence for themselves and all of their dependents. Public expenditure is also affected, as tax revenue is diminished. Furthermore, certain psychologically disturbing aspects are also created, such as locating employees thousands of kilometres from their homes (leaving their children and elderly in the hands of other family members), often without the chance of visiting them more than twice a year, or making them work in conditions similar to a concentration camp, with limited access to fundamental employee's rights.

It could be claimed that a model based on privatisation, and the growth of competition does not always diminish corruption. Indeed, it is necessary to limit entitlements and prerogatives, and to install legislation that is trustworthy and accessible, with the additional condition that it may be supervised and delimited from without, in accord with the conditions in each location.

It is necessary to analyse the various existing needs in the principle textile-producing countries, with the purpose of preventing the infringement of human rights in countries offering a subcontracted labour force among other resources, as well as excluding TNCs from any part of the process. Governments which interfere in the regulation of the transnational textile business also bear legal and ethical responsibility, since investments depend largely on the behaviour and actions of governance (including that of corporations). Poor

countries are seduced by the plethora of kindnesses implied by TNCs and other bodies which break their promises, such as ratings agencies and banks in their service. This encourages an impoverishing kind of growth for the sakes of 'the promotion of trade' and of advanced countries which prefer to look the other way, invoking the processes of CSR as an excuse for their passivity. These policies are deliberately constructed without rigour and with a double standard. They are rolled out in a different way, for effect and impact on the parent company, affiliate or subcontractor that depend clearly on TN textile companies. This circumstance turns 'advanced' countries and supranational authorities into partners-in-crime as accessories to the perpetration of crimes against humanity derived from their negligent conduct. All this for the sake of commercial self-regulation, which encourages, in the case of the transnational textile industry, a fratricidal struggle to cut costs and an obscene scramble to curb rights. TNCs reduce their costs by imposing conditions on textile workshops and governments (through regulations, and mobilising the army to protect their investments, etc., leaving them almost without room for manoeuvre. Threats are used constantly, systematically (and deviously) shielded behind free trade, in order to transfer their production to other, more economical and discrete places around the world. For certain TNCs, all kinds of employment, social or environmental rights are merely incidental.

This is the true *Gordian knot*, where the dignity of people and land is viewed as expendable rather than as a crucible of opportunity, while more people are drawn in as potential clients of the TNCs. These situations push labourers to the border of the abyss, creating economic, environmental and hunger-stricken refugees (having been expelled from their lands). This example of globalisation must be included within the lists of crimes against humanity. Against this, it is necessary to promote the dissolution of those TNCs and governments which irrefutably encourage the worst infringements pertaining to the lives of people and living things. At the same time, protection and support should be afforded to ethical and sustainable enterprises which contribute, by their acts, to reducing poverty and which follow a philosophy of identifying situations of systemic inequality. To achieve this, a direct connection to the means of eliminating all kinds of corruption must be implemented, and to make this a credible enterprise, there must be no hiding behind showy corporate gestures of social responsibility. TNCs which have CSR policies in place may be just as corrupt as those that have none.

As the philosopher Gomá contends: “The problem is who decides what is right or not”¹⁵⁶. In a hypothetically ideal market, in which each element works as part of a great symphony, (for example, government/state, international regulation, good environmental practices, etc.) it would be just about possible to accept the definitions of free trade provided by exclusive schools of thought on this matter. However currently, the reality is quite different: not all play by the same rules¹⁵⁷, as can be seen in certain paralegal or minority-interest media, which expose cases of corruption (often at the heart of society) through the sentences of judges and tribunals, or the actions of ex-employees or disgruntled managers, etc. They do not hesitate in revealing the malpractice of governments or corporations which falsely claim to have good records or ephemeral CSR policies. In other cases, this is an arduous task, since what is not legal or is less moral in one continent, may be seen in a different way in another, especially in the case of inhumanly long working hours, or in considering women inferior to men in all aspects, both of which are common in countries geared to textile production. Here is a more advanced extension of the concept of organisational corruption which shows motivations that go beyond those of private gain. Legislating without actually passing laws, as professor Sánchez Barrilao contends, is an astute way of legislating¹⁵⁸ for the sake of private interests which wish to maintain the *status quo* and keep their legally-backed pact of silence which has allowed them to adapt and permeate all manner of powers.

The tyranny of practicism (the efficient way of carrying out tasks) is a good example. This consists of appropriating optimising procedures and basic routines (often originally at no cost). A lack of regulation, or existing niches in the market are taken advantage of, such as in the fashion sector, where this also occurs. Society in general, despite wishing to contribute to a sustainable fashion industry that respects both people and environment, allows itself to be seduced by a well-packaged and produced, and customised type of

156 Gomá, J. (2014).

157 “Documents leaked by whistle-blower Edward Snowden suggest the US government has undertaken mass surveillance operations across the globe - including eavesdropping on US allies”. BBC (2013). The former analyst of the National Security Agency (NSA) states that behind the espionage carried out in Germany there is great pressure from business and industry, with a clear attempt at provoking the German government and. He claims to have proof that “if there is any information about Siemens that may be useful to the United States, albeit of no connection to national security, they will take it all the same”. Sánchez, R. (2014).

158 Sánchez Barrilao, J. F. (2004), pp. 242-256.

commerce. This becomes proactive in nature and is based on an easy, flexible and cheap access to the acquisition of apparel, in which the concept of use, disposal, and purchase is customary. It is cheaper to acquire a new t-shirt than repair an old one. Practicism encourages the practice of what is easiest is best, expelling other procedures and behaviours from the minds of consumers—and therefore from the collective experience—making standard the expression of individualism through expenditure, in this case on a new purchase. Even so, the easiest and cheapest need not be the most ethical or least corrupt; indeed, choosing this behaviour will inexorably condition the means of production and consumption. Textile production at the lowest possible cost is directly related to the proliferation of processes in the transnational textile sector which are legally asymmetrical and dysfunctional, thereby encouraging a more unfair and less caring society.

This situation subsists on a lack of rights and guarantees for the weakest members of the supply chain, from whom they extract a cheap, flexible and easy production. The dividends resulting from the processes of practicism associated with a TN textile company's production which is based on AI, displacements, customised legislation, a lack of ethics (despite efforts at their propagation), environmental infringements and corruption, cannot be compared with those received by the majority of the worldwide population marginalised from the system, despite working on a temporary basis and limited in time, space and rights. One may not argue against the profits generated by successive industrial revolutions, or the labour-saving in physical work, but one may denounce the decided and self-governing nature of an algorithm (which may be identified and linked directly to the company which creates it and profits from it) which determines the working conditions in certain latitudes through a real-time mathematical calculation of what 'the customer is prepared to pay'. The imperative of ease and pragmatism may overcome the larger part of the social model based on rights, equality and common development by establishing *de facto* the quantity of goods that can be produced at a low cost, but not by determining the way in which they are produced.

Corruption remains in the service of the few with the capacity to use their doctrine as a vehicle to intervene in lives and enterprises. The transnational textile sector is infested with corrupt processes starting with the very hedonism inherent to it. They are capable of institutionalising themselves to the point of forming honed systems of corporate corruption, while creating a certain relativism as a corollary. This is all masked behind showy acts and marketing, and later behind CSR—currently version 2.0 of CSR—which inclu-

des international framework agreements (IFAs), full of good intentions, but limited in effect due to the lack of real and proportionate means of sufficient weight to combat the processes of corruption in transnational textile production. These circumstances once again set up the cosignatories (big corporations and the corresponding trade union federation) as overseers of the infringements which they themselves commit, cover up or foment, albeit indirectly.

The TNCs question all surrounding elements of the complex textile network which may damage their dividends, yet rarely do they question their own behaviour. Corruption is trivialised, thereby directly encouraging the dehumanisation of individuals for the sake of recovering capital (sometimes without the need to do any work) through an ever more fluid supranational control. An increasingly asymmetric architecture is constructed over the systematic mercantilisation of human rights, subordinating all laws and actions against corruption to the whim of the TN textile companies.

Guidelines for action

1) Avoid rolling out textile production in countries which have not ratified the fundamental conventions of the ILO, as well as industrial and legislative action which directly contravenes human rights. The UN, by using a system of proportional representation (which eliminates the right of veto and does not give preference to the same countries as it has since 1946), together with the ILO can establish a mechanism for monitoring and sanctioning transnational business. They should also create a system of rewards for individuals, companies and states that are truly ethical. What is more, it would be desirable to establish protocols for anonymous whistle-blowing by citizens who witness any kind of infringement different from those typical of their place of residence. Denying a state or government the opportunity to purchase textiles that have been manufactured in situations of semi-slavery, or through the flagrant contamination of the environment is a powerful dissuasive measure of great impact.

2) Establish international tribunals with the capacity to sanction companies that develop corrupt processes, including throughout their value chain, and establishing joint and several liability (liability for the actions of affiliates, suppliers, contractors and subcontractors).

3) Prohibit, in processes of public purchases, the contracting of TN textile companies if they are shown to have committed, promoted or induced any

kind of ethically questionable or corrupt procedure, in any of the lands in which they operate, and establish in the process a scale of risks and illicit actions.

4) Audits, in their current configurations, form part of the textile business, not an independent solution, since their remuneration depends directly on the judgements they pass on the same companies which finance them. This makes auditors both judge and interested party and invalidates them *de facto*.

5) The percentage of CSR invested by TN textile companies, in order to be credible, must be in function of the profits they obtain, and respond to the impact they have in the contexts in which they operate. For example, sponsoring a violin conservatory in Sweden (although in itself desirable) has no connection with the activity of transnational corporations either in that country, or in poorer states. The degree of expenditure and intervention in CSR should also be monitored by bodies without any direct or indirect interests.

6) The criminal responsibility of enterprises ought to contemplate joint liability: of the corporation – through fines and forced liquidations- and of the directors of TNCs who have taken illegal decisions based on corruption. Often the cost of working through these procedures is less than that of fulfilling their legal obligations.

7) International justice which offers real protection to informers (monetary reward, change of identity, employment, repatriation, etc.) from the elites which control certain states (through their investments). Legal frameworks should be established with the purpose of investigating and collecting evidence of corrupt acts which offer payments with surcharges to TNCs in return for the exploitation of public works, licences and access to natural resources (the incidence of murder of activists is a good predictor of the need for a social and environmental prosecution service). Nature itself, as the source of life, should be considered as subject to rights. There are various verifiable organisations, such as international trade unions or religious orders, which in certain contexts may be considered more trustworthy than local justice systems. A *Convention Relating to the Status of Economic Refugees* has been proposed with the purpose of providing international protection to whistle-blowers, and to prosecute corporate infringements at the transnational level (there are precedents for this, such as the UN Convention on the Law of the Sea). International justice must have the capacity to establish precautionary measures throughout the value chain, and not limited to only one of the strands of the corporate web designed to evade liabilities.

8) In establishing trade treaties, these should be drawn up only in countries which respect human rights. Today, extreme poverty or forced migrations are *de facto* human rights violations. Furthermore, mechanisms should be installed to allow the reversal of these agreements when there is evidence or reports of their harmful effects. Social and environmental clauses should also be included.

9) The obligation to reveal the totality of the suppliers and intermediaries which interact in the process of apparel manufacture, as well as in the labelling of products. Digital codes already exist which, appearing on the label itself, can provide a link directly to a computer file. Taking refuge in situations more appropriate to the Industrial Revolution does not make TNCs more credible, honest, or ethical, despite the use of CSR measures, rather it makes them jointly responsible for the development and encouragement of processes of corruption.

10) Universal and worldwide employment inspections, acting without warning against any affiliate or remote workshop where textiles are manufactured. Such an inspectorate may depend on the International Criminal Court and in collaboration with the environmental prosecution service, since there is often a connection between illicit acts. The costs of this public and universal supervision should be borne by the TNCs themselves. The employment inspectorate ought to have the ability to ban a TNC from carrying out economic activity in a certain country, if it has committed or promoted a contravention (in acts of corruption) by shutting down all of its industrial activity in the country affected.

11) Provide a unified set of criteria against tax evasion and avoidance worldwide. The financial acrobatics of TN textile companies to avoid paying taxes should be publicised, pursued and sanctioned in proportion to their economic power.

12) What is the value of human life? Beyond the very obscenity of this question, there is no doubt that indemnities paid for workplace accidents (let us call to mind Rana Plaza in Bangladesh, and Karachi in Pakistan, etc.) have been derisory; indeed in many cases, the payments have not reached their beneficiaries and there are missing bodies yet to be returned to families of the deceased. There is an obligation to achieve the establishment and development of coherent and real regulations which, in the case of infringement, may be applied automatically, immediately and universally. Within the agreements and treaties between TNCs and states, and in the commercial relations bet-

ween subcontractors, there ought to be clauses and insurance policies which establish joint and several liability throughout the value chain. The insurance policies should be officially registered, and their solvency guaranteed, including their underwriting by both the state which supplies the intensive workforce, and the state where the TNC headquarters is based, with the purpose of preventing the acquiescence of either the TNC itself, or the subcontracted workshop.

13) The creation of scientific peer commissions whenever new evidence comes to light, originating in research and investigation by the scientific community, that warns of the dangers of the use of certain toxic substances by TN textile companies. To this end, it is recommendable that the composition of expert groups of international bodies be subject to a democratic process, in order to prevent the application of pressure, bribery and the influence of TNCs with vested interests, etc., and thereby improving transparency and promoting confidence. Furthermore, resolutions passed by an international body or other panel of experts may be subject to veto, if challenged by a certain proportion of a group of 25¹⁵⁹ independent experts, economically disinterested in the outcome of the resolution. There are already instruments which allow the delivery of anonymous and encrypted documents to members of the scientific community who are able to pass speedy and anonymous judgements on their content.

14) Establish TNCs' *biographical record* as a document in the public domain, which every state may access and add to (possibly coordinated with a UN-dependent watchdog with sanctioning powers), and in which may be reflected all sanctions, harmful effects, the number of ratified ILO conventions, and knowledge of the whole supply chain used by the TNC. Codes rather than names might be used, but with the important elements being the proof that the corporation respects and promotes human rights and is therefore fit-for-purpose, and that it dedicates real means of protection for natural resources and the living things that are affected by their production processes, etc. It is necessary to place limits on the continual and systematic appropriation of powers as attempted by the World Trade Organisation, which is not part of the United Nations. This aspect clearly shows the conflict of rights and inte-

159 In the Delphi technique, Ruiz Olabuénaga, J. e Ispizua, M. (1989) recommend between ten and thirty participants. In the view of professor Landeta, J. (2002), for operational reasons the number should not exceed fifty. Example of Delphi created by Luque, A.; Hernández Zubizarreta, J. & de Pablos, C. (2016b).

rests between the two bodies. It is important to remember that in 2003, the UN Sub-Commission on the Promotion and Protection of Human Rights, a body composed of independent experts, agreed to the establishment of “Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights” and the indemnification of their contraventions. However, before this could be implemented, a lobby from within the UN vetoed it, eventually forcing its disappearance by 2006. Short of a revolution of citizens and scientists (which is asking a lot), the regulation of TNCs is an almost impossible task, taking into account the powerful logic of the elections of supranational bodies (e.g. the EU), lobbies, and all of the interests that back them.

15) The drafting of agreements against corruption—green, red and yellow reference books, the Global Compact, etc., on ethics, CSR or good business practice—without any of these contemplating the necessary resources for the control of corruption, the establishment of precautionary, binding methods, or powers of sanction and independent monitoring makes good fodder for certain publishing houses and press conferences. Grants, subsidies and aid for business schools and (supranational) governments, often wrapped in good intentions, rather than being based on liability, do not invest resources nor develop credible legislation for the eradication of corruption (see, for example, the case of tax havens).

16) Being proportionate in the granting of aid funds and investments from international bodies to those countries earnestly committed to the eradication of the processes of corruption through the use of international observers or monitors. However, not through the use of private international bodies with vested interests, as there are many with interested owners or benefactors. Is a country which is open to signing free trade treaties less corrupt than another with more equitable commercial mechanisms? In the view of certain ratings agencies, the answer is yes, since this is one of the criteria used by potential investors. A truly impartial list of the corruption and the ratings given to countries for the purposes of investment should be established by a body free of all vested interests, which also is able to indirectly punish countries which oppose its position, believing there are other methods of carrying out their commercial activity.

17) The barring from office, from without the country concerned, of public or private directors, governors or bodies that encourage (through their actions or omissions) acts of corruption that seriously contravene the right to life, including damage to the environment and the lands of indigenous peo-

ple. In this point, it is worth recalling that such lands preserve natural and genetic resources, and that the “free, prior and informed consent” of the inhabitants of these territories is required in order to prevent human rights infringements. To achieve this, it is necessary to give powers to the International Criminal Court (as well as the environmental prosecution service and the working practices inspectorate) with the purpose of engendering confidence, largely basing these on precepts of corporate criminal responsibility and worldwide extraterritoriality from any locality, however small that be.

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