

**THE MORAL RESPONSIBILITY FOR THE HARMS OF THE GLOBAL CHAIN OF
PRODUCTION: A CASE STUDY OF THE BANGLADESHI READY-MADE GARMENT
INDUSTRY**

by

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ABSTRACT

This thesis examines "a social structural conception of responsibility" for the harms associated with global garment production. The Rana Plaza incident and the subsequent policy reforms highlighted that the production of harms related to the garment industry in Bangladesh is structural — deeply linked to the imperatives of the broader political economy. That is to say, the harms of global garment production can be attributed to unintentional and indirect effects of economic globalisation. It is, therefore, no surprise that the prevailing notion of liberal responsibility, centring around intentional wrongdoing, proves inadequate in addressing such unintended social harm. This inadequacy leads not merely to the perpetuation of profound imbalances of power that underlie harm but also indifference or passivity to harm.

In order to transform indifference into [ir]responsibility, it is therefore necessary to reevaluate our understanding of responsibility. However, the widespread acceptance of fundamental principles of the individual model of responsibility prevents a redefined version of responsibility from gaining traction. Nevertheless, drawing from social harm literature, the thesis introduces a social perspective of responsibility, operating on the premise that if harm can be anticipated and there is a possibility for human intervention to modify underlying conditions, as well as identifiable social subgroups with the capacity to effect change, then we bear responsibility for social harm.

This research aims to further develop this social harm responsibility model through empirical analysis. The study conducted qualitative interviews with 47

individuals from three key stakeholder groups: employers, workers, and policymakers in the Bangladeshi ready-made garment (RMG) industry. Thematic data analysis was conducted using a theoretical framework designed for the social harm responsibility model.

The empirical evidence illustrates the intertwining presence of power, inequality, and moral indifference. The material and symbolic power wielded by the global north shifts the harms of commodity production to the manufacturing sites of the Bangladeshi RMG industry. This flow of harm and accumulation hinges partly on the production of moral indifference. The unbounded, nonviolent, and rational practices within the production network undermine the innate personal moral drive to alleviate the suffering of the victims, thus contributing to the production of moral indifference.

This structural account made harm foreseeable. It also offers insights into the potential for human intervention — by reallocating material resources, integrating local cultural values, and promoting moral assemblage among various stakeholders through thick personal relationships. By tracing the money flow along the chain, we can easily discern the differing levels of accountability among different moral groups, starting with workers at the base, employers next, and brands at the top. The concept of the harm model of responsibility is crucial for the social harm approach to progress as a coherent academic discipline. Policymakers focused on harm reduction can benefit from considering this responsibility doctrine when addressing the impacts of unintended and socially mediated causes.

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LIST OF ABBREVIATIONS

ANIME	Agenda-setting, Negotiating, Implementation, Monitoring, and Enforcement
BEAR	Birmingham Environment for Academic Research
BIDA	Bangladesh Investment Development Authority
BGMEA	Bangladesh Garment Manufacturers and Exporters Association
BKMEA	Bangladesh Knitwear Manufacturers and Exporters Association
BLA	Bangladesh Labour Act
BRAC	Bangladesh Rural Advancement Committee
Bt	Bacillus thuringiensis
CBA	Collective Bargaining Agreement
CEO	Chief Executive Officer
CMR	Criminal Model of Responsibility
COVID-19	Coronavirus Disease 2019
CQDAS	Computer-aided Qualitative Data Analysis Software
CR	Critical Realism
CSR	Corporate Social Responsibility
DIFE	Department of Inspections for Factory & Establishment
DoL	Department of Labour
EBA	Everything But Arms
EU	European Union
GATT	General Agreement on Tariffs and Trade
GCoP	Global Chain of Production
GSPs	Generalised System of Preferences
GVC	Global Value Chain
HMR	(Social) Harm Model of Responsibility
HRM	Human Resource Management
IndustriAll	Industry All (Global Worker Union)
ID	Identity/Identification
IGOs	International Government Organisations
ILO	International Labour Organisation

IMF	International Monetary Fund
LDC	Least Developed Countries
MFA	Multi Fibre Arrangement
MNC	Multinational Corporation
MNE	Multinational Enterprise
MSIs	Multistakeholder Initiatives
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organisation
NGOs	Non-government Organisations
NVivo	A play on the Latin in vivo – meaning within a living organism (Qualitative Data Analysis Software)
#PayUp	Hashtag Pay Up
PIS	Participant Information Sheet
PM	Production Manager
R&D	Research and Development
RDS	Research Data Store
RMG	Ready-Made Garment
RSC	RMG Sustainability Council
RTA	Reflexive Thematic Analysis
SAP	Structural Adjustment Program
SHA	Social Harm Approach
TA	Thematic Analysis
TBGI	Transnational Business Governance Interaction
TNC	Transnational Corporation
UD	Utilisation Declaration
UNICEF	United Nations International Children's Emergency Fund
USA	United States of America
USD	The US Dollar
VSL	Value of Statistical Life
WPC	Workers' Participation Committee
WSF	World Social Forum
WTO	World Trade Organisation
WWC	Workers' Welfare Committee

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CHAPTER 1: INTRODUCTION

"[T]he mania of businesses from home and abroad to derive more and more profit without bothering about the heavy costs borne by the workers led to the horrific disasters of Rana Plaza The global network of injustice allows factory owners, ... and global retailers to avoid responsibility even after the deaths of thousands of workers. This shows a failed system of accountability on a global scale. ... Questioning and monitoring this unjust system and raising our collective voice to uphold ... [basic needs of] workers are our responsibility." (Muhammad 2015, 150)

Since the 1990s, the Bangladeshi ready-made garment (RMG) industry has been playing a crucial role in the global fast fashion supply chain, catering to the demands of numerous consumers worldwide while employing millions of Bangladeshi workers and fostering lucrative entrepreneurial opportunities both domestically and internationally (Anner 2013; Kabeer 2020). However, the pressure to meet ever-increasing demand and produce at low costs places immense strain on the entire supply chain, often at the expense of precipitating extreme suffering upon factory workers (Anner 2018; Khan & Richards 2021). As the most brutal illustration of such suffering, the collapse of Rana Plaza, which caused 1,134 deaths, served as a wake-up call, shedding light on the problematic nature and structures of the global production chain that caused workers to suffer harm (Bair, Anner & Blasi 2020; Sobhan 2014). Despite a range of efforts to address these structural issues, the plight of the workers remains largely unchanged (Kabeer 2020). The Rana Plaza incident, when closely examined, reveals that the core problem lies in the way we attribute responsibility for the socially mediated unintended harm inflicted upon these workers.

This is because the prevailing belief that unintended harm falls outside the realm of justice and accountability (Hayek 1976) poses grave challenges to

allocating responsibility for harm caused by social structures (Plant 2010). This thesis thus focuses on understanding a notion of social structural responsibility/accountability (Reiman 2006) for the harm associated with global production chains. It argues that such responsibility exists when harm can be foreseen (Plant 2010), human intervention is possible (Pemberton 2016), and there are identifiable agents with significant power (Gramsci 1971; Young 2011) to make a difference in the eventual outcome.

Generally speaking, the global chain of production¹ (henceforth GCoP or chain) is a complex system that manufactures large amounts of goods rapidly and cheaply using facilities in multiple locations in different countries (Castells 1996). The governments of advanced economies and numerous supranational institutions create the legal framework governing these business activities of various stakeholders. Added to this, tele-technology enables the chain to operate swiftly to respond to shifting consumer demand whilst legal infrastructures connect multinational enterprises to manufacturers in low-income countries that are able to rapidly produce garments cheaply (Anner 2013, 2018). GCoP's complex and dynamic operation can be understood by focusing on three main domains: brands, employers, and employees within the garment and textile sector. International brands aiming to satisfy the demands of thriving consumers, especially from Western nations, seek mass production of commodities. To achieve this efficiently, these brands have implemented a

¹ This thesis employs the term "global chain of production" as synonymous with a range of similar concepts commonly used in the literature, such as global supply chains, global value chains, global commodity chains, global commodity production circuits, and global production networks.

fragmented production system across different countries, taking advantage of the cheap labour, land, and resources available in the global south (Pham 2022). This approach not only benefits the brands themselves but also creates economic opportunities for entrepreneurs and their respective governments in the global south countries. Additionally, it provides much-needed employment opportunities for the large pool of unemployed individuals in these countries. Factories in the global south thus provide cheap labour and production units to meet the need for quick and cost-effective production. Contracts are formed between the brands and factories, with the latter being promised payment upon successfully shipping a specified number of commodities within the agreed timeframe and meeting the required standards. To meet these commitments, factories reserve production units and obtain necessary materials. However, timely production can be challenging and may lead to additional costs. To avoid delays and protect profits, factory managers occasionally subcontract the work. Unfortunately, subcontractors may sometimes act without proper authorisation due to multinationals' frequent dependence on tier-one suppliers to simplify management processes and cut down on expenses (Glendon 2013; Labowitz & Baumann-Pauly 2014). This strategy allows factories to subcontract parts of their orders to lower-tier suppliers without needing explicit approval from multinational companies because factories know that reliance on a few top-tier suppliers makes it difficult for buyers to quickly find alternatives when needed (Glendon 2013). The RMG sector has played a key role in Bangladesh's economy since the 1980s (Anner 2018). Currently, the industry comprises over 4,000 suppliers and

employs more than four million direct workers; in the 2020-2021 fiscal year, exports reached 32 billion USD, serving over 100 global clothing brands across 150 countries (BIDA 2024). The Ministry of Labour & Employment is the main government body that shoulders the oversight responsibility of the RMG sector. It manages two main regulatory bodies: the Department of Labour (DoL) and the Department of Inspections for Factory & Establishment (DIFE), along with ten labour courts. The Bangladesh Minimum Wage Board, under this ministry, is responsible for determining reasonable wages for labourers. The Bangladesh Labour Act, the Labour Rule, and the labour policy are the primary legal instruments for the industry. However, the industry's frequent accidents have raised concerns about the effective enforcement of these regulatory provisions (Anner 2015). For example, Clegg (2016) commented about the Bangladeshi RMG industry, "Occupational health and safety measures were not respected. The workers were working in dark, dangerous, and insanitary conditions, and the machinery was too heavy, not fit for the building's purpose."

Two prominent employer associations, BGMEA and BKMEA, were intended to take on oversight responsibility for many of the infractions beyond government regulation. BGMEA — the Bangladesh Garment Manufacturers and Exporters Association, was founded in 1983 to support the ready-made garment industry, i.e., woven garments, knitwear, and sweaters. It registers thousands of garment factories and is tasked with safeguarding workers' rights and ensuring social compliance. Furthermore, BGMEA collaborates with local and international partners to expand and enrich the apparel industry in

Bangladesh. BKMEA — The Bangladesh Knitwear Manufacturers and Exporters Association was inaugurated in 1996 by a select group of enterprising knitwear manufacturers to bolster and propel the country's knitwear industry. Over time, in response to the dynamic nature of the apparel sector, BKMEA has evolved into a preeminent global organisation, emphasising targeted resource allocation. Presently, BKMEA boasts a membership base of close to 2000 knitwear manufacturers and exporters, signifying its standing as the principal export sector within the nation. To import materials duty-free, the factory needs a 'utilisation declaration' or 'UD' from either BGMEA or BKMEA. This declaration prevents the sale of duty-free goods intended for export within the country. In Bangladesh, trade associations issue import and export authorisations instead of the government's trade or customs ministry. The UD specifies the authorised quantity of imported material based on the order's requirements. However, as we will see shortly, the Accord & the Alliance, and currently, the RMG Sustainability Council (RSC) are all involved in multi-stakeholder initiatives approach to regulation following the Rana Plaza tragedy.

The negative impacts of the industry on wage workers and the environment can be broadly referred to as the harm of the global chain of production. However, this thesis specifically examines questionable labour practices, such as low wages, long working hours, low unionisation, and poor working conditions. As mentioned above, the requirement of the lowest possible production cost and the shorter lead time in the domain of brands leads to unauthorised subcontracting and informal approaches at the manufacturing

sites. The ultimate consequence is the upward flow of money and accumulation but at the cost of a downward flow of risks and harms along the chain (Anner 2022).

Firstly, factory workers' salaries frequently fall short of providing for their basic needs, even when they work a full eight-hour day. For example, in Bangladesh, even if we consider suppliers' reports that indicate the average monthly wages for Bangladeshi workers are USD 100, these wages still remain below the subsistence level; these earnings cover only approximately 14 per cent of their basic needs (Anner 2015, 2018). To make ends meet, workers often find themselves compelled to work overtime. Although some factory managers may believe or pretend that employees are eager to take on extra hours, the reality is that overworked employees agree to additional work due to their insufficient wages (Barrett, Baumann-Pauly & Gu 2018). In addition, managers may force overtime during peak production times or approaching deadlines, with little consideration of the consequences for their workers (Anner, Bair & Blasi 2013; Anner 2018; Bair, Anner & Blasi 2020; Young 2004).

Secondly, factory workers reportedly experience physical violence, verbal abuse, coercion, and threats, which hinder their ability to exercise their freedom of association and engage in collective bargaining; female workers additionally face sexual harassment and gender-based disciplinary actions (Young 2004). Factory workers often experience a demanding lifestyle without sufficient opportunities for rest and leisure, early retirement, and may have a shortened life expectancy. Thirdly, employers often seek out low-cost,

substandard factory housing in an effort to reduce expenses. Cramped working arrangements result in overcrowded sweatshops, leading to blocked aisles and exits. Additionally, this cost-cutting practice contributes to hazardous working conditions, including inadequate wiring, insufficient ventilation, unhygienic or non-existent restroom facilities, and a heightened risk of disaster, such as fires or building collapse (Labowitz & Baumann-Pauly 2014). "Since 2005, there have been 11 major factory disasters in the industry, which took the lives of 1728 workers" (Anner 2015, 301).

"A grim litany told the ... story: The Spectrum Sweater factory collapse in 2005 killed 64. Twenty-two died in the Phoenix Garments building collapse in 2006. The Garib & Garib sweater factory fire left 21 dead in 2010. Later the same year, a fire at That's It Sportswear killed 29. In November 2012, five months before Rana Plaza, a fire at the nine-story Tazreen Fashions factory resulted in 112 deaths and more than 200 injuries" (Barrett, Baumann-Pauly & Gu 2018, 9).

The disaster was "brutally illustrated" (Anner 2015, 300) on the morning of April 24, 2013, as the garment industry experienced the deadliest 'disaster' in recorded history when an eight-storied garment complex — the 'Rana Plaza' that housed five clothing factories manufacturing for global brands, collapsed in Dhaka, killing at least 1,134 and injuring some 2,500 workers, with long-term detrimental impact on uncounted dearest relatives of the victims (Saxena & Tripathi 2023).

The incident began to unfold on the previous day when the walls cracked, leading to an evacuation. Banks and stores on the ground floors stayed closed on the day as a result, but the garment factories compelled workers to return by threatening to withhold one month's wages. This course of action was driven in part by the pressing deadlines imposed by foreign buyers, as well as

the necessity to keep workers engaged so as to prevent their involvement in potential political protests organised during the ongoing nationwide strike (Motlagh 2014; Prentice 2019). In their vulnerable position, with limited incomes and lacking the support of labour unions, the workers had no alternative but to comply (Sobhan 2014). At 8:45 a.m., a power outage caused emergency generators to turn on; unfortunately, this caused a sudden vibration that led to a column collapse on the seventh floor and, due to the looping effect of the course of mechanical processes, culminating in the entire building crumbling within seconds (Prentice 2019).

It was later found that the building, which belonged to Sohel Rana (an individual locally known as a thug, gangster, and land grabber), had been expanded beyond the authorised five floors, had been constructed using substandard materials and had not undergone proper inspections (Muhammad 2015; Sobhan 2014). A closer attention can reveal interesting points: a symbiotic relationship between corporate and political power. The building owner can freely extend construction, regardless of approval. In return, the political party can anticipate assistance in keeping workers engaged lest the opposition party use them in a possible political protest. Similarly, the Bangladesh government has incentives to attract foreign investment by turning a blind eye to enforcing stringent regulatory provisions and thereby keeping manufacturing costs low. Brands can disregard their oversight responsibility in so far as "business as usual". This disaster could have been prevented had brands taken action and recognised the risks faced by workers (Sobhan 2014). The multinationals, whose duty is to ensure that the companies from

which they procure their products comply with regulations, have been noticeably absent when fulfilling their oversight responsibilities at the lower tiers of the production chain (Muhammad 2015).

However, the scale of suffering borne by the incident has unfolded before the audience worldwide in real-time on the media screen, appalling human conscience globally and giving rise to a much-needed wake-up call for activating responsibility/accountability. In fact, the tragedy has now become a global "focusing event" — people worldwide acknowledge the multifaceted challenges of global production of garment commodities that have come to the fore out of the rubble of Rana Plaza and are making efforts to address them from various perspectives, with profound political implications for effecting necessary change through consensus for the appropriate novel policy enactments (Schuessler, Frenkel & Wright 2019). These responses can be categorised according to three normative goals: accountability, remedy/compensation, and prevention.

On accountability, 41 defendants faced charges over the complex's collapse, of which 38 charges were for murder. Sohel Rana, the building owner, was among 38 and was also charged and found guilty of corruption. The murder trials are still ongoing, resuming in 2022 after a five-year delay, and no convictions have been made so far. Some defendants have passed away during this time. Although the initiative is unprecedented, given the reality that Bangladesh virtually lacked the experiences of successful prosecutions for perpetrators of similar kinds before Rana Plaza, lengthy judicial proceedings

make it hard to comment that victims are getting justice (Binder 2018, 143). Furthermore, in relation to corporate criminal prosecution of alleged Rana Plaza perpetrators, one can legitimately pose a question: what is the difference between the wrongdoing of those who have been charged and the negligence of those of the regulatory agencies and global brands whose failure to oversee responsibility led to Rana Plaza? Of course, neither one intended so, and the only difference in their negligence is that the former remained closer to the occurrence than the latter. This is why it is really challenging to make sense of criminal law when it comes to issues like the harm of Rana Plaza. What are the justifications: retribution, deterrence, incapacitation, or moral behaviour change? (White 1978)

On compensation, in 2015, injured workers and families of those killed received compensation from apparel brands through the Rana Plaza Arrangement (henceforth Arrangement). Overseen by the International Labour Organisation (ILO), the Arrangement paid survivors using a pricing formula, not unproblematic though, made by a diverse team that included labour groups, apparel companies, the Bangladesh government, local employers, and ILO actuaries (Prentice 2019). Prentice (2019) cogently argues about the inherent problem of using scientific formulas in dealing with morally charged issues,

"The elegance and simplicity of the pricing formula conceal the contentious negotiations involved in its making....Calculative practices do not simply convert the political settlement into technical terms, but instead are shown to shape the settlement itself by creating the capacity to recognise some values and not others."

On prevention, to improve safety in Bangladeshi garment export factories, three key policy initiatives were implemented. First, a collective agreement called the Bangladesh Accord for Fire and Building Safety (henceforth Accord) was signed by global union federations, local counterparts, and over 200 retailers and brands from Europe, North America, Asia, and Australia. This agreement aimed to address fire and building safety and promote worker participation in safety committees with union support. It also included legally binding arbitration and provisions for order continuity and supplier transparency, making it an innovative form of labour governance. Second, 29 US and Canadian firms formed the Alliance for Bangladesh Worker Safety (henceforth Alliance). Third, the Bangladesh government also created the National Action Plan for worker safety in factories not covered by the Accord or the Alliance. All three initiatives are supported by a voluntary program called Better Work Bangladesh. This program, led by ILO, aims to enhance productivity, worker safety, and labour relations in garment export factories.

Furthermore, the Rana Plaza collapse revealed labour abuses by companies and prompted calls for stricter laws in consumer countries as well. As a result, a new law for holding brands accountable has begun to take shape. France and Germany enacted the "Rana Plaza law" in 2017 and 2023, respectively (Saxena & Tripathi 2023). Eleven years after the tragic event of 2013, the European Parliament made a crucial decision in 2024 by voting on the Corporate Sustainability Due Diligence Directive. This directive represents a major advancement in enhancing the protection and promotion of workers'

rights. According to the official website of the European Commission (commission.europa.eu),

"On 25 July 2024, the Directive on corporate sustainability due diligence (Directive 2024/1760) entered into force. The aim of this Directive is to foster sustainable and responsible corporate behaviour in companies' operations and across their global value chains. The new rules will ensure that companies in scope identify and address adverse human rights and environmental impacts of their actions inside and outside Europe."

The Rana Plaza policy responses have been subject to criticism² for being individualistic and focused solely on factories rather than addressing external segments of the production chain (Bair, Anner & Blash 2020; Prentice 2019; Sobhan 2014). After all, "Rana Plaza was not only an issue concerning factory safety; many factors contributed to the disaster, including the nature of global economics and the demands of the industry. Those too need to change" (Saxena & Tripathi 2023). Noticing the dynamics of globalisation that are at play with the global ready-made garment (RMG) industry, Sobhan (2014) argues, "The immediate outcomes of the Rana Plaza disaster were really symptoms of a much deeper crisis within our system not just within Bangladesh but also as part of the globalisation process." This deeper issues allow for shifting the burden downward. As Kabeer (2020) aptly noted, "One of the striking features of successive efforts to enforce labour standards in developing countries is the extent to which the main burden of proposed change generally devolves almost entirely on stakeholders in the Global South." In fact, regulation appears as a vehicle to sustain underlying causes.

² Undoubtedly, one of the evident outcomes of these arrangements is the increased level of security in factory premises, but how about low wages, low unionisation, fast-fashion and just-in-time practices that compelled workers to enter the life-threatening manufacturing sites despite knowing that it could collapse at any time? How about an opaque subcontracting system and a corporate-state symbiotic relationship?

Regulation — be it statutory, private or MSIs — is enforceable through juridical processes of nation-state authority; by contrast, the global garment industry involves intense cross-border flows of products and capital predominantly under the sway of multinational corporations that are not bound by national borders. More to the point, the MSIs are only voluntary and resemble piecemeal technocratic approaches (Anner, Bair & Blasi 2013; Saxena & Tripathi 2023). The MSIs hide the influences of the order of the global power; for example, in relation to the Arrangement, Prentice (2019, 175) observed,

"[B]y carving out spaces of technicality in order to work on solvable problems, broader considerations of political economy or systemic failures are necessarily left out of contention. In the Rana Plaza Arrangement, this means leaving out of frame a global system in which developing countries are incentivised to maintain low costs and poor labour conditions to attract multinational apparel companies."

A holistic accountability mechanism would be principle-based rather than voluntarily meeting up the requirement of simultaneous achievements of three mutually interrelated outcomes: holding the responsible parties accountable, providing just compensation to injured workers and bereaved families, and actively working towards preventing any future occurrence of similar disasters. In order to make sense of such a holistic approach to responsibility/accountability, it is important that we pay closer attention to the issues that have come to light in the wake of Rana Plaza. The global political and economic framework encompasses numerous elements that influence the operations of the supply chain. This includes addressing challenges such as low-wage labour, lack of transparency in supply chains, and the rapid nature of fast fashion production. Furthermore, there is a complex interdependence between corporations and governments, with both entities benefiting from

their relationships. The regulation and individual responsibility models intended to address these problems are ironically contributing to them. Consequently, these regulatory and legalist strategies have too evolved into larger, widespread systemic issues.

All these critiques arise out of the fact that regulation itself is a tool of the very political-economic relations that caused Rana Plaza. It is thus part of the problem and cannot be the solution — Rana Plaza is a manifest failure of 'regulation'. It is, therefore, no surprise that, prior to having analysed how the basic shared assumptions regarding regulation are problematic, regulatory reform proceeded "as if the basic assumptions ... hold true, simply in need of ... greater fine-tuning within but never questioning of its liberal ... paradigm" (Tombs 2015, 67). The vital duty to inquire into causes and help prevent socially and politically futuristic Rana Plaza has not been and is unlikely to be fulfilled within regulatory reforms. Instead, this responsibility would be met by questioning the fundamental beliefs about regulation, which also shapes the broader political economy.

The foundation of harm of the RMG is rooted in the organising context of capitalism, but what makes this type of harm unique is its fundamental connection to the ways in which unequal global political-economic order gave rise to the phenomena of globalisation and its impact upon the regulatory capacity of nation-states. What goes to the heart of the harm problem is that "political equality is threatened by extreme economic inequality and political inequality is instrumentalised to advance economic privilege" (Frank 2011,

cited in Reiter 2017, 9). How these instrumentalising processes happen to occur in the global production chain can best be understood following how globalisation and regulation become the tools of power struggle. In fact, the background conditions of the interfacing of globalisation and regulation allow advanced industrialised nations to export the inevitable harms of capitalistic ventures into the developing worlds but in a more searing and synergistic form due to the immense unequal north-south relationships and its looping effect upon other areas of the production relations. This escalation and concentration of otherwise capitalist harm is the feature of the global chain of production as Ciocchini & Greener (2023, 1313-1314) aptly argue, "State infrastructures facilitating corporate accumulation are crafted through intersecting local, national and supranational modalities but the wealth generated is partially re-located from South to North whilst socio-environmental harm is rooted in the South."

That is to say, the root causes of harm lie in our political and economic relationships, and hence, the harms of GCoP are social, not incidental or interpersonal. "[W]e need to think ... social relationship should be altered not merely in the conditions that we find in the moments of rupture, but in the social relations that are deeply conditioned in moments of production, distribution, exchange and consumption" (Bernat & Whyte 2016, 84). The sources of the problem associated with sweatshop labour lie with the practices endorsed by global capitalism. Focusing only on isolated events at the factory level and without addressing those practices at the core of the problem, any attempt to alleviate the situation is unlikely to have a longer-term impact

(Sobhan 2014). The point is that the underlying reasons remain unchanged, and therefore, the reproduction of instances of harm has not changed. This turns our attention to the perspectives of the concept of social harm. Writes Kabeer (2020),

"We need to move from a narrow 'spotlight' perspective on working conditions in global value chains, a perspective that draws our gaze to the locus of production alone, to a 'flood light' approach which illuminates the broader political economy of supply chain capitalism within which these production processes are located."

Kabeer's (2020) flood light approach is essentially the social harm approach (SHA), which assumes that because coercion can operate through structure, it is a mistake to focus solely on isolated events entailing individual wrongdoing as the primary source of harm (Canning & Tombs 2021; Hillyard et al. 2004; Hillyard & Tombs 2007; Pemberton 2004a, 2007, 2016; Tombs 2018). From a social harm perspective, sweatshop labour is thus to be analysed in terms of unfair and interlocking power structures within the organisation of the supply chain rather than in terms of individual wrongdoing or bad attitudes or negligence in relation to particular events. Actors' decision-making is heavily influenced by their relative position in the chain. One is relationally constrained within the clusters of networks, a system of GCoP as a generic one, a pattern of behaviour in its constitutive parts workers, industry representatives, factory managers, and so on. The source of harm is structural and not individual; the longer-term remedy lies with structural transformation and not with individual behaviour change. Changing our behaviours in an individualistic way can be challenging, as it means going against the norm. If one becomes aware of the unintended harm caused by widely accepted practices and decides not to

participate in them, one risks experiencing the same harm one tries to address unless the majority also makes similar changes.

But unfortunately, all too often, the SHA has been silenced³ in relation to the question of responsibility/accountability. As is evident in Sobhan (2014) when he understands Rana Plaza as structural and yet seeks remedy through personal liability, as he asks, "Is there a chain of accountability starting from top to the bottom where each person along the chain will be held responsible for failure down the line?" Likewise, in his influential work, Locke (2013) demonstrated how structure (economic-political institutional culture) inflicts harm in the bottom layer of the global value chain (GVC). This calls for innovative political and institutional arrangements reconfiguring the boundaries between factories and unions, producers and consumers, multinationals and suppliers, corporations and non-government organisations (NGOs), and advanced and developing political units. For Locke (2013), by reallocating costs and rewards, we can defy power asymmetries and address the genesis of harm. But again, Locke (2013) needs to indicate how this restructuring might emerge. In a similar vein, Aas (2012, 13), in her thought-provoking article, raises the issue of "if, when and how to assign responsibility ... [when] harms are indirectly produced and remote in spatial, temporal and social terms." During the Barcelona World Congress of Criminology in 2008, the renowned criminologist David Garland also posed an intriguing question:

³ While a range of scholars, including philosophers Jean-Paul Sartre, Hannah Arendt, and Iris Marion Young, attempted to solve the issue of responsibility, they couldn't escape the influence of the individualistic notion of responsibility.

"How much deference ought criminologists to accord to legal theories of individual action and responsibility?" (Garland 2008, 4) In the pursuit of mitigating socially mediated harm, academia has largely concurred on the importance of organisational reconfiguration and the need for improvement within the responsibility system yet held uncertainties regarding the practical manifestation of a concept denoting responsibility in enacting said transformation.

This confusion arises out of the flaws inherent to the dominant responsibility/accountability system. The Rana Plaza and subsequent policy responses demonstrate a failed system of responsibility within the global garment production chain. By implication, individual models of responsibility do not work, and we require⁴ models that capture the diffuse forms of responsibility through the chain and the structural mechanisms that shape the chain. Now the question is, can we establish a robust responsibility mechanism that identifies and holds accountable those who are truly responsible for harmful consequences? This thesis is dedicated to gaining insights into responsibility arrangements in our society, particularly the possibilities of defending or challenging a responsibility apparatus (Bottoms & Tonry 2002) from a social harm perspective.

⁴ The socially arising problem must be solved socially; neither states nor individual persons alone make it correct. Cultural networks retain meaning and limit social change through personal or even state interventions. It is imperative to address the intricate interrelations encompassing individuals, their corresponding cultural backgrounds, and the political entities representative of their governance (Haslanger 2019b).

More than one and half a decade ago, American philosopher Jeffrey Reiman (2006, 363), in his critique of *Beyond Criminology*, noted that social harm scholars made it clear that the criminal model of "responsibility for causing (and thus for remedying) harms" is individualistic and wanted "to replace it with a social structural conception of responsibility." But, he (2006, 363) continues, "This only states the problem; it doesn't solve it." Reiman (2006) pointed to the thorny moral philosophical issues that needed to be addressed in order to come to terms with a social harm model of responsibility (henceforth harm model responsibility or HMR) that would account for the fact that socially caused harm must be addressed socially.

Against this backdrop, Reiman (2006) set a challenge for SHA to articulate a harm model responsibility whose plausibility would depend on the sound element of criminal responsibility. Writes Reiman (2006, 363),

"Since so much of the harm discussed in *Beyond Criminology* is attributed to social groups or structures, the harm perspective will need to spell out a plausible doctrine of social or structural responsibility." He (2006, 363) continues, "I believe that such a doctrine can be developed, but I think it will be plausible to the extent that it draws on the sound element in the model of individual responsibility."

The challenge remains open today, reminding us of the scale and complexity of the question of responsibility for harm. However, this strikes me as a significant omission. Reiman's points provide me with a way to investigate the root causes of harm problems, a way to contribute to policy prescription and a certainty of original contribution to harm literature.

So, the focus of this thesis is located within the problem that Reiman (2006) identifies and seeks to address this issue through the following research

question: **"To what extent is it possible for the social harm approach to outline a model of responsibility that identifies 'who' is responsible for which specific harms of the global chain of production?"**

As harm arises from our relational aspect rather than individualistic intentional wrongdoing, the study assumes that foreseeability, along with the ability to alter the present situation rather than intent, grounds responsibility for harm. Using these theoretical assumptions, the study then comes down to threefold tests that constitute the themes and secondary questions for the research:

i) Foreseeability test: Can we foresee the harms that occur in the global chain of production?

ii) Alterability test: How much can we change the current global production system to prevent, reduce, or address harm?

iii) Identifiability test: Can groups of actors, such as brands, employers, and employees, be recognised as having the ability to effect change?

To answer these research questions, the research methodology employed involved a case study within the interpretivism paradigm.

The research departed from the conventional view of responsibility, which typically focuses on intentional wrongdoing, and instead adopted a foreseeability perspective, aiming at a critical approach. This demands uncovering "hidden transcripts" (Haslanger 2019b), which has been accomplished through the views of purposively selected respondents who were deemed to possess situational moral knowledge in the specific context. The

Bangladeshi RMG industry was chosen as a paradigmatic case due to growing international concerns about its labour practices and recent industry transformation, particularly following the Rana Plaza collapse (Kabeer 2020). According to Sobhan (2014), "Rana Plaza provides a window on the workings of the system at a global level."

The data collection process incorporates in-depth semi-structured interviews with individuals across diverse stakeholder groups. Three main stakeholder groups were focused on: industry representatives, labour representatives and activists, and regulators and policymakers. A total of 47 interviews were conducted from October 2022 to February 2023. Accounts of the same phenomena may differ based on individual perceptions, adding depth and richness to our understanding. Moreover, diverse sources of relevant documents were examined to ensure data triangulation.

A reflexive thematic analysis (RTA) (Braun & Clarke 2006, 2019) was employed to uncover patterns within the data related to individuals' subjective encounters with harm and their efforts to minimise harm across various stakeholder groups. RTA was chosen as the most suitable method for this study due to the limited existing research in the area, the necessity for flexibility, and the need to provide a rich, nuanced, and detailed account of the data.

The thesis is organised into the following chapters. Chapter Two introduces the concept of epistemic constraint on responsibility. It discusses how the unquestioned universal idea of "social reality" reinforces corporate and legalist

control over responsibility. At the same time, shaped by the wider political economy, the disciplinary paradigm tends to limit the emergence of new understandings of social reality. In response to this, a research methodology based on the SHA has been developed. At its core, this methodology emphasises the importance of recognising alternative viewpoints and hidden narratives in order to engage with the critical and interpretive essence of knowledge.

In Chapter Three, we critically examine the corporate constraints on responsibility mechanisms. By exploring regulation using the frameworks of globalisation and capture theories, we uncover how corporate interests heavily influence regulatory provisions, leading to extremely permissive regimes in the global south. Identifying these flaws in the preventive mechanism allows us to anticipate the escalation and concentration of harm at production sites in the global south due to unequal north-south relationships and traditional capitalist class dynamics.

Chapter Four demonstrates that criminalisation is inherently flawed as a means of addressing socially mediated harm, representing a legalistic limitation on responsibility. The institutional practices of the criminal model of responsibility (CMR), which hinge on the requirement of intentionality, lead to situations where individuals are not held responsible for harm that arises from social causes without anyone intending it. In response to this nonresponsibility, a framework for HMR has been developed, defining three concurrent conditions for moral responsibility in cases of social harm:

foreseeability of harm, the possibility of modifying current social/structural arrangements to prevent future harm, and the ability to identify social subgroups capable of making such modifications.

The empirical findings are structured around two main themes: "power and inequality" and "harm and indifference". Chapter Five illustrates how the interaction of power and inequality in gaining cultural, symbolic, or social resources and material wealth hinders the ability of garment workers to act. Chapter Six examines the production of moral indifference towards the suffering of harm victims, partly due to the erosion of moral proximity in de-bounded harm, partly to the concealment of moral truths by the invisibility of those who possess relevant moral knowledge, and partly to the distortion of moral knowledge through rationalistic reinterpretation.

The concluding chapter intended to integrate the empirical findings while delving into their implications within the theoretical construct, provide a systematic response to the research questions, and suggest potential directions for expanding this investigation.

Overall, the enduring impact of historic colonialism continues to influence the ongoing north-south relationships, contributing to the escalation and concentration of the negative effects of the capitalist system in the manufacturing sites of the global south. The harm resulting from these relationships is rooted in structural factors rather than direct malicious actions, which challenges the traditional concept of criminal moral responsibility and results in a lack of accountability or nonresponsibility for

these harms. By rethinking the concept of responsibility to include the notion of foreseeability, alterability, and identifiability, we can address the structural elements contributing to these harms, such as corporate, legal, and knowledge-based constraints. Empirical evidence highlights the intersection of power, inequality, and indifference, emphasising the need to proactively address foreseeable harm by addressing power imbalances and promoting moral action. The responsibility for addressing these issues lies with various social subgroups of GCoP according to their relative ability to effect change.

CHAPTER 2: METHODOLOGY: A SOCIAL HARM APPROACH

"The problem of [social explanation] as a whole requires attention to the interplay between cognitive processes and social transactions; to questions of epistemology and ontology; to the influence of social networks on political action; to the tension between individualistic and collective accounts of social processes; to the relative importance of deliberate means-end action, on one side, and indirect, cumulative, unanticipated, and environmentally mediated causes in social life, on the other." (Tilly 2002, 6)

2.1 Introduction

This chapter outlines a research design that operationalises⁵ the threefold tests of the social harm model of responsibility (HMR) as indicated in the previous chapter. Specifically, the chapter examines how to study moral responsibility for social harm in societies that traditionally perceive crime and harm issues through an individualistic lens, thereby establishing incidental or individualistic responsibility mechanisms of regulation and criminalisation as a societal response⁶. That is to say, the purpose of this chapter is to provide a study design that allows the uncovering of the mechanisms that are often hidden, or we are unaware of, as they are a regular feature of life due often to the influences of ungrounded universal knowledge claim underpinned by an uncritically accepted set of principles that define the territory of a particular academic discipline.

⁵ In so doing, it acknowledges the ever-present danger of the Foucauldian image of the disciplinary paradigm — the framework of the academic discipline, being subject to external and internal constraints, serves to delimit inquiries beyond its traditional confines. Foucault elaborated on the obstacles encountered in critical assessment, which stem from both external and internal factors. External pressures encompass influences from the political economy, governmental dynamics, policy mandates, reliance on data controlled by capitalists, and similar conditions (Tombs & Whyte 2003). Internal constraints involve the discipline's enforcement of evidence and argument norms, evaluation of knowledge contributions, the establishment of exemplary texts, supervision of student training, and distribution of status and authority among accredited practitioners (Garland 2008).

⁶ It delves into the integration of the concept that social harm is related to epistemic failings with profound moral consequences.

The chapter is divided into two main sections. The first section focuses on presenting the theoretical foundations for the wedding⁷: between theory and data, between the researcher and the researched, between the interviewer and interviewees, and between criminology and social harm, employing "analytics" and "interpretative" apparatuses. In the first section, the primary objective is to explore the possibilities of ontological creativity, epistemological objectivity, and a deeper understanding of the role of power and coercion. These concepts are crucial theoretical tools for a study set within a critical realism (CR) paradigm, which aims to challenge the existing concept of responsibility and propose an alternative perspective that heavily relies on power relations and structural coercion. It not only complements the theoretical aspects of the study by highlighting the 'epistemic' component of the structural nature of harm — alongside the corporate and legalist sources explored in Chapters Three and Four, respectively — but also provides the necessary theoretical justifications to tackle the challenges that may arise in carrying out the empirical tasks of the research. The second aim of this section is to present how critical realism philosophical underpinning leads to theoretical rationales for the study design within a qualitative case study paradigm. The qualitative case study approach to research enables the interpretation of phenomena within real-life contexts and recognises that

⁷ The essential connection between theoretical frameworks and empirical data hinges on the researcher's interpretation of both expert theorisations and respondent input, as well as their approach to addressing the disciplinary constraints of criminology to advocate for a critical stance on social harm. The key lies in allowing flexibility in interpreting and analysing data while staying true to the critical and interpretative core of knowledge (Haraway 1988). This approach enables researchers to overcome disciplinary challenges and incorporate multiple perspectives on the topic under investigation.

cultural factors fundamentally influence the exploration of theory and cannot be disentangled from social phenomena. In so doing, it focuses on the Bangladeshi fashion industry. This section also analyses how the study navigates through the issues of achieving generalisability from a qualitative case study.

In the final section, the methods for implementing a qualitative case study within critical realism philosophical assumptions are presented. The above-mentioned theoretical perspectives offer methodological flexibility by liberating researchers from being confined within a specific disciplinary paradigm and welcoming insights from diverse methodological approaches. The core of the methodological tools of data collection and analysis lies in self-reflection, grounded in prior theorisation and guided by research questions. In-depth semi-structured interviews with purposively selected participants from various stakeholders capture the experiential knowledge of the participants, while document analysis facilitates the triangulation of interview data. The thematic approach to analysis provides flexibility in developing coherent themes through the interpretation of coded data to address the research questions. Both⁸ data collection and analysis are heuristic processes and cannot be reduced to formulaic methodological tools. This section ends with addressing two issues often raised in relation to qualitative case studies

⁸ The process of collecting and analysing data has helped us understand the reasons behind harm in the Bangladeshi industry. It shows how knowledge and material conditions are interconnected and how they depend on specific practices, institutions, and structures. This helps us uncover power inequalities and moral indifference within the industry, which has been theoretically analysed in relation to the section on critiquing liberalism and responsibility in chapter Four.

within critical underpinnings: questions of validity and ethical considerations, followed by a brief conclusion section.

2.2 Theoretical rationales

One implied guide that thoroughly facilitates this study is Foucauldian methodological tools of "analytics" and "interpretation". While analytics helps us understand and analyse what are important issues and concepts, giving us valuable information about society and its practices instead of searching for absolute truth, interpretation starts by looking at current society and its problems to provide a historical account that may not fully represent the past. These tools always remained in the background when the study sought justification for selecting its study object and research questions, sought justification for synthesising theory matters with empirical content, selected texts, expert knowledge, and interviewees, and conducted their interpretations.

"Taken together, interpretation and analytics protect the practitioner ... from traditional philosophy's *esprit serieux* and from contemporary playfulness. Analytics respects established problems and concepts, recognizing that they are concerned with something important; it does so in a way that reveals more about society and its practices than about ultimate reality. Interpretation starts from current society and its problems. It gives them a genealogical history, without claiming to capture what the past really was. The concepts that people used in their efforts to understand themselves provide archaeological ballast; taking current problems seriously keeps one from playing intellectual games with these concepts from our past." (Foucault cited in Dreyfus & Rabinow 1983, 204)

Two important corollaries can be drawn from this passage. First, it means to engage with issues that society really matters about and to do so reflexively ("more about society and its practices than about ultimate reality") by rejecting empiricists' fact/value distinctions. Second, following from the first, it really means emancipation through the emergence of new concepts and practices

("keeps one from playing intellectual games with these concepts from our past"). Employing analytics and interpretation methodological tools thus allows for the achievement of critical researchers' three-stage schema following Fay (1987) — enlightenment (reason for engagement) and empowerment (emergence of new concepts), leading to envisioning emancipation by winning in confrontations with existing arrangements. The central point of this is to be critical by being engaged with epistemic reflection by keeping from philosophical *playfulness* and from *playing the power game*. However, the possibility of the achievement of these goals is deeply linked to a concept of social reality, which I now turn to.

2.2.1 Social reality

In order to provide a more comprehensive understanding of social reality, this thesis acknowledges that it cannot cover all aspects in detail. A combination of the theories proposed by Searle (1995) and Gramsci (1971) along with Foucauldian power analysis seems to be most beneficial for a critical research project. Both Searle and Gramsci argue that social objects crystallise around from social agreement and not due to material or spiritual essence. This view of social reality is particularly relevant for addressing critical researchers' key questions relating to the creation and nature of social realities, as well as the concepts of ontological creativity, epistemological objectivity, and the role of power within these constructs (Hindriks 2011; Rachar 2016; Searle 1995, 2010; Thomasson 2009; Tuomela 2003, 2013). It is important to note that while both theories offer valuable insights, Gramsci's perspective appears to be more focused on understanding social realities at the level of collective or,

more precisely, at the social subgroups. Consequently, for the purpose of this study, Gramsci's version of social reality appears to be the most appropriate to examine. To briefly summarise Gramsci's concept of social reality, Rachar (2016, 239) provides a concise description:

"Social objects depend on the belief systems of particular social groups at particular times, and collective acceptance by a society. This acceptance is only possible when the belief system of a social group becomes 'historicized', that is when the belief system of a social group becomes accepted by a majority of people in the society, and this often requires the social group to achieve a hegemonic position in civil society. When all of these conditions are satisfied, the group is able to influence the nature of social reality. The central insight of this approach is that social reality is always based on power and interests. If we follow Gramsci and take hegemony to be 'the most important face of power' ... this account places power and coercion at the center, and develops a novel view of the political dimension of social reality."

Gramsci's elements of ideology or belief system, 'historicized', hegemony, and civil society are immensely helpful in understanding how social reality operates and ceases to operate in society. Searle (2010, 201) addresses the issues of social facts from a quite different point of view — social reality, and thereby he emphasises institutional facts, arises from the operation of status function declarations: "All of human institutional reality ... is created in its initial existence and maintained in its continued existence by a single, logico-linguistic operation ... a Status Function Declaration." The common theme both Searle and Gramsci share is that social reality develops through intentional acts, becoming functional through collective acceptance, and by accepting it, people enter a relationship of rights and obligations. The deontic power of social reality thus comes to operate in society. It is worth noting here that social objects form through social agreement rather than through material or spiritual essence, i.e., social objects derive their inherent attributes from the

consensual accord of a collective rather than being contingent upon their material composition. For example, in order for a notion of moral responsibility for social harm to exist, it needs to be collectively accepted, regardless of the material composition or spiritual essence of personal inborn morality. Now, let's see how this brief account of social reality can help us resolve important questions facing critical researchers.

2.2.1.1 Ontological creativity and epistemic objectivity

This study aims to put forward a concept of responsibility by debunking existing responsibility mechanisms. Can we achieve such ontological creativity, and if so, how or what is the basis of epistemological objectivity? Clearly, if social reality exists upon collective acceptance, ontological creativity exists — it is simply human creativity instead of brute natural facts of physical nature; following Gramsci, it merely needs to be historicised at any point in time. But how social reality comes into contact with collective acceptance is the main issue here. Gramsci put forward the argument that it would be beneficial for us to adopt the 'genealogical perspective' as a means of delving into the origins of a particular social entity. By doing so, we can examine the intended purpose it was designed to fulfil and ascertain whether it remains suitable for our present circumstances. Ultimately, this approach allows us to reach a conclusion regarding whether we should persist in collectively embracing this object as a fundamental component of our social fabric. In the context of this study, for instance, the concept of 'secondary social phenomena' refers to the unforeseen social outcomes that arise from 'irrational' social objects. In other words, these are the unintended and

undesirable social patterns, like harm and indifference, that can be traced back to social objects whose purposes are no longer rational based on prevailing social practices and attitudes. "We can therefore discover new facts about the functions of primary social entities by researching their history, and we can connect these analyses to the unintended consequences that derive from the current acceptance of primary entities" (Rachar 2016, 242). For Gramsci, and of course, in the Foucauldian concept, unlike Searle (1995), a social entity's status function cannot be appreciated merely in deontic power relations; it must also be examined in terms of its genealogy, opening up the possibility of ideological critique as the belief systems themselves historicised and become social reality by being shared by members of the hegemonic social group. "Social power does not simply arise from social reality, but goes into creating it" (Gramsci cited in Rachar 2016, 245). In other words, "what people value and what doesn't" are constructed and prioritised within a belief system shared by and accepted within a particular culture. "The point is not just that culture shapes what we *take to be value*, that is, our beliefs about value, but *what is valuable*" (Haslanger 2017, 162). There are no inherent brute natural facts about it thus, there is an outright rejection of fact/value distinctions dearly held by empiricists (Kincheloe & McLaren 1994). Further, a thought or idea, as long as it is personal, is only a thought, and some might reject it by arguing about one-man show-up, playfulness, or even personal delusion or euphoria (Dreyfus & Rabinow 1983). However, being shared with others, 'thought' could become a historicised and counterhegemonic force to

challenge the hegemonic one — this is the normative ground for critical research and, hence, for a SHA.

2.2.1.2 Power and coercion

If social reality originates from collective acceptance and intention, how does it seem that social entities are independent of our will and have power over us? For instance, it is impossible to label someone as a criminal or blame a violator without independent social facts of a regulatory framework or criminal justice system, just as it is possible to restrict sweatshop workers from fulfilling their basic human needs. That is to say, the prevailing concept of responsibility allows regulators and criminal justice practitioners to label individuals as criminals, leading to coercion and misallocation of goods and services for victims of harm, as will be discussed in Subsection 4.2.6. This question relates to two important concerns of HMR: first, the distinction between specific powers formed by social reality and the broader concept of power underlying social reality and second, the unique capacity of different social groups to shape the world around them. To Foucault, the association between power and knowledge is not necessarily causal, nor are they reducible to each other. Instead, there is a joint production of them because "the goals of power and the goals of knowledge cannot be separated: in knowing we control and in controlling we know" (Gutting & Oksala 2021, 18). On the one hand, social facts shape and control our choices and actions, either by limiting or enabling possibilities. On the other, social entities possess coercive power, as the ability to create and institute them is hierarchical. Not all subgroups have equal influence over the social world they live in. This means that the

functions ascribed to social objects may appear foreign or counter to their interests. The governance system of GCoP is enabling for multinationals but coercive for factory workers.

Tombs and Whyte (2003) powerfully argued that academic research plays a crucial role in shaping common-sense knowledge, but operated within a broader capitalist culture, university research is heavily influenced by the grips of those who possess capital resources. This is the point that is strikingly similar to the weak or cultural capture theory, as we will see in Sub sub-section 3.3.3.5. Marketisation and commodification of university education mean not only are the rules of the game — what would count as an apt research question, what would count as evidence, and what would it mean to acceptable knowledge claim — defined and interpreted by capital but also access to information and research participants, and dissemination of research findings are at the sway of capital power. Hence, we must be critical of the dominant view to reveal the resistive hidden script. On which ground is this hidden script constitutive of reality within a normative political theory? This is the project of CR. A CR approach rests on two assumptions: first, while a domain of reality exists independent of our conceptualisation and knowledge, we never get to that truth because we cannot escape the symbolic representation of reality — knowledge is subject to a range of socially mediated meaning-making practices. Second, perhaps the cleverest part of it, CR acknowledges the relativity of truth without denying the possibility of 'objective' knowledge about the social world because it can critically engage with competing

knowledge claims to assess the extent of their validity on the basis of approximating objective reality.

This is because, in the CR approach, agency and structure are kept separated analytically, with the implication of recognising their respective identifiable causal forces and emergent properties and how their mutual interaction leads to social phenomena. Rejection of "epistemic fallacy" (Bhaskar 2008) and acceptance of "dialectical unity" (Iosifides 2012) implies subjectivity and objectivity exist simultaneously in social relations: denying the reduction of each to the other acknowledges the sheer importance of both structure and agency in social events and transformation. Hence, unlike empiricism or constructivism, CR allows for stratified ontology — that is, "critical realism can link structure with agency and bring together individual and social structures, even though they exist on different ontological levels" (Losoncz 2017, 83). Stratified ontology, in turn, allows for understanding phenomena linking with generative mechanisms simultaneously subject to causal forces and actors' contingent exercise of power. Foucault acknowledges both external and internal constraints of truth:

"Truth is not outside of power or itself lacking in power Truth is of this world; it is the product of multiple constraints Each society has its own regime of truth, its general politics of the truth There is a combat for the truth, or at least around the truth, as long as we understand by the truth not those true things which are waiting to be discovered but rather the ensemble of rules according to which we distinguish the true from the false, and attach special effects of power to "the truth."" (cited in Dreyfus & Rabinow 1987, 117)

In order for the truth to operate in society, we must resist playing the power game. However, one cannot free truth from power as this would contribute to a disciplinary paradigm. Instead, one can make power operate differently; of

course, not every power effect is deleterious. In so doing, we need a rationale that would account for the subjectification-objectification and causation-contingency of social reality. Power is not causally linked to knowledge, but there is a correlation between them, and it is the task of the analyst to uncover the relation with respect to paradigmatic distress or well-being in a historical juncture. Although not every knowledge production is imbued with power effects, the forces of power define and materialise knowledge. That is to say, truth does not exist exteriority to power.

2.2.2 Theoretical dimensions

This study sets out to delve beyond just analysing data but to embark on exploring "artefacts", echoing the trend of cultural criminology (Ferrell et al. 2004). Conceptualising harm and the associated responsibilities as artefacts invite a deeper investigation into the specific conditions that lead to their creation and existence. It urges us to consider the political-economic, cultural, and contextual factors that contribute to their emergence. In so doing, the thesis takes an eclecticism approach in navigating through theoretical dimensions — theorisation, methodology and empirical analysis draw heavily from as disparate disciplines as feminism, global justice, postcolonialism, development and legal studies, the philosophy around moral and political discourse, as well as critical criminology and social harm approach, making the thesis essentially an interdisciplinary intervention into the concept of "responsibility". The interdisciplinarity approach also allows flexibility to overcome the constraints of a single disciplinary paradigm. However, in making pathways for theoretical dimensions and associated literature, two

central themes that run throughout the thesis play crucial roles: the possibility of demonstrating the foreseeability of harm (and human intervention) and the possibility of discerning the chain of responsibility.

Foreseeability begins with critique — precisely, ideological critique. Liberalism shapes the entirety of our understanding of responsibility/accountability, and regulation and criminalisation are just two subsets of a mechanism to enforce some of its directives. Ordinary critique of responsibility is not enough. As will be demonstrated in subsection 3.3, though critiques like regulatory capture highlight flaws within liberalism, they miss the crucial role of the shared beliefs underpinning liberalism. Walters (2003, 39) argues that "critical genres fail to question their historical and internal logics and thus continually run the risk of becoming fractured, fluid and susceptible to domination by conservative ideologies". What is more, ideological critique encompasses both epistemic and moral dimensions.

The key insight is that to effectively anticipate harm, we must first engage in an ideological critique by questioning the foundational beliefs that characterise labourers as autonomous individuals with free will subject to domestic laws and regulations, which underpin liberal interpretations of responsibility. Additionally, we need to examine how epistemic injustices — such as the distortion and misrepresentation of these facts — are intertwined with moral wrongs, including the problematic conditions of the GCoP that lead to the unmet basic needs of labourers due to such distortions. This approach

paves the way for a critique of liberalism and the concept of responsibility explored in subsection 4.2.

If we aspire to justice for harmed victims, an intellectual investigation shouldn't stop at ideological critique (Haslanger 2017). We must also strive to make possible the formation of alternative vistas of responsibility to emerge. The notion of foreseeability and the chain of responsibility can help us come out of thorny philosophical issues and a bewildering array of transactions that any social domain might have. The ingenuity of the notion of foreseeability is that, at a theoretical level, it relates to the ideological critique discussed above, and at the pragmatic level, the claims of actual or potential experiences of harm, as may be demonstrated by unmet basic needs, provide windows into foreseeing the core of harm. Likewise, the discernibility of layers of actors within a social domain provides order, thus preventing one from being lost in the labyrinth of extensive sets of complex and dynamic social transactions.

Clearly, the literature that intersects regulatory studies and philosophical inquiry is vital for addressing the multifaceted and complex questions raised by the thesis, where regulatory studies serve as a pathway for philosophical exploration. That is to say, the examination of regulation within the framework of globalisation and capture theories allows for a thorough understanding of the complex dynamics at play across various segments of the value chain. However, this analysis not only reveals the "chain" — the differential power relationships among different stakeholders but also sheds a wide-angle beam on the fundamental way of making harm "foreseeable", which necessarily

emphasises the need for engaging in an ideological critique that transcends conventional critique. Such ideological critique involves an exploration of the philosophical foundations that shape our moral and political perspectives on regulation and criminalisation. The literature that combines regulatory studies with philosophical inquiry thus equip us with the appropriate analytical tools required to scrutinise the assumptions and values underlying moral responsibility and accountability decisions in relation to our contemporary global chain of production.

2.2.3 Study design: a qualitative case study approach

The study aims to examine how individuals uphold or challenge a specific social construct related to responsibility (Bottoms & Tonry 2002; Valier 2005). To gain a comprehensive understanding of people's subjective perceptions, it is essential to employ a study design that enables the elicitation of inner thoughts and emotions, as these aspects cannot be directly observed (Canning & Tombs 2021; Silverman 2006). The interpretive approach, in this context, primarily involves the use of language, but it goes beyond verbal expression. Therefore, in order to capture the richness and depth of individuals' perspectives, the researcher has employed a qualitative study design. This design allows for a detailed exploration of the chosen research topic by focusing on the subjective experiences and interpretations of the participants. The topic under investigation concerns the assessment of harm and associated "perceived" moral responsibility, particularly "if and when it is irrational and not, or not predominantly, motivated by the urge to maximize profits" (Reiter 2006, 19) within the system of GCoP. "[T]he focus [of the study] is on a

contemporary phenomenon within some real-life context" (Yin 2003, 1), hence following (Yin 2003), a case study approach was thought to be the preferred method of this study. "Harm", "morality", and "responsibility" are inherently linked to their own complex environment. Without focusing on them within their actual practices, any study would give us a limited perspective that fails to capture the true depth and significance of their constructed meaning. Consequently, we would have only "under-socialized" — to deploy Granovetter (1985)'s terminology — version of reality, implying that there is much more to their true settings, people's lived experiences. Simply said, a case study design is well suited to this study, as it aims to understand the harms created by a bounded system — the global chain of production — and the role of power and the diffusion of moral responsibility within the system.

Apart from capturing lived experience, a case study approach is also beneficial for flexibility in plausibly dealing with the necessity of avoiding the power game. First of all, a case study encompasses all possible realities that can exist within the entire positive interpretive continuum. This point is cogently captured in Foucault (1980, 199):

"If one tries to erect a theory of power one will always be obliged to view it as emerging at a given place and time and hence to deduce it, to reconstruct its genesis. But if power is in reality an open, more-or-less coordinated cluster of relations, then the only problem is to provide oneself with a grid of analysis which makes possible an analytic of relations of power."

Whether we deduce or induce it, the theory is always materialised with a case at a particular social, historical juncture. What differentiates them is that theory is universal, inherent for those deducing it and open or culturally directional for those inducing it. Researchers have the ability to access "different levels of

reality" using case study methodology. It is acceptable to incorporate techniques from other methodologies to gather diverse forms of data collection and analysis that are suitable for the context, thereby avoiding being constrained by paradigms influenced by powerful forces.

Secondly, this flexibility goes with the measurement-interpretation continuum too. As Albert Einstein once famously said, "Not everything that counts can be counted, and not everything that can be counted counts." We often cannot measure things that involve the "intuition" that goes with manifested aggregate human behaviour. In fact, phenomena become phenomena through human interpretation, and case study researchers ultimately aim at "culturally derived and historically situated interpretations of the social life-world" (Crotty 1998, 67). A critical analyst geared toward the established issue that concerns contemporary people zeroes in on more lived reality than on ultimate truth. Their orientation to a CR perspective made them recognise social conditions they cannot exclude or have little control over. Again, they reconstruct those conditions from history without claiming to capture what happened in the past really. Without the human capacity to access objective truth, the researcher is destined to have recourse to their intuition to see the sense of social affairs. But without having recourse to human culture at a particular historical moment, any knowledge claim would contradict the entire point of carrying out a CR-inspired research project. Here is the crucial point: the sheer importance of a particular case in understanding why and how the phenomena in question have come to unfold in a way that makes sense to the inquirers.

Finally, a case study approach allows for multiple data sources. Empirical enquiring into phenomena within their real-life context, as opposed to strategies like experiments, surveys, or history, means dealing with innumerable variables rather than data points. Case study research can draw on other means of evidence for triangulating purposes that shed light on the emergent theory and guide back to data collection and analysis (Yin 2009). The use of multiple data sources appears as a defining characteristic of a case study in Robson (2002, 146) as he defines "a strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real-life context using multiple sources of evidence." Which means of evidence other than data themselves is used completely depends on the analyst's way of design, of course, on the basis of the research question that has been asked linking to contemporary phenomena that the researcher shares with others. "When making every move or decision in the research process, researchers should be able to provide the logic behind it in conformity with the theoretical propositions and characteristics of the case" (Yazan 2015, 138-139).

The critical researcher thus owes his reader an account of the research situation. Why do the practices imbued with capitalism, for example, produce the shared indifference to harm, or why should an alternate or modified version of political-economic practices activate the moral responsibility that gave rise to this investigation? Nevertheless, the researcher cannot appeal to an objective theory because this would always be deduced from a particular historical and cultural juncture. The researcher has no position beyond the

normative social practices; whatever he thinks, he interprets inseparably linked with the practices he shares with others in society. He must articulate the research agenda from a pragmatic stance with a shared sense of the ways of perceiving what is happening; if not, people would consider it as either coming out from personal distress/euphoria or within the proper ambit of supernatural and thus beyond human sense. In this sense, a theory is induced within a lived reality.

In so doing, the Bangladeshi apparel industry has been chosen as the focus of this study set within GCoP. "Cases are selected to shed the most light on the specific causal mechanism in focus. The guiding question", Reiter (2013, 13) argues, "for such a procedure is: where can I see and explain this best? Or, in what case is this causal mechanism most evident?" Following these guidelines, we can see Bangladesh offers a superbly suited case for the empirical evidence to answer the question set for this research.

First of all, Bangladeshi RMG industries have been and remain an international focus. As Kabeer (2020) commented,

"While the country faces the typical difficulties of any underdeveloped country with a very limited history of industrialization, it has been given unusual prominence in international efforts to promote labour standards in global value chains. For this reason, it provides an important case study of the challenges encountered by these efforts when the apparent protectionism of powerful global actors encounters the apparent intransigence of those with relative power at the local level."

Secondly, as mentioned earlier, Bangladesh is one of the largest garment exporters globally, only second to China (Bair, Anner & Blash 2020). However, when it comes to selecting a case for studying harm and responsibility associated with the apparel industry, Bangladesh is the most preferred choice

for obvious reasons. Since 2014, while Bangladeshi exports have been rising, China has been declining. Furthermore, Bangladesh has been competing only with "price", whereas China has the advantage of extensive established logistic infrastructure support along with its vast internal complex network of supply chains. Beyond that, as a dominant exporting sector, the garment industry in Bangladesh has a profound impact on the lives of the country's massive population. Thirdly, the Bangladeshi RMG sector has recently undergone a massive change in its attempt to prevent harm, such as the Bangladeshi 'Accord', in which Western buyers legally bound themselves in the aftermath of the Rana Plaza incident to take responsibility for ameliorating the working conditions at the factory level to prevent further disasters like a fire or building collapse.

So the power imbalance that underlies harm in the global supply chain is a quintessentially discreet feature of today's interconnected, capitalist world, making it ideal for exploring in relation to building a doctrine of responsibility for unintended, indirect, collective, and socially mediated harms often labelled as sweatshop labour. Harms such as low wages, long working hours, and poor conditions are the salient feature of "the case as phenomenon of some sort occurring in a bounded context" (Merriam 1998, 27) as it happens within the walls of the organisation of the global apparel supply chain. This perception of a bounded system is important because although a case study research is warranted "when the boundaries between a phenomenon and context are not clear and the researcher has little control over the phenomenon and context" (Yin 2002, 13), without some sort of bounded system the researcher would be

unable to deduce/induce knowledge claim that corresponds to human relations within society. Writes Yazan (2015, 139), "As long as researchers are able to specify the phenomenon of interest and draw its boundaries or "fence in" what they are going to inquire, they can name it a case." Harm associated with the Bangladesh apparel industry occurs in clearly delineated power fields involving multiple identifiable actors in a layered chain of roles and activities. The Bangladeshi case as a contemporary phenomenon of sweatshop labour could throw wide-angle light on understanding responsibility for structural harm in real-life contexts. Hence, the study identifies the Bangladesh garment industry as a prototypical harm problem.

2.2.3.1 Questions of generalisability

Human activities are wilful and do not follow 'hard' rules (Bhaskar 2008; Little 1998; Sayer 2003), yet we often observe and experience aggregate human behaviour in our social life. But identifiable social-cultural regularities do not necessarily lead to foundational or 'governing' laws of human behaviour because such laws do not exist at all.

What is needed is the recognition of the causal mechanism of the phenomena under scrutiny. When we find out that the causal relationships of our social practices driven by the logic of profit and accumulation unintentionally generate indifference and passivity to harm in a capitalist society, our moral reasoning faced with identifiable harm tells us that we bear remediation responsibility. This conclusion does not come from the behavioural outcome but rather from the understanding that our socio-economic practices have causally given rise to harm — we haven't intended so, though. The idea of

causation enables us to perceive the world in a particular way, and a causal relationship is not something out there and thus has no ontological status. It is our imprint on this world: a way to understand the world in our way as such, always limited and localised. Interpretative research, in Reiter's (2017, 14) words, "thus allows for limited generalizations, not based on the outcome, but presence, or partial presence, or shared causal mechanisms." When we talk about the global economy and the chain of production on a global scale, we often use it as an example of late capitalism. However, it is important to note that not every single aspect of the chain operates in the same way as typical features of capitalism.

Similarly, individuals often remain emotionally resilient in the face of unintended harm due to the prevailing belief system that emphasises moral responsibility solely based on our deliberate actions. This perspective tends to minimise the psychological distress associated with unintentional harm. However, as this research envisages, if we were to recognise the concept of foreseeable harm and the malleability of social relationships and shift our focus from intent to indifference as the basis for responsibility, then we would be equally accountable for both intentional and unintentional harm. The inquiry now seeks to examine whether those who advocate for an alternative model of responsibility regarding the harm caused by sweatshop labour hold similar beliefs. By establishing this causal link in other contexts, we can utilise this knowledge as a framework for understanding and reference. It is important to note that different interpretations of these concepts are always possible, depending on one's perspective and viewpoint.

In the fields of sociology and criminology, the significance of thoroughly studying a single event, text, or instance, therefore, should not be underestimated. While analysing large data sets and conducting broad historical or comparative analyses are vital, delving deep into specific cases can offer valuable insights. These meticulous examinations, often referred to as critical interventions, play a crucial role in unveiling crucial aspects at a given moment. They possess a certain "cutting edge" quality and have the potential to introduce innovative concepts and arguments that can subsequently be applied in various other areas of research.

2.2.3.2 The impacts of purposive sampling

The study utilises a heterogeneous purposive sampling approach within a single case study, which presents both advantages and limitations. Apparently, a single case study restricts generalizability; multiple case studies would better support the generalisation of the proposed framework. Additionally, the focus on the lower end of the chain further constrains generalizability, as it results in the absence of perspectives from the upper end. Without empirical insight into the upper segments of the chain, particularly concerning how mini-moral communities may develop and function higher up, the findings may not reflect the entirety of the chain, thus limiting their generalizability.

However, the sampling approach offers certain strengths. Firstly, a critical intervention into a single case reveals several important aspects of the concept of responsibility. These include the ideas of foreseeability, the chain of responsibility, and the concept of mini-moral communities. These notions are not only pertinent to the Bangladeshi situation but can also be adapted and

implemented in various fields and scenarios, enhancing our broader understanding of responsibility across different environments. Ultimately, the thesis aims to propose a theoretical model that is designed to be tested and applied in diverse contexts beyond the initial case. This exploratory approach underscores the potential for uncovering new insights through further applications.

Secondly, focusing solely on the lower end of the chain is more likely to ensure that all stakeholders thereof are included and that the differences in perspectives among them are adequately examined, with sufficient representation from each group to allow for the decoupling of situational knowledge impact. Identifying central themes that cut across various groups is crucial. The thesis thus got some of the voices of people who are often excluded from this conversation. Furthermore, "they are preferred because in principle they are least likely to allow the denial of the critical and interpretative core of" (Haraway 1988, 584) moral knowledge. By contrast, the upper-end voices are most likely beholden to policymakers' agenda.

2.3 Methods

2.3.1 Data collection

After laying an interpretative framework and identifying a case for answering a specific research question (allocation of responsibility for 'harm': 'who' is responsible for 'what' and to what 'extent') with the instrument of a doctrine of moral responsibility as is articulated in Section 4.3, the researcher now had to decide on a range of issues: which data from where/whom and 'how' would best explicate the research question. Like any other interpretative research,

the study is oriented to qualitative data gathering. In contrast to quantitative data, "qualitative research starts from and returns to words, talk, and texts as meaningful representations of concepts" (Gephardt 2004, 455), and the entire process hinges on the researcher's way of answering the central question he aimed to deal with. This is why it has often been said that data is actually generated rather than collected in qualitative research.

One important issue involving qualitative data gathering is employing multiple data sources, and this research is no exception and, as such, is oriented to interviews, field observation, documentation, etc. "But the heart of [the study] is the semi-structured interview — to obtain both retrospective and real-time accounts by those people experiencing the phenomenon of theoretical interest" (Gioia, Corley & Hamilton 2012, 19) and to ensure the elegance of being in between of two extremes: structured and unstructured interviews (Dunn 2005). Writes Dunn (2005, 80),

"Structured interviews follow a predetermined and standardised list of questions. The questions are always asked in almost the same way and in the same order. At the other end of the continuum are unstructured forms of interviewing such as oral histories . . . The conversation in these interviews is actually directed by the informant rather than by the set questions. In the middle of this continuum are semi-structured interviews. This form of interviewing has some degree of predetermined order but still ensures flexibility in the way issues are addressed by the informant."

The interview structure was designed to allow the researcher to explore the threefold tests of HMR, which were hinted at in the introduction chapter. At the same time, it also afforded the interviewees the opportunity to introduce new insights or take the conversation in directions that had not been anticipated. To achieve this, firstly, a preplanned singular interview topic

guide⁹ was created that consisted of focused yet open-ended questions; these questions — carefully designed for the foreseeability, alterability and identifiability tests for harm responsibility — covered a range of topics related to recognising, predicting, preventing harm, and thinking of responsibility/accountability for that harm. Structured chains of questions provide a way to demonstrate the data's replicability and the requirement of being flexible for focusing on what informants had to say. This gave the study the necessary replicability and flexibility for validating and relying on an interpretative study (Reiter 2017).

Secondly, as stated earlier, interview questions were crafted to be open-ended with the scope of usages of prompts & probes and were only meant to serve as a rough direction and, as such, be ready to be shuffled or even disregarded if needed for meaningful conversation to take place. This assumes that open-ended interviews have the ability to capture the authentic voices of individuals regarding an individual's journey, encompassing their affective states, sentiments, perception of harm, and motivations as they undergo societal change — thus furnishing invaluable insights into the milieu in which they exist. The researcher was involved in iterative processes of going back and forth between shifting interview questions to adapt more to the study's focus and conducting interviews to ferret out the most relevant information from the participants. It was felt, therefore, that interviews would help construct a

⁹ Appendix 4 provides a version of the singular interview topic guide, which includes interview questions structured in accordance with the research subthemes, along with an introduction, prompts, and probes used.

concrete understanding of the meaning individuals attach or fail to attach to different aspects of harm experiences and, in particular, of their struggle during the overcoming of harm.

2.3.1.1 Design of fieldwork documents

In addition to the topic guide, the research incorporated recordings and field notes to facilitate interactive conversations, organise data for analysis, and manage time effectively. These field documents demonstrated methodological rigour, thereby effectively addressing concerns about the perceived lack of structure and internal reliability/validity in interpretative research. Internal reliability/validity can be demonstrated by showcasing a commitment to maintain self-imposed consistency within research methods that require craftsmanship and do not follow established methods.

As discussed above, topic guides were designed following three subthemes of the research explicated within a social harm theoretical approach and interpretative philosophical assumptions: foreseeable harm, alterable social relationships, and power relations. These subthemes logically grew out of the central research question of allocating moral responsibility for social harm. Each subtheme was then used to run the talk sequentially and structure the data collected into a framework convenient for subsequent thematic analysis. Audio/video recordings of the interviews allowed for repeated searching and checking back if data were translated and transcribed fully without missing anything important relevant to the research data set.

Following each interview, a fieldnote was prepared immediately or at the researcher's earliest convenience to capture nonverbal cues such as gestures, posture, contextual information, additional participant details, reflection on the interview, and any adjustments/refinements in the topic guide or theorisation needed or made. Below is a sample of a field note created immediately after conducting an interview.

"At first, she seemed pretty antsy and uneasy. But as we kept talking, she gradually relaxed and opened up about her past job as a worker at a garment factory. She seemed a bit uncomfortable sharing personal stuff, so I didn't want to push too hard. Despite her current role as a factory manager, she was really passionate about workers' rights and frustrated by feeling like she couldn't do anything to help. After the interview, she asked me what I would do to make changes. I told her I understood the workers' struggles, but I wasn't sure how to exactly make things better for them." (Jasim Khan, the researcher)

Figure 1: A sample field note

These experiences have taught the researcher how to navigate through situations when preplanned interview questions don't yield the desired results. Moreover, they have provided valuable insights into the true feelings that couldn't be openly expressed due to the individual's current position. It was helpful to pick up on contextual non-verbal cues, as they provided a better understanding of the underlying issues.

***2.3.1.2 Recruitment*¹⁰**

The research aims to go beyond traditional perspectives on moral responsibility by considering the perceptions of individuals and groups

¹⁰ To initiate the recruitment process, the project obtained full ethical approval from the university's Ethical Review Committee, and it was assigned the unique number ERN_22-0862. This approval confirms that the project — particularly the data management plan, risk analysis, participants' consent form, recruit cover letter, participant information sheet, and interview questions — complies with the established ethical standards and guidelines set by the committee. However, this didn't preclude me from revising interview questions with such changes that would facilitate conducting interviews, and in fact, such modifications are

involved in or affected by the global production chain organisation. With the hindsight of qualitative case studies that involved semi-structured interviews of this kind, the study provisionally aimed at forty participants with at least two participants from each of the following stakeholder groups of the global apparel supply chain:

- Trade union representatives
- Factory owners
- CSR personnel
- Industry representatives
- NGO officials
- Intergovernmental Organisation Officials (IGOs)
- Ethical consumer group representative
- Administrators or regulators
- Investors
- Academicians/researchers/activists

The selection criteria were:

a) Participants must be over the age of 18 and were professionals with the capacity to participate in the study.

b) They must be linked in some way to the Bangladesh garment and textile industry.

supposed to be quite alright and even often expected within a qualitative paradigm insofar as stipulated ethical conditions are maintained.

c) Participants would be either within an ethical responsibility role and/or potential agents of change.

As discussed earlier, a purposive and heterogeneous approach was employed to ensure the capture of a broad spectrum of perspectives and interests on the chain of production. Recruiting such a diverse group of professionals for a PhD project posed a challenge, given limited time and resources, particularly considering potential difficulties due to COVID-19. While online interviews have risen to prominence during the pandemic, the preference was for conducting in-person interviews. In-person interviews offer advantages such as real-time interactions and the ability to capture genuine emotions, tensions, silences, and fears. These aspects of the interview process can be difficult to replicate in the artificial electronic environment of online interactions, potentially resulting in the loss of nuanced human experiences. However, the pandemic in Bangladesh, like other countries, posed a major threat to people's lives and made their daily existence precarious. The uncertain circumstances made it challenging to approach potential participants, especially in an industry facing an existential crisis (Industrial 2020). As a result, I had to carefully monitor the situation and wait for a safe time to travel to Bangladesh and persuade participants to join the study. These challenges highlight the importance of flexibility in research.

The study's fieldwork was conducted primarily from December 2022 to February 2023, with a 7-week single field trip to Bangladesh. Two interviews took place in Birmingham, one in October and one in November 2022. The

only online interview occurred in October 2022 via Skype. The remaining interviews were carried out in two major cities in Bangladesh renowned for their industrial significance, namely Dhaka and Chattogram. Specifically, 38 interviews were conducted in Dhaka, and 6 were conducted in Chattogram. Participants were selected using a purposive and heterogeneous sampling frame, representing various roles in the Bangladeshi RMG industry. This included individuals from various backgrounds, such as twenty-two industry representatives (including factory owners, managers, and association leaders, as well as buyers' sourcing agents), nine labour representatives (including union leaders and federation leaders), seven regulators (including administrators from the labour department, minimum wage board, and law enforcement members, as well as policymakers), and nine activists (including researchers, academicians, and NGO representatives). A total of twenty-six interviews were conducted, lasting between 40 and 60 minutes; fifteen interviews lasted over 60 minutes, and six interviews were shorter, lasting less than 40 minutes.

Participants were initially recruited by identifying gatekeepers in the above groups using researchers' contacts and networks, as well as organisational websites to which the candidate participants have a link. A snowball sampling strategy was employed to gain access to additional participants. That is, following the interview, interviewees were asked to identify potential participants. Initial study participants were able to identify contacts within their networks.

The researcher reached out to prospective candidates who fulfilled the criteria identified above through email, in-person meetings, or a combination of both. When meeting face-to-face, a printed copy of the participant information sheet (PIS) outlining the project's goals, objectives, and the rights of the participants was provided. Additionally, the same PIS was attached to each email sent to the participants. Appendix 2 provides a copy of the participant information sheet (PIS).

To make the appointment for the interview, participants were given the liberty to choose from either online media such as Zoom, Skype, or other popular social platforms that best suit participants, or face-to-face or telephoning to video conferencing, whatever they deemed fit their conditions. Fortunately, most of the participants consented to in-person interviews except for only one of them. Also, it has been proven extremely beneficial to deploy simultaneous strategies for approaching potential candidates for research participants using both physical and electronic media. This also reinforces the researcher's awareness of the local culture of valuing direct in-person relationships above other means. The culture of face-to-face meetings demonstrates the significance and focus on the job, while remote contact signals a lack of interest and concern. This issue appears to be very significant in relation to the phenomenon of the mini-moral community analysed in Subsection 6.2.2.

It is worth noting here how my social identity as a former police officer played a significant role in the recruitment processes and conducting actual interviews, providing me with benefits and adverse situations in equal

measures. Ideally, I thought I could use my personal and professional connections to persuade people to act as gatekeepers to recruit participants from various groups mentioned above, but going into actual interviews as far as possible, I would maintain researcher-participant relationships, who are engaged in a PhD student's research project. I must say most of the interviews with high-profile participants went well except for a couple of situations. One of the country's influential activists, Rimjhim Haidar (pseudonym), is famous for her simultaneous role as an educationalist and entrepreneur in the garment industry, whom I really wanted to talk to. She initially agreed, but when I sent her my recruitment materials, she understood the whole point differently than the research intended to explore, perhaps linking my role as a police officer, or perhaps she wouldn't be able to manage time. She gave the following explanations:

"I just decline to participate as I cannot associate myself with Crime and Social Harm relating to workers at a time when the industry support more than 4 million workers in the country. We have remedied the sector post Rana Plaza and are not in a position to respond to research questions related to "harm" in the sector at a time when brands pay lesser by the day." (Rimjhim Haidar, educationalist and entrepreneur)

On a different occasion, I made an attempt to reach out to an ILO representative who was stationed in Dhaka, Bangladesh. My approach involved utilising one of my professional connections to establish initial contact. This particular individual was not only friendly but also expressed a genuine interest in participating in my endeavours. We engaged in multiple conversations through WhatsApp messaging, where we discussed at length my chosen topic of interest as well as my research pursuits. However, in the end, he respectfully declined and ceased further communication with me. As I

sought to understand the underlying reasons behind this rejection, my source of information, whom I will refer to as my gatekeeper, shed some light on the situation. It was relayed to me that the representative had concerns about conversing with a police officer in relation to the issue of sweatshop labour, as he feared that involving another party might complicate an already delicate circumstance.

I experienced another interesting rejection when I approached a potential participant for my project. This person held a significant position as a CSR in a well-known multinational company's Dhaka office. I reached out to him using one of my strong connections and trusted friends, hoping he would be interested in participating. To my disappointment, despite initially showing great enthusiasm, he ultimately declined to be a participant. His reasoning was that he felt frustrated with the continued focus on Rana Plaza. He questioned why people were still discussing it so extensively and failed to acknowledge the significant improvements the industry has made since then. From his perspective, the constant discussion of Rana Plaza had become cliché, and he had grown tired of talking about it. However, upon further investigation, I discovered that this individual had established an influential relationship with a top-tier police officer at the Police Headquarters, Dhaka. It has come to my attention that this particular police officer may have cautioned the individual against involvement in this project. The reason behind this warning stems from the fact that the research student is not only engaging in academic pursuits but is also a police officer themselves. There is a possibility that this dual role

has raised suspicions, giving rise to concerns regarding potential hidden agendas aimed at apprehending criminals.

Likewise, during the interviews, I noticed that some participants, particularly factory owners and managers, seemed suspicious about potential hidden agendas. These suspicions hindered their ability to speak openly with me, as they may have been aware of my role as a member of the police department. On the other hand, a few participants from the labour representative side were frustrated because they anticipated discussing criminal behaviour and were prepared to share information about someone's misconduct. However, to their disappointment, I made it clear that I had no interest in such matters, leaving them frustrated and unable to address their concerns.

One important issue of recruitment is the justification for arriving at a data saturation point at which no further data is required because no new themes emerge and at which information is enough to replicate the study is one of the strategies researchers often hinge on to validate and increase the quality of the scientific investigation (Bowen 2008; Kerr, Nixon & Wild 2010). However, data saturation in qualitative research is not straightforward. There is no one-size-fits-all, and it is impossible to predict upfront an exact number of interviews for a study that employs in-depth semi-structured interview methods (Braun & Clarke 2021). The researcher must reflect on minute and rigorous techniques to demonstrate that their data converge toward saturation: a rich and thick dataset that legitimates stopping data gathering (Fusch & Ness 2015; Reiter 2006).

My first strategy was, as stated earlier, I initially aimed for forty interviews, but I knew that this was no Archimedean point. Secondly, to ensure a diverse and comprehensive data set, I implemented a strategy where I intentionally scheduled appointments across all target groups right from the beginning instead of conducting interviews solely within one group before moving on to the next. This approach allowed for a continuous influx of new information until I reached 30 interviews, from which onwards, I realised I was getting more repetition than new information. I continued interviews and reached the point of 40; as my third strategy to legitimise continuing or stopping interviewing, I discussed my data patterns with my supervisors in post-interview debriefs held online. I reported to them that I could see some clear themes in the data, particularly around understanding the broader structure of the business model, its harmful consequences upon the factory workers, and people's thinking of regulatory issues, with this latter one less developed though. From our discussion, I understood that I should continue interviewing until all of these themes are evenly developed. I continually sampled until 47 interviews were completed. At this point, I could see some interesting areas developed with detailed information to flesh out each theme, and I felt like these themes held enough detailed data to answer my research questions — but I remained cognizant that, during analysis, I could seek further participants as my ethical approval would still be valid.

A final point to be borne in mind in relation to data saturation relates to the significance of theory — interviewers' frame of reference. A genuine dilemma goes to the heart of the qualitative data collection process: language cannot

be autopoietic; each understands the other based on self-linguistic processes (O'Reilly & Parker 2012; Walker 2012). How can one explicate textual or speech utterances of the interviewee to one's audience without having recourse to his own frame of reference? While in everyday conversation, the frame of reference on which communication rests remains implied, the articulation of which is key to scientific investigation and key to showing that the data saturation point arrives.

While data saturation logically constitutes the size of the sample, there are other strategies that justify sampling. As mentioned earlier, a purposive and heterogeneous sampling approach was deemed appropriate for the study.

"Purposive samples are designed to be as diverse as possible, ensuring all key groups and constituencies and units are selected on the basis of 'symbolic representation' — because they hold a characteristic that is known or expected to be salient to the research study." (Ritchie et al. 2014, 143)

A range of subgroups was identified to allow different views and motivations in the dataset necessary to explain passivity to harm and moral activation for harm. The selection criteria were relative power positions in different layers of the production network and views about sweatshop conditions, ranging from top management to the bottom of the chain.

Given the global scope and complexity of the case, it is not easy to locate the appropriate site for data mining and sample interviews. The relative power positions of the actors have a key role in shaping their motivations for how they might respond to a particular problem in society. In the aftermath of Rana Plaza, for instance, while some still remained calm and un-swerved at the sight of the immeasurable dire condition of the victims, some became deeply

shocked and felt like breaking the silence by joining the effort of advancing a counter-discourse to passivity, culminating in the Accord (Huber & Schormair 2021). Knowing the activists' rationales/motivations in their response to the organisation of the Accord is inevitably linked to their relative power positions. This line of thinking allowed me to know when I had sufficient data from each one of the groups, suggesting that the cut-off point was when I had a diversity of views within a group and similar issues continued to present.

2.3.1.3 Documents selection

As stated earlier, the study also adopted the method of document analysis. As a part of the more comprehensive methodological approach, document study was primarily meant to serve the purpose of data triangulations. In so doing, the study aimed at a range of publicly available document data sources, such as websites of participants' organisations (i.e., BGMEA, BKMEA, Bangladesh Labour Department, NGOs and companies with which participants have affiliation), activists' web 2.0 platforms (such as blog, YouTube, Facebook, Twitter), various state laws/policies (for example, Bangladesh Labour Act, Labour Policy, maternity leave provisions, minimum wage provisions, and so on), and published works related to the global garment and textile manufacturing networks, necessitated both automated and manual approaches. These documents have been consulted for the preparation to conduct interviews as well as to understand the commonalities, discrepancies, grievances, problems and promises of various stakeholders across the chain of production. In order to generate a concise and appropriate document

dataset, the study employed a range of strategies widely held in qualitative research.

First of all, search terms/keywords have been identified informed by the theoretical approach and by remaining within the delimiting parameters of the case selected for the study. The themes that emerged within the theoretical framework, namely foreseeable harm, alterable social arrangements and the notion of power relations, served as a guideline to identify words/phrases to conduct a search operation. For example, inevitable uncertainty in the current business model falls within the foreseeable harm theme. Likewise, movements of counterhegemonic forces and increasing workers' unionisation capacity fall within the remaining subthemes, respectively. Keywords that are identified with the selected case are Bangladesh, rules and regulations, garment and textile, harms and sufferings, the Accord and the Alliance, and so on. These ways of identifying search terms allowed for the explicit orientation of the document data to the central research question.

Secondly, when it comes to websites and web 2.0 selections, the study did it by engaging a strategy of exploration of only those electronic domains either the research participant is identified to have a link to or the web pages and electronic resources of those Accord signatory business companies, witness organisation including IndustriAll, and ILO. Participant's organisation websites provided invaluable information to facilitate interviews and allowed the interpretation of interview data to emerge, linking to the inequality, production of indifference and resistive voices to inequality and indifferences.

Thirdly, automated searches were conducted using the keyword strings with a Boolean logic of exclusion and inclusion with AND, OR, and NOT operators having been applied to the terms of the string. Additionally, the textual search engine's ability to use Boolean search operators like * or % has made it possible to reflect the word's variation within the search results without requiring the search operation for each word variant. For instance, <moral*> could encompass morality, moralisation, <relation*> does with relational, relations, relationality, and <organi%ation> with oraganization and organisation.

The document sources have further been delimited by restricting searches to the period of 2010 — 2022, as this was the time when Bangladesh's garment sector underwent massive changes, with a couple of the worst accidents in history on the one hand and the emergence of the Bangladesh Accord, which now came to the international stage on the other. Figures 2 and 3 present a variety of web sources and key documents, which have been analysed to assist in the interview processes as well as to make sense of the interview data.

Name of searched sites	URL
Awaj Foundation	http://awajfoundation.org
Bangladesh Investment Development Authority (BIDA)	https://bida.gov.bd
Anu Muhammad	http://anumuhammad.net
Bangladesh Center for Workers' Solidarity	https://www.bcwsbd.org
BGMEA	https://www.bgmea.com.bd
BKMEA	https://www.bkmea.com
Centre for global workers' rights	https://ler.la.psu.edu/research/cgwr/
Clean Clothes Campaign	https://cleanclothes.org
CPD	https://cpd.org.bd
Department of Labour of Bangladesh	https://dol.gov.bd
Garment Workers' Trade Union Centre	https://web.archive.org/web/20180406115206/http://www.gwtuc.org/
Good on you	https://goodonyou.eco/cultural-sustainability/
Institute for human rights and business	https://www.ihrb.org
Industrial	https://www.industrial-union.org
ILO	https://www.ilo.org
Mckinsey & Company	https://www.mckinsey.com
Ministry of Labour & Employment of Bangladesh	https://mole.gov.bd
OECD	https://www.oecd-events.org/garment-forum/en
Outcries of a thousand souls	https://www.athousandcries.org/about.html
Remake	https://remake.world
The Accord	https://bangladeshaccord.org
The International Accord	https://internationalaccord.org
The Alliance	https://bangladeshworksafety.org
The conversation	https://theconversation.com/what-is-solidarity-during-coronavirus-and-always-its-more-than-were-all-in-this-together-135002
The garden trust	https://thegardenstrust.org
The Minimum Wage Board of Bangladesh	https://mwb.portal.gov.bd
The RSC	https://rsc-bd.org/en
The UN global compact	https://unglobalcompact.org

Figure 2: A range of web sources

1. The Bangladesh constitution
2. The Bangladesh Labour Act
3. The Labour Rules of Bangladesh
4. The Labour Policies of Bangladesh
5. The ILO's Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy
6. The OECD's Guidelines for Multinational Enterprises
7. The UN Global Compact
8. The Global Sustainable Development Report 2023
9. The UN Protect, Respect and Remedy Framework for Business and Human Rights and the UN Guiding Principles

Figure 3: A range of key documents

2.3.2 Data analysis

2.3.2.1 Thematic framework

The research aims to gain insight into the subjective meanings and experiences of harm, specifically focusing on the concepts of responsibility and accountability for harm from the perspective of each research participant. Thematic analysis (TA) has been chosen as the method to analyse the data due to its suitability for investigating the research question — "Who is responsible for what under a SHA?" considering the underlying paradigms and the interview methodology and its ability to integrate all aspects of the study. Research on the allocation of responsibility for social harm, i.e., structural or social concept of responsibility, is relatively scarce, and TA is recognised as an effective approach for examining under-researched areas. TA offers a flexible method that allows for developing a nuanced, detailed and rich examination of the data, identifying patterns within and across the data in relation to participants' perspectives, views, experiences, behaviour, and practices (Braun & Clarke 2006; Clarke & Braun 2017). Throughout the study, the objective was to thoroughly analyse each participant's case, seeking patterns and connections between cases to address the research question. This approach was believed to offer valuable insights into the subjective experiences of the participants and to illuminate their understanding of responsibility for harm.

It is worth mentioning here that reflexivity doesn't end with data collection and instead is an integral part of TA, which is often termed reflexive thematic analysis (RTA) (Braun & Clarke 2022). Reflexivity corresponds to the fact that there's no step-by-step guide to conducting TA. TA shouldn't be reduced to a

set of technical steps. It is a complex and non-linear process that involves constant back-and-forth movement between stages, as well as navigating tensions and dilemmas when making analytical decisions. There are moments of frustration and satisfaction throughout. It is nearly impossible to perfectly replicate the reflexivity involved in my analysis. During analysis, I engage in reflexivity by employing various strategies: examining reflexive journal entries alongside participant transcripts when coding, creating an audit trail to document challenges and decisions, reviewing field notes, making analytical notes, and so on. It is important to note that my analysis is informed by my research question and a range of underlying assumptions, including an interpretive paradigm, a big Q approach, an abductive approach, and considerations of both semantic and latent meanings. Within the realm of data interpretation, it is essential to acknowledge that analysis is an active and dynamic process reliant on the expertise and judgment of individuals rather than being an intrinsic characteristic of the data (Terry et al. 2017).

2.3.2.2 Coding

Data preparation in qualitative research is generally called 'data coding' or 'data labelling'. Codes, which serve as labels encompassing both semantic and latent aspects, are employed to classify and analyse segments of unprocessed data that hold potential relevance to the research question (Braun, Clarke & Weate 2016). These codes, acting as fundamental components, lay the groundwork for subsequent analysis (Braun & Clarke 2013) and, in particular, serve as a foundation for the development of themes (Braun, Clarke & Weate 2016). The coding process thus draws on both deductive or theory-driven and

inductive or data-driven approaches, aligning harmoniously with the abductive methodological framework designated for data analysis.

Coding starts with data familiarisation. Having immersed myself in designing research, conducting interviews, and selecting data analysis software, I am well-versed in understanding the significance of reflecting on the goals of my research work. This experience has given me a solid foundation in navigating the intricacies of data analysis. I carried out the translation and transcription of the interviews verbatim. This approach allowed me to immerse myself in the data and gain a deeper understanding of the content. After completing this initial step, I carefully re-read each interview transcript, actively engaging with the material to identify potential meanings and patterns. Throughout this process, I made reflective notes to capture my thoughts. This data familiarisation process was instrumental in helping me start to interpret and comprehend the information conveyed during the interviews.

However, I came to understand that qualitative research is a heuristic journey, and I simply needed to begin with the flexibility to backtrack and refine my approach as I progressed. Opting to code data on transcripts using NVivo seemed the most practical choice, given the volume of data I was dealing with. Before starting the coding process, I developed a coding framework based on the literature review and theorisation. I carefully combed through each interview, creating basic semantic codes that captured the explicit meaning of the participants' responses. This process was complemented by reviewing the corresponding reflexive journal entry to gain additional insights and provide

context for my notes on the transcript. My analytical notes, aimed at delving deeper into the interview content, included speculations, underlying meanings, recurring themes across interviews, unresolved questions, and areas for further exploration. As I advanced through the coding process, my confidence grew, allowing me to incorporate more intricate details into my coding. I began coding with a focus on semantics and latent themes, allowing me to generate new codes separate from my initial ones. Semantic codes represent the apparent and explicit meanings in data, while latent codes convey the underlying or implicit meanings that give the context of the more obvious meanings. There isn't a strict division between semantic and latent codes; instead, they exist on a continuum with the potential for some overlap. Understanding why a code leans more towards being semantic or latent is connected to how research questions are addressed.

As I progressed through the interviews, I found myself switching back and forth between different interviews, taking notes on past ones as well as the ones I was currently coding. By the time I reached the fifth interview, I had observed that my coding had become more focused and aligned with my research questions. Nevertheless, I remained mindful of the importance of retaining context, fearing that fragmenting the data could result in a loss of crucial situational knowledge expressed by the participants. To address this concern, I developed individual case files for each participant, outlining their

professional role, phase¹¹ of their struggle, and their personal perspectives on harm victims. Additionally, I made it a point to highlight the core concepts that resonated with me from each interview transcript.

After reviewing the transcripts from the initial coding phase, I realised that they were over-coded and had messy notes. I made the decision to systematically work through each transcript to conduct a second round of coding. I carefully went through all my previous field notes and made analytical notes to guide my coding process. I also aimed to ask more insightful questions about the data and fully immerse myself in it. I repeated this process for all 47 transcripts. This process facilitated the reduction of my initial codes, pinpointing codes relevant to my research question and delving further into what participants uttered. In Appendix 5, you can find a comprehensive list of codes, indicating the initial codes, the ones that were discarded, and those that were created during the coding process. For instance, initial codes such as "sense of justice" and "autonomy harm" were removed and marked as red, while new ones like "ad hoc beginning," "buyers' sourcing agents," "COVID-19," and similar were added and marked as green.

2.3.2.3 Descriptive phase

After completing the second round of coding for my interviews, I had the necessary codes written for further analysis. I transitioned from codes to themes to elevate my analysis to an interpretive level, starting with a

¹¹ A range of respondents who formerly worked as garment workers in their formative years have since transitioned into roles as employers, activists, federation representatives, and leaders within non-governmental organizations (NGOs).

descriptive phase. To organise the data, I decided to create a separate Word document for each transcript. Within each document, I listed all the codes from the interview and also extracted all the data that matched each code, condensing similar codes within the interview. Figure 4 shows data extracts from different perspectives of single participant views.

Code: #PayUp

"You know, activist groups were prompt to start campaigns urging fashion brands to #PayUp and to take accountability for their producers. However, it seemed challenging to make progress because fashion supply chains have historically been set up in ways that relieve brands of their responsibility." (Participant 22)

"And then the #PayUp campaigns underscore the significance of consumer actions at an individual level. The focus on individual consumer actions shifts blame away from corporations. Really, the way we talk about the crisis has made it easier to shift and reduce the blame for the exploitation of garment workers, highlighting the racial inequalities that enable this exploitation in the first place." (Participant 22)

Figure 4: Matching data extracts — single participant, different perspectives

This process was replicated for each of the 47 transcripts, resulting in a total of 47 individual documents. On average, there were about 20-25 codes for each interview. Subsequently, I collated the 47 documents, merging similar codes across interviews to create a master list with a precise definition for each code (Figure 5). Codes that essentially meant the same thing but were worded differently across interviews were enclosed in brackets to ensure comprehensive coverage of relevant data.

Code: Consumers' ethical concerns

"You know, ethical consumerism is very fashionable these days. Consumers can play a great role. But it is also true that we can't force this onus on them. Ethical buying practices just play a supplementary role. The main roles are your rules, regulations, and laws." (Participant 1)

"I feel like a social movement could help consumers realise that the super cheap prices of clothes are because companies exploit vulnerable folks in third world countries. In this age of the internet, this ethical movement can gain ground and might work well." (Participant 8)

"Like honestly, a lot of people who buy trendy clothes don't really think about the real costs of their purchases. It's not just the money you pay for a T-shirt or a dress. The true cost is in the accidents and damage to the lives of the workers and the low wages they get in the sweatshops of the world, most of which are in third-world countries in Asia." (Participant 46)

Figure 5: Matching data extracts — different participant views

Upon completion of the coding phase, there were a total of 350 codes identified across the 47 transcripts. I then undertook the task of identifying duplicated and similar codes across the interviews. I reviewed the definitions of these similar codes and expanded them to better encompass the consolidated codes (Figure 6). In an effort to further condense the list, I searched for similarities between codes and collapsed them into like categories. Following this comprehensive review, I arrived at a final count of 329 codes, each accompanied by a refined and comprehensive definition.

Wage settings [aggregate code encapsulating similar codes below]

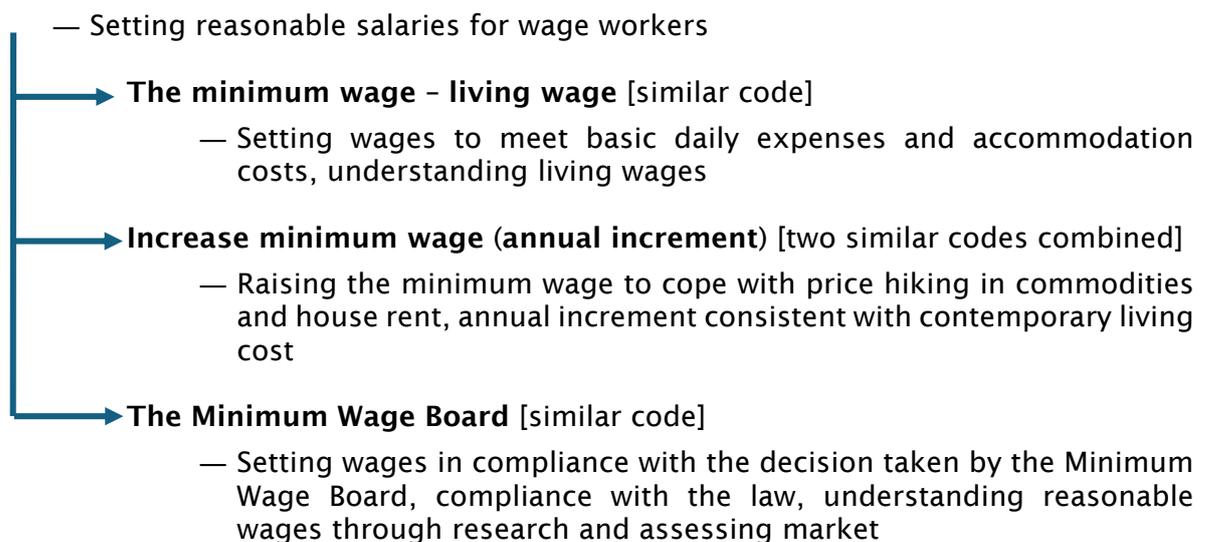


Figure 6: Code consolidation

2.3.2.4 Explanatory phase

For this phase, I initially sorted similar codes into clusters and reorganised them as needed. After arranging the codes into clusters, I reviewed each one and made further adjustments. It is important to note that this process was ongoing as the codes continued to shift throughout theme development, refinement, naming, and documentation. Next, I began developing potential themes (candidate themes) for each cluster. My research question served as a guide for this preliminary theme development, helping me determine what was relevant in terms of patterns of meaning within the clusters. A clear concept was needed to underpin each theme, which had to be consistent across a variety of codes. It was crucial to ensure that the theme truly represented overarching patterns of meaning rather than mere trends or summaries of the domain.

"In reflexive TA, a code is conceptualised as an analytic unit or tool, used by researcher to develop (initial) themes. Here, codes can be thought of as entities that capture (at least) one observation, display (usually just) one facet; themes, in contrast, are like multi-faceted crystals – they capture multiple observations or facets (occasionally, rich, complex and multifaceted codes might be 'promoted' to themes" (Charmaz 2006 cited in Braun & Clarke 2021, 340).

Themes should not be mistaken for underdeveloped or poorly conceptualised "domain summaries." The latter may include diverse or even contradictory responses rather than reporting on themes with shared and cohesive meanings across the dataset. To avoid this, it's essential to move beyond a descriptive level of analysis (Braun & Clarke 2006). Themes should offer meaningful insights about the data as higher-level analysis moves beyond merely

summarising and describing themes to providing commentary on their implications and importance.

I used Post-it notes to outline both overarching themes and subthemes. These themes were based on my observations of broad patterns of meaning across the codes. Ultimately, I formulated three initial overarching themes and eighteen subthemes (Figure 7).

- A) The unbounded context that makes the industry emerge: i) The broader political economy ii) Workers' social background iii) Colonialism iv) North-south cultural differences
- B) Outcome stage: workers deprived of their basic needs for the collective growth and/or for the benefit of a select few?: v) Workers' wage vi) Profit distribution vii) Working conditions viii) Lifestyle ix) Passivity to harm x) Paradigmatic events of harm xi) Empathetic response
- C) Preventing/remedying workers' suffering: xii) Trade union xiii) Interest groups xiv) Corporate-government nexus xv) Sustainability xvi) Extended cooperation and coordination xvii) Labour protest xviii) Social dialogue

Figure 7: First themes

To visually elucidate the relationship between themes and their various levels, I created a thematic map (Braun & Clarke 2006). This process of developing the thematic map was iterative and reflexive, requiring me to deeply engage with the data. Theme development unfolded as an ongoing process, with themes evolving until the final manuscript was submitted. The final version of the thematic map is included in Figure 9.

Continuous reviewing and refining themes can lead to effective themes that are distinct and independent, yet they should also complement each other as a cohesive whole (Braun & Clarke 2012). Themes should not be mistaken for feeble "domain summaries," which are mere ideas lacking depth or a clear concept (Connelly & Peltzer 2016). Unlike themes, these summaries can contain a mixture of various or even conflicting responses instead of presenting a unified and meaningful understanding of the dataset (Connelly & Peltzer 2016). To avoid this, it is crucial to ensure that the analysis goes beyond a descriptive level. Themes should provide valuable insights about the data, and higher-level analysis should progress the narrative beyond mere summarisation and description of the themes to offer commentary on their implications and importance (Braun, Clarke & Weate 2016). If there isn't enough data to support an existing theme, it might be discarded. Themes could also be merged, split into two separate themes, or developed into sub-themes (Braun & Clarke 2006).

In light of these guidelines, I have recognised the need to modify my initial themes and subthemes. It appears that the subtheme 'the broader political economy' under theme A and 'the passivity to harm' under theme C have the potential to stand as independent themes. Upon further analysis, it seems that theme C consists of loosely bounded subthemes that are not suitable to be developed independently and, thus, have been discarded. Additionally, the subthemes 'cultural differences' and 'workers' social background' under theme A seem to be closely related, giving rise to a new independent theme of 'unequal relationship'. Furthermore, I have reorganised the subthemes under

theme C into newly generated themes that fit better. I have discarded the subtheme 'sustainability' and merged 'interest groups' with 'corporate-government nexus', placing it under the theme of the broader political economy. As a result, I have formulated my second version of themes as follows:

- A) Unequal relationships: i) North-south cultural differences ii) Workers' social background
- B) The broader political economy: iii) Corporate-government nexus iv) Trade union v) Social dialogue
- C) The unbounded context: vi) Colonialism vii) Extended cooperation and coordination
- D) Outcome stage: viii) Workers' wage ix) Profit distribution x) Working conditions xi) Lifestyle
- E) Passivity to harm: xii) Labour unrest xiii) Empathetic response xiv) Paradigmatic events of harm

Figure 8: Second version themes

During my analysis, I took care to ensure that each theme carried its own unique central concept, with well-defined relationships and boundaries. Moreover, I made it a point to weave these themes together into a cohesive story that truly reflects the essence of my data set and effectively addresses my research questions.

I further devoted myself to refining and defining each theme and its corresponding data. I conducted a comprehensive analysis for each theme, attempting to uncover the unique story captured by each one and its

contribution to the overall narrative of the data. Additionally, I ensured that each subtheme had its own precise definition and was appropriately classified under the corresponding theme. This process reinforced the alignment between the themes, the coded data, the dataset, and the research question (Terry et al. 2017).

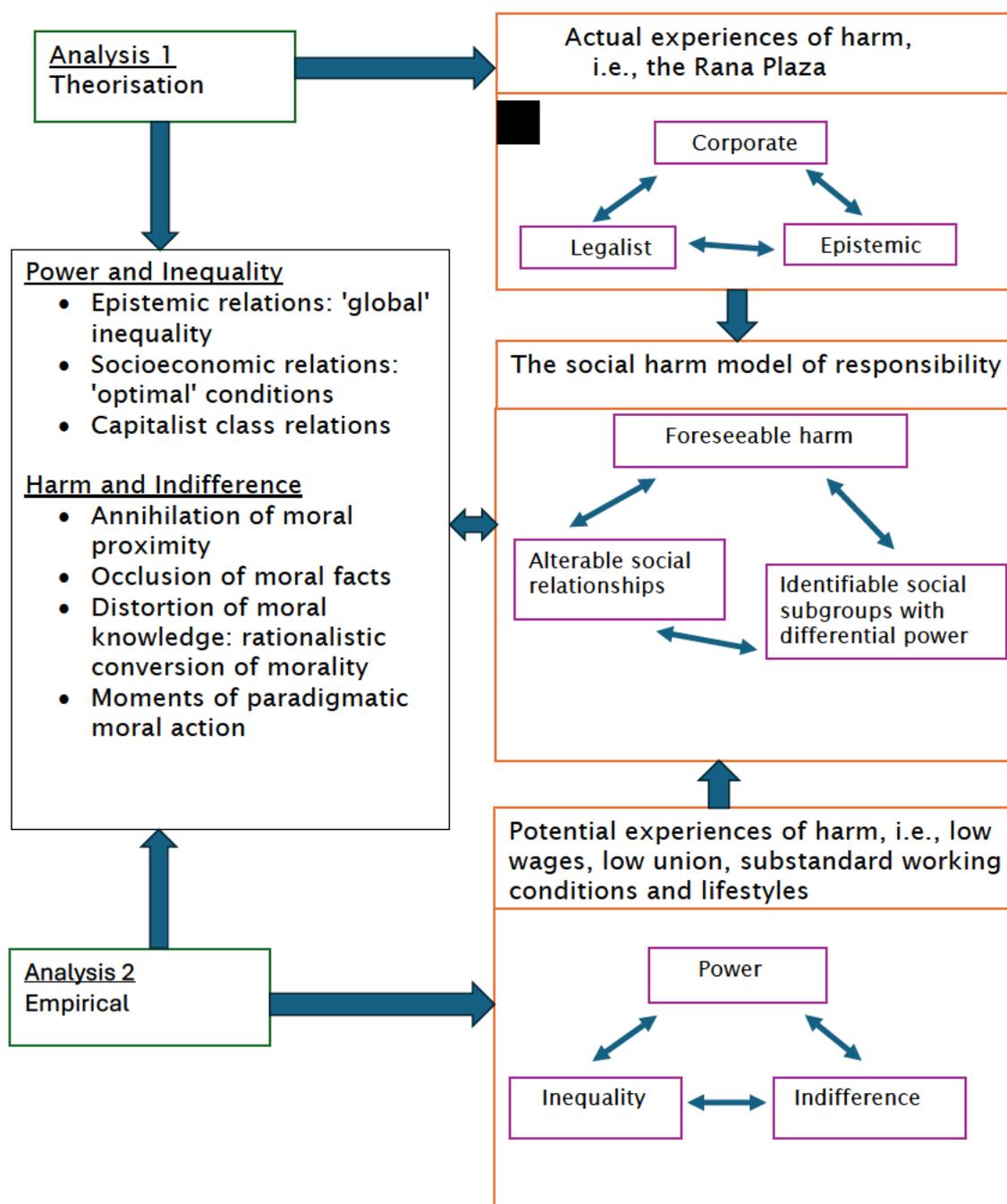


Figure 9: Thematic map

I have come to realise that the theme of 'the unbounded context' and its subthemes align with the broader theme of 'the passivity to harm,' which is a significant concept that emerged from my empirical data. It is essential to recognise that the fear of overlooking something or failing to highlight a subtle difference in a theme, such as the inclination to create a new subtheme, can potentially hinder the analysis process. After careful consideration, I have chosen to exclude the subtheme of 'profit distribution' from the discussion of the outcome stage, deeming it irrelevant in the context of refining the 'outcome stage' as 'harm.' I also observed that the themes 'harm' and 'passivity to harm' collectively reveal a specific aspect of my dataset. Consequently, I reorganised the subthemes and renamed them, resulting in a consolidated theme: 'harm and indifference.' Similarly, I merged the themes 'unequal relationships' and 'the broader political economy' to create a new theme called 'power and inequality.' I also reorganised and renamed their subthemes to establish three coherent subthemes under 'power and inequality'.

Eventually, I found that the two themes effectively represented distinct central concepts with some overlap while still maintaining clear boundaries between each other. I also assigned clear and succinct names to each theme and subtheme, accurately reflecting their meaning and the narrative they conveyed (Figure 10).

Themes	Subthemes
(1) Power and Inequality	A) Epistemic relations: 'global' inequality B) Socioeconomic relations: 'optimal' conditions C) Capitalist class relations
(2) Harm and Indifference	A) Annihilation of moral proximity B) Occlusion of moral facts C) Distortion of moral knowledge: rationalistic conversion of morality D) Moments of paradigmatic moral action

Figure 10: Final themes and subthemes

During the final stage of the process, the entire data set underwent a thorough examination to ensure that the two main themes effectively conveyed a cohesive narrative of the information. In order to accurately represent the participants' experiences and to develop a strong argument regarding the proposed research question, specific data extracts were carefully chosen and seamlessly integrated with appropriate justifications. After receiving feedback from my supervisors, I came to realise that data analysis is an ongoing and ever-evolving process that is, in fact, never truly complete. With this realisation in mind, I took the initiative to further contemplate my reflections, clarify my understanding, and enhance the articulation of my findings before concluding my report.

2.3.2.5 Questions of validity

Reliability/validity comes from the explicit recognition of interpretational primacy rather than methodical prowess. No amount of data can capture our relational aspect without human interpretation. This research calls for attention to the avoidable harms caused by unintentional and habitual social actions, which are inevitably plugged into the broader concept of morality and

social justice that is highly contestable and controversial. As Reiter (2017, 135) explains,

"Statistical research relies on coding, that is: fitting reality into processable data. It is here that its greatest weakness lies, as in the jump from sensorial information to processable data, much of the relevant information is lost. Ultimately, then, the strength of statistical data processing is bought with a weakness in validity, producing a sort of paradox: The more reliable scientific methods, the less valid their findings."

The interpretative approach to data collection and analysis processes for the inquiry about environmentally mediated harm produces reliable data and legitimates the research. This is because:

First of all, in order to get rid of the criticism of unreflective biases in much of the research that runs statistical regressions (value-neutral objective research denies the reflexive core of knowledge), we as exploratory researchers must acknowledge that our background conditions structure the ways in which we think, accept as plausible, ask questions, make decisions, count something as evidence, and so on. Unlike confirmatory research, exploration assumes "research cannot start from nowhere", and humans cannot play the God trick (Haraway 1988). My theories and research questions, willingness to accept confirming evidence, and plausibility come from my previous training, experience, culture, interests, and values. Exploratory research allows me to take these background conditions into consideration and to be self-reflexive. To get biases reflected, social scientists must design their research in a way whose plausibility would depend on the explicit answering of the question of where theories and research questions come from. Pretending to be neutral means denying fundamental human features — the human person is part of

social phenomena, and thus reality is socially constructed. "The perspective that the researcher brings to a qualitative inquiry is part of the context for the findings" (Patton 2015, 73).

Secondly, "theories are not verifiable, but can be corroborated" (Popper 2002, 248). This is very important for qualitative research; we never arrive at the whole truth; only part of it can be achieved progressively by increasing our repertoire. That is to say, an exploratory study should

"rest on an explicit recognition that all inquiry is tentative; that reality is, in part, socially constructed; that researchers are part of the reality they analy[s]e; and that the words and categories we use to explain reality grow out of our own minds and not out of reality" (Reiter 2013, 4).

Ultimately, qualitative researchers recognise throughgoing human influences because "[i]f you insist on strict proof (or strict disproof) in the empirical sciences, you will never benefit from the experience, and never learn from it how wrong you are" (Popper 2002). This study explicitly recognises that research is inherently partial, constantly evolving, and never truly finished. While we reach a stage where we can address research questions and document our findings, our understanding may shift as we encounter new experiences and gain fresh perspectives. This doesn't invalidate our initial analysis; rather, it represents an analysis conducted at a specific point in time. In addition, many topics just exist because of contradictory ideas, beliefs, and theories. Society comes to life as it is in the dynamism of intersubjectivity of individual persons. Society is fluid in motion, and everything is linked with everything, thus difficult to be dealt with in isolation. Confirmatory research cannot embrace this dialectic nature of social phenomena. Finally, as Saunders,

Lewis and Thornhill (2009, 140) noted that "[t]he purpose of interpretivist research is to create new, richer understandings and interpretations of social worlds and contexts."

Focusing on Bangladesh, the lower tier of GVC, and giving voice to the purposively selected participants who are deemed to possess morally relevant facts, the research negotiates the dialectic nature of the social concept of responsibility. The structural concept of responsibility is causally connected to the legalist concept of responsibility — the very concept of responsibility leads to the coercion of a group of people by contributing to their deprivation of material and social means. Additionally, the research attempts to capture multiple views to provide a rich, detailed analysis of the phenomena. What is more, this focus on the lower end allows for reflection on the critical and interpretative core of knowledge. Haraway (1988, 584) neatly captures the point:

"To see from below is neither easily learned nor unproblematic. ... The positionings of the subjugated are not exempt from critical reexamination, decoding, deconstruction, and interpretation; that is, from both semiological and hermeneutic modes of inquiry. The standpoints of the subjugated are not 'innocent' positions. On the contrary, ***they are preferred because in principle they are least likely to allow denial of the critical and interpretative core of all knowledge.***"

2.3.2.6 Ethical issues

Having dealt with normative, epistemological, methodological, and explanatory challenges, the researcher must acknowledge the intrinsic harm associated with carrying out a critical enquiry as well as comply with ethical provisions standardised for so-called research ethics. Again, liberal ideals of individualistic wrongdoing and growth-oriented broader political and

economic cultures made it difficult for the researcher to implement any critical enquiry. In contrast to a market-led criminological investigation, the research raised the question against the very concept of crime and criminology that fuels the functioning of social practices that generate unintended yet preventable harm that this research set to address.

- **Intrinsic risk of heartening prevailing values**

Under conditions of sweatshop labour within a global production network that prioritises market expansion and growth, unjust power relations among various actors involved in the network under scrutiny function to sustain coercion on factory labourers. The harm that arises from this unfair relationship, often referred to as sweatshop labour, has been well documented. Yet harm is not experienced as such; neither the victims nor the advantaged find the outcome as illegitimate and, as such, accept the harm as the victim's misfortune. This is the value that GVC capitalism imbues in contemporary human society, and by upholding those values, we hail from capitalism. Writes Schapiro (2001, 104-105), "[b]y regulating herself according to the rules of the practice, an agent can be regarded as "upholding" those rules. To uphold rules is to sustain the normative structure they impose on the world."

Undeniably, raising questions about the values that become valuable under the background operation of capitalism is heartening for the majority of people whose education training all the way set themselves to be embedded in a culture of monetary values. Hence, always, "there is a risk that those engaged

in the critique are illegitimately imposing their values on others. This is especially the case when the practices that are the target of critique are ones that constitute value for the practitioners" (Haslanger 2017, 167). All the more so because the researchers' standing, on which they speak, is also subject to critique.

However, this process is soothing to those who experienced harm or somehow came to appreciate what is wrong there. Without a social movement or contentious politics, there is little hope for human emancipation from power domination. The radical research against "the relaxed and comfortable heartland of criminology" provides terms and language for the counter-hegemonic struggles against insidious harmful social practices.

Taken together, the researcher faced sheer challenges in finding interviewees. It is unsurprising that people will be less likely willing to participate when they either find it harming what they value, given the capitalist norm within which they were born and learn to thrive or the threat of being caught in the jaw of a criminal proceeding or the fear of risking their position within their organisation. Nonetheless, the researcher has maintained a strict commitment to valid consent, withdrawal rights, and privacy protection and thereby ensuring the motto of no harm.

- **Informed consent**

After gaining access to potential participants, the consent process began when the researcher provided them with a participant information sheet either by email or in person. As far as possible, this participant information sheet clearly

detailed in plain English what the investigation is about and why it is being undertaken, i.e., the project's purpose, objectives, and methods. The information sheet also provided what participation would involve in terms of sharing thoughts and opinions, confidentiality, right to withdraw, risks and benefits, data storage terms/conditions, and so on; contact details of the researcher to allow prospective participants to request further information to find out more about any points unclear to them. In this way, contacted candidates were allowed sufficient time to go through an adequate level of information about the project and afforded the opportunity to ask questions and hence were expected to make an informed decision: either agree to take part or reject the invitation.

A mutually convenient time and space (online or offline) was then selected for the interview upon their provisional consent to participate. On the day of the interview, the researcher encouraged participants to take the opportunity for direct and verbal discussion with the researcher on any matter they were still unsure about prior to completing the consent form. Anyone unhappy or uncomfortable at this stage was simply at the liberty of refusing to participate or postponing the interview without giving any reason and without incurring any adverse consequence — the researcher was constantly in active involvement that an informed and voluntary decision was being made. Participation in the research thus rested on the freely given explicit consent made through documentable processes. Prior to the interview, each participant needed to sign a consent form provided by the researcher. The form was designed to encompass the entire study as a single project, streamlining the

process so that participants only needed to sign once instead of multiple times for different parts of the study.

Participants were selected from male and female adults (over 18), and they were considered agents of change because of their important position in the organisation or social-cultural space: union leaders, administrators, activists, academicians or researchers. On the other hand, the information about the researcher, who was working as a doctoral student at the School of Social Policy, the University of Birmingham, funded by the Bangladeshi Prime Minister Fellowship, was made explicitly known to the participant. The researcher was unlikely to be able to force these participants to make their choice. Furthermore, there were no such relationships between the researcher and the research participants that the consent process would facilitate the otherwise serviceable relationship. The issue of power imbalance thus remained insignificant or trivial. Beyond that, no purposes or activities have subsequently evolved beyond the clearly stated details in the information leaflet. So genuine exercises of choice on the part of the participants over whether to opt-in made the entire process a valid consent.

- **Right to withdraw**

Participants were thoroughly informed that their participation was entirely voluntary. The right to withdraw was conveyed verbally on the day of the interview prior to completing the consent form and through the participant information sheet and consent form. It was explained that participants could withdraw without incurring any adverse consequences. Furthermore, the

information/data that had already been collected from any withdrawal-seeking participant would be removed from and disregarded for further analysis and reporting and would be securely destroyed. If any participant decided to withdraw, they could do so any time: before, during, or even up until four weeks post-interview, as this was set as a point prior to beginning the analysis of their interview. However, no participant explicitly or implicitly expressed a desire to withdraw from the project.

- **Confidentiality**

The data were confidential but not anonymous. The researcher met directly or via the online platform, i.e., Zoom/Skype, etc., with every participant independently. Therefore, the participants were not anonymous to the researcher; however, the participants remained anonymous to other participants and the research audience. In order to treat participants' data as confidential, the researcher removed details that could identify participants individually for the subsequent data storage, analysis, and reporting processes. Instead, each participant was given an ID code used for data storage and during analysis, and a pseudonym was generated and used in the presentation of the findings. Two password-protected documents were stored on the BEAR Research Data Store (RDS): i) linked participants to their participant ID number and ii) linked the participant ID number to the pseudonym. As each participant was assigned a pseudonym, their data were able to be identified and withdrawn on request.

It is worth explicitly outlining the pseudonym process used, as it closely relates to the trade-offs between confidentiality and bringing the case illustration to life. I selected 47 'names' commonly found in Bengali society to enhance this case illustration. Initially, I compiled a list of 40 names prior to the interview process, anticipating that this number would suffice. However, as the interviews progressed, I added seven more distinct names, all of which were different from the participants' actual names. Upon completion of the interviews and prior to the analysis phase, each participant was randomly assigned a pseudonym from this chosen list, ensuring that all individuals were represented by one of the 47 unique names. Although some participants share similar names, the use of these pseudonyms guarantees that each is uniquely labelled with a new name. To further bolster confidentiality, general terms are used to describe their organisations and roles rather than specifying exact names or positions. For example, if a participant held a specific title, the thesis would refer to them descriptively, such as 'technology manager at a leading factory,' thereby conveying their role and the nature of their work without compromising their anonymity. This method effectively balances the need for contextual detail with the imperative of confidentiality.

2.4 Conclusion

Briefly summarised, a methodological framework has been developed to investigate moral responsibility for social harm. Social harm involves epistemic failings, i.e., responsibility is not felt as such, either by the victims or by the privileged. The critical theory offers resources for overcoming barriers that are cast on us by the cultural and institutional practices of a normative criminal

liability and regulatory framework that is primarily individualistic and incidental. Both symbolic and built-in elements of social structures provide directionality for our social practices, but it does not follow that one cannot go astray. If one feels different, this is because these elements at the level of the structure provide opportunities for altered views to pop up. For critical theorists, these counter voices are significant if we are to challenge the normative way of life, which appears to be harm-generative. Listening to these counter-voices, interpreting them with the fusion of the radical (HMR) and normative (CMR) stances, and facilitating triangulation by expert knowledge allows the researcher to provide a far more comprehensive and reliable account of moral responsibility than the prevailing rendition of responsibility. However, this should not be accepted as uncritical either and should always be open to further future scrutiny. Being critical of the current system would allow ways for emancipation from injustice grounded in an ungrounded universal knowledge claim.

CHAPTER 3: REGULATION IN LIGHT OF GLOBALISATION PROCESSES AND CAPTURE THEORIES

"What we are claiming is that framed by the structural conditions of inequality and colonialist dynamics between nations, corporate profiteering takes a more harmful and unfettered formation in peripheral regions" (Ciocchini & Greener, 2023, 1322)

3.1 Introduction

The tragedy of Rana Plaza brought attention to the inherent structural nature of the harms present in the GCoP. It also called into question the normative assumption of regulatory provisions as the responsibility mechanism: that regulatory reforms will prevent future harm and that regulation serves as accountability by subjecting responsible actors to compensatory rules for the harm their actions caused. The main objective of this chapter is thus twofold: first of all, to elucidate the essentially structural or social nature of the harm within the chain, and second, that regulation as a responsibility mechanism is a misnomer and, instead, part of the problem. To accomplish this, the chapter critically examines regulation in the context of globalisation processes and capture theories.

The chapter is divided into two main sections. The first main section delves into the concept of globalisation, focusing on the global political and economic order, particularly the dynamics of north-south relationships. It argues that economic and political globalisation leads to a redistribution of state authority, with northern countries gaining enhanced capacity while southern countries experience diminishing authority in implementing regulatory reforms. The second main section examines the concept of regulation in the context of capture theories. It provides an in-depth analysis of the diverse and often

contradictory regulatory environments in a globalised world, highlighting how southern regulatory regimes, due to their vulnerability to north-south inequality, are more susceptible to capture. Regulatory capture is frequently associated with the notions of regimes of permission or symbiotic state-corporate relationships. But dealing with "capture" has the added benefit of exposing the fact that insofar as the capture theoretician remains consistent with the fundamental tenets of liberalism, it fails to discharge the claimed epistemic responsibility for foreseeing harm. As we will see in the latter chapters, this point is very important when thinking about the structural concept of responsibility.

Taken together, the harms of GCoP can be seen in the intensified and consolidated adverse impact of transnationally operated capitalism's mode of production on the experiences of factory workers in the global South. The focus, therefore, is not upon the familiar harm of domestic capitalistic venture but the distinctive feature of the harm of the global chain — the escalation and concentration of these harms upon the southern factory workers. The central argument is, therefore, that globalisation processes, particularly the political-economic dimension of globalisation, perpetuate unequal north-south relationships. This imbalance paves the way for the coercive capture of regulations. In other words, it lays the foundation for extreme regimes of permission or enhanced state-corporate symbiotic relationships.

3.2 Global regulation

The imperatives of political economy drive global market integration, which goes to the heart of contemporary globalisation processes. But globalisation

ultimately exists in our altered sense of spatio-temporality and practices thereof, carving out the altered role of nation-states within a sense of globality. That is to say, under the condition of globalisation, the notions of market and nation-states underwent a massive shift in their traditional meaning to immensely affect possibilities for regulation. If business goes global, so too should regulation, giving rise to the possibility of global authorities with the diminishing role of nation-states. But who are those global authorities — certainly, in one manner or another, a host of countries from the global north? Globalisation erodes nation-states' capacity, which is not always true but merely for the countries in the global south. Globalisation perpetuates the north-south power structure, which originated in deep historical colonialism. Often, this global power structure and its potential impacts escape our analysis, and we end up analysing only collateral damage or secondary harm. In order to avoid this, this section employs a dual lens of globalisation and regulation to delineate the global power structure — the core of harm associated with the global production chain.

3.2.1 Conceptualisation of globalisation

But what do we really mean by globalisation? Given the multifarious contexts, environs, fields, and phenomena within which it is co-constituted, globalisation is on the ongoing horizon of meaning in people's experiences: different writers can perceive globalisation differently (Axford 2013). For Levi-Straus (1987, 63), globalisation is nothing but a "floating signifier". Affecting as many different facets of our lives as economic, political, social, cultural, ethical, and so on, globalisation is increasingly complex and multifaceted. The

fullest exploration of the term seems impossible. Nonetheless, there are some threads through which we can make sense of globalisation. Regarding causal mechanisms, for instance, one can divide the scholars into two broad traditions, with Marx's economic explanation on the one side (Harvey 1989, 1996) and rejection of the sole focus on economic forces on the other (Giddens 1990; Held et al. 1999).

However, following social scientists' recent work, philosophers have agreed on the key essences of the concept of globalisation (Scheuerman 2018). For them, globalisation, being rooted in the historical processes (i.e. long-term processes) (Giddens 1990), refers to those social activities whose essence lies with the sense of and awareness about deterritorialisation (Ruggie 1993; Scholte 1996, 2000), interconnectedness (Held et al. 1999; Tomlinson 1999), and acceleration (Eriksen 2001; Rosa 2013) occurring to virtually every aspect of human life (i.e. multipronged processes) (Castells 1996; Held et al. 1999; Tomlinson 1999).

The phenomenon of globalisation is not unprecedented; rather, it has occurred for much of our history, albeit with varying degrees of intensification (Guillen 2001). The current episode of globalisation started at the end of World War II, with a notable acceleration from the 1970s onward (James 2001). Increase of intensification in cross-border exchange aside, one of the distinctive features of contemporary globalisation is the shift of logic of internationalisation from particularistic to systemic: the former corresponds to promoting flows and cooperation with the help of pre-existing interpersonal and international

networks, while the latter with the help of constructing a dense framework of supranational institutions and depersonalised¹² rules, regulation, standardisation, formalisation, and codification (Djelic & Quack 2018).

To unfold the regulatory contours in today's globalised world, this conceptualisation of intense deterritorialisation, interconnectedness, and speed characteristics, along with long-term and multipronged features of globalisation, is crucial. To put it differently, the spatio-temporal alteration embedded with many different areas of human activity over time is shaping a regulatory concept in the postnational constellation. Of which, two areas stand out: globalisation's economic and political perspectives. Paying close attention to them could help unpack the causal relationship and the ways in which globalisation is transforming our traditional normative regulatory concept.

3.2.2 Economic perspectives of globalisation

De-territorialized, interconnected, and accelerated economic activities of our lives are perhaps the most dramatic facet of globalisation. While each facet of globalisation is mutually reinforcing and interconnected, economic globalisation is marked by distinctive causal relationships. Trade liberalisation policy seeks to reduce trade barriers to integrate global and regional markets

¹² I used this term to distinguish the previous wave of globalisation prior to the modern era, which was based on personal connections. During that time, people conducted business and travelled depending on their existing relationships. When people moved from one country to another, they might have relied on their home connections for their cross-border ventures. However, today's international regulations and supranational institutions allow for conducting business even without personal connections to the other side of the world. For instance, when a multinational company based in London outsources its products, it does so with confidence in international law, driven by the pursuit of profit and accumulation. In this scenario, the company may not consider its business's impact on people or consider whether a board manager has any ethnic or cultural connections, for example.

among nation-states, such as the North American Free Trade Agreement (NAFTA). Signatory states generally agreed on eliminating tariffs and non-tariff barriers, such as surcharges and duties, regulations, quotas, licensing, and subsidies. Deregulation requires nation-states to eliminate all investment and capital flow restrictions and any perceived unfair obstacles to trade, such as governmental legal protection for the environment, consumers, and workers. Privatisation of public assets is another policy employed to expedite trade liberalisation. In the name of efficiency and expansion of the market, public-owned services, goods, and enterprises are being sold to private investors. These assets may include minerals, land, forests, and exploitable natural resources apart from education and healthcare, power and electricity, railroads and highways, key industries, and banks. Regarding the elimination of social welfare, the neoliberal policy emphasises market mechanisms, and according to this policy, market competition is the key to the efficiency of private businesses. In order to become more efficient, private businesses are required to operate in conditions of minimum state interference and need to reduce welfare expenditures such as expenses on housing, health, education, and unemployment. With the instrument of Structural Adjustment Policies (SAPs), the World Bank and International Monetary Fund made countries in the global South reduce their social welfare spending. The debtor countries usually take the loan under the condition of adopting SAPs.

All of these have contributed to the manifestations of economic globalisation, such as transnationally operated global production lines and the global financial market. Economic globalisation is the "fragmentation and re-

organisation of production processes across borders and their geographical relocation across national and territorial borders, as well as the emergence of new financial instruments and global financial markets" (Dicken 2003 & Gereffi 2005 cited in Malets 2017, 16). Apart from increases in cross-border flows and movements of people, goods, information, etc., the transnational mode of production — a single product is synthesised simultaneously in different geographical locations of the globe — is well documented in the literature. Today's transnationally operating business firms are genuine global players; applying high-speed technology and employing organisational approaches, these multinationals are manufacturing commodities with unprecedented efficiency (Djelic & Quack 2018). With regard to the global financial market, economic globalisation causes complex, interconnected global financial markets to emerge that operate "around the world, around the clock". The transactions of financial markets mostly take place in cyberspace instantaneously and simultaneously; spatiality and temporality become immaterial to the activities of today's global financial markets (Scheuerman 2023).

Whether or not these neoliberal policies will make everybody better off is a moot point. Economic liberalisation, proponents of globalisation believe, helps many people worldwide emancipate from dire poverty. They claim that open markets raise the standard of living and enhance human well-being within developing countries by increasing productivity and employment (Diamandis & Kotler 2012; Friedman 2012; Micklethwait & Wooldridge 2000; O'Neil 2013). Critics argue that globalisation has widened the gap between the rich and the

poor like never before, with immense destitution and poverty for the vast majority of global poor and unprecedented materialistic gain for the rich (Nikkiforuk 2007; Pogge 2002). Overall, neoliberal policies do not work to benefit the millions of the world's poor population; rather, they favour the wealthiest, including the elites of developing countries and those fortunate enough to live in the global North (Falk 1999; Pogge 2002; Stiglitz 2002).

3.2.3 Political or institutional perspectives of globalisation

Now, let's turn to how deterritorialisation, interconnectedness, and social acceleration are unravelled in our political or institutional life. To some extent, the economic and political character of globalisation is mutually reinforcing and interconnected. As we have seen above, economic globalisation has fundamentally changed our economic activities, requiring modification in governance frameworks. In the Westphalian order, the national governments enjoy the monopoly of exercising governance power within their respective jurisdictions. However, in the wake of globalisation, political power is understood as polycentric, and non-state actors increasingly gain political currency from above and below the state.

3.2.3.1 Globalisation from above

"Globalisation from above" refers to the emergence of a panoply of supranational institutions. The United Nations, the World Health Organization, the World Trade Organization, NATO, the European Union, the Association of Southeast Asian Nations, NAFTA, and others can undermine national sovereignty through the enactment and enforcement of rules and regulations and hold nation-states to account thereby (Malets 2017). These institutions

also often promote such mutually agreed norms and standards that promote cross-border trade and market integration, and most nation-states find themselves caught in the influence of global actors and remain to follow (Djelic & Quack 2018). That is, political power is redistributed, and the sanctity of sovereignty is no longer maintained. For the sake of market integration, the traditional concept of nation-states has been abandoned.

3.2.3.2 Globalisation from below

A promising aspect of political globalisation is "globalisation from below": the emergence of global civil society, which can gain political currency beyond the traditional state democracies. The expansion of global communication provides space for social movements, non-governmental organisations, and civil society groups to aggregate "diverse and disparate opinions and concerns into shared interests and thus create new identities for people who lose the backing of their traditional home culture and their reliance on the capacity of official state agencies to resolve issues of public concern" (Scherer & Palazzo 2008, 6). This form of de-territorialised interconnection among millions of people around the world provides an effective political sphere to construct political opinion and hold state leaders and business actors democratically accountable with unprecedented celerity. In the wake of the Rana Plaza disaster in Bangladesh, for example, the vulnerability of poor garment workers has been exposed, which generated a profound outcry from people across the globe. Along with local and international NGOs, activists, publicists, consumers, worker unions, students, and academics came together to form global civil society and put pressure on International buyers to make them

legally binding for taking responsibility for the supply end and on Bangladesh government to take initiatives for improving fire and building safety of the factories (Anner, Bair & Blasi 2013; Reinecke & Donaghey 2015). Research participant Babar Sufian, well known for his labour activism, eloquently says,

"It's really interesting to see how folks from all over the world take advantage of our global society. People with strong values are joining forces internationally to speak out about the exploitation of Bengali garment workers. While it's common knowledge that big players and powerful countries often call the shots in global affairs, the Rana Plaza movement opened a lot of eyes. It showed that there's real potential to rally people worldwide around important social justice issues."

To offer another example of globalisation from below in relation to environmental protection movement, "transnational movements, in which activists employ rapid-fire communication technologies to join forces across borders in combating ills that seem correspondingly transnational in scope (for example, the depletion of the ozone layer)" (Scheuerman 2018, 12).

Briefly summarised, the basic rudiments of globalisation processes have been identified, which scholars agreed on, and seen how they become entangled with our economic and political activities: the two most important dimensions of our social life that set out conditions for the preferences of contemporary regulatory schemes. Altered spatiotemporal perception increasingly becomes embedded virtually with every social activity but also intensifies over time, culminating in hybridisation between global and local, often termed "glocalisation," as unfolded above with respect to economic and political contexts. These understandings are important in the inquiry of the global regulatory world.

3.2.4 The emergence of global regulation

On the postnational constellation or global playing field, a redistribution or rescaling of political power among global actors has occurred (this point is elaborated in detail below). The displacement of states from their traditional normative position has started with the creation of governance or regulatory systems in favour of neoliberal policies both within the state and transnationally. Within the neoliberal tradition, the concept of regulation has come to take its meaning as polycentric and multilayered instead of a monopoly of states. For Djelic and Quack (2003, 6), globalisation is "deeply about governance"; not only does globalisation bring fundamental political and institutional changes to the effect of incorporation into trade and finance liberalisation, but globalisation requires business firms to formulate rules and regulations for minimising social and environmental harms resulted from their globalised operation. Thus, globalisation emerges as a double process: institutional changes within countries on the one hand and institution building in transnational space on the other. Fligstein (2008), Fligstein and Mara-Drita (1996), and Fligstein and Stone Sweet's (2002) works on the European Union precisely demonstrate how the demand for transnational trade facilitate establishing cross-border organisations, such as the European Commission and the European Commission of Justice.

Moreover, globalisation causes social and environmental problems: "race to the bottom effect" generates low wages and poor working conditions in the supply end of the global production line; issues like transnational crime and deviant behaviour become dominant as a result of increased cross-border

flows; transnationally operated business firms are mostly responsible for the environmental degradation like global warming and the destruction of the ozone layer. A bewildering array of governance systems has been suggested to address these problems, ranging from private regulation to the networked governance system. One of these initiatives' key features is the diminishing role of states, being either absent or secondary. For instance, when asked why the Bangladesh court has issued orders discouraging the Accord despite its evident success in securing the industry, Baharul Hasan, a government regulator, explained his grievances:

"Can't you see the point? Where is Bangladesh in all of this? It's all about those multinationals and their partner factories — they systematically exclude Bangladesh from the governance system. I acknowledge that the Bangladeshi government and its judicial processes ultimately prevail. Honestly, Bangladesh must establish its own control over the RMG sector. Otherwise, it'll be too late, and the government will be totally absent from significant actions in the future."

The scholarship on private regulation shows the central role that non-state actors — civil society, business, and expert communities — are playing in constructing governance institutions to coordinate and control the behaviour of the players in global markets (Djelic and Sahlin-Andersson 2006). This displacement of the state from regulatory processes provides two important analytical tools: "soft law" and the alteration of states' role.

3.2.4.1 Global regulation as primarily soft laws

Global regulation has primarily been based on soft laws (such as voluntary standards and best practices) (Abbott & Snidal 2000; Brunsson & Jacobsson 2000; Djelic & Sahlin-Andersson 2006; Kerwer 2005; Mattli 2001; Mörth 2004; Shaffer 2016). Public-private partnerships or purely private or private networks

create soft laws; there is no such thing as a rulemaking authority like the enactment of domestic regulation (Cutler, Haufler & Porter 1999; Pattberg 2005). Writes Smith (2009, 189),

"While national regulations rely on "hard rules" that are made and implemented by governments, global regulations rely on "soft laws" that are often voluntary and are created by public-private or purely private networks to which no rule-making authority has been delegated. This is the major point of concern ... how regulatory interests can be "captured" by private interests... regulatory practices can be effectively controlled by those whom regulation is supposed to regulate" (Smith 2009, 189).

Soft laws may "not fit into standard categories" (Jessup 1956, 2), but increasingly, they are becoming to be thought of as important legal elements in the work of legal scholars, such as Shaffer (2016) and Halliday and Shaffer (2015). The emergence of soft laws becomes enmeshed with hard laws in a way that both constitute each other; the hardening of soft laws and the softening of hard laws are becoming normal practices (Meyer et al. 1997). Owing to the absence of legitimate authority, the rulemaking game mostly remains open and often begets harsh competition leading to "regulatory races" — either a race to the bottom or a race to the top (Carruthers & Lamoreaux 2016; Djelic & den Hond 2014). Whilst soft law can be quite effective, it creates the opportunity for decoupling (Meyer & Rowan 1977) or hypocrisy (Brunsson 1989) as well, for it is inherently flexible and lacks coercive apparatus.

3.2.4.2 State's regulatory capacity

As mentioned above, under the condition of economic globalisation underway since the last decades of the twentieth century, state authority has begun to erode as the non-state actors have been gaining political currency. The extensive earlier sociological and political literature on globalisation has

demonstrated how the political authority of the states was being redistributed among MNCs/TNCs (Cardoso & Falletto 1979; Gereffi 1999, 2005; Gereffi & Memedovic 2003; Wallerstein 1979), supranational institutions — WTO, World Bank, IMF, EU, and so on (Chorev 2005; Rodrik 2006; Stiglitz 2002), emerging civil society actors (Auld 2014; Bartley 2007; Dobusch & Quack 2013; Keck & Sikkink 1998; Soule 2009; Zajak 2017), transnational corporate community actors (corporate class — global business owners, CEOs, and executives; globalising professionals; globalising bureaucrats; consumerist elites; and like) (Carroll 2010; Harrington 2016; Sklair 2001, 2002), epistemic or professional experts (Botzem 2012; Büthe & Mattli 2011; Djelic & Quack 2010), and global or cosmopolitan cities (London, New York, Tokyo, Paris, Frankfurt, Hongkong, Singapore) (Sassen 2001). By rescaling state authority, the processes of integration of the global market have increasingly been shaping domestic policy and thus undermined the state's power — "the retreat of the state" happened as a result (Jessop 1997, 2002; Strange 1996; Streeck 2016). However, it is worth mentioning here that these non-state actors are just promoting the interest of those states to which they belong.

However, scholars maintain that it is not the retreat of the state; rather, globalisation transforms the nation-state to adjust to the conditions of globalisation. "Nationally-based 'old' forms of governance still matter, and the variation of politics surrounding them can deeply shape the effect of private regulation" (Bartley 2011, 523). In relation to Indonesian footwear industries, Connor and Haines (2013) show the significance of local political context in the success of networked regulation. By leveraging the existing political

mechanisms and structures, networked regulation has the potential to enhance its impact and ensure a more robust implementation of regulatory measures. In a similar vein, Moog, Spicer and Böhm (2015, 475) point out that the conditions of the broader political and economic context within which MSIs are nested and operated "can channel and often significantly limit their operational effectiveness, representativeness, and regulatory capacity over time." Hence, it wouldn't be naïve to argue that whether this is a retreat or adjustment, states are differentially situated in relation to each other with deepening and proportionate distribution of authority and autonomy on a global stage. The states' power balance and history permeate our consciousness of the ways of doing business transnationally, shaping our understanding of the present and our aspirations for the future.

Nation-states adapted to the condition of globalisation, in particular, to deal with transnational business firms through the multilayer and multiplicity of initiatives in their engagement with private actors. As Malets (2017, 21) comments, "Transnational business governance interactions (TBGIs) are conceptualised as a multiplicity of actions and responses exercised by various state and private actors within and across specific governance fields and oriented towards each other in one way or another." Abbott and Snidal (2009) identify five key steps of global regulatory processes and employ the acronym ANIME to refer to them: agenda-setting, negotiating, implementation, monitoring, and enforcement.

Socio-legal scholars also unpack the interactions between national and global

actors who have a profound impact on the lawmaking process in the era of globalisation. The theory of recursivity of law recognises multiple regulatory sites and levels, such as global norm-making, domestic lawmaking, and domestic law implementation, to show how economic globalisation influences legal change to occur (Halliday & Carruthers 2007; Halliday & Carruthers 2009). They (2007, 2009) continue to argue that under the conditions of economic globalisation, recursive cycles of domestic lawmaking are being affected by powerful actors like an influential political unit and international organisations, as these actors enshrine more market integration through harmonising economic rules across state borders. Economic coercion, persuasion, and modelling are key strategies employed by influential global actors. The extent to which a nation is susceptible to outer influence is determined by the balance of power and cultural gaps between domestic legal traditions and global norms (Malets & Quack 2017).

Approaching from a different perspective than the recursivity framework, Bruszt and McDermott (2014a, 2014b) also found the variation of impacts transnational integration programmes can have on the political states. Instead of focusing on the initial regulatory capacity of governments, their emphasis lies in the development and outcomes of regulations, especially in developing countries across various economic sectors and policy domains. Bruszt and McDermott (2014a, 5) posit that "the inclusion and empowerment of diverse domestic private and public actors, their embedding in multiple networks of transnational supporting and monitoring institutions, can dramatically improve the success of regulatory integration and its development effects."

So when it comes to global regulation, "the state is far from the only game in town, and may no longer be the most important game in town" (Abbott & Snidal 2009, 87), yet states' background role is important. If social scientific analysis of a piece of global regulation is to be accurate, it must take into account the ways in which the state and its institutions initiate, coordinate, support or thwart those initiatives. Djelic and Quack (2018, 131) concur with a range of scholars (such as Djelic & Quack 2010; Djelic & Sahlin-Andersson 2006; Graz & Nölke 2008; Mattli & Woods 2009) to argue that global regulatory research "should neither neglect states nor treat them as the only or central mainsprings of the reordering process."

Understanding the diverse backgrounds of states is essential for recognising the varying capabilities of different social unities. In his book "*Harmful Societies*," Pemberton (2016, 44) compellingly argues that globalisation, driven by the mobility of finance capital, the proliferation of tax havens, and the expansion of global production chains, pressures nation-states to become "competition states". According to Pemberton (2016), the state is a complex space, complicit in facilitating capitalist harm production while also providing avenues for resisting such harm. The different natures of capitalist societies mean that states have differing capacities for wealth accumulation and harm reduction. This variation in states' capacities in inter-state competition is particularly evident between countries in the global north and south. The following quote from a research participant elucidates the point further:

"In wealthier countries, there are strict rules in place to ensure fair wages and safe working conditions. But when you look at developing nations like Bangladesh, things get a bit more complicated. They're juggling the need to

stay competitive on the global stage with challenges like unemployment, poverty, and low literacy rates at home. Unfortunately, weaker labour laws can hold skilled workers back from reaching their full potential, which makes it tough to achieve sustainable growth." (Saifur Rahman, Researcher & Activist)

Nevertheless, states' role is no longer taken for granted (Kohler-Koch 1996; Moran 2002; Rose & Miller 1992); instead, regulatory states have been evolving to call on regulatory states befitting the globalised world (Majone 1996; Moran 2002), which are just as powerful as other state forms but embedded more and more in a complex ecology of actors and multilevel of interactions (Higgott et al. 2000 and O'Brien et al. 2000). As such, Moran (2002) argues the use of the term regulatory states is misleading, and hence the concept of post-regulatory states has been introduced by Scott (2004). The public-private dichotomy of regulation "obscures more than it clarifies about the nature of power and authority" in global regulatory processes (Vogel 2008, 265).

The differential abilities of varieties of capitalist society have effectively been played out in effecting global regulation. In the agenda-setting and negotiation stages of global rulemaking processes, states can play significant roles. Along with the states' direct delegation of regulatory power to intergovernmental organisations, they have indirect influence in deciding regulatory choices within MSIs or pure private actors. Non-state regulatory entrepreneurs can anticipate that more stringent legislation will take place if they fail to control the obvious negative externalities. However, ironically, the standard and effective soft laws are often enacted by the state legislation, as happened with the accounting standards, primarily formulated by expert professionals in response to the anticipatory threat of statutory laws but subsequently became state-based mechanisms worldwide (Botzem 2012; Botzem & Quack 2006).

States disagreed on having social clauses in international trade, but this intergovernmental attempt has led activists to formulate legally binding certification schemes (Bartley 2007). Another way in which states play an important role in global regulation is their engagement with the trans-governmental networks; Tsingou (2010) and Djelic (2011) demonstrate the ways in which states contributed to the Basel Committee of Banking Supervision that help in making finance market regulation and International Competition Network (ICN) that help in the enactment of antitrust agencies worldwide respectively.

With regard to the implementation, monitoring and enforcement of global regulation, the involvement of states is numerous and particularly crucial. States can encourage national actors to adopt soft laws and formulate guidelines for soft laws, thereby creating a culture and norms of soft rules. Aguilera and Jackson (2010) show how corporate governance codes have been diffused worldwide. Halliday and Carruthers (2007, 2009) and Quack (2007) show how soft laws have been legislated in national laws to give them the real bite of hard rules. The parallel synchronisation of global soft laws and national hard laws happens in ways that increasingly blur the distinction between global sources and state roles in rulemaking efforts (Alasuutari 2016).

It is clear, then, that globalisation is a matter of intensification, and a set of complex issues are always at play to reflect its image as a nonlinear, complex and never-ending process. How it will build, maintain, and dismantle institutions and markets at local, national, regional, and cross-border levels is

determined by the contingent of the situation or precisely states' varying background capacity. The questions now seem not to ask whether global business firms seize power at transnational, global, regional, or local levels to become more powerful than nation-states; rather, they shift to how globalisation affects state regulatory capacity and how globalisation affects the conditions for regulatory capture by powerful global actors or 'interest groups' or how it affects the conditions for positive regulatory change (Mattli & Woods 2009). This brings us to our main propositions, which we now turn to.

3.2.4.3 Globalisation posing challenges for normative regulatory theory

The domestic regulatory program has been predicated upon the monopolised coercive power of the state. Politicians and academic thinkers have exerted substantial energy to fence in the global regulatory programs from the normative models of capture, but much of the attempts have heavily relied on a clear demarcation of global regulation from domestic regulation. These scholars also maintain that the sphere of nation-state epitomises a normatively privileged site for regulation because fundamental normative ideals and principles of public-oriented regulation are more likely to be successfully achievable than in the global arena. Beyond the domestic sphere, regulatory programs are mostly voluntary and lack coercive power; as such, enforcement relies on private actors. As the achievement of public-oriented regulation presupposes an effective enforcement mechanism, the absence of such enforcement authority at the global level means that capture-proof global regulatory agencies are perhaps unattainable.

Fundamental challenges to these normative assumptions have been posed by globalisation. Under the conditions of intense deterritorialisation, interconnectedness and speed of social activities, it is no longer true that the domestic arena can be delineated as "self-sufficient schemes of cooperation for all the essential purposes of human life" (Rawls 1993, 301). In the context of shifts of spatio-temporal locus of contemporary human actions, the concept of confined territory appears suspect. Even the most influential and privileged bounded community cannot be said to have control over the activities exploding the confines of state borders in which they often find themselves entangled, such as global financial markets. The earlier attempts to offer a clear demarcation between domestic regulation and global regulation do not make sense anymore. As the prospect of distinct delineation of domestic from global regulation becomes problematic, the familiar tendency of presenting the nation-state as a privileged site for achieving less capture-susceptible regulation dissipates as well. As an empirical issue, the erosion of the global-domestic frontier appears to be highly ambivalent, for this decay could easily pave the way for the erosion of the conditions resisting capture at the domestic level. Global regulation transposed inward onto state-based regulation; the former's relative vulnerability potentially creates troubling inroads into the latter. As a normative issue, the separation of the global-national divide potentially calls for a more significant consideration than ever before of how normative objectives of capture-insulating regulatory authority can effectively be attained at the global level. If public interest regulation is taken seriously, it is no longer taken-for-granted that they should be sought within domestic

confines because global and domestic are irrevocably and intensely intertwined. In a globalised world, the absence of a hierarchy of authority intensely influences the attempts to seek regulatory outcomes at home. We will no longer be able to achieve normative regulatory ideals at the national level without establishing them at the global level as well.

To claim that questions of capture-resistant regulatory programs have no standing beyond the border represents, at best, empirical naivete about the emergent global regulatory schemes at the global level. At worst, however, this provides a disingenuous rejection of the fact that many domestic hard laws are inextricably tied to the rules of soft laws emerging beyond the domestic arena.

An intellectual divide characterising the ongoing debate about the prospects of capture-resistant regulation at the global level notwithstanding, there is little research on the issues. As on the one side of the fence, Bhagwati (2004), Wolf (2004), and Petersmann (1995) argue that globalisation requires the extension of regulatory institutions to the global level. Nation-state-based regulatory agencies are poorly equipped to deal with deleterious side effects of present-day globalisation, such as environmental degradation (the destruction of the ozone layer and global warming) and social problems (human rights, workers' health and safety issues, and material inequalities). In addition, the growing array of genuinely transnational activities of multinationals calls out for no less intrinsically global mode of control. According to this model, local or domestic and local matters should remain under the auspices of the existing national regulatory mechanism. However,

global integration of the market means deterritorialised, interconnected, speedy, multipronged business conducts of MNCs/TNCs are especially striking, a new regulatory mechanism necessary if we are to ensure that public interest regulation remains an achievable goal. In the same spirit, soft laws are conceived as a stepping-stone towards global regulation. If these new forms of global regulatory mechanisms are to help succeed in salvaging the principle of public interest view of regulation in a world where the decay of state-based mechanisms makes regulation vulnerable to capture by special interest, the global regulatory mechanisms need to better guarantee the active participants of actors in the rulemaking processes. Representing a novel array of mechanisms, global regulation potentially offers some more extensive opportunities for those hoping to resist the capture of regulation under novel global conditions.

On the other hand, in opposition to the defenders of global regulation, domestic regulation presupposes monopoly and coercion of the state, which is uncommon at the global level. Largely non-voluntary compliance is a necessary condition for effective enforcement of regulation, and since these elements are missing beyond the realm of the nation-state, global regulation is doomed to be captured. In a similar vein, critics inspired by realist theory posit that convergent global regulation obscures the fundamentally conflictual, pluralistic and dynamic nature of regulatory processes. Public interest view of global regulation notwithstanding, global regulation inadvertently opens the door to new and even more pervasive opportunities for capture. Global regulators' universalistic face not only ignores the copious

and unavoidable scopes, but it also tends to serve as convenient institutions for outright capture by special interests no less self-interested than the traditional special interests active within nation-states.

To Stiglitz (2006), it is the advanced Western countries, or more precisely, special interest groups of these countries, that are largely dictating global regulation. Global regulation has never been "a fair set of rules, let alone a set of rules that would promote the well-being of those in the poorest countries of the world" (Stiglitz 2006, 3). Rather, the rules of the regulation have increasingly been employed to advance the interests of those powerful groups in the countries of the global north. These powerful interest groups are capable of benefiting from the current situation as well as striving increasingly towards their interests.

3.3 Regulatory capture

In a globalised world, states have unequal influence in creating and interpreting regulatory provisions. The redistribution of state authority among non-state actors results in reduced authority for countries in the global south but increased authority for countries in the global north. This added north-south inequality to the inequality between employers and labourers has significant implications for the well-known phenomenon of regulatory capture, which reflects the symbiotic relationship between the state and corporate interests and lends itself to intensified capture or extreme permissive regimes, particularly in the context of globalisation, allowing for harmful practices to persist. But we must bear in mind that the following discussion is within a globalised context, and as such, within the north-south relationships; if we

strip off the unequal north-south relationships, the problem is no longer within the realm of the harms of GCoP and instead gets reduced to traditional capitalist harm. The point is that the wider north-south inequality further influences the traditional capital-labour relationships, culminating in the coercive conditions of the factory workers in the global south characteristics of the harm of the global chain. Having said that, it is therefore worth exploring the phenomena of capture in more detail.

3.3.1 Public interest theory of regulation

Public interest theory perceives regulation as a mechanism that helps us ensure the maximum benefits of society in general (Baldwin & Cave 1999; Breyer 1982; Cushman 1941; Kahn 1988; Landis 1938; Ogus 1994). On this view, regulators — as benevolent actors — enact laws and rules, build institutions and enforcement procedures, and follow ethical norms and best practices, aiming at economic efficiency, growth, innovation, and sustaining development (Carpenter & Moss 2014; Mattli & Woods 2009). A pro-market logic is believed to be the best approach to this end, at the heart of which is competition. However, the market needs to be functioning well with fewer disastrous incidents and collateral harm. Hence, regulatory policies must reconcile enhancing competition and preventing negative externalities so that maximisation of overall social welfare is ensured. Regulatory programs that craft market formation (e.g. private property rights, corporate law, antitrust enforcement, intellectual property rights, financial regulation), ensure minimum social and environmental harms (safety, security laws and environment laws), and preempt or rectify market failures thus come to exist

at the first place (Vogel 2018a).

But what exactly does public interest mean? Although the term "public interest" is one of the dearly held concepts in the political discourses within both politician and academic circles, there is little consensus, if any, on the definition of the term (Bentley 1967; Cochrane 1974; Feintuck 2004; Harmon 1969; Herring 1936). This lack of agreed meaning on the precise nature of public interest spurs Mattli and Woods (2009) to fashion disparate understandings of "public interest" into three schools of thought, namely idealist, rejectionist, and proceduralist. Rejectionists maintain that there is no such thing as public interest because the public is, in some way, either individuals or interest groups that have their own stakes in the regulatory processes (Bentley 1967; Schubert 1957). For idealists, public interest refers to making the society better off as a whole through the preferable actions that must meet the conditions of the standard values backed by some absolute principles, and for this course of action, "public opinion need not be consulted, though it should be educated to understand the wisdom of the policies arrived" (Downs 1962, 11). The key to proceduralists' argument is the idea of due process — if the regulation comes in place through the deliberative processes so that everyone can partake, then it is said to make regulation serve the public interest (Tyler 1990). For "individuals and groups will accept outcomes as being in the public interest as long as they feel that existing procedures of consultation and involvement in their own favour, even if they are not always successful" (Mattli & Woods 2009, 34). This due process view of public interest provides a useful way of assessing the regulatory programs: the relative

inclusiveness, fairness, and transparent procedures reflect the extent to which a particular regulation is toward the public interest (Mattli & Woods 2009).

However, regulators as human agents have their self-interest as well as their own worldviews that might drive them away from the welfarist objectives of regulation, and influential industry incumbents' abundant resources potentially play out to bend regulatory outcomes on their way — these are the lines of thinking that started to unfold from the 1950s onward (Carpenter & Moss 2014; Mattli & Woods 2009; Vogel 2018a), which now we turn to.

3.3.2 The old rendition of the capture

The capture theory — quite the opposite of the public interest view — views that money power makes regulatory agencies collude with business firms. Regulatory practices turn out to be oriented to businesses' interests as if the regulation is fueling industries' concentrated interests at the cost of the diffuse interests of common people. Capture view was gaining ground, especially with Stigler's (1971) seminal work on regulation. Hence, the notion is often termed as Stiglerian capture. The very regulatory processes that come to exist in the first place for serving the broader interests are being exploited in furtherance of the interest of business capital in practice, ultimately making regulation be captured (Clinard & Yeager 1980; Makkai & Braithwaite 1988). Thus, the regulated industry comes to win against broader public interest over the design and implementation of the regulation. Rather than serving the public's broader interests, the regulation comes to serve the narrow interests of the industry that it is supposed to regulate (Stigler 1971). Industries leverage their resources to have a grip on regulatory agencies and thus wield regulatory

authority by making regulators, in one way or another, subservient to industries. Or in other words, regulation is a sort of commodity to be sold, and there are interest groups who need it and have the ability to purchase it (Carpenter & Moss 2014; Dal Bó & Tella 2003; Moss & Oey 2012). Industries utilise resources to influence and control regulatory agencies, effectively turning regulation into a commodity acquired by interest groups with means.

The foundation of capture theory has been provided by Huntington (1952) and Bernstein (1955), later refined by scholars identified with both left and right-wing American political ideologies: Kolko (1963), Weinstein (1968), and Sklar (1988) on the left; Becker (1958), Stigler (1971), and Peltzman (1976) on the right. They share the historical assumption that the political thought upon which the whole edifice of regulatory mechanism has been established within the administrative state was flawed and suffered from a failure to consider institutional design, opening regulation up to corporate capture (Novak 2014). However, this assumption was not unproblematic. Novak (2014) calls this assumption into question and maintains that while the terms of capture came to life in the 1950s, the concern about corporate undue advantage and corruption has always been embedded within political thought.

Nevertheless, "the 1970s vintage of capture", following Stigler's (1971) work, has been celebrated as "one of the most politically influential episodes of social science ever" (Wallach 2015). What makes capture theory so successful? While regulatory processes have to do with reconciliation between competing ideologies that make them inherently political, the original theorists of capture

have employed the language of economics in their analysis of regulatory policies. Political persuasion comes in the package of the value-neutral objective model of economic theory rather than politics (Carpenter & Moss 2014). The work Derthick and Quirk (1985) has masterfully shown how the theory of capture created an all-partisan space for deregulation. Political language under the guise of capture — though pessimistic — transformed regulatory authority to serving the common good from serving incumbent industries. Captured agency leaders accepted critiques and started to turn the wheels of deregulatory reforms, whilst business interests remained silent with utmost passivity. A whole range of deregulatory processes touching a diverse wide array of public sectors became part of everyday life, and there has been a broader consensus, if not unproblematically, that public interests were being served as a result. Identification with political ideologies potentially linked to the accusation of capture has been dressed up with objective scientific explanations, and thus, the evaluations enjoyed acceptance in almost every sphere of public debate. There are practical advantages as well. The individual making the capture accusation can get relief from the burden of showing that a particular piece of regulation fails to represent broader interest because if someone disagrees, it can be disallowed as a weapon of "special interests" unwittingly or consciously generated (Carpenter & Moss 2014). So, tricky questions around policy failures come to an end not due to objective scientific evidence but due to the inherent problems of seriously supporting one side's assertions.

However, paradigmatic changes have been occurring in the regulatory

landscape. The nature of the regulatory institution has undergone a dramatic shift since the 1970s: industry cartelisation schemes have transformed into subject-oriented policies, and a diverse policy area can be called to do with global regulation. Indeed, the original theorists confronted with the basic and ordinary regulation must recognise the requirement of a new look at regulation that could account for contemporary regulatory perspectives. While the previous debate had to do with whether seemingly broader-interested regulations serve the defenders of the status quo, the current debate has to do with regulatory stringency (Posner 2014). However, other pressing issues have unfolded in regulatory scholars' work, as follows.

3.3.3 The new scholarly paradigm of capture

For Vogel (2018b), "[t]he theory of regulation "captures" a very real phenomenon." To be sure, such formulation of capture makes earlier theories powerful, but this very power renders it parsimonious. Only a tiny portion of capture can fruitfully be accommodated into the model. This parsimony and effectiveness of the model resulted in a shift of focus in research towards more straightforward cases, such as regulation versus competition and industry profit versus consumer well-being (Carpenter & Moss 2014; Vogel 2018a). The entire realm of capture phenomena remains likely to be unexplored. Indeed, "our conception of how capture works in practice, and what limits it, remains very far from complete" (Carpenter & Moss 2014, 3). In response, a new scholarly paradigm of capture emerged; it is worth reviewing the literature on how this promising sphere of capture scholarship has been developing. To do

so, I will explore how real-world regulatory practices involve market governance regulation, private regulation, and social regulation, and not just economic regulation or price and entry control regulation on the one hand. And how novel concepts of deregulatory capture or even antiregulatory capture (corrosive capture), cultural capture (wider mechanism of capture), weak capture (capture as a variable), and the new empirical focus of capture have been unfolded in the literature on the other hand.

3.3.3.1 Market governance regulation

At the heart of the old theory of capture is anti-competitive regulation, but regulation has never been just to augment competition. The very functioning of the market depends on other institutions — the market is not "given" or "natural" but rather reflects the wider socio-economic norms, institutions and existing technological resources. At the very least, the market requires legal institutions to enforce property rights and contracts. Then might come regulation of corporate liability, intellectual property rights, antitrust policy, and the like (Cioffi 2010; Culpepper 2011; Gourevitch & Shinn 2005; Vogel 2018a). Fligstein (1996) analyses the market as a social construction and Pistor (2013) provides a "legal construction" of the market. Vogel (2018b) has aptly pointed out that "the dynamics in these areas differ from price and entry regulation because they do not hinge on a pro-competitive option versus an anti-competitive one, but rather on different models of governance that favour different actors." For instance, consider antitrust policy. Some might argue that stricter enforcement would enhance competition, as antitrust policy aims to

do. However, followers of the Chicago School of antitrust would disagree. A similar logic applies to corporate liability and intellectual property rights, too. Which actors would favour which governance models depends on the actors' own interests and not the common good? This is why identifiable governance regulation serves industry incumbents rather than the public good notwithstanding, no capture incident can be claimed within the Stiglerian view of capture because regulators are found innocent; they are not stifling competition (Carpenter 2004; Carpenter & Moss 2014; Carpenter & Ting 2007).

Rather, "capture is inevitable" has been challenged by a range of political scientists who maintain that marketcraft regulation will ultimately be captured by special interest, which is not true as it can foster broader public interest (Balleisen & Moss 2012; Carpenter & Moss 2014; Vogel 1996). Market reform orients no more to mere deregulation but reregulation as well, as political scholars such as Eisner (2011), Gamble 1988, Landy, Levin and Shapiro (2007), and Vogel (1996) demonstrated that the proliferation of rules and enhancing regulatory capacity are needed for competition and thus cater for public welfare. And "deregulated international economy subdivided into deregulated national economics would be an institutional monoculture" (Crouch & Streeck 1997, 15). Quite contrary to Stigler, maintaining competition requires regulation put in place, but often, these regulatory provisions turned out to be catering to special interests.

The Stiglerian model of capture is unlikely to hold the captured world's

dynamism and complexity. Not only does it hold the competing political logic of supporting the market, but it also fails to predict the functional complexity of marketcraft. The market is not natural; rather, it has to be built through deliberative processes of marketcraft like statecraft, and "the challenge of market reform is functional as well as political, and the political difficulty is compounded by the functional complexity" (Vogel 2018a, 129). As previously mentioned, states exhibit varying degrees of positioning with regard to the influence they exert on the formation of global regulatory frameworks. Specifically, influential states play a paramount role in shaping legal structures that govern global value chains, while less influential states possess limited agency in this matter. Stiglerian anticompetitive regulation belies the multiplicity of methods to craft markets, the multiplicity of interests underlying a great variety of ways of building a market as well as the technical complexity of supporting the market. Capture logic is still applicable to marketcraft regulation, but the dynamism is quite different from the anti-competitive regulation.

A fascinating case study was provided by Vogel (2018a) in his recent work, where he demonstrated that the so-called "freest" market in the United States, in effect, depends on considerable marketcraft regulation. But "powerful agents among both the corporate and the political elites set the rules of the game to their own advantage, at the cost of society at large" (Crouch 2011). The root causes of the problem lie in the broader political economy, be it national or global. At the heart of this is the current neoliberal policies, whose implementation is claimed to be linked to regulatory capture, making

neoliberal goals inherently contradictory. While criminological literature is already rich enough to surface this thesis, most of it failed to capture the fullest form of the state-corporate nexus. In response, Tombs' (2012) "symbiotic relationship" and Whyte's (2014) "regimes of permission" are usefully being used in recent criminological and socio-legal studies of capture. The point is that nation-states advancing the liberalisation of capital are actually in a state of both constructing and governing corporations, so regulation is the outcome of a power struggle and can be seen as serving the business's interest. Sooner or later, regulation will be more or less captured by special interests in one way or another. Regulation is a part of the problem rather than a solution. Scholars are using the concepts of symbiotic relationships between corporations and states (Tombs 2012), and "regimes of permission" (Whyte 2014) to surface the capture. Stanczak (2017) presents a case study of the Indian Bt cotton¹³ industry where the researcher operationalises symbiotic relationships and regimes of permission to have capture revealed. However, Levi-Faur (2013) would argue that the monomorphic view of the state that neoliberal policies are the only objective is not warranted. He (2013) holds that a state might have different objectives; a polymorphic view of the state means that the coexistence of varying state morphs, such as regulatory state and welfare state, is no longer contradictory.

3.3.3.2 Private regulation

One important dimension of today's regulation is private regulation.

¹³ A pest-resistant plant cotton — genetically modified through the insertion of genes from *Bacillus thuringiensis*, a soil bacterium

Regulation by non-state actors such as business firms and their associations, civil society actors, international organisations, and networked or MSIs has been on the rise since the 1990s. This proliferation of private regulation or regulation involving private actors made Braithwaite (2008, 27) argue that "political science, conceived narrowly as a discipline specialised in the study of public governance to the exclusion of corporate governance, NGO governance, and the governance of transnational networks makes less sense than it once did." As such, Fligstein (2001), Gourevitch (1996), and Vogel (2006) opine that political science has much to offer on private-sector regulation; the concept of alliances and veto powers can fruitfully be applied to inter-firm politics. The importance of private regulation has also been highlighted in a range of scholarly works on international relations (Büthe & Mattli 2011; Cutler, Haufler & Porter 1999; Hall & Biersteker 2003; Vogel 2008). These scholars contend that regulatory reform can involve the substitution of government regulation for private regulation and vice versa. Even some scholars favour the term "governance" instead of "regulation" to reflect the inclusion of private regulation, as Vogel (2018a) concurs with Bevir (2013) to argue that "[governance] focuses not only on the state and its institutions but also on the creation of rule and order in social practices."

Business firms' rich resources are potentially being used to capture private regulation as well — a phenomenon termed "deep capture" in the literature (Hansen & Yosifon 2003). In a similar vein, Fligstein (2001) argued that industries could benefit from both lobbying the government and controlling the private marketplace. An elimination of captured government regulatory

agencies implies that private anticompetitive regulation is still in place. Even business firms can be delineated as benefitting from private antiregulatory capture when they are engaged in rigging their internal governance system, for example. For corporate executives who lobby for regulation that boosts their compensation could be viewed as opposing yet another form of measures that diminish it (Vogel 2018b).

To be able to explain "both government regulation and private-sector practices and the interaction of the two" (Vogel 2018a, 131), an extension of capture theory is required. Abbott (2017) provides a regulator-intermediary-target (RIT) model, which researchers use to study the capture phenomena in transnational governance. For example, Marques (2019, 157)'s recent case study reveals "how the harmonisation platforms are designed to leverage global retailers' market power and evolve from regulatory intermediaries into de facto regulators that supplant existing private regulators (R2), and thereby capture transnational governance of consumer product supply chains." The rise of industry-driven regulatory intermediaries is driven by global retailers' need for standardisation and low transaction costs. These intermediaries harmonise private labour codes and ethical audit processes, ultimately helping to govern consumer product supply chains across borders. The potential regulatory capture in consumer goods supply chains is a major concern if regulatory pluralism and adaptability are seen as important qualities in private governance and the public interest.

3.3.3.3 Social regulation

The older version of the capture theory has been successful in economic

regulation — only the regulation that stifles competition — but cannot capture social regulation's countenance. Social regulation is not about competition; much of today's regulations have been called on to do with environment (Bedford et al. 2022; Walters 2017), health and safety issues ((Bair, Anner & Blash 2020; Locke 2013). To control businesses' negative externalities (such as environmental degradation and social harms), we need social regulations which can hold violators accountable and make them pay for worker deaths, injuries, health risks, and destruction of the environment. Indeed, the world witnessed regulatory reforms in the 1970s, which were marked not only by economic deregulation but by the rise of social regulation as well. The neoliberal benefit-cost analysis — balancing between freedom of capital and the extent of accepting risk on human and environmental health — became a dominant strategy for regulating agencies in capitalist society.

According to Carpenter and Moss (2014, 452), "With the rise of health, safety, and environmental regulation, industry-specific regulations have become far less common", but as they (2014, 452) continue, "industry pressure to reduce the scope of the regulation (corrosive capture) is probably now considerably more common than industry efforts to expand it." MNCs often benefit either from the absence of regulation or weak regulatory enforcement mechanisms (Carpenter & Moss 2014; Mattli & Wood 2009). They leverage their firm grip on regulators to reduce or prevent potential regulation that would cost them to pay for the consequences resulting from their questionable conduct. Because of the heightened concern about these externalities, they have to be successful against the powerful lobby dictating by the logic of public interest,

however. For Bedford et al. (2022, 170), "a lack of regulatory oversight cannot be understood separately from the implications of enhancing the efficiency of global supply chains and the externalisation of the effects of economic growth in the economic core." Thus, deregulation or antiregulation that comes to exist at the behest and to the service of industries at the expense of public interest is, to be sure, "capture" but cannot be held by old-fashioned capture theory. This is perhaps because of the market-centric approach to regulation adopted by neoliberals, whose central objective is to establish requisite guidelines in order to facilitate optimal market functioning, while simultaneously fostering a climate of healthy competition (Bartley 2007).

A range of scholars explores the issue of social regulatory capture. For example, in the field of environmental governance Marsden, Gibson and Hollingsworth (2000) and Dillon et al. (2018), and in the production safety and security field Perchard and Gildart (2015), Sabo (2017) and Meehan and Benson (2015), examined capture phenomena. However, Tu et al. (2020)'s case study found an intriguing social regulatory capture. They (2020) developed a triple-layer principal-agent model and social network analysis (SNA) method, and their findings show how complex interactions among regulatory actors of Chinese environmental regulatory agencies — the environmental regulatory authority and the commissioned regulatory agents — are contributing to what they termed as concealments of these interactions, which in turn creates the condition for regulatory capture.

Stiglerian theoretical framework focuses on economic regulation and is

inadequate to take into account social regulation. We need to expand our explanation about capture — a conceptual tool that can accommodate antiregulatory and deregulatory capture to account for the social regulation such as occupational health and safety regulation or environmental protection regulation.

3.3.3.4 Corrosive capture

Regulatory scholars have explored the question of the situation when industries capturing regulators want less regulation or no regulation at all, which generates the idea of deregulatory or antiregulatory capture to be added to the capture repertoire. Can they be juxtaposed with the capture theory of garden-variety regulation, i.e., Stiglerian capture? Yes, they can be, as Keeler (1984) accommodates deregulation to the theory: he (1984) says that regulators as rational responders weigh the leverages of special interest and common interest one against other so that maximisation of support can be ensured. In a similar vein, Peltzman (1989) argues that regulators are inclined to deregulation as the benefits captor industries earn from anticompetitive regulation diminishes. However, these explanations have been attempted by adhering to the narrow anticompetitive understanding of regulation.

Carpenter and Moss (2014) moved beyond this simple explanation and introduced the concept of "corrosive capture" for the whole range of regulation. Carpenter and Moss (2014) argue that capture instances do not always involve themselves with regulatory programs effectively dictated by incumbent industries; instead, capture could be established with less regulation, serving consumers' diffuse interest than would otherwise manifest.

They termed this failure as "corrosive capture" — antiregulatory in nature this capture genre calls on the logic of a new paradigm of capture. Carpenter and Moss (2014) probed deeply into the US Food and Drug Administration to unfold that, with the help of user fees collected from pharmaceutical industries, political organisations of these firms are engaged in shaping such discourse of drug regulatory policies that result in quick and careless reviews of drug policies and generally deregulatory practices.

Likewise, Orbach (2015) stresses how government inaction can facilitate private-sector rent extraction. The New York Times and ProPublica find strong evidence of "deregulatory" capture in the Trump administration, with 34 of 85 known members of deregulation teams having potential conflicts of interest (Ivory & Faturechi 2017). In the Bangladeshi garment industry, the employers' Associations, BGMEA and BKMEA, exert significant influence over the government, often collaborating with regulators to introduce deregulatory or anti-regulatory measures that impact the welfare of labourers (Bair, Jennifer, Anner & Blash 2020).

3.3.3.5 Broader influence mechanism: weak capture

Recent research has advanced capture theory by showing that the mechanism for capture is not limited to quid-pro-quo rationales; rather, captors can tap the wider influences, far from being the direct materialistic self-interest of regulators. For example, the concept of "cultural capture" has been fleshed out in Kwak (2014) and Johnson and Kwak (2011)'s work. They argue that the symbiotic relationship between regulators and regulatees that gives rise to "capture" need not always explicitly be shown as quid pro quo. Contrary to the

conventional wisdom that material self-interests drive to capture, regulators might have discretionary space to act on their ideologies in relation to making their regulatory decisions, which can effectively be dictated by firms in getting their way (Bagley & Revesz 2000; Croley 2000; Kwak 2014; Levine & Forrence 1990). In Kwak's (2014, 76) words, "regulators are susceptible to nonrational forms of influence, which interest groups can exploit to achieve the practical equivalent of capture — favourable policy outcomes." Drawing on a number of scholarly works, such as Choi and Pritchard (2003); Hansen and Yosifon (2003); Rachlinski and Farina (2002), Kwak (2014) continues to maintain that the incumbent industry can surreptitiously harness agency employees' individual worldviews — their situatedness, positionality, values, or convictions — without agency actors' active consciousness. These might be deference to high-profile industry employees (Ball & Eckel 1998; Baumeister 1982; Eckel, Fatas & Wilson 2010; Huberman, Loch & Öncular 2004; Ridgeway & Erickson 2000; Suls, Martin & Wheeler 2002), deference to individuals with whom they are desirous of avoiding conflict or being empathised (Ayres & Braithwaite 1991; Baumeister 1982; Charness, Rigotti & Rustichini 2007; Mas & Moretti 2009), or identification with industry groups or employees, partly owing to the presence of revolving doors (Akerlof & Kranton 2010; Charness, Rigotti & Rustichini 2007; Chen & Li 2009; Goette, Huffman & Meier 2006; Heap & Zizzo 2009). Kwak (2014) insists that cultural capture might be subliminal but pervasive — a vital field of study to be explored by social scientists.

Another form of wider mechanism put forward by McCarty (2014) incumbent

firms is effectively using the very complexity of regulatory policies to dictate regulatory terms. McCarty's (2014) well-attempted theorisation tries "to enhance principal-agent models of agency regulation by allowing subject matter complexity to factor in as something other than a single unobserved parameter, which is, unfortunately, the standard modelling choice." (McCarty 2014, cited in Wallach 2015) In his invigorating model, McCarty (2014) assumes that precise knowledge about regulatory effects involves considerable costs and that industries themselves are fully cognizant of social costs ensued from their conducts; both of these assumptions are hardly unproblematic though. And he (2014) finds the result: that industries benefit from expertise rents and that strategic planning pertaining to these rents will eventually result in legislature preferring agencies sympathetic to industries they regulate. Far from obvious, this weaker version of capture that holds sway to allow firms to get benefits corresponds to expertise rents is thus comes to exist by the very complexity of regulatory policies. Investing in educational and training opportunities and in ethical counselling might help to limit the expertise gap between agency personnel and industry employees; the key to curbing expertise rent "will be to design personnel and ethics policies that prevent the excessive biases toward the industry and influence capture" (McCarty 2014, 120).

Zingales (2014) provided another interesting capture genre that ventures to solidify academic capture, as he argues that captures of academics at the behest of business interest exist and are pervasive. Academics with ulterior career objectives of establishing themselves in the corporate world and a

pressing need for new data to be found in private companies' rich resources engage in academic processes and products subtly tilted toward a pro-industry conclusion. The deleterious impact of such biases can corrupt the entire academic project of business and political studies.

This brings us to the next important step towards the new conceptualisation of capture that capture is pervasive, and most capture phenomena could be identified with weak versions, rendering capture as a continuum rather than a binary of exist-or-non-exist entity.

3.3.3.6 Capture as a variable along a continuum, not a constant

Indeed, capture is no longer considered to be something that either exists or does not exist; rather, the capture concept appeared as a matter of degree in academic literature (Breyer 1982; Carpenter & Moss 2014; Vogel 2018a). In other words, the concept of capture exists along a continuum, with weak capture and strong capture representing the two opposing extremes. In their edited books, Carpenter and Moss (2014) along with their collaborators venture that capture is not a constant, a variable; we should, therefore, not assume capture but look for causal factors among industrial sectors, which generate more or less capture across geographical areas over time.

This has significant implications for policymakers in preventing capture. One necessary corollary of the earlier capture theory (entry-barrier capture) is that capture is inevitable, and deregulation is the only remedy for protecting the public interest. This is not consistent with many of the regulatory programs. The existence of special interests notwithstanding, regulatory programs in

various sectors are serving the diffuse interests of consumers, and sometimes, rather, deregulation could serve the special interest. A new scholarly paradigm of capture is about to emerge that posits capture, apart from existence and non-existence, somewhere between the extremes of both ends. This allows scholars to think about the elements that make a particular piece of regulation less capture-prone or prevent it from strong capture. So deregulation — throwing out the baby with the bathwater — is no longer the only remedy. Admittedly, strong capture can justify the outright elimination of regulation. But regarding weak capture, remedies could readily be found within the regulatory environment; to be sure, there are institutional mechanisms that are at work against captors. Hence, a range of scholarly works has been offering policy prescriptions for limiting capture, such as dividing power (Laffont & Martimort 1999; Moe 1995), administrative procedure (Balla 1998; Croley 2008; McCubbins, Noll & Weingast 1987), "media coverage and journalistic scrutiny" (Carpenter 2002; Dyck, Moss & Zingales 2008; Gordon 2011; Moss & Oey 2012), and consumer empowerment (Schwarcz 2014; Trumbull 2012), to offer a partial list.

The upshot is that a new paradigm of capture theory implies that capture can be viewed as a variable along a continuum, not a constant that either 'exists' or 'non-existent'; capture can drive deregulation/antiregulation; capture claims must demonstrate regulators' motivation either as explicit self-interest or implicit and unconscious motivations harnessed by business interests. Moreover, to accommodate the fuller version of capture — economic, marketcraft, private, and social — the theory must reflect the complexity and

dynamics of real-world practices. This understanding of capture creates a new turn to the phenomena's empirical study. However, insofar as the theory fails to account for fundamental inequality between social groups, it cannot be considered an accomplishment of epistemic responsibility for foreseeing harm. Wallach (2014) makes one interesting point that the difficult question of inequality rooted in bad faith of neoliberalism becomes concealed under the scientific dress of capture claim:

"What made capture so successful back in the 1970s, and what its new peddlers hope will make it successful now, is that it allows accusations of bad faith to be dressed up as value-neutral scientific evaluations, which are acceptable in nearly every forum of public debate. In practice, accusing an agency of being captured relieves the accuser of the burden of showing why a particular policy fails to serve the public interest, because anyone who attempts to rebut their claims can be dismissed as a tool (whether knowing or unconscious) of "special" interests. Claims of capture thus help to end debate about difficult questions — not because they provide definitive scientific evidence bearing on these questions, but because they suggest that seriously entertaining one side's claims is inherently problematic." (Wallach 2014, 7)

So, "capture" itself can be redressed as a scientific tool that serves the interests of the powerful to the detriment of the disadvantaged. "The crux of the problem here is that the social classes that control and most benefit from corporate capital accumulation are the same social classes that exert powerful agenda-setting pressures when it comes to law making and law enforcement priorities" (Michalowski 2016,189). In an embedded capitalist society, this means flows of accumulation towards the capital, and in a globalised world, "harm is geographically concentrated in the production site while the wealth extracted is transferred through a complex supply chain network to the Global North" Ciocchini & Greener 2023, 1320). This is the structural or social nature of harm experienced by factory workers in the global production chain.

3.3.3.7 Contextualising capture

If we contextualise the preceding discussion in the Bangladeshi case, it sheds light on the permissive regulatory environment. To be sure, by embracing a market-oriented approach — or more precisely, borrowing Anner's (2015) concept of "despotic market labor control and international accords" — Bangladesh's labour governance makes it challenging to ascertain the traditional Stiglerian capture. However, it becomes evident that the pursuit of deregulation and anti-regulation, as well as private regulation, follows a logic akin to capture. First of all, the structural adjustment programs (SAPs) facilitated the transfer of state-owned assets to private ownership through deregulation and privatisation¹⁴, enabling capitalists to expand their production capabilities and integrate into the global production network. The increased¹⁵ participation of entrepreneurs in the RMG industry directly correlates with deregulation. Ultimately, deregulation disproportionately benefits specific interests and fails to broadly distribute its advantages among the general population.

"Have you ever wondered who the government really is? If we take a look at the current parliament, you'll notice that a good chunk of the members are somehow linked with garment factories. It's like a lineup where half of them actually own these factories. So, how do you separate the government from the employers in such a scenario? Check this out: several cabinet members, like our commerce minister, the foreign state minister, and the minister of

¹⁴ "Erosion of public enterprises in the process of de-industrialisation created widespread unemployment. The process reached its peak in 2002 with the closure of Adamjee Jute Mills, then the largest jute enterprise in the world. The demise of this enterprise was arranged in the name of "jute sector development" with a \$250 million loan from the World Bank. The reform process created a large pool of labour — disorganised, scattered, unable to assert its rights and forced to accept low wages. A huge pool of young women from the unemployed and/or from poor families, ready to work for rock-bottom wages and longer working hours, made up the new workforce. The neo-rich were looking for high-profit investment; they became the new owners." (Muhammad 2015, 144)

¹⁵ "From 384 factories employing 120,000 workers in 1984, the industry expanded to 2,000 factories employing more than 1 million in 1994" (Barrett, Baumann-Pauly & Gu 2018, 9).

industrial affairs, are also big players in the textile and garment business. It kind of makes you think, right? It's as if the government and the employers are in the same boat, making it tough for them to really look out for the workers' interests." (Nasreen Akter, former garment worker, currently NGO leader)

Secondly, anti-regulatory practices, such as the lack of regulatory provisions or weak enforcement of social regulation, align with the concept of capture. For Bair, Anner and Blasi (2018, 979), the "lack of government enforcement can be attributed, at least in part, to regulatory capture, understood as the process by which an industry "captures" the agencies designed to regulate it". In the realm of social regulation, brands and the government, by implication, employers¹⁶ are reluctant to embrace regulation as it would incur costs for them, ultimately impacting the well-being of the workers. SAPs have had a detrimental impact on traditional Indigenous sectors in Bangladesh. As a result, successive governments in Bangladesh have faced a pressing need to create employment opportunities through attracting foreign investment. The country has pursued anti-regulatory measures in occupational health and safety, as well as in the oversight of factories, in order to attract foreign capital and mitigate the risk of capital flight (Muhammad 2015). This is due to the fact that "brands go to Bangladesh not only because of the cheap labour but also because of the lax rules and regulation of the government that overlooks many wrongdoings and helps the frontier capitalism to accumulate profit quickly" (Luthfa 2023, 55). In Bangladesh, for Clegg (2016), "[o]ccupational health and safety measures were not respected" and for Vijay (2023),

"[L]abour inspectors are few, and — even worse — they are powerless ... Labour inspectors have no administrative sanctioning power and cannot impose fines directly. However, they can file a case in the labour court, but the resolution of

¹⁶ An estimated 10 to 30 per cent of the members of the Parliament of Bangladesh are reported to have ownership stakes in garment factories operating within the country (Daily Sun 2018).

these cases usually takes a long time, and the fines imposed... do not provide a sufficient deterrent" (Vijay 2023).

For research participant Miftah Monayem, a CSR manager, "You know the Bangladeshi Department of Labour once had only 50 to 60 inspectors for around 4,000 factories. Today, the number of inspectors for factory inspections has been increased to 300." The disproportionately low number of inspectors compared to the huge number of factories is vividly evident in the situation with industrial boilers. Over 30,000 boilers are used across industries, yet only 10 government inspectors are available to oversee them nationwide (Barrett, Baumann-Pauly & Gu 2018). The possible impact of non-enforcement culture is vividly compared in the following anecdote:

"Imagine the traffic system in a well-developed country. People, there are so convinced of its strictness that even at night when the roads are empty, drivers stop at red lights. This happens because a dedicated team ensures the rules are followed, and over time, it's become part of the culture. The takeaway here is that public officials need to be responsible and held accountable for any system breakdowns. Only then can we hope to avoid problems. Basically, they've created a traffic system that anticipates and prevents accidents. Now, think about how many accidents happen every day in our system. The same principle holds true for our regulatory system, too." (Kaspia Akhter, a former garment worker, currently NGO leader)

Regarding "wage" and "union", Bangladesh established¹⁷ a minimum wage board in 1959 on the basis of the ILO conference in 1928 to ensure a reasonable minimum wage for factory workers and a labour department in 1931 to oversee workers' organisations. But unfortunately, as it stands, the wage determination and unionisation processes have been left to the open market system (Anner 2015). The antiregulatory or almost absent social

¹⁷ According to official websites, the Minimum Wage Board was established in 1959 by the Pakistani government in compliance with ILO conference guidelines. The Directorate of Labour, originally established during the British Raj in 1931, was later elevated to the Department of Labour in 2017 by the Bangladeshi government.

regulation is evidenced by the cultural capture of regulatory provisions for unionisation. This is because "[b]uyers in apparel global value chains want not only to keep costs low, but also to reduce the likelihood of supply chain disruption caused by worker organization and mobilization" (Anner 2015, 292). This symbolically induced an overall culture of maintaining rules and norms so that workers find it difficult to get organised, resulting in "no trade unions in 97.5 per cent RMG factories" (Daily Sun 2018). It appears that the country remains aloof to effectively enforce state-based accountability approaches to regulations, perhaps due to the necessity of foreign investment and the deliberate reduction of opportunities in traditional industries, which comes at the expense of worker rights.

Thirdly, private regulations, such as corporate codes of conduct and MSIs, are also subject to intense capture. The rich CSR literature evidenced that supplying factories bears most of the CSR costs; in order to stay in business, factories have little option but to implement CSR at the undercut of their profit; it appears to them as if to meet up deadlines, quality control, or any other conditions imposed by the brand companies (Anner 2018). Western brand name companies, as was the case with their corporate codes of conduct, covertly pass the cost of implementing the Accord and Alliance inspection and remediation responsibility to local suppliers (Kabeer 2020).

Ultimately, deregulation, anti-regulation, or private regulation policies are implemented to facilitate the smooth operation of trade liberalisation. In this context, "[c]heap labor is undoubtedly a boon for companies, but shoddy

standards are not" (Rubel 2013). Yet, the pressure to maintain low prices and shorter lead times all too often results in regulatory regimes of the global chain of production benefiting the vested interests of multinational corporations, employers, and governments at the expense of neglecting the well-being of wage workers.

3.4 Conclusion

The chapter explores two key themes central to its focus: the global power structure and regulatory capture. The key point to consider is that capture, in its role of critiquing the regulatory framework, reveals that regulation operates within a system that has certain limitations when it comes to serving the public interest. Moreover, the impact of globalisation intensifies this situation. By examining the issue through the lens of capture and globalisation processes, we gain a deeper understanding of the widespread nature of the harm of global business practices.

Firstly, this approach to analysing regulation offers valuable insights into the diverse regulatory landscape and the complex nature of the harm problem. Secondly, it highlights the paradox that capture, while initially intended as a means of critiquing regulation, ends up being utilised by vested interests in the same way as regulation itself, thus exposing the underlying logic of neoliberal ideals that prioritise individual autonomy and freedom. Finally, how regulatory change is brought about in our society: regulatory, deregulatory, or re-regulatory regimes are taking place. It further provides a deeper understanding of how different societies have varying abilities when it comes to implementing and understanding regulations.

There is, hence, a pressing need for an altered view of responsibility mechanisms to emerge. Not only does regulation lose its traditional conceptualisation in the changing business milieu, but it also severely fails to account for the global north-south relationships, which is important if we really aspire to do justice to the negative externalities of doing business globally.

In summary, corporate power plays a significant role in driving economic globalisation, and one of the prime manifestations of this process is the GCoP. The impact of these transnational commercial activities upon southern regions is such that both governmental entities and entrepreneurs gain considerably greater power over the working class. Yet, these same powerful actors hold insignificant positions within the international framework due to the enduring colonial legacy within contemporary north-south relationships. The unequal north-south relationships work in tandem with capitalist class relationships, resulting in a unique situation never seen in an embedded capitalist production system prior to the modern era of globalisation.

This extended inequality gives rise to conditions in southern countries where regulatory capture can take a far more stringent form than is experienced in advanced economies, given the variable nature of capture along a continuum of intensity. What is particularly noteworthy about regulatory capture is that, besides regulatory provision, it can drive the processes of deregulation or anti-regulation as well. More to the point, capture itself is not immune to being captured. This implies that power often disguises itself behind socio-cultural apparatuses, making it even more challenging to identify and address.

CHAPTER 4: A SOCIAL HARM MODEL OF RESPONSIBILITY

"Since so much of the harm discussed in *Beyond Criminology* is attributed to social groups or structures, the harm perspective will need to spell out a plausible doctrine of social or structural responsibility. I believe that such a doctrine can be developed, but I think it will be plausible to the extent that it draws on the sound element in the model of individual responsibility." (Reiman 2006)

4.1 Introduction

In this chapter, we build on Reiman's (2006) quote mentioned above to argue that addressing the negative impacts of the global chain of production (GCoP) requires a structural approach to responsibility. This is due, as discussed in the preceding chapters, to the complex social and structural chains of causation involved. However, unlike Reiman (2006), we disagree with the idea that the "tools" in the model of individual responsibility are suitable for effectively addressing harm caused by social factors. While seemingly "sound", these tools contain contradictions inherent to liberal thinking that frames an individualistic model of responsibility. The influences of liberalism seem pervasive and powerful in this context. Despite attempts to conceive a concept of social structural responsibility, very few, if any, have successfully navigated the formidable challenges presented by the conflict between individualism and collectivism, as well as the complexities of the value-laden definition of harm. Therefore, this chapter aims, in the first part, to critique the concept of liberal responsibility, highlighting its contradictions, and in the second part, to propose an alternative framework for responsibility that avoids these perplexing dilemmas.

That is to say, the first part contends to demonstrate that contradictions embedded in the key ideas of liberal political, social and legal thinking render

criminal responsibility unsuitable for expansion and incorporation into a structural harm conception of responsibility. Liberalism has made criminal responsibility centre around the need for "intentionality" and "conscious direct action" from the person responsible for committing a crime. This means that individuals are held accountable for their actions only if they have knowingly and purposefully engaged in unlawful behaviour. The focus is also placed on "personal" behaviour change, as the legal system aims to encourage individuals to modify their actions and refrain from engaging in criminal activities in the future. In addition, it puts the utmost significant emphasis on individual free choice and its consistency with the rule of law by ignoring the profound "power inequality" that exists within society and the power dynamics that play a significant role in shaping individuals' choices and actions. It also fails to acknowledge the inherent vulnerabilities that certain individuals may face due to their disadvantaged positions in society. Consequently, this approach contributes to the creation of "passivity" towards harm, as those who experience unequal power relations may feel powerless to defend themselves or seek justice, and those who wield power tend to maintain their status quo.

The second part of this chapter will be devoted to a short exploration of wider responsibility literature to be cognisant of possible pitfalls and frontiers so that a social harm model of responsibility can avoid those traps and benefit from other disciplines that push the frontiers. By considering all these dilemmas, the remainder of the section will refine a responsibility framework that is most suitable for addressing social harm. This framework will put forth three crucial tests for determining responsibility in a harm model: i) the ability

to predict and anticipate harm, ii) the potential for modifying social arrangements, and iii) the ability to identify key social subgroups whose actions are connected to the harm. The framework mentioned played a crucial role in carrying out empirical data collection processes.

4.2 Critique of liberalism and responsibility

This section has sought to respond to Reiman's (2006) challenge that there is a need for a social/structural conception of responsibility, which could be achieved by expanding the criminal model of responsibility. Such a response has to do with the intricate connections between criminal law and liberalism. This is because liberalism is widely regarded as the foundational philosophy of capitalist societies, and it is within this paradigm that criminal law has emerged. Thus, the main emphasis here lies in exploring the broader implications of liberalism on our commonsense understanding of harm and accompanying responsibility.

As mentioned in Chapter One, over a half and a decade ago, Philosopher Jeffrey Reiman (2006) set a challenge for the social harm approach in his critique of "*Beyond Criminology*" (Hillyard et al. 2004). Reiman (2006, 363) commented that though the volume has especially been successful in demonstrating that our institutional capacity can only deal with a small fraction of the harms we suffer, "the harm perspective will need to spell out a plausible doctrine of social or structural responsibility" in order for advancing the perspective toward a coherent disciplinary project. In doing so, the perspective could benefit from its special connection with crime and criminology, especially because "[o]ne feature of the criminal law is that it has a rather clear conception of

responsibility" (Reiman 2006, 363). Reiman (2006) believed an account of responsibility for social harm is possible, and plausibility would mostly depend on the degree to which the 'tools' offered by the criminal model can be translated in terms of social harm. As Reiman (2006, 363) wrote, "I believe that such a doctrine can be developed, but I think it will be plausible to the extent that it draws on the sound elements in the model of individual responsibility." In his more recent work in relation to Young's (2011) "social connection theory of responsibility", Reiman (2012, 742) reiterates that the "conception of moral responsibility for structural injustice can be defended." Not only does Reiman encourage us to consider the issue of moral responsibility for social harm, but he aptly throws significant light on it by suggesting criminal law's analogous resources, *actus reus* and *mens rea*, to start with. However, Reiman's (2006) suggestion of these analogous resources potentially falls within the same problem identified with the regulation and regulatory capture in the previous chapter — our epistemic failure to understand the morality of structural harm keeps us from knowing the real truth about how our actions harm others.

As we will see below, if we situate harm within broader social relationships rather than the consequences of individual acts of wrongdoing, *actus reus* and *mens rea* of autonomous individuals do not apply anymore. The notions of intentionality, direct conscious actions and remedying through individual behaviour change within a criminal model of responsibility not only fail to address the dynamic and complex power relationship that underlies much of the harm in a capitalist society but contribute to fostering indifference to the suffering victims. Within the legalist model, "one assigns responsibility to

particular agents whose actions can be shown as causally connected to the circumstances for which responsibility is sought" (Young 2004, 368). By contrast, social harm has become so normalised and institutionalised that it has become a constituting part of our social structural backgrounds. This means that social harm often presents itself in subtle forms, making it difficult to detect. Nonetheless, the consequences of such harm can be truly devastating, affecting individuals and communities in profound ways (Canning & Tombs 2021; Hillyard et al. 2004). Participants, including even victims, therefore, appear to be unaware of and oblivious to social harm. Social harm happens to exist independently of anyone's animus toward victims. We may, thus, contribute to social harm by simply participating in the collective choice of our social life, with neither an intention to harm others nor directly acting in harmful ways, whereas these two elements — guilty mind and *actus reus* — are necessary for implicating individuals to crimes in our usual criminal proceedings. This brings us to two extreme possibilities; on the one hand, as a member of a harm-inflicting society, we are all responsible for any preventable human sufferings in our society, and on the other hand, absolving responsibility for social harm on the grounds that nobody is found with guilty mind and inflicting direct harms on others. The standard criminal model of responsibility, which is preoccupied with individual acts (or omissions) of wrongdoing committed intentionally with knowledge, cannot, therefore, account for harm where no mental state is required on the part of the wrongdoer. Also, because what would count as evidence and remedy for social harm is not clear in the criminalist model, it cannot be retrieved for a harm

model responsibility. Instead, the orthodoxy of individualistic responsibility tends to mask structural elements as the causes of social harm, inhibiting the possibility of a theoretical alternative emerging that would challenge the way in which a particular perception of the world has been and remains to be reiterated by the prevailing consciousness about the concept of responsibility that a liberal ideology frames. This framing process relates to a range of core components of liberal ideology, such as 'intentionality', 'direct conscious action', 'personal responsibility', 'construction of choice' and 'the rule of law'. In order to surface the underlying contradictions inherent to liberal responsibility, it is crucial then that we examine these core principles as they delineate the boundaries and influence our overall understanding of responsibility.

4.2.1 Intentionality

Intentionality limits our focus to an analysis of individual culpability, and it does not allow us to understand the social or structural causation of harm. This is because the criminal model responsibility gives importance to the primacy of how crime/harm has arisen rather than how we could respond. On this model, if the harm is the product of unintended natural processes or the impersonal and unintended outcome of random processes of the market, nobody is liable for the outcome — there is no intention, and there is no responsibility. For Hayek (1978), a market outcome is neither intended nor foreseeable, and the unpalatable outcome can, at best, be addressed through compassion and benevolence; however, it is not a matter for justice/injustice to be required of people.

But there is an intuitively appealing philosophical stance that argues justice should depend on our ability to prevent/remedy harm. On this view, whether or not impersonal and unintended processes consequent to the situation are irrelevant in the assessment of considering [in]justice about the outcome. As Sen argues (1985, 137), "Should one be under an obligation to save the person who has been pushed into [a] river but not the person who has fallen in?" And we have a clear answer to Sen's problematic in Singer's (1972, 231) famous shallow pond metaphor: "... if I am walking past a shallow pond and see a child drowning in it, I ought to wade in and pull the child out." What Sen (1985) and Singer (1972) really signify is the presence of moral obligation in the circumstances that link anticipated harm and the ability to prevent it. When we have the ability to respond to harm, we are morally obliged to do so insofar as no comparable moral cost is involved. Plant (2010) further elaborates this point:

"If the situation, even if caused by an impersonal force, can in fact be remedied at no comparable cost to those doing the remedying, and if the situation has a clear negative impact on a generic good ... then not to undertake the remedy would be a failure of justice."

A group of people's ability to prevent any foreseeable harm puts them under a moral obligation, but they must be careful that their actions to prevent such harm don't lead to an unintended but predictable outcome that would cause other moral problems, i.e., harm others, which is morally more costly in comparison to the one they initially intended to rectify. See Singer (1972) and Plant (2010) for further clarification. For example, Singer (1972, 231) writes:

"[I]f it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it. By "without sacrificing anything of comparable moral

importance" I mean without causing anything else comparably bad to happen, or doing something that is wrong in itself, or failing to promote some moral good, comparable in significance to the bad thing that we can prevent."

In a similar vein, consider a child is born with a curable disease. Although this is a random distribution of natural facts, we are obliged to deal with it insofar as this is curable, i.e., insofar as we have the capacity to get rid of this disease of the child. In the question of justice, in dealing with natural facts, Rawls (1999, 102) says, "[w]hat is just and unjust is the way that institutions deal with these facts", and it is paradigmatically unjust for society to be indifferent to this impersonal and unintended outcome of nature.

To be sure, one might wonder how curable disease can be a social harm given that disease is natural and not socially mediated. But the point to keep in mind here is that as we have adequate medical treatment to cure the disease, the patient's suffering is no longer natural and falls within the proper ambit of social harm. Sen (1985), Singer (1972), and Plant (2010) concur with Rawls (1999) in supporting this point. For a good discussion on the social harm triggered by natural causes, see "*Questioning crime: social harms and global issues*", published by The Open University in 2019. Indicating how underlying power inequality became implicated even in the event of a natural disaster of Hurricane Katrina, writes The Open University (2019, 18):

"While Hurricane Katrina was a destructive natural event, some social groups were shielded from its effects much more than others by virtue of their advantaged position in structures of inequality and because the most powerful actor responding to the hurricane, the state, acted in ways which compounded the problems faced by less powerful groups."

Furthermore, human control and mastery over nature are progressive. The aspect of natural misfortunes such as genetic defects might become

predictable and alterable by human intervention with the technological invention of manipulating techniques of genome code, for example. What might appear today as a natural phenomenon might turn into social aspects in the future. As Hampshire (1999, 48) hopes for:

"The ground for hope is the thought that the sphere of political action may be gradually extended as more of the great evils, such as starvation and poverty are moved from the column headed 'natural misfortunes' into the column headed 'political failures'. This has regularly happened in the past."

Apart from these, when confronted with harm that is clearly identifiable, it can be challenging to ascertain whether someone is intentionally causing it. Unfortunately, there is no foolproof method to establish intentionality directly. The construction of intentionality in the court processes is not straightforward: "a series of legal processes, artificial, proxy measures whereby intention has to be judged by examining a person's words and deeds, then speculatively assessing these against the standard: a fictitious ordinary person" (Canning & Tombs 2021, 27). Consequently, even if you possess the capability to prevent or rectify the harm, you may find yourself in the uncomfortable position of being a doubtful and innocent onlooker.

So, the 'intentionality' condition restricts responsibility to the individual, which appears quite arbitrary. The argument is that criminal law constructs legal artifice/moral philosophy in order to locate responsibility at an individual level. Likewise, social harm does the same, drawing on moral philosophy to locate responsibility among groups — at the level of collective. The issue is that criminal law creates responsibility, which is enforced through legal machinery. Social harm seeks a doctrine of responsibility to create political accountability

that could potentially change the arrangement of social structures. The point is that both approaches engage in the same exercise. One approach is well established, has social consensus behind it, and dominates popular consciousness. While the social harm approach and the arguments that support collective responsibility occasionally surface in popular discourse, particularly in relation to preventable harms such as the response to COVID-19 and the Grenfell Tower incident, both arguments exist. It is just that liberal thinking on responsibility tends to weaken calls for broader forms of accountability for the harms of social structure.

4.2.2 Harm as the consequence of direct conscious action¹⁸

Liberal framing of responsibility is oriented to "isolated events" that delimit the number of actors and the extent of time and space. Additionally, this model operates under the assumption that harmful instances occur as a result of actors' careful consideration and innate desires. These actors are perceived as independent individuals possessing the freedom to make choices and, therefore, are seen as conscious, self-driven, and autonomous. Harms that occur are deemed to result directly from their conscious actions. This is the standard story of responsibility. As Canning and Tombs (2021, 90) noted, "[r]elations of benefits and harms are generally more accessible — more immediate — where the relationships between the parties to the harm are

¹⁸ Understanding the distinction between intent and direct action or inaction is essential. I might have the intention to harm someone I have animosity towards, but if I never actually do anything to cause them suffering or refrain from doing anything that would cause them harm, it doesn't constitute a crime. Similarly, if I did or refrained from doing something without knowing it could harm others, it also does not constitute a crime. Intent is crucial, but direct conscious action or inaction encapsulates both intent and action simultaneously to satisfy the condition for a criminal offence to occur.

proximate in time and space — and this is generally the case in many of the harms that classify as 'crimes'." This is precisely so because "[people] ordinarily carry on their moral reasoning in standard story mode; they judge actual or possible actions by their conscious motives and their immediately foreseeable effects" (Tilly 2002, 36). But social harm does not necessarily result from being directly connected to agents, nor does it flow from their conscious actions.

With regard to conscious action, "it is not the consciousness of men that determines their existence, but their social existence that determines their consciousness" (Marx 1977). The fundamental principle that underlies social harm theories is the concept of "relational" — who I am cannot be separated from who we are: the human person is fundamentally social, rejecting the notion of the autonomous individual and "free will" the principal tenet upon which much of liberal moral philosophy depends. However, this does not mean we cannot modify or reject the existing relationship we are experiencing within our society. Instead, one can and, to some extent, should aim at reforming relationships without denying a fundamental relationship one is forever linked to one's community. To put it simply, we cannot think of a human person independent of his community, yet individuals or groups of individuals can and do transform social relations, implying they are, in fact, responsible for their ever-changing social relationships. As Horkheimer (1972, 200) put it neatly:

"[T]he world which is given to the individual and which he must accept and take into account is, in its present and continuing form, a product of the activity of society as a whole. The objects we perceive in our understanding—cities, villages, fields, and woods—bear the mark of having been worked on by man. It is not only in clothing and appearance, in outward form and emotional make-

up that men are the product of history. Even the way they see and hear is inseparable from the social life process as it has evolved over millennia. The facts which our senses present to us are socially performed in two ways: through the historical character of the object perceived and through the historical character of the perceiving organ. Both are not simply natural; they are shaped by human activity, and yet the individual perceives himself as receptive and passive in the act of perception."

Social practices, social meanings, material resources, and cultural aspects constitute social agents whose actions cannot be thought of as an autonomous individual's pure, conscious, self-motivated act. Yet, based on the imaginary notion of individual autonomy, liberalism requires us to take responsibility only for our direct conscious action, whereas "[i]n effect, we enact or 'perform' our social positions unconsciously and often irresponsibly" (Haslanger 2015, 13). In other words, the social practices that we have become accustomed to may happen without us being personally conscious, and they may not directly cause harm. However, we should not use this as an excuse to avoid taking responsibility for the harm that does occur. This is because we can never escape the fact that whatever we do is contextualised within the fabric of society, and at the same time, our individual actions constitute this fabric. In other words, there is an interplay between structure and agent.

4.2.3 Personal responsibility

Criminal model responsibility is a personal responsibility that focuses on individual behaviour change. It assumes that because harm arises from the consequences of an individual's self-motivated exercise of autonomy, the remedy is a personal moral correction. However, much harm arises from our relational aspects, mediated by the social system. This system consists of individuals embedded within complex power relations, predominantly structured by capitalistic rules and cultures often subject to

social meaning-making processes imbued with capitalism. These structural arrangements both constrain and enable their constituent members — structural, materialistic, and symbolic resources available to be played out in different axes. The normative core of what is wrong with harm lies not in the immoral behaviour of individuals but instead in the asymmetrical power relationships that societies impose on individuals.

So, prevention of or remedying harm is highly unlikely to be achieved by focusing on the "bad attitudes"¹⁹ such as cruelty, selfishness, racist, sexist of individuals. Instead, the focus should be on social change, which can be achieved by restructuring underlying power relationships, enacting counterculture discourses, redistributing material resources, and the like, rather than personal behaviour change. This is why among those who deal with overcoming structural injustice in general and those addressing social harm in particular, there is a broad consensus in locating responsibility at the collective. As Tilly (2002, 28) writes, "[s]ocial scientists have made clear that a great deal of social inequality results from indirect, unintended, collective, and environmentally mediated effects that fit very badly into standard stories." Regarding the harm approach, Canning and Tombs (2021, 58) note, "[t]here is agreement within this perspective that accountability and responsibility will not be determined through criminal justice systems or criminal law." They continue to elaborate on the point:

¹⁹ Liberalism and its criminal law induce a general conception of "bad attitudes" that stem from an individual's problematic moral orientation, leading them to behave in cruel and selfish ways, causing moral concerns as their behaviour restricts others' freedom. Consequently, addressing such attitudes often involves promoting moral behaviour change through methods such as incapacitation, rehabilitation, and state-sanctioned fines and punishment.

"[S]ocial harm foregrounds the social origins of harm and thus locates responsibility at the level of the social. This is not to exonerate individuals or specific institutions where responsibility accrues to them for any particular harm, but it is also to emphasise that it is difficult to think of any form of harm of any significance which does not have wider, social origins. And the logical corollary of this is that in identifying harms as social it is clear that the social origins of harm require a response at the level of the social — some form of organisation of the prevailing set of economic, political and/or social arrangements which have produced the harm." (2021, 58)

But, in many ways, the individualistic notion of responsibility tends to thwart the possibility of taking responsibility for socially causing harm (Tilly 2002). First, social harm may persist even when behaviour changes. As a member of a capitalist society, one is constantly participating in institutional and cultural practices that promote capitalism. One complying with persistent norms is 'hailed into'²⁰ a subject avoiding hardships and sufferings — one's reward results from trying hard to get the right attitude (Haslanger 2019a). Being mindful of the harm that capitalism causes, one can count one's blessings. But how can one's 'behaviour change' contribute to remedying harm? When one with awareness of social harm refrains from joining the system of capitalism, one is sure to join the victim groups. Either way is part of the problem and not a solution to it. To the extent one's focus is one's behaviour change, one is complicit in either the reproduction of harm-delivering social relationships or complicit in one's own victimisation. The only way one can attempt to ameliorate the situation is to focus on the ways in which underlying social relationships could be rectified, such as joining demonstrations, raising voices, raising consciousness, and attempting collectively to make a difference.

²⁰ People are hailed into a subject position by symbolical, cultural, or ideological apparatuses rather than being forcefully placed into it. "We are "hailed" into practices in a variety of ways, e.g., we are hailed into speaking English by having English spoken to us; we are hailed into the role of student by being sent to school and finding ourselves responding to the teacher as an authority (nudged by coercion); we are hailed into adulthood by having to pay the rent (with threat of penalties in the background)." (Haslanger 2019a, 5-6)

Second, the ascription of responsibility to individual people might make them resentful; resentful people hardly accept or even resist change (Haslanger 2015). When individuals realise the extent of social harm, they may feel overwhelmed and question how they can influence social norms, the education system, the economy, immigration policies, the prison industrial complex, and more. The individual would be overburdened with facing harm problems much bigger than themselves and thus resist change. This sense of despair perhaps arises from an emphasis on the individual or the government as the main drivers of moral and political change. Often, we ask 'What can I do' when faced with the profound depth and breadth of social harm. The despair of finding a good answer orients us to focus on the individual as the moral agent. Indeed, "[t]he universal tendency to see only what is convenient to see" (Cohen 1993, 103).

Third, seeking responsibility at the individual level reinforces fictional conceptions of autonomy that prevent us from taking responsibility for social harm. As a standard conception, the criminal model can and does capture social imagination and occlude the alternative approach to emerge. The metatheory of autonomous individuals powerfully creates and recreates social meanings; we ordinarily value our autonomy as this allows for appraising the actual or possible actions based on our conscious motives and their predictable effects (Haslanger 2015).

To summarise, addressing the wrongs of social harm is not effectively accomplished by solely targeting the 'negative attitudes' of individuals. Not only can systemic injustices endure despite shifts in attitudes, but individuals

frequently find it tremendously daunting and opt to give up, feeling that changing oneself may not ultimately resolve the root causes of harm.

4.2.4 Construction of choice

The foundation of liberal political philosophy is built on the principles of liberty and equality, with a preference for prioritising liberty over equality. Consequently, "[i]nequality, with its oppressive ring, becomes mere difference" (Chambers 2017, 193). Liberalism views market outcome as the consequence of one's own free decision to which one consents. As the lamentable outcome results from one's own choice, it cannot matter for justice; one is responsible for the decision one makes as a free agent in the open market system. However, this construction of choice undermines the complex power relationships that are at play, which has profound implications on the ways in which we enact and perform in society, our relative ability to exercise our autonomy, our relative ability to partake in meaning-making processes, and the hierarchical aspects of our social stratification. As Taylor (2011, 787) argues, "the capacity to act is not simply an individual resource but is contextual and depends upon the ability to mobilise self in the context of and with others." If the exercise of agency is contingent upon a complex interplay of contextual factors and social relations, significantly shaping our ability to navigate our social environment, then it is erroneous to attribute equal freedom of choice to each individual, disregarding the influence of social space on our capacity for action.

Recognising this structural aspect, Reiman (2012) offers that "sane adult human beings should be free in the sense of free from coercion that would block their ability to act on the choices they made." This is precisely because autonomy must be understood in terms of being with others and, as such, social or political — the space free of coercion one is given in one's exercise of life choice as one sees fit in a particular polity.

"The idea of the truly autonomous individual — of the person outside of the community — is actually difficult to grasp. Some moral theories like that of John Locke and Thomas Hobbes ask us to imagine autonomous human beings in a state of nature, alone, coming together to form a state. Yet, most people, if asked to describe "man in a state of nature," would describe somebody who is substantially like us. He speaks our languages, he has our concerns, and he has something like our understanding of the world and of himself. We forget that we got these sentiments from the community that we grew up in — we could never have had them independent of that community, just as we could never have had a developed language." (Fyfe 2017, 3)

This viewing of autonomy does not refer to an ideal utopian and the metaphysically perfect person interacting with perfect rationality in an imaginary space free of coercion with the perfect information provided by the polity. Instead, autonomy ordinarily takes shape in ordinary people governed by intersubjectivity and structural and historical factors. One's autonomy depends on one's relative power — the degree to which one is permitted to make a choice in the asymmetric power field, which is thus understood as an agency within a structure.

By contrast, in the realm of liberal political philosophy, individuals who deliberately opt for inequality should be respected for their choices. On the contrary, in liberal societies, these same individuals may also face blame and criticism for the inequality they have willingly embraced. Unfortunately, in both scenarios, there seems to be no legitimate pathway for individuals who find themselves disadvantaged to seek redress

or assistance. This prevailing idea of choice as a transformative force in shaping norms brings about a range of flawed and erroneous conclusions. One such conclusion is the tendency to attribute the predicament of socioeconomic harms not to the market structures that cause them but instead solely to the choices made by the individuals themselves, as if "it is your own fault".

The discussion presented so far surrounds those cornerstone principles of liberal philosophy upon which responsibility rests. Intentionality and direct conscious action — commonly referred to as "*actus reus*" and "*mens rea*" conditions of responsibility — on the one hand, and the condition of responsibility to be taken up at the individual level on the other, which we problematised above, all emanate from the tenacity to the belief in individual freedom and autonomy. As we have just seen, within this construct of free choice of action, there is no recourse for those unable to support themselves in the so-called open market system, as the fate of these people is seen as misfortune or bad luck or the outcome of their own choice. Ironically, in a society that cherishes freedom, there is little option to make choices for these disadvantaged people.

4.2.5 The rule of law

Examining the perceived correlation between liberty and the rule of law in neoliberal ideology can further illuminate the contradiction inherent in the liberal notion of responsibility. According to neoliberal principles, responsibility should adhere to three fundamental aspects of the rule of law — we cannot be held responsible for actions required to address harm if doing so would contravene these foundational aspects: (i) goal independence, (ii)

universality, and (iii) impartiality, that is, equally applicable and acceptable to all (Plant 2011).

Taking the goal-independence condition first, the rule of law as a set of conditions is justified based on its role in facilitating and preserving freedom of action rather than being justified in terms of accomplishing specific objectives (Oakeshott 2006). That is, liberty is seen as a means rather than an end and, hence, independent of specific objectives. Liberty for neoliberals is, therefore, fundamentally negative and de-moralised — a normative situation where individuals are free of interpersonal coercion simultaneously. By contrast, it should be possible to generate a non-normative account of coercion, where coercion is understood as something that can be determined based solely on empirical/factual evidence.

This brings us to the universality condition, which could be best understood by pointing to distribution criteria. Within liberal philosophy, distribution always involves discretion and thus cannot be demoralised; instead, it is always subjective. This is because agreeing on distribution criteria is challenging as different criteria, such as need, equality, or desert, lead to different outcomes (Miller 2021). It is difficult to determine the moral weight of one criterion over another. Ensuring negative liberty, i.e., free of interpersonal coercion, absolves the government from distributing anything and hence is consistent with the rule of law. Furthermore, neoliberals argue against the association of freedom and ability (Reiman 2012a). They posit that the rule of law loses meaning if freedom and ability are considered equal due to inherent variations in people's

abilities. Attempting to offset these differences would compromise the universality and empirical foundation of the rule of law (Hayek 1960).

By the same token, and pointing to the impartiality condition, any "goods" other than liberty understood as free of interpersonal coercion would only be guaranteed to certain segments of society, such as the unemployed, the poor, children, the sick, etc. (Nussbaum 2006; Plant 2010, 2011; Rawls 2001; Sen 2009). Due to the perpetual scarcity of these goods, their distribution would need to vary and involve the discretionary allocation of resources. This means that not all individuals receive them equally, and some people may not accept them.

However, in many ways, the claimed consistency of liberal responsibility with the rule of law might be disputed. First, criminal law cannot automatically and absolutely prevent coercion; instead, it serves to provide a deterrence effect with a threat of punishment to would-be criminals. But this threat of punishment cannot be universal and value-free. A case can be made that a sentence in jail actually turns out to be beneficial for the well-being of an individual. As Sen (2009, 289) repeatedly allude to an interesting example in his *"Idea of Justice"*:

"Mohandas Gandhi was released by the authorities in British India from being restrained at home and from not being allowed to take part in political activities, his agency freedom (and typically his agency achievements as well) expanded, but at the same time the hardship he chose to undergo and the pains that he accepted as a part of his non-violent agitation for India's independence clearly had some negative effects on his own personal well-being, which he was ready to accept for his cause. Indeed, even Gandhi's decision to fast for long periods for political reasons was clearly a reflection of his broad priority for agency over his own well-being."

To put it simply, liberty or the absence of coercion varies from person to person. Second, the enforcement of negative rights requires resources: police, prosecution, court, jail, and probation. The scarcity of resources means the criminal-administrative system is likely to be under-resourced and hence highly likely to diminish their universal character as they often prioritise issues in discharging their duties. Finally, freedom is crucially related to ability — the range of choice open to an individual (Chambers 2017). One is free to do whatever one likes, but one has no option to exercise his agency, which would be to say, no freedom at all. When a garment worker is caught in the monopoly business system, his agency is severely compromised in making his choice of selling labour. "No one can constitute the infrastructure of their own agency by themselves and the provision of these goods has to be seen as a collective responsibility" (Plant 2011, 13).

In summary, freedom is just as crucial in the social harm approach as it is in the criminal model, but the social harm approach also encompasses positive liberty. The enforceability conditions for positive liberty are equally limited by the costs involved and the discretionary power of the bureaucrats, similar to negative liberty. Consequently, similar to criminal responsibility, responsibility in the harm model entails moral judgments and cannot be value-independent. Therefore, responsibility in SHA is consistent with the rule of law to no lesser extent than that of criminal responsibility. Against this backdrop, it appears misleading to claim that liberal policies and criminal responsibility are the only options. Given the paramount importance of freedom, responsibility in the harm model should not be merely upheld as a normative principle in the rule

of law but should be deemed essential for fostering accountability and addressing the profound injustice that inflicts immense suffering on the majority of people within the current political-economic system.

4.2.6 Deep and vulnerable power asymmetry and passivity to harm

It seems the greatest contradiction lies within liberalism and the associated responsibility mechanism, which sustains and legitimises the grave inequality in our society. Our habituated social practices within liberal society thus make us turn a blind eye to harmful experiences that stem from such inequality. That is to say, inequality and indifference to its harm are the outcomes of contradictions inherent to the liberal framing of responsibility. Discussing inequality and passivity would complete this critique, which we now turn to.

Due to contradictions within liberal philosophy and the associated responsibility discussed above, societal inequality could worsen to the extent where it impinges on essential aspects of human agency, also known as positive liberty: "There is a set of goods which all will find valuable such that a threat against such basic or generic goods in fact to be regarded generally as a form of coercion" (Plant 2011, 9). Therefore, both the unmet basic needs and the underlying inequalities generated by free markets are considered unjust under a social harm approach. Failing to address this deep and vulnerable inequality, like the regulatory framework, criminal responsibility is not merely a failed system but a structural source of harm.

Inequality in its various forms operates synergistically to entrench and perpetuate the current unequal situations. The Marxist tradition of thinking

allows us to view class position, patriarchy, and white supremacy are themselves forms of coercion, albeit they may be unintended — an effect of being a member of have-nots, females, or of colour. Capitalism, colonialism, and brute natural facts are the major sources of inequalities underpinning pervasive harm in today's capitalist society. Deprived by means of production, oppressed by historical or ongoing colonialism, or born with colours, a person is destined to lack the full-fledged agency necessary to exercise effective cooperation with others for the maximisation of each one's share in the collective endeavour of a society.

Most people merely watch in a capitalist society, no longer controlling the context but "compete harder and harder just to keep up." For example, what to produce and how to set up factories are under the capitalist employer's direction because labourers' human need is entirely ignored, and their labour-power is considered like another item of material product. Furthermore, political power cannot remain isolated from economic power: the interest of capital dominates the political system, which in turn shapes the contour of property, labour, and corporate laws (Gilbert & O'Neill 2019). Beyond that, the structural power uniquely available to the business (unlike labour) can generate an "investment strike" through the market mechanism (Gill 2008). The exclusion of financial capital from the market would result in a decline in the supply of government finance due to the reduction in the purchase of government bills and bonds. As Gill (2008, 106) argues, "capital, and particularly the financial fractions of capital, may have the power to discipline the state indirectly." The powerful seek ways to protect their undeserved

advantages and entrench their elitism. Most of the time, they resort to the argument that the only alternative to the current system is anarchy and communism.

Moving to passivity to harm, moral sentiments are shaped by social, political, and economic institutional and cultural practices along with faith systems. What one would praise and condemn mostly depends on communal or social elements one is surrounded by at a particular historical and geographical juncture. While the role of society is of paramount importance in assessing the ways in which morality is construed, the standard concept of responsibility is utterly unable to account for social influences on our moral sentiments. The criminal model functions as if society is moralising, whereas the very moral feeling, which is effective in its use as the cornerstone of responsibility, is also subject to social conditioning (Bauman 1991).

Cohen's (2001) concept of denial allows us to challenge the concrete nature of economic rationality and view profit-driven, reason-dictated market policies as an ideological operation constructing capitalistic order where human sufferings are justified as remote, different, and beyond the realm of citizens' moral responsibility. Capitalistic ideologies, in this way, serve to construct a symbolic boundary separating those who are not morally responsible from those who are. As a form of implicatory denial, this symbolic machinery encourages a culture of passivity and disconnection from human sufferings and produces bystanders to harm. The discursive operation of denial embedded in the market-oriented culture helps us stay oblivion of

uncomfortable truths of social harms and thereby ignore responsibility towards others' suffering. Engaged with the discourses of denial, we can make sense of what role moral indifference can play in committing legal but harmful activities in the particular environment of economic, political, and social power (Pemberton 2004b).

Readily available patterns of explanations and justifications underpinned by political-economic ideologies grappled with social, cultural, and historical factors and influences of 'the global' play a crucial role in shaping our common-sense knowledge about the harms we experience (Canning & Tombs 2021). These have become so routinised and banal that media and popular culture are validating and reinterpreting them on a daily basis. Vocabulary like disaster, tragedy, regulatory failure, and so on are being used to interpret harms in the global value production chain, instructive of denial of moral responsibility for the victimisation of regulatory practices and social harm in general.

So, the critique of liberal responsibility brought the two most significant tools for dealing with social harm, "inequality" and "indifference," to the fore. In other words, the linkage of inequality and indifference to harm claims points to the social nature of the harm, which emanates from our actual or natural relational aspect instead of the actions of the imaginary autonomous individual. That is to say, inequality and indifference have significant empirical implications in addressing social harm. The point is that if we can demonstrate morally problematic inequality and accompanying passivity or indifference, we can say there is a contradiction in our liberal beliefs and,

as such, in responsibility principles, which require attention. That is, we need an altered version of the responsibility mechanism that can make inequality and indifference foreseeable and can suggest ways of dismantling inequality and transforming indifference into moral activation. By addressing inequality and indifference, we can rearrange our underlying relations in a way that would design out harm. There is, therefore, a pressing need for a social harm responsibility — pathways that bypass the contradiction inherent in the liberal philosophical belief of individual freedom to encompass harms that stem from our relational aspects.

4.3 Doctrine of responsibility

Given the flaws of the individualistic notion of responsibility within the liberal underpinnings, this thesis now has the burden of explicating a social or structural conception of responsibility, which is the main focus of this thesis. Before explaining a framework of the social harm model of responsibility, the following subsection is therefore meant to serve as a bridge between previously offered criticism of liberal criminal responsibility and the actual task of devising an appropriate responsibility framework to be accomplished in the subsequent subsections. Thinking about the social conception of responsibility is not new, and there are challenges the other way around, however. These challenges are symptomatic of the influences of dominant liberal thinking.

Therefore, in the following subsection, we explore responsibility mechanisms in the broader literature, including social harm, to provide a guide for a social harm model of responsibility. This is particularly important to understand the potential pitfalls and where the frontiers currently exist. For centuries,

profound thinkers across multiple disciplines, including political science, human rights, global justice, development, and legal studies, have dedicated extensive pondering to the perplexing matters of responsibility. These matters can be categorised into three challenging problems of responsibility: the individualism-collectivism trap, the requirement of a theory of justice or the challenges of defining social harm, and the challenges of moral hierarchy between the individualistic and social conception of responsibility.

4.3.1 Dilemmas: the individualism trap, the collectivism trap and the trap of defining harm

With regard to the individualism trap, Jean-Paul Sartre, French existentialist philosopher, Nobel Laureate, and one of the most influential philosophers of the 20th century, dedicated himself to understanding responsibility but could not escape the notorious issues of individualism. The intricacy of agency within structure appeared in Sartre as though "you can always make something out of what you've been made into" (Reynolds & Renaudie 2022). Whatever the causes of harm, philosopher Sartre tended to ride the responsibility to the back of the individual in his search for the ontology of responsibility, despite his recognition of social causes of harm (Flynn 1984), just like Friedrich Hayek. Hayek also acknowledged social harm, but as he maintained that unintentional harm cannot be unjust, he tended to solve the issue by invoking the notion of charity instead of responsibility or justice (Schmidtz & Boettke 2021). Invoking Sartre and Hayek together, although their work is in two different paradigms, is just to highlight the similar contradictions present in their work surrounding the attribution of responsibility and the impact of structural factors. Both

Sartre and Hayek acknowledged social harm but attributed responsibility solely to the individual, although their approaches differed. Instead, it could be argued, following the discussion in the preceding section, that personal responsibility is ontologically resistant to responsibility for social harm. "What I can do" is our attitude when confronted with a problem larger than each of us. This often leads to resentment, making it difficult to embrace change.

On the other side of the continuum, there is the collectivism trap. Hannah Arendt, another influential political theorist of the 20th century, surfaced the idea of political responsibility in a series of papers. Although most Germans were not directly involved in the Holocaust, Arendt argues they still bear political responsibility due to their association with German society (Arendt 1987). However, Young (2011) aptly critiques Arendt by arguing that "if all are guilty, none are." Young (2011) offers an essential account of moral responsibility for structural injustice. Although she called her approach "social connection theory of responsibility", in effect, Young (2011) convincingly demonstrates that, contra Arendt, structural injustice arises from social action rather than social connection. This insight is significant in that responsibility does not necessarily obligate the members of that society collectively (or anyone just by virtue of belonging to that group) to be responsible for any identifiable injustice of that society; responsibility might be shared, though.

However, Young (2011) denies that responsibility for structural injustice could invoke guilt or be blameable. Young's (2011) analysis distinguishes responsibility for structural injustice from blame for individual wrongdoing.

Young (2011) argues that the structural conception of responsibility includes considering the unfairness of underlying conditions and is a shared obligation, achievable only through collaborative efforts to address societal injustices. Blame, usually attributed to individuals with malicious intent, does not apply to those contributing to structural injustices. Young also suggests that directing blame backwards only elicits defensive reactions. Therefore, she proposes focusing on people's forward-looking responsibility to improve their social practices.

Reiman (2012b) concurs with Nussbaum to argue that this is a serious mistake. Nussbaum (in her friendly yet critical foreword to posthumously published Young's (2011) book) writes, "If it is a general moral truth that citizens ought to monitor the institutions in which they live and be vigilant lest structural injustice occur within them, then I think they are culpably negligent if they do not shoulder the burden." For Reiman (2012b), guilt and responsibility for fixing injustice are connected. Guilt for causing injustice is necessary to have the responsibility to fix it, and feeling guilty for injustice is necessary to have the moral responsibility to fix it.

Undeniably, Young's theory of responsibility lacks a complete understanding of responsibility, as it fails to acknowledge the forward-looking and blameworthy nature of this kind of responsibility. However, it sheds significant light on recognising chains of responsibility, thereby sidestepping the individualism-collectivism trap. In so doing, Young prompts us to consider our responsibility in addressing structural injustice by examining four aspects:

power, privilege, interest, and collective capacity. It urges us to reflect on how we can effectively take action to reduce such injustices. In a similar vein, David Miller (2021) also contributed to understanding the nexus between actors and harmful consequences, which is not unproblematic, though. For Miller (2021), we could bear moral responsibility for their condition; we could be responsible for the outcome or cause of their condition; we could have benefited from their condition despite not causing it; we could have the ability to help them; we could be connected to them through community ties.

So the upshot is that, like criminal responsibility and liberal philosophy, responsibility for social harm must be both retrospective and prospective, i.e., forward-looking and backwards-looking. That is to say, responsibility must be blameworthy, although the burden of responsibility is not necessarily going through punishment. However, unlike criminal law, responsibility must be taken up at the level of the collective rather than the back of the individual, and meeting up with responsibility doesn't mean changing individual behaviours; rather, it means making effective changes to the contexts that shape individual choices. What is more, thinking of responsibility for harm is to escape the trap of individualistic responsibility, and the trap of everybody's responsibility is nobody's responsibility. The conception that responsibility arises out of social action instead of social connection allows us to reveal a chain of responsibility across a particular social structure.

In addition to the individualism-collectivism trap, there is confusion about the line between morality and harm. Morality and justice are interconnected. Doing

justice to harm requires rectifying it, making morality essential for justice. Not all claims of harm fall under justice. A theory of justice helps determine which harm should be taken seriously. This theory centres around moral consideration and examines the nature and boundaries of harm. Reiman critiques Sen's (2009) *Idea of Justice* and Nussbaum's (2006) *Frontiers of Justice*, arguing they lack a theory of justice. They don't explain how the moral obligation falls on others to help the deprived become capable. Says Reiman (2012, 32),

"The capabilities approach is powerful precisely because it shows very vividly how extensive are the hardships of those who are both impoverished and otherwise handicapped. But if we are discussing justice, we must also ask how far others — who have not caused that poverty or handicap — are required to go to remedy those hardships. ... neither Sen nor Nussbaum adequately poses or answers this question. The result is that neither truly has a theory of justice."

The problem of articulating a theory of justice and, by implication, defining harm relates to the more substantive part of the social harm perspective. A range of approaches emerged in various directions, such as ontological, social injuries, democratic, and need-based, but social harm theoreticians and scholars have yet to agree upon an effective definition of harm (Canning & Tombs 2021b; Pemberton 2016). Suffice it to say that the study subscribes to a need-based definition of harm — harm is the manifestation of compromised human needs (Pemberton 2016) resulting from unintended, indirect, collective, and socially mediated effects (Tilly 2002). Now, let's see how this definition of harm might help us understand the connection between morality and harm. In fact, the morality of harm is a kind of redundancy. We recognise harm as 'harm' precisely because it has a place in moral evaluation. "People are naturally equal in rank (egalitarian), and all people have a basic right not

to be harmed in their life, health, and liberty" — this golden rule is being violated in the case of 'harm' (Reiman 2012a). Moreover, the moral appeal of social harm lies not merely in the fact that victims of harm are deprived of realising their threshold of human potential but also in that society is deprived of what a full-grown human agency could bring to the collective effort (Plant 2010, 2011).

For Hayek, this threshold is the social minimum; for Rawls, this is basic goods. Hayek argued in order to follow a coherent plan of life, one's basic data must not be in control of others (Plant 2011). That is to say, there is an indissoluble link between freedom and ability; descending to this threshold of ability makes a human person subject to coercion. These are the basic resources necessary to realise one's full human potential and necessary to pursue other human goals. So, ensuring the minimum needs does not necessarily breach the rule of law (Plant 2011). This just allows the human person a degree of freedom and such ability to exercise whatever they want to achieve. Furthermore, in order to take advantage of the trickle-down effect or echelon advance effect, workers need a degree of ability lest the benefit pass them by. The microcredit system, unlike the mainstream banking system that lends to persons who have the ability to repay the loan, lends to those deprived of the means to achieve their potential, and that makes all the difference — this is perhaps the main reason why microcredit comes across so well in the disadvantaged regions of the country. Simply put, if harm claims are demonstrated as the deprivation of generic goods, then claimed harms must convene a notion of justice: the obligatory duty of rectifying the system to ensure that the deprived individuals

have their threshold of agency. We can arrive at this without needing a theory of justice but by the extension of the existing moral theory based on the notion of freedom and coercion, both positive and negative terms.

But this legitimate moral critique of economic harm is often ignored even within critical criminology. This is symptomatic of the same problem as identified with the capture theory in the previous chapter. Critical criminologists adhere to the basic tenets of the discipline of criminology that are often aligned with the state's and corporate interests (Tombs 2012; Tombs & Whyte 2003; Whyte 2014), whereas these are the principles themselves that actually demand moral critique under a social harm approach. However, there are exceptions, as Box (1983) and Reiman (1998) rejecting the moral hierarchy between intentional acts and acts of unintended harm. For Reiman (1998) "there is no moral basis for treating one-on-one harm as criminal and indirect harm as merely regulatory" (cited in Hillyard & Tombs 2007, 13). Individuals involved in corporate crimes often use the higher moral blame assigned to intentional acts as a way to justify the outcomes of their actions. For Pemberton (2016), the morality of harm remains unchanged whether it was caused intentionally or through indifference, as long as it was preventable. Pemberton (2004), dwelling on the works of Cohen's (1993) denial and Bauman's (1989) passivity to harm, argues sociocultural practices might go wrong and can cultivate and perpetuate both harm and indifference.

It is worth entering the debate surrounding the question of how we can address interpersonal crime if we transition from traditional notions of responsibility

to a social harm framework. It is important to note that scholars of structural harm (Canning & Tombs 2021; Lu 2011; Pemberton 2007; Sobhan 2014) agreed that the concept of harm responsibility does not absolve those who are guilty of interpersonal wrongdoing. Instead, it suggests that the moral hierarchy should be based on the severity of harm and our capacity to intervene rather than the causes of the harm, i.e., output-oriented and not how harm has ensued. Furthermore, the individual-social continuum enables us to view harm as the result of a combination of personal psychological processes (acknowledging the involvement of some sort of mental state) and impersonal background conditions. When the mental state is primary, we can identify harm as intentional and thus subject to treatment by individualistic moral theories. This way of thinking absolves us from the need to establish a specific moral theory or theory of justice. As previously discussed, the social harm framework interprets freedom in both positive and negative terms and thus can expand the existing theory of justice to align with the rule of law as effectively as the concept of crime does (Plant 2011). Therefore, the social harm framework permits us to suspend the moral hierarchy assessed on the basis of intentionality. Instead, we can evaluate the morality of harm by considering the extent and scope of harm as well as the potential for intervention. So, social harm responsibility should be viewed as the general concept encompassing criminal responsibility, albeit with a diminished scope that results from the omission of contextual parameters.

Exploring the pitfalls and frontiers of responsibility discourse, it is now time to move forward. We need an account of responsibility separate from criminal responsibility and, hence, from liberal philosophy to situate harm problems within broader social relationships adequately, according to which harm is a matter of justice, not a

matter of charity. By implication, it means harm is the product of unjust social relationships, and people must overcome that injustice rather than be benevolent about it. Wrongdoing that consequent harm is neither confined to isolated events nor rectified through individual moral behaviour — harm results from unintended, indirect, non-proximate and socially mediated or impersonal actions. The environmentally mediated perspectives have a deeper, more profound implication: allocation of criminal responsibility based on intent and direct action would no longer apply to the harm model. The remainder of the section thus endeavours to seek liability at the collective level — people should share the responsibility to make a difference in the underlying power relationships to the effect of preventing, reducing or remedying harm. The point is that if harm is foreseeable, there is an intrinsic responsibility to rearrange our background conditions to the "limit of the possible", given that human society cannot be unalterable. Of course, identifiable groups of actors must bear/share responsibility as they possess attributive causal power that can effectively change the underlying power relations causing harm in question. The burden constantly shifts to those whose power results from the harm-generative context and whose influence can effectively address harm. Closer attention to power relations makes us appreciate the shifting nature of responsibility for harm, which people's cooperation and coordination can effectively take up.

This section will argue that if unintended, indirect, and socially mediated "outcomes are reasonably foreseeable, then this can ground a collective moral responsibility for the outcomes if they can be rectified or compensated for at

no comparable cost to oneself and other citizens" (Plant 2011, 16). For such an account, following the insights of Pemberton (2016) and Plant (1998; 2010), there is a threefold test: whether consequences are foreseeable, whether social relationships are alterable, and whether groups of actors can be identified with attributive power to make a difference. Let us take them in turn.

4.3.2 Foreseeable consequences

Deliberate restriction of freedom is not the sole form of coercion that can arise from human actions — coercion can occur even if it is not intentionally caused. For Pemberton (2016) and Plant (2011), if such a coercion or harmful outcome is foreseeable, regardless of intention, it is identifiable harm as long as it is a consequence of human action. Long ago, Plant argues (1998, 67),

"our moral responsibility for the consequences of our actions arises not just in relation to the intended consequences but also to the foreseeable consequences If the general principle here is accepted, namely that we are responsible for the foreseeable albeit unintended consequences of our actions, then the issue becomes an empirical one: the extent to which consequences are foreseeable ..."

Pemberton (2016, 26) identifies Plant's (1998) notion of "foreseeable consequences" as an essential philosophical mechanism in his search for ways of identifying preventable harm. Foreseeability grounds responsibility at two levels. First, individuals have an epistemic responsibility to anticipate or uncover the truth regarding the potentially harmful consequences of their course of action (Reiman 2012b; Young 2011). Second, they are also responsible for the reproduction of social arrangements that led to identifiable harm, which is hence *de facto* foreseeable and could have been avoided had proper measures been taken (Pemberton 2016). Individuals are therefore linked to social harm as their social action might harm a group of people, and

they might contribute to the recreation of the avoidable/alterable harm generative social-structural background conditions.

4.3.2.1 Epistemic responsibility

One of the relatively unproblematic and straightforward conditions of the standard conception of moral responsibility is whether one can foresee the harm of one's action, which is linked to moral, political, and cultural knowledge about one's immediate context and action. An adult individual is made responsible by attributing a range of cognitive abilities upon him, such as being cognizant of the consequences of his action, whether he is acting freely, and whether he has an awareness of the moral significance of the outcome of the action. Together, they constitute the epistemic condition of moral responsibility. In this model, we have an obligation to discover the truth of our action, and a failure to do so may, itself, be morally culpable. Statutory rape and the use of hazardous materials are subject to strict liability, although done without intent and knowledge; not knowing that the victim was a minor and not knowing that the use of hazardous material would cause harm is not a defence (Reiman 2012b). By the same token, before moving into the intersection, one must be sure that no vehicle is coming or the road is wide and safe enough for proceeding.

Likewise, we are collectively responsible for discovering the truth of the outcome of our social order. But instead of right-based, the focus now turns to need-based moral grounding, and instead of individual freedom — whether the agent is acting freely, the notion of alterable social relations is at issue. Discovering the truth, therefore, "might point to 'what is already known' about

the harmful consequences of particular policies, or courses of action, and the availability of alternatives, less harmful, strategies that might have been taken" (Pemberton 2016, 26). Our collective duty is to watch and monitor whether our current social order inflicts harm on a group of individuals by compromising their generic and basic needs. When people suffer identifiable social harm, when we are aware of the consequences of previous actions, i.e., austerity programs or health consequences (Pemberton 2016), we share culpability in not foreseeing that our course of social action leads to socially mediated harm. However, one might argue that it is wrong to hold individuals responsible for what they did without knowledge and intending to harm, as "what makes harm harmful and how we recognise harm" is difficult to come to grips with as opposed to the clear-cut state-defined criminal laws. But it is, in effect, moral intuition and not the law that informs about the epistemic responsibility. Otherwise, ignorance of the law would not be "no excuse". Elevating moral intuition at the social level would imply a social understanding of harm devoid of agreed ontology or, in the absence of any authority to define harm, is no excuse for being collectively blameable for identifiable harm. The sentiment is captured by Pemberton (2016, 32) when he says, "[w]e gain an understanding of harm exactly because it represents the converse reality of an imagined desirable state." We may disagree on our judgment about harm, but our social, moral intuition emanates from our collective way of thinking that might speak to us about something that does not feel right.

4.3.2.2 Responsibility for the reproduction of harm-generative social conditions

So, we have a basic duty, individually or collectively, to take care of the course of action we partake in lest it harms others. If this is not so, why would we be held responsible for our actions? Our knowledge of the circumstances in which we operate, of the consequences of our action that gives rise to attributive causal forces, creates responsibility, denying which would be on a par with saying that human action is determined by some divine forces and thus beyond our capacity. Consider the crime of manslaughter; although the death of the victim is not intended, the perpetrator is morally responsible because, as a reasonable person, he is supposed to foresee the consequences of his action. The same applies to our collective consciousness. As Plant (2010) argues, "[t]he impersonal market does not distribute its benefits and burdens in a wholly random way. Such outcomes may be unintended, but if they are foreseeable then there can be space for collective moral concern and responsibility for their outcomes." When we foresee harm but fail to take doable, appropriate measures to prevent it, we contribute to the recreation of an unjust social relationship. For the harm model, the reproduction of harm generative context through individuals' actions grounds responsibility on the part of the individuals in the first place. Despite knowing the harmful consequences of our social relationships, we maintain the same course of action, and thus, we are complicit in committing harm. Foreseeability connects individuals to harm and generates responsibility towards the victim. For Pemberton (2016, 34), "'foreseeable' harms are somewhat rendered redundant in this instance as the harms ... are habitually produced ... — therefore, de

facto 'foreseeable', given their repeated production." Pemberton's assertion underscores that harms are effectively foreseeable given their repeated production. In the context of GCoP, the amplification and concentration of adverse impacts of economic globalisation on the lower end of the chain, as we have seen in Chapter Three, can be distinctly identifiable due to their repeated production, thereby rendering them foreseeable.

However, once it strikes philosophically correct that social harm is the output of foreseeable consequences of social actions spawned by unjust power relationships, it is imperative to empirically analyse, as with Plant (1998), the extent to which harm is foreseeable. In order to seek opportunities for preventing, reforming, or redirecting harm-producing social relationships, philosophical mechanisms of foreseeable consequences need to be translated into daily affairs of social life.

4.3.2.3 The market outcome is not unpredictable

In doing so, let us focus on the market. For Hayek, the market outcome is neither intended nor foreseeable. However, it is not easy to believe that the economic exchanges in the market system are sustained entirely based on randomness and chances and not based on foreseeability and predictability. The reciprocity between the parties of the market transaction, to some extent, depends on the anticipatory outcome. As Sen (1999, 357) recognised, "[a]n unintended consequence may not be unpredictable, and much depends on this fact. Indeed, the confidence of each party in the continuation of such market relations rests specifically on such predictions being made or being implicitly assumed." Furthermore, if the market outcome is unpredictable, then on what

basis is global market integration or extension justified? The market is carefully crafted to achieve goals like efficiency, innovation, and growth. Vogel (2018a) argues, "real-world markets are institutions: humanly devised constraints that shape human interaction." Unlike Hayek-inspired neoliberals, who hold that unintended and unforeseen consequences of market transactions do not involve justice/injustice and thus are not subject to morality, the harm model assumes that the legitimacy of the market must trade on a convincing account of collective moral responsibility because harm is foreseeable and predictable. The adherents of market liberals, such as Novak (2014), would objectify this macro predictability on the basis that insofar as there is no specific consequence identified with an individual, there is no foreseeable consequence (Plant 2010). Considering that market expansion is predicated upon the anonymity of individuals and not tied to specific persons, it seems justifiable to broaden the scope of responsibility based on overall predictability and foreseeability.

What exactly can we anticipate in the open market system? Plant (2010, 216) identifies one of the most salient predictions about the pernicious aspect of market outcomes, "those who enter the market with the fewest skills and the least resources will in fact end up with least at the outcome stage." This is precisely so, as copious evidence in the literature documented unpalatable consequences of market mechanisms in contemporary capitalist society. Wage workers of the global value chain production factories are constant victims of deaths, injuries, and harsh working conditions, often known as sweatshop labour.

The social harm approach provides us with an epistemically legitimate standpoint in our attempt to understand unintentional structural harm and thus raises collective knowledge, which is vital for foreseeing preventable harm. The harm perspective aims at bringing out harm from the realm of what is ordinarily legitimate and unseen conducts into the sphere of collective understanding of harm.

Living in the technological age and increasingly interconnected globalised world, the scope of harm and responsibility for harm is widened in our imagination of the ways of avoidable human suffering. Bauman (2003, 141) wrote in relation to the impacts of our actions on the far side of the world,

"In the era of globalisation, however, the longstanding dispute between ethics and ontology loses much of its past sharpness, together with its subject matter. In our world of universal interdependency the realms of the causes and effects of human action, and the scope of humanity, overlap. Virtually no human action, however locally confined and compressed, can be certain to have no consequence for the lot of the rest of mankind. Nor can the lot of any segment of humanity be self-contained and depend in its entirety on the actions of its members alone."

By the same token, Young (2004, 386) argues, "[i]t is nearly impossible in the contemporary world for a person to remove herself from implication through her actions in structures that produce injustice." As we have seen in Chapter Three, in our modern, globalised world, our actions have the ability to resonate across vast distances. Clegg (2016)'s following anecdote illuminates Young's point further:

"When you go shopping next Saturday to buy that cool dress or that nice [T]-shirt to go clubbing in the evening, think about this. You're entering into a chain of transactions that entails you in a political economy that links female garment workers, working for a pittance in sweatshops in East Asia, with fashion retailers and your own personal appearance and display as a fashionable person. Again, there are some questions for us as consumers about the commodities that we consume."

Yet, we find it all too easy to disregard uncomfortable truths and find excuses for our ignorance (for a full discussion of this point, see Chapter Six). However, with the power of tele-technology at our fingertips, we cannot say we do not know and hence cannot deny our responsibility and impact in this interconnected web of humanity and technology.

4.3.3 Alterable social relationships

Harm model responsibility assumes two jointly necessary conditions for individuals to be morally responsible for social harm, i.e., susceptible to condemnation for harm: foreseeability (discussed above) and alterable social relations.

Alterable social relations pertain to the conditions of control and freedom that influence our ability to be responsible as a collective. This concept highlights that the social circumstances giving rise to social harm are contingent upon our collective agency and can be subjected to modification. In other words, we have the capacity to shape and change the conditions that lead to harm. In the ordinary sense, one's action (with voluntariness and knowledge) creates responsibility because one has been free of coercion during the exercise of one's attributive causal power that consequents harm to others, and as such, one is subject to change one's moral behaviour. However, it is not that straightforward when it comes to the social harm model of responsibility. The test of alterable social relations would involve three important interlinked questions: how we make sense of attributive causal power for grounding responsibility for social harm, bring alterable social relations to collective conscious awareness, and understand freedom within social relationships.

Before engaging with these issues, it is worth noting how the "social" remains at the centre stage of the harm approach.

Recognition of the role of the structure and its alterability is the key hallmark of the social harm approach (Lloyd 2018). Our background conditions play a crucial role in the ways we experience and choose our life chances. As structural forces tend to be invisible, we often fail to appreciate the role structural factors such as laws, institutional practices, norms, and cultures can play in our social life (Reiman 2012a). Karl Marx's dereified view allows us to see social phenomena as the pattern of human behaviour or pattern of human action; the state does not refer to a thing but relationships person to person; property ownership does not establish a relationship to the property but person to person; capitalism is nothing but our social relationships (Reiman 2012a). If the structure is ultimately human action, then a human can change it; this is the most significant insight of Antonio Gramsci — social relationships could be different; the collective choice in which we are born to grow up is not natural. We can think of the structure as an artificial person. Like a natural person, this artificial person can coerce us, block our opportunities, constrain our autonomy, and manipulate our inborn morality. Our worldview about the structure is the crux of the problem; injustice remains hidden under the gloss of the structure. The obvious yet profoundly radicalness about the structure is that "the social system is not unchangeable order beyond human control but a pattern of human action" (Rawls 1999, 88). This view about the structure then allows us to identify the actions of powerful actors whose interest creates, perpetuates, and reinforces the generative context of capitalistic harms. But

how do we know that social relationships are alterable given that the impact of the values and norms prevalent in a society deeply shapes the way individuals perceive and understand the world around them? The fact that societies could have accepted practices like slavery before the 1860s and racial segregation after the Civil War as normal is rooted in the profound influence that social values and norms have on individuals as they grow up.

4.3.3.1 Attributive causal power

We can foresee harm but can do nothing that would be akin to harm caused by predictable weather, such as deaths and suffering from cold winters. We do predict a cold winter will come every year, but it has nothing to do with this natural phenomenon. To be sure, we can manage harm by enacting and enforcing appropriate government policies, and we even hope to change the course of nature with future scientific and technological inventions. All this is to say that human society is attributable to some intrinsic quality by virtue of which we relentlessly change our relationships with each other and with nature. Human potential, in this sense, seems limitless, yet our intervention must be predicated within "the limits of the possible" the particular historical moment allows for. This is precisely so because we are talking about harm that regards the deprivation of a set of essential basic human needs such as life, health, liberty, food, shelter, clothing, education, medicines, etc. (Nussbaum 2006; Plant 2011; Reiman 2012a; Sen 2009). Of course, these human needs are subject to revision according to the demands of the historical moment — when we invented medicine for a life-threatening disease, for example, it might be made among the basic needs. These essential human goods are not

themselves regarded as the ends; instead, they are means to participate fully in the cooperation and coordination in achieving some ends, ultimately toward something like Aristotelian telos society might have (Plant 2011). The foresight of harm cannot alone create responsibility and requires attributive quality from the collective human agency that, unlike naturally occurring causal factors, can make a difference. In other words, foreseeing harm is not enough for responsibility to exist; groups of individuals must also have the capacity to intervene in the production of harm. These attributive causal factors are crucial as they foreground "social", not "individual", to be the site of responsibility for social harm. Buying or refraining from buying garment products, I am not making any difference to the underlying power relations that underpin sweatshops because I have no control over them. However, there are groups of actors whose collective action can make a difference, and this power to intervene creates responsibility toward victims or potential victims for them.

4.3.3.2 First-person experience defying collective consciousness

Nevertheless, first-person experience is often like the social milieu in which I was born and grew up is natural. In order to understand what the terminology "first-person experience" means let's consider a scenario where a high-ranking member of a multinational corporation engages in a conversation with a worker in the garment industry. The member takes great satisfaction in their role within the company and struggles to understand why the garment worker would participate in protests. However, it becomes clear that the member's experience in their conventional role does not provide enough insight to draw conclusions about how our value chain should be structured to design out

harm. Both the member's activities and those of the worker contribute to the creation of value. However, this value is diminished by the accompanying harm, which cannot be fully assessed from a first-person perspective. What is needed is an increase in awareness and the development of a robust social theory. It is essential to establish a viewpoint that is credible in terms of knowledge. This requirement is not new. When it comes to most questions about the world, firsthand experience is not the most valid source of knowledge. This is why we rely on science and other collective, systematic knowledge practices. To comprehend the world as it is and envision how it could be, we need the complete spectrum of human experience, as well as a full range of theory, practical skills, and creativity.

This is partly because the impact of scientific invention and social changes comes socially involving numerous agents in the extended geographical space and with time covering even intergenerationally, and partly because being enmeshed within this collective context, simply changing my behaviour cannot make a change to the underlying social relationships. By changing my food habits, clothing, fashion, entertainment tastes and preferences, I am unlikely to change what is currently in trend or style; the style changes over time and communally or collectively. On the other hand, by simply fixing a broken bridge, I do not change my moral behaviour, yet this might restructure the local pattern of collective commuting habits. What is important for harm model responsibility is the attributive causal forces one can exert to have desired collective change rather than a change in individual moral behaviour. Consider how the invention of the smartphone transforms all social practices or how an

institution like the World Bank or European Commission can bring structural change to society. Likewise, our sentiments, including moral ones, are shaped by external institutional, economic, and political culture and materialistic-historical conditions in which we are embedded and formatted. Most of those who lived in the era of slavery and racial segregation embraced them as natural. Humans are social beings, and society tends to do a good job of instilling its norms and values in its members. Writes Bourdieu (1977, 166),

"When, owing to the quasi-perfect fit between the objective structures and the internalized structures which results from the logic of simple reproduction, the established cosmological and political order is perceived not as arbitrary, i.e., as one possible order among others, but as a self-evident and natural order which goes without saying and therefore goes unquestioned, the agents' aspirations have the same limits as the objective conditions of which they are the product."

Social harm cannot be mitigated through altering individual choices; what is needed is to restructure the underlying conditions. The contemporary human-made social world is nothing but one possible order out of many others and yet appears to be natural to the common-sense knowledge. Harm model responsibility seeks to serve the task of bringing social relations out of the realm of taken-for-granted into the sphere of what is arbitrary. Individual persons who are members of a particular society and are enmeshed in the web of social relationships may identify some aspects of those structural givens are harm-generative and can consciously call them into question and evaluation. The concept of alterable social relations is vital for attributing moral responsibility for social harm not merely that we need an alternative to present arrangement contrary to altering individual choice but that social relationships

make us enable to engage meaningfully in life-oriented choices — freedom/space to exercise our agency in relation to bringing about change.

4.3.3.3 Agency within the structure: freedom and responsibility

Social relations constrain us does not mean that society acts like hegemonic or monoliths, and individuals are indoctrinated to be treated as passive pawns. Nor is it appropriate to think of social link itself as disrespectful to human agency. Instead, the possibility of social alterations implies surely that social or cultural apparatuses cannot absorb the agency. Contrary to autonomous individuals unfettered by structural constraints, "human agency is social agency: actions are embedded in social practices" (Haslanger 2019, 3).

For Gramsci, social structures are created and transformed through the means of social action that manifests as the acts of collective human agencies. In this sense, although social action is subject to the constraining terms of social structure that give rise to such activities, structures are themselves transformed by human agency. A group of agents can alleviate harm by changing the course of their actions. For example, victims would have been compensated for or prevented harm if major clothing companies decided to pay a minimum wage to garment workers and comply with a legally binding safety agreement such as "Bangladesh Fire and Building Safety Accord 2013". Writes Pemberton (2016, 10), "[t]he variance in harms experienced between different nation states is suggestive of the fact that they result from 'alterable' social conditions."

The notion of alterable social relations is paramount for the harm model of responsibility, and by implication, responsibility is intrinsic to the social harm approach. Because, unlike criminal model responsibility predicating upon the effective use of praise and condemnation to change individual questionable behaviour, the harm model foregrounds structural background conditions as harm generative and, as such, seeks prevention or remedy through rearrangement of those background conditions by tapping praiseworthy or blameworthy feelings of the group of actors. The fact that society is alterable grounds collective responsibility for harm, and insofar as there is an identifiable harm, then by default, there is a duty to bring necessary change to the effect of addressing that harm. For the harm model, it is profoundly important to the understanding of the majority of the members of the society/community that social relationships are not natural but human-made.

4.3.4 Power relations

After passing the test of "foreseeability" and "alterable social relations" conditions, respectively, a doctrine of responsibility must articulate criteria for identifying groups of actors who have the attributive power to make a difference — a difference at the level of the social rather than individual behaviour. Living in the intensely interconnected globalised world, in many ways, we are connected to and dependent on each other far from our local area and even beyond our lifetime. Buying an apparel product from a superstore in the UK, I might make a connection with distant sweatshop workers and their future descendants in Bangladesh, for example. As my personal choice of buying/not buying sweatshop products does not make any difference in the

background conditions, I am merely causally connected. I am just a cog in the wheel, much like material elements in the natural processes, insofar as I lack attributive power to make a change to the underlying system. Although I know I am feeding the capitalist beast, there is no way to stand outside it. So, simply being a member of the capitalist society, I am objectively and existentially connected to sweatshop labour. Furthermore, my purchasing has a dependent connection: sweatshop workers depend on me for their earnings, and I depend on them for cheap garments and thus exploitatively. Even the injury to the environment at the site of production factories caused by manufacturing processes such as polluting/wasting freshwater, demolishing forests, and destroying animals' habitats connects me intergenerationally. Neither the mere presence nor causal connection nor mutual dependence ought to ground responsibility as this would complicate the issue, with paralysing or overburdening effect on personal life.

Instead, our concern is social. While at the person's level, as with criminal responsibility, attributive causal power is assumed to be equal for each sane adult, power asymmetry occupies the central stage of capitalism. For Plant (2010, 229), "markets reflect quite a lot of the distribution of power within society which can be challenged at the political or social level but is difficult and sometimes impossible to challenge within markets." The social harm approach recognises these underlying power relationships of capitalism and seeks to identify groups of actors who contribute to making a difference. As McKeown (2018, 500) argues, "there is no direct connection between the consumer's act and sweatshop labo[u]r, there are intermediary agents who

could intervene and make a difference in the processes, and there is no clear-cut implications as to what consumers ought to do." Discovering the ways in which relational power played out in contemporary society would allow for recognising the attributive causal power of the intermediary agents to effect circumstances and control events. So the point is that the power to make a difference arises from the aspects of our social-political lives and, thus, relational, often attributable to intermediary groups of actors to the effective use of condemnation to change coercive relationships to the effect of mitigating harm. Therefore, understanding power asymmetry is key to identifying who is and who is not responsible for social harm.

4.3.4.1 Cooperation and shifting nature of responsibility

The complex power relationships in today's world highlight the intense competition that grounds deprivation of a group of people's thresholds of power minimally necessary to participate in the collective production of power. The competitive social arrangement means the power of "Have" at the cost of "Have not". The relative difference makes power appear coercive (power over) rather than enabling (power to) in a competitive environment. Coercive power means the ability to exercise power over another, and coercion can occur only due to power difference; there is no power difference there is no question of coercion. By contrast, enabling power means the ability to do something, and within "relational" epistemology, this kind of power is sought, which could best be achieved through cooperation and coordination. The relationship between coercive power and enabling power is very complex. One form can transform into another. Cooperative power being higher than others can coerce them,

and coercion can disappear with the coerced gaining equal power to that of the oppressor. There is ruthless competition for power in the capitalist system; one's power coerces others, depriving them of exercising their autonomy.

In contrast, a social arrangement could be established based on cooperation and coordination, which would enable each other to reach the goal of social progress that would, in turn, empower its constituent members. While the power of Haves still increases with the cooperation of others but not at the cost of others. Through the lens of power relationships, we can thus discern how harm problems could be addressed socially by enabling victims. The attachment of moral condemnation would transform a competitive system into a cooperative one. People will take the collective responsibility for ameliorating the condition of the victims, thereby benefiting from the contribution of the otherwise deprived. The socially originated problem would be socially resolved. A vivid and illuminating example can be found in the Akan society.

Akan society tends to teach its members that the meaning of life lies with the achievement of "personhood" that can be earned by helping others. People are born in the Akan community to help family members, relatives, neighbours, and others. The more assistance is given to the needs of others and the community, the more personhood is earned. Society designs and upholds its spiritual, civic, and moral life in a way that people are encouraged to gain personhood currency by attending collaborative programs such as funerals and weddings, repairing bridges, constructing roads, keeping the community spaces tidy, and so on. The reward for personhood is admiration, dignity,

respect from others, special arrangements for the funeral ceremony, and the belief system that even in the other life, they will lead the Akan members to become full-fledged personhood. Those who succeeded have excelled in overcoming all those struggles and challenges a life journey might have through hard work, determination, and intelligence to be identified as empathetic with their fellow human beings, and as a result, they secured their ticket to "the ancestral world and are reincarcerated into service-ancestors" (Wiredu 1992). However, the ways in which if some members of the community do not behave as is expected are dealt with are very interesting:

"The problem in Akan is simply, "When is an individual responsible?" And the answer ... is that an individual is responsible to the extent his conduct can be modified through rational persuasion or moral correction. Conversely, an individual is not responsible to the extent that his behaviour cannot be modified through rational persuasion or moral correction." (Wiredu 1992, 108-109)

If the unexpected behaviour is found to be irreparable by moral persuasion and instruction, it is deemed to be caused by something beyond the control of the individual, then irresponsibility shifts to nonresponsibility for him but switches to the collective requiring on the part of the community to discover those external forces and deal with them. "This is the way the Akan has for equali[s]ing background conditions of individuals in their attempt at dealing with the difficulties of equality in unequal circumstances" (Wingo 2017, 15). The insights are that our moral worth is located in an independent common ground, "humanity"; that the provision of collective responsibility would make the powerful engage in cooperation and bring the deprived into cooperation as people think about the powerless and how to make them enable, thereby avoiding moral condemnation; and that responsibility can switch to and be

distributed among different layers in society — a group of actors collaborate among themselves or with other groups if necessary; however, if unable to make a difference, the responsibility shifts to next layer with relatively higher-order power.

This collaborative and shifting nature of responsibility superbly suits harm model responsibility, fashioning a collective means of motivating people to address social harm by enabling the most unproductive individuals due to social causes. Furthermore, this stratified nature of society — often described in the tenet of subsidiarity rooted in the philosophy of Aristotle and Cicero — naturally arises from our relational aspects and not from fictitious social contracts and hence compatible with social harm epistemology. Their perception, in Aßländer's (2020, 725) words, "the order of a society is not the result of a social contract for mutual advantage but was determined by the necessity to solve specific tasks which could not be accomplished by the citizens alone."

4.4 Conclusion

In continuation of the previous chapter to examine the existing responsibility mechanisms, the first part of this chapter focused on various aspects of prevailing criminal responsibility. The discussion highlighted the inherent inability of criminal responsibility to consider questionable power relations that are liable for the production of most harms in societies. The second section quickly looked into the relevant development of responsibility discourse. Particularly, how individualism and collectivism trap along with the challenges of delineating agreed-upon moral boundaries of harm and the

existence of moral hierarchy with greater moral weight to intentional acts than the acts of indifference presented difficulties for a coherent account of responsibility to emerge.

Consequently, the final part of this chapter was devoted to presenting a framework for a harm model responsibility. Unlike the criminal model that grounds responsibility for the isolated instance of wrongdoing caused by direct, intentional action with knowledge on the part of the specific individuals or group of individuals, harm model responsibility aims at advancing an argument about individuals' moral responsibility for social harm that arises from the creation and recreation of nonideal alterable social relationships. On the harm model, within capitalist society, individuals or groups of actors are held responsible for maintaining underlying power relationships that generate identifiable and, by implication, foreseeable harm, such as sweatshop labour. The concept of relational power can reflect the complexity and dynamism of what might be seen as a hierarchical and synergistic mechanism of causing harm in extended time and space — individuals hold different positions in social-political space and are organised in different, often overlapping, groups/collectivities depending on which they are variably capable of controlling their circumstances and hence should not be held equally responsible. It is clear then that, although individual action cannot make any change, change must come through rearrangements of underlying conditions complying with locating responsibility at the level of the social; there are relatively powerful individuals or groups of individuals who can intervene and make a difference.

The harm model identifies patterns of social relations as a manifestation of individual struggle for power that generates a blameworthy, shared, forward-looking, and remedial responsibility to collectively undermine victims' human need to allocate responsibility by identifying the group of actors depending on their degree of power and connection to those particular social relations. By virtue of their relatively better standing in the complex structural space in terms of bringing collectively acceptable change to the effect of prevention, reduction, or remedying harm, they should be held responsible for harm by bringing out the social structure from what is taken for granted into the realm of human-made arbitrary social relationships to the collective consciousness and assuming epistemically responsibility to foresee harm to discover the truth about the consequences of particular social relationships. A doctrine of responsibility, therefore, must satisfy a threefold test: first, foreseeability or collective consciousness about the consequences of the course of social actions and its relationship to harm; second, alterable social relations or social practices are alterable by the collective agency; third, relational power or relative power to effect circumstances and control events.

CHAPTER 5: POWER AND INEQUALITY

"[C]loser attention to the larger institutional and structural environments in which commodity chains are embedded is needed in order to more fully inform our understanding of the uneven social and developmental dynamics of contemporary capitalism at the global-local nexus." (Bair 2016, 153)

5.1 Introduction

This chapter is dedicated to analysing the unequal relationships existing among various stakeholders within the global chain of production (GCoP), with the aim of foreseeing potential harm and acknowledging the scope for human intervention. To fully grasp the unequal distribution of resources and opportunities within a global chain of production, Bair (2016) highlights the importance of taking into account the broader social structures within which the chain operates. Furthermore, Haslanger (2017) underscores the significant interaction between epistemic and material conditions in offering a structural explanation. For Haslanger (2017, 161), "we can meet the explanatory challenge, by drawing on an account of structural explanation that points to the systematic interdependence of [epistemic] and material conditions in particular practices, institutions, and structures." Structural account, for Bair (2016), corresponds to inequality and, for Haslanger (2017), to the interplay between epistemic and material conditions. The analysis in this chapter, therefore, focuses on the systematic interdependence of material and epistemic power, which results in various forms of inequality among different social subgroups involved in business practices within the organisation of the global chain of production. In so doing, it is divided into three primary sections, each discussing contextually distinct social content: socioeconomic, capitalist class and epistemic relationships. The upshot is that the Bangladeshi

garment and textile industry's operation within the organisation of the global value chain highlights a disturbing power imbalance that underlies much of the avoidable harm suffered by millions of garment workers in the country. This also suggests that those who hold power have the ability to intervene and modify power structures to avert potential future harm. As discussed in Chapters Two & Four, Foucault asserts that living without a power structure in place is impossible. Therefore, our goal should be to reshape these power structures to minimise or prevent any potential harm they may cause. It's important to acknowledge that not all power dynamics lead to harm or exploitation; some can operate in a more neutral or even beneficial manner. Furthermore, raising awareness about the need to alter the functioning of power dynamics would promote cooperation and solidarity, indicative of progress towards less harm generative social relationships.

The first main section uncovers the morally troubling consequences of depriving individuals of socioeconomic resources. Often, we are oblivious to these deprivations due to the manipulative practices of employers and multinationals along with their respective governments, which we will look at in the subsequent sections. The point is that the contemporary socioeconomic framework of Bangladesh mirrors the power relations that caused the earliest industrialisation in advanced economies, but in global terms, i.e., in addition to the accumulation flow to the capitalists, the value chain structure has further directed accumulation towards developed nations (Bello 2006; Bernat & Whyte 2017). While the former has been extensively analysed and demonstrated to

be linked to capitalist class relations (Marx 1990) (as below), the latter issue could be linked to underdeveloped nations — with informally developed industries and with their citizens stripped of socioeconomic status — doing business with advanced industrialised nations, which have a thriving consumer class. As a result, we have optimal socioeconomic relations perfect for aggravating existing inequality by allowing capital accumulation towards better-off through a value chain business model. That is to say, the advent of a transnationally operated commodity production network has reconfigured the labour-capital relation by splitting the proletarian class into countries in the global south, with the reaffirming effects of more deleterious power relations between employers and employees than experienced in the pre-globalisation period (Phillips 2017).

The second section delves into the brutal impact of capitalist class relationships on the Bangladeshi garment workers, illustrating the utmost severity of harm inflicted upon them. The fundamental fact of the capitalist class relation is that labourers' options and opportunities are hindered both in the specific domain of production and in the broader political arena (Marx 1990). Workers in positions like garment workers do not choose to occupy these roles but are compelled by a complex set of socio-cultural processes inherently shaped by predetermined social backgrounds and the overarching political economy imbued with liberal ideals deeply outside their sphere of influence. In the production sites where they work, labourers have minimal control over what products are made and how they are produced. Additionally, when it comes to politics, the powerful influences of capitalists dominate

decision-making processes, which often results in policies prioritising low wages and stifling efforts to unionise in order to minimise production costs.

Finally, the third section explores the intricate dynamics of epistemic humility and how it contributes to the exacerbation of inequality between the global north and south. Epistemic humility is essentially about the systematic suppression of reflection and critique, which are produced by the culture we live in. It is crucial for us to lend an ear to those who are directly affected by these practices because they are more likely to possess a deeper understanding of morally relevant information. In order to effectively address these wrongs, critical analysts should align themselves with individuals who possess a contextual awareness of the harms and refrain from asserting moral knowledge from an impartial perspective. Instead, they should rely on knowledge that is rooted in social, moral, and cultural understanding (Khader 2011).

Historically, the opportunity for Bangladesh's textile and garment industry was severely inhibited due to the unhealthy effects of the 1947 independence of Pakistan and the liberation war in 1971 leading to the independence of Bangladesh (Ahmed 2004), as well as heavy-handed measures during the colonial era in particular (Prakash 2007). In order for the industry to have received adequate reparations, similar to what was proposed by Young (2001), it would have required support that ensures the advanced economy, which has benefited from historical repression, takes responsibility for the redistribution of material resources and the restructuring of power relations. This should be

done in a way that respects the autonomy of Bangladesh and does not dehumanise the millions of individuals working in the industry who are striving to improve their circumstances. That is to say, the industry would require not merely materialistic support but also a recognition of local sociocultural apparatuses and political aspirations within which concerned actors effectively try to ameliorate the situations.

"[P]ostcolonial critics see universal, abstract concepts as metaphors that are embedded in problematic narratives. They suggest that these metaphors can have the unintended consequence of undermining the practices that could help make the world more just: metaphors can unintentionally evoke images of the Global South and its people as primitive, stagnant, savage, corrupt, incapable, passive, and abject, thereby undermining solidarity and respect and reinforcing rather than dismantling power relations." (Kohn 2013, 188)

Unfortunately, when viewed through the epistemic lens of the global north, any attempt to correct past wrongs significantly changes the victim-perpetrator relationships into victim-saviour relationships, establishing the moral superiority of the latter over the former (Kohn 2013; Pogge 2010). This makes the implicated social groups, such as advanced economies, multinationals, and supranational institutions, enact and interpret such provisions for business and trade affairs in the clothing industry that further reinforce the existing power relationships in a postnational constellation of the industry (Kabeer 2020; Sobhan 2014). Simply put, colonial and postcolonial power structures shape the regulatory context of the garment industry. Chapter Three presented the general mechanisms in greater detail.

Before delving into a detailed analysis of these findings, it would be valuable to first consider their significance in relation to the research question. To understand how these findings relate to the concept of moral responsibility

within the social harm approach, we can refer to Michalowski's (2016, 195) proposition of an "analogous social injury" model:

"[T]he interplay of power, domination and consciousness produce inequality in its various forms, and how the interplay of inequality and dominant consciousness generates categories of illegal and legal social injury, as well as both consciousness and actions that resist the dominant definitions of what is and is not "crime"."

This mirrors the social harm approach and provides valuable insight. The interplay of inequality in the creation of "meaning" and the access to material resources among various stakeholders (i.e., brands, employers, and employees) within the production chain results in harm (experienced by factory workers). These harms of the global chain of production are social in nature and, in context, the escalation and concentration of negative byproducts of economic globalisation in the sites of manufacturing factories (see Chapter Three). Often, this harm escapes our accountability due to the dominant consciousness of the liberal concept of responsibility (Chapter Four). However, this same interplay of inequality, following Michalowski (2016), can hold elements of a shift in the perception of responsibility (and thus provides ways of overcoming the normative and methodological challenges; for details, see Chapter Two). By illustrating the interplay of "power and inequality", this chapter seeks to explicate that a social harm concept of responsibility exists, i.e., "who is responsible for what under a social harm approach" can be shown if we convincingly demonstrate the idea of foreseeability, alterability, and the recognition of distinct social subgroups with varying capacities. The point is that once we can identify different social groups with varying abilities in knowledge production and access to material, we can anticipate or foresee

harm (the interplay of material inequality and dominant consciousness generates categories of social harm), which can be prevented by dismantling or altering the context (altering social or cultural meaning or consciousness and redistributing material resources) by assigning responsibility to those social groups who have the ability to make such alterations.

5.2 Socioeconomic relations: 'optimal' conditions

The complex ramifications of historical misconduct perpetrated during the colonial era and its enduring influence on the social and cultural frameworks have given rise to practices whereby Western ideological pre-eminence and lopsided dominance over the politics of representation have become established. This has, in turn, provided the backdrop for the emergence of today's so-called efficient global production network (Castells 1996) to further engulf the asymmetrical relations between the advantaged and the disadvantaged. Drawing on the literature on regulation, globalisation, and regulatory capture, Chapter Three details this issue, which we will empirically examine in Section 5.4.

Indeed, today's transnationally operating commodity production network became possible to function within the context of an uneven distribution of initial access to productive forces, i.e., the labour power, the means of production, and the directives of the cross-border flow of capital & commodities (Philips 2017). Political and economic hierarchical relationships between nation-states are intertwined with capitalist class division and gender divide (Henne & Troshynski 2013), resulting in grossly unequal relations among disparate cohorts of citizens in the present-day globalised milieu

(Hillyard et al. 2004; Pemberton 2016; Tombs 2018). One of the research participants, Mr Munna Matin, an official associated with a non-governmental organisation, elucidated the interconnections between countries in the northern and southern regions through a boat-ship metaphor:

"The production chain links less developed countries like Bangladesh to more developed ones in the northern region, kind of like a small boat getting connected to a larger ship. Just as the engine power and complex and sophisticated protocols of a ship surpass those of a boat, the connection between the northern and southern regions reflects a similar power dynamic. In a globalised world, politically and economically strong nations are likely to control and influence disadvantaged countries, similar to how a ship would steer a connected boat."

Owing to the informal industrial practices and the burden of a huge pool of labour, the Bangladeshi garment and textile industry serves as a poignant example of such inequality, standing in stark contrast to the economic practices of more developed nations with the buying abilities of their citizens.

5.2.1 Informally developed industrial practices

In order for capitalism to function properly, i.e., to achieve growth and accumulation flowing from the labourers to capitalists, it is fundamental that there is an economic structure characterised by privately owned property that divides citizens into haves and have-nots (Schweickart 2011). To be sure, this basic feature would remain the same, whether in rich countries or poor regions in the global south, but underdeveloped nations are deprived of formal industrialisation due partly to the absence of elements that can achieve the threshold of separation of haves and have-nots that benefited early industrialisation of the advanced nations.

Industrialisation and capitalism are deeply interconnected, with industrialisation driving the expansion of capitalist economies and capitalism

providing the necessary conditions for industrial growth. Understanding this relationship is crucial for comprehending the historical and contemporary dynamics of economic development and societal change. Industrialisation serves as a catalyst for the growth and expansion of capitalism by creating new opportunities for profit generation and market expansion. The advancements in technology and mass production methods brought about by industrialisation enable capitalists to increase productivity, reduce production costs, and reach wider consumer markets. In turn, capitalism fuels the process of industrialisation as it provides the necessary incentives and resources for innovation, investment, and entrepreneurship. The profit motive inherent in capitalism encourages individuals and companies to invest in new technologies, research and development, and infrastructure necessary for industrialisation. Moreover, capitalism's emphasis on free markets and competition drives firms to constantly seek efficiency and productivity gains, promoting further industrial growth.

Nevertheless, when it comes to the global commodity production system, which aims to utilise cheap labour of global south or lower-income countries to ensure the supply of all varieties of products at ever more affordable prices to satiate the demand of Western consumerism (Kabeer 2020), there is another layer to the story.

For the steady flow of accumulation and growth in the direction from the disadvantaged to the advantaged, it is not enough merely to ensure that a huge pool of labour is available to be employed at wages far less than the

labourers of the global North but requires something additional available for a particular historical juncture. The informal factory operations must be an appropriate candidate for benefiting the production system to work properly.

Research participant Tipu Raihan, an RMG researcher, comments:

"We really value doing business and buying things through personal connections. When we bring new people into our business, we often just agree on things without signing a contract. This is how we've always done things, but sometimes, it causes issues with more formal ways of doing business. I think it's important for everyone to find a middle ground and work things out. But if we keep doing things informally, it might not be good for the success and growth of our business in the long run."

This is because, before disadvantaged countries became formalised industrialised countries themselves, they were subject to a production system that involved sophisticated industrial operations of advanced economies, with the far-reaching effect of flowing accumulation from the former to the latter. The informal approach does not require government spending on factory inspections, thereby enabling questionable labour practices such as forced labour, low wages, and the disregard for the human rights of workers. This study reveals the gruelling account of informally developed practices in the Bangladeshi apparel sector which serve that effect.

Firstly, ad hoc beginning. In the 1980s, Bangladesh's industry was formed informally by enthusiastic local entrepreneurs who were short on resources and capital. This was shortly after the country gained independence from Pakistan in 1971. Out of war-torn circumstances, governmental regulatory agencies were just beginning to emerge. As a result, factories were mostly built in deep residential areas with minimal governmental interference. Constructed with weak and flimsy materials, these residential factory premises

were not adequate to operate commercial factories and lacked essential safety features such as fire exits; additionally, electrical wiring and gas piping were often insufficient (Barrett, Baumann-Pauly & Gu 2018). Despite these challenges, entrepreneurs managed to convert these premises into factory operations. One of the earlier entrepreneurs, Mohaimin Hossain, whose firms have now grown up among the leading enterprises of the country, shared his experiences:

"You know, most factory buildings weren't originally built to operate a garment industry. They were actually meant for residential apartments or other purposes. However, with the rise in demand for factory space, landowners started renting out their buildings to entrepreneurs. Unfortunately, many of these buildings didn't have enough entrances and exits, which ended up being a real problem for the workers."

Muhammad (2015, 146) describes the causes of most of the accidents that occurred during 1990 to 2013 in the industry as:

"[T]he faulty structure of factory buildings including weak electrical wiring, lack of fire exits and fire alarms, narrow stairs and exit paths, poor foundations, and locked doors. These problems persist because of inadequate or non-existent regulation and lack of monitoring by the relevant government agencies, as also, ignorance or indifference on the part of the global brand-owning companies and their agents."

Secondly, factory owners recruited their employees through informal contractual arrangements that freed them from any obligation to adhere to legal stipulations governing remuneration, work schedules, redundancy, dismissal, welfare, or entitlements. Most of their workers were poor rural women whom the prevalent culture has traditionally seen as staying in houses with the tasks of caring & other household jobs. These poor women were forcefully recruited, or they were compelled to be recruited by their socioeconomic backgrounds in desperate need of employment. As female workers are in an already vulnerable place, characteristic of a patriarchal

society, they have limitations — they can't negotiate their fair pay, which owners see as an opportunity to exploit.

"Recently, some female workers shared concerns about only being granted 4 out of 18 yearly leave days. They were afraid to claim their full leave allowance due to fear of mistreatment. This is a common issue in the garment industry, where some owners and managers exploit workers to maximise profit." (Miran Gazi, Activist)

In the absence of representation, the majority of workers find themselves lacking the necessary leverage to protect their limited rights. This situation creates a favourable environment for entrepreneurs who prioritise profit over the well-being of their workers, enabling them to take advantage of the informal nature of employment arrangements (Kabeer & Mahmud 2004). Write Kabeer and Mahmud (2004, 145-146),

"The informal mindset of garment employers is also evident in the pursuit of a strategy of 'primitive accumulation' with regard to their workers, a strategy which requires them to maximise returns from the key factor of production under their control at the minimum possible cost. They hire workers with little or no education, provide them with minimum on-the-job-training, do not issue them with a contract as required by the law, keep them on temporary status regardless of how long they have been in the factory, provide few of the benefits to which they are legally entitled and dismiss them without any notice."

Finally, as with Labowitz and Baumann-Pauly (2014, 17), "the business of garment production in its current form would not be possible without subcontracting"; many of Bangladesh's suppliers depend on unauthorised subcontracting practices to offer competitive prices to potential buyers. It might seem an organised response to the structure of the market, but subcontracting practices are an inevitable outcome of "an industry dominated by lead firms whose business model is predicated on outsourcing apparel production via highly flexible, volatile, and cost-sensitive subcontracting networks." (Anner 2013, 3) These primary subcontractors might resort to

using next-tier subcontractors, which can lead to a chain of subcontractors reaching far from the oversight responsibility. "As contracts are subcontracted to one factory and sometimes re-subcontracted to another, margins get smaller and smaller, and oversight becomes more distant" (Labowitz & Baumann-Pauly 2014, 17). These subcontractors receive a maximum of 1% of the retail prices; in order to cover their expenses and turn a profit, they may underpay their workers and avoid constructing their own factory spaces (Sobhan 2014). They choose to rent cheaper buildings with questionable safety standards, often located deep within residential areas (Labowitz & Baumann-Pauly 2014). As these subcontracting enterprises are subject to minimal regulatory oversight nationally and globally, they somehow manage to keep costs low. For example, the supplier who provides goods to Walmart pays the secondary contractor around 0.5% to 1% of the retail value (Sobhan 2014). Unfortunately, these cost-cutting measures put their employees at risk and seem to be a common practice within the Bangladesh business model for RMG. There is growing concern that buyers must take responsibility for their subcontractors as well — your subcontractor is your responsibility: "there is no hiding place from this responsibility when disruption strikes" (Glendon 2013, 328). Yet, non-transparent subcontracting practices feature in the Bangladeshi industry, allowing multinationals to extract more profits from their investments. Azibur Hasan, Activist and NGO leader, says,

"Those entrepreneurs who receive subcontract orders from mainstream factories are paid less. As a result, they try to deceive workers by denying them their rights and benefits related to payment, leave, overtime, and facilities within the workplace. These small factories are often located deep within residential buildings, making it difficult for the government and other agencies to locate them. This lack of transparency allows factories to exploit and treat

workers as if they are not human, but rather as tools to facilitate their profit-making processes."

That is, informal subcontracting refers to the practices of smaller off-grid enterprises operating with limited regulation due to constraints on regulatory resources. These enterprises can take advantage of this regulatory vacuum by exploiting workers as they desperately require the capital resources needed to grow and become primary contractors on a larger scale. On the upper end of the chain, exploitations wouldn't be possible without silent consent on the part of buyers as they have stakes in maximising accumulation; in fact,

"[B]uyers turn a blind eye on the subcontracting because they know that the volumes they want and the prices they want cannot be produced without a huge production capacity, which in most cases can only be achieved by subcontracting." (Labowitz and Baumann-Pauly, 2014, 21)

Brands, while formally contracted with their outsourcing factories, are well aware that informal practices are present and allowed underneath the surface. These brands are primarily driven by the pursuit of lower costs and quicker lead times, which can be attained by tapping into such labour practices within underdeveloped societies. As is evident in Glendon (2013, 323),

"Tier one supplier concentration has been a widely adopted supply chain management practice to allow companies to focus on a smaller number of suppliers. While this approach simplifies the number of interfaces at tier one, it has created in practice more tiers below the immediate supplier, reducing visibility. It has also increased dependency on those prime suppliers as the ability to switch back becomes harder over time. In BCI surveys, 40 per cent of supply chain disruption originates below the immediate supplier, yet few organisations work through their entire supply chain to source. It is not now uncommon for organisations to experience disruption at tiers five and six."

Tier one approaches to management in chain production can indeed bring about certain benefits for brands, such as simplifying processes. However, it is important to note that these approaches can also limit opportunities for other factories to engage in contracts with the brands. This is because the

mutual dependency established between the brands and tier-one factories often grants the latter some flexibility in subcontracting parts of the production process, with relatively less oversight from the brands themselves. So, given the dominant focus on profit maximisation and capital accumulation within the global trade and commerce landscape, it is hardly astonishing that the garment sector in Bangladesh came into existence in an informal manner and encountered obstacles in adapting to a more formalised approach as an industry. In fact, informality has become an indispensable part of chain production due to the corporate pursuit of manufacturing commodities cheaply and quickly — informality creates a nonenforcement space where cheap labour might be exploited. Commodities are produced cheaply. Now, the question might arise as to why individuals find themselves so inextricably involved in such a fear-inducing, insecure production system to the benefit of capitalists. Well, it is not that straightforward to answer this question. Workers' reliance on capital originates from the production's circumstances and is ensured indefinitely by them (Marx 1990), which we will see in some detail in the subsequent sections. However, on the face of it, we can say workers' deprivation of material resources and social means caused the situation in the first place, which is deeply linked to neoliberal sanctimony of private property and individual freedom (Gill 2008).

5.2.2 Workers' deep vulnerability and socioeconomic inequalities

Understanding Bangladeshi garment workers' background context could, therefore, provide insights into how structural coercion could block opportunities to realise one's potential, at least up to a self-realizing individual.

Different communities have different economic, political, and social systems that create various distributions of rewards and challenges among the members. In a capitalist society, these frameworks are constantly evolving from political decisions around property rights and individual freedom. The structure of these systems is very important because it affects people's lives by deciding how rewards and challenges are assigned. While the qualitative nature of the structure is the same in each capitalist society, when it comes to the global commodity production network, those who have been deprived of access to material resources and social means in the countries of the global South are subject to second-order coercion through the requirement of recruitment into harmful jobs in the manufacturing sites of the commodity production. When they were deprived of early education in their early lives due to poverty, they were destined to be exploited in a ruthless profit-oriented production system.

Because these unskilled, poor individuals are what international commodity production networks set to exploit, there is the incentive to perpetuate such structural violence (Pemberton 2016) upon individuals by making them propertyless and unskilled. "Western brands came to Bangladesh for its extremely low prices, which they gradually made even lower" (Babar Sufian, Labour Activist).

The idea of equal opportunity entails that every individual should have similar access to the essential resources and social avenues needed to live a successful life (Nielsen 1985). The concept of neutralising inequalities of access is aimed

at reducing the advantage or disadvantage that individuals face as a result of their circumstances rather than their personal choices. This approach seeks to promote equal opportunities and reduce discrimination based on factors such as socioeconomic status, race, gender, and other characteristics (Haslanger 2012). Ensuring equal access to opportunities regardless of an individual's circumstances is essential for a fair and just society (Rawls 2001). "By providing garment workers with fair wages and the ability to balance their work and personal lives, we can make significant strides in advancing the status of women and working towards the United Nations' Sustainable Development Goals" (Khairul Mahmud, Researcher).

Unfortunately, far from neutralising the inequalities that arise from factors beyond our control and making way for a level playing field, neoliberal ideals engender social practices that legitimise inequality on the grounds of individuals' free choice of action. According to the World Development Report (World Bank, 1995, 77): "Reducing hazards in the workplace is costly, and typically the greater the reduction the more it costs. Moreover, the costs of compliance often fall largely on employees through lower worker wages or reduced employment" Now, what follows is a range of socioeconomic issues that cause deprivation for millions of people in Bangladesh.

- **Poverty — economic hardship**

Countries like Bangladesh, with few natural resources and an almost unmanageable population packed in tiny land weathering natural disasters like floods, drought, cyclones, and the threat of climate change (Schendel 2015),

have most of their populations enduring economic hardships. On top of that, Bangladesh had just gained independence in 1971, with a lot continually happening in its politics, often leading to instability and disruptions that repeatedly held back its collective effort to grow and develop. Furthermore, from the 1970s onwards, as happened with other countries, the globalisation processes have been hugely transforming Bangladeshi socioeconomic contexts, with structural adjustment policies forcing the destruction of the country's Indigenous industries like jute (Muhammad 2015). Jute, known as the golden fibre in Bangladesh, was popular among British weavers until 1855. During the Crimean War, Scottish millers saw jute as a replacement for cotton and flax. The jute industry swiftly expanded, reaching 18 mills in 1882 and 35 mills in 1901. The workforce grew to 110,000, operating 315,000 spindles and 15,000 looms. "Bangladesh alone met the 70-80% of world jute demand till 1948 which fell down to 25% in 1975. In the financial year of 1972-73, jute and jute goods contributed around 92% in our total export earnings" (Ahsan 2022, 14).

Due to disruptions in their traditional work opportunities, people are in desperate need of employment. The government can absorb only a tiny portion of a huge pool of unemployed people, and the private sector is not that growing and expansive except for the apparel industry, which would provide enough decent jobs for people. Some older people and a small portion of low-income families benefit from a social safety net, but unfortunately, this is far from adequate. People suffer a lot, and often, the whole family depends on one member's tiny income despite having other members able to go to work

but unable to have a decent job. So with desperation, women are being sent to garment factories to have jobs and as these jobs are seen as low class, males and those who have the ability to manage to go on somehow hardly think about having a job in the RMG industry.

"You know, in 2018, we last revised wages for the RMG sector, and at that time, it was BDT 8,000, which is nothing for a living in today's market reality. Moreover, with the impact of COVID-19 and the war in Ukraine, the cost of products is increasingly getting high, and on top of that, we have a high inflation rate, so this salary is really nothing." (Ahsan Habib, Federation Leader)

Shakanr (2023) reported on thehindu.com that over the past four years, the country has experienced significant inflation, which has been worsened by the COVID-19 pandemic and, more recently, by the volatility in oil prices driven by the Russia-Ukraine conflict. Shankar (2023) noted that the country's central bank, the Bangladesh Bank, has reported that the 12-month average inflation rate stood at 9.37% in October 2023, marking a more than 2% increase from 7.23% in the same period the previous year. As a result, the rising prices have made essential items such as food and fuel unaffordable for many Bangladeshis. Write Kabeer and Mahmud (2004, 155),

"In a country like Bangladesh, where the interacting constraints of poverty and patriarchy have led women, particularly those from poorer households, to be perceived, and to perceive themselves, as second-class citizens, global attempts to improve labour standards in a small part of the economy by international buyers who are simultaneously cutting back on the prices they offer local producers hold out very little promise in the long run for promoting women's rights as workers and as citizens."

Traditionally, Bangladesh has been an agro-based economy with predominantly male adult workforces and the rest of the force being absorbed in jute mills, fisheries, tanneries, brick-making, shipbreaking, transport and other few industries (Saxena & Tripathi 2023). Citizens of a densely populated country with few natural resources find the plain cultivable lands as their

primary means to employ their economic activities. And the prevalent Muslim cultural milieus made it the norm for adult females to engage in caring and household tasks rather than going out contributing to mainstream production and economic activities. Leaving behind half of its workforce and lacking readily available raw natural resources, Bangladesh has little option to accumulate the necessary capital to pave the way for an industrialisation approach to its economic growth. As a result, unemployment has been and remains one of the major obstacles successive governments have faced over the years (Muhammad 2015).

However, from the 1980s onwards, globalisation influenced its economy like never before, marked by the destruction of old industries, deregulation and reduction of subsidies to agricultural activities, bringing benefits and harms in equal measure. De-industrialisation resulted in the displacement of numerous individuals from their work, while complementary approaches and encouragements — both regional and worldly — bore fruit for labour-intensive and export-driven trades. The emergence of a substantial workforce of female labourers, amounting to over 4 million, from families that suffered joblessness, destitution, or both contributed to this phenomenon. Such workers, as a result, willingly accepted substandard remuneration and extended work hours, paving the way for the establishment of a new labour force.

- **Illiteracy and cultural constraints**

Although Bangladesh has a compulsory primary education system, and there is a range of NGO-led education institutions operating in rural areas where government schools are inadequate for children and provide opportunities for adults to receive literacy knowledge, a considerable number of children are left behind each year from the chance of being literate and receiving education. These children are from low-income families who desperately need to earn to survive; they have little time to care about literacy and education. While male grown-ups can do something in agriculture and other labour-intensive industries, females find it ideal to be employed in the garment sector that doesn't require any training or education, as these illiterate girls have little scope to be absorbed in an industry that requires some sort of preparation and skills. So in need of employment with little if any literacy, these poor rural Bengali girls are forced to migrate to resort to urban RMG factories. Says one former garment worker: "Like many other children of my time, I was unable to attend school because I needed to work to survive. Missing out on formal education, my job options are limited to working in the garment factory" (Soheli Pal, currently Workers Federation Leader).

In the RMG industry, most workers are women (around 70%). This may suggest gender discrimination and efforts to address it. Female workers often face financial hardship and sexual bias from childhood in Bangladesh. The industry often recruits rural women through brokers or because of poverty, pushing them through a range of brutal realities of living in a patriarchal society. First of all, women workers face street harassment, especially when returning home late at night after work. Secondly, most low-level positions are held by females,

while males make up the majority of top-tier personnel such as supervisors, managers, general managers, and board directors. Thirdly, female workers are often exploited due to their inability to negotiate fair pay. RMG factories use harsh treatment or prior discrimination towards rural girls to maintain pressure on operators/helpers, resulting in a loss of agency and an inability to assert their rights. A research participant captures the sentiment of a patriarchal society:

"All supervisors and managers in our factory are male. They know we are too weak to shout — to resist their physical and verbal harassment; they know we are already in a vulnerable position. Just as we know from our experiences, they habitually know that if they scold and beat us, they won't be accountable to the broader society. We used to get the same treatment as a daughter in the house, female students in school, girls in shopping, markets, playgrounds, stations and parks, buses, trains and steamers — females are females everywhere. The broader culture conveys that females should be employed domestically rather than in a factory. Yet, if they are there, it's quite alright to be paid less than their male counterparts, and males will manage them as they do in their houses and elsewhere." (Nasreen Akter, former garment worker, currently NGO leader)

Overall, female workers are commonly pressured to meet deadlines and maintain docility. A hierarchy of pressure exists within the factory system, with higher bosses imposing pressure on lower tiers to complete their work.

One noteworthy characteristic of numerous textile labourers is their previous involvement in familial ruptures encompassing parental or spousal loss through either separation or death. In the unfortunate circumstance of losing the male breadwinner, female personnel are forced to confront a formidable financial challenge, leaving them no choice but to seek employment within the garment sector.

"When I was twelve, my dad left us, and it was up to my mom to take care of us five siblings. She worked two maid jobs just to make ends meet, but it was still a struggle to provide for all of us. As the oldest, I had to start working at

a garment factory to help support the family." (Liala Yashra, previously garment worker)

The loss of income resulting from the absence of a male breadwinner can directly impact the standard of living for female individuals and their families. With a decrease in household income, families may struggle to afford basic necessities such as food, healthcare, education, and shelter. This can lead to a decline in the overall well-being of the family members, particularly children who may be deprived of proper nutrition and access to education. The sudden burden of financial responsibility may fall upon the remaining family members, primarily women, who may already be working long hours in the household responsibilities. Despite the challenging nature, particularly for female workers, of this industry, individuals feel it is a fortuitous opportunity to subsist. Moreover, a deficiency in requisite expertise, training, or education compels new entrants to the textile workforce to consider this as the only viable option. Women with such prior unfortunate experiences are inclined to accommodate any form of exploitation, which many employers slavishly employ, rendering this group as mere tools to advance their profit-earning endeavours.

The religious elements of Bangladeshi Muslim-dominant society discourage girls/women from going outside for a job. As a result, the prevalent perception is that those who are engaged in the textile industry are causing cultural contamination. Consequently, the garment workforce, composed primarily of women, feels isolated from mainstream society. Nonetheless, a discernible shift has occurred in recent times. The administration, in collaboration with

organisations such as BRAC²¹ and Grameen Bank, is committed to providing opportunities to women through employment aimed at enhancing their social and economic empowerment. Furthermore, the educated community has begun recognising and valuing the meaningful contributions made by female workers towards the development of the nation.

"It would help if you appreciated how the opportunity of employment in the RMG sector allowed our girls to come out from the shackle of being subservient to traditional cultural values of only males going out for earnings with their girls remaining to the task of household and looking after children. Today it's very fashionable that our girls are employed, commute at night, go shopping and participate in social events, whilst, once, not long ago, these girls' activities were seen as unacceptable and unthinkable." (Miran Gazi, Activist)

5.3 Capitalist class relations

Hence, as the means of production are not under their control, workers have no choice but to sell their labour power to capitalists. This leaves them with little bargaining power, and they are often compelled to toil under the conditions favoured by the capitalists (Marx 1990) rather than exercising their ability to ideate, develop and successfully execute personal projects they might have (Elster 1985; Gould 1988; Parijs 1995).

5.3.1 Asymmetric power relations within the production

That is to say, workers are subject to a prescribed pattern of economic interaction, wherein they assume a subordinate role to the capitalists' direction during production and remit a disproportionately large share of the products of their labour to the same capitalists. While it may be possible for select

²¹ Originally known as the Bangladesh Rehabilitation Assistance Committee, then the Bangladesh Rural Advancement Committee, and later as Building Resources Across Communities, BRAC was started in 1972 by Sir Fazle Hasan Abed. It originally aimed to provide relief and rehabilitation to war refugees after the Bangladesh Liberation War of 1971. BRAC is currently one of the largest non-governmental development organisations in the world, with a presence in all districts of Bangladesh and 16 other countries in Asia, Africa, and the Americas.

workers to transcend their vulnerable status by accumulating savings and founding an independent enterprise, the majority face an onerous task in this regard, and it is not feasible for all to embark on such a path concurrently in the context of capitalism (Cohen 1988; Elster 1985). The Marxist way of viewing class relations within a capitalistic production system coupled with feminist gender relations provides us with ways to look into relative power to control the production sphere. On this view, wage workers typically dedicate a significant portion of their day engaged in tasks assigned by employers or superiors, which leaves them with limited autonomy over their working hours. In the structure of factories, there is a chain of pressure; all the time, work is done applying a sort of pressure by immediate upper bosses to the following lower tiers, as with Sakina Begum, worker Leader, "owners upon managers and those of factory in charge & the directors; managers/directors & in-charges upon production managers (PM) or floor in-charges; PM & floor in-charges upon supervisors & line chiefs; supervisor and line chief ultimately upon operators & helpers." The structure of the factories operates by applying force instead of maintaining a sustainable working environment that would convince workers to do their assigned jobs. Whereas, within an ideal working environment, workers would be responsible and self-motivated to discharge their duties sustainably, and we would see more productivity from workers.

Apart from this, workers have no control over the terms and conditions practised in the production factories. For example, despite the apparent four-month salaried provision for maternity leave in factories (*Bangladesh Labour Act 2006*), it is common for workers to receive far less than their basic salary

or even be granted leave without pay. Additionally, as research participant Nasreen Akter, NGO leader & previously garment worker, says:

"Actually, workers have little option to input into the planning division because workers are experts in two or three operations and worker supervisors might have five or six operations of the forty or so operations needed to manufacture a product. So there is a dedicated planning division to work out how efficiently they might output things that allow maximum production cost reduction to profit the highest possible amount."

In some cases, workers are simply considered employed on paper despite knowing that their job has been terminated. Additionally, in many factories, this leave period does not count towards the worker's job tenure. The practice of maternity leave in such conditions raises legitimate concerns and appears to lack justification when compared to the provision of six-month maternity leave for those who are employed in the government sector.

An interesting point came forth when factory owners justified overtime on the basis that workers are at liberty to work extended hours, whereas the reality is that they choose to do overtime because their normal working hours can't support them well. A factory manager who was previously a garment worker acknowledges:

"It's hard to deny that our overtime practices fall short of acceptable international standards. Rather than being a voluntary choice, workers often feel obligated to work beyond their regular hours due to insufficient wages they receive from their eight hours of work and being subject to demands from the factory management as they approach delivery deadlines. Unfortunately, these hardworking individuals are not always compensated fairly for their efforts, and management has been known to take advantage of them." (Redwan Majid, research participant)

Even knowing that their working premise is life-threatening, garment workers often have to overlook and continue their jobs. The challenging situation is so compulsive that even the potential danger of accidents wouldn't deter them from leaving their jobs. For example, the day the event at the Rana Plaza

started to unfold, workers noticed cracks in the wall, and some refused to go to work. However, they were forced to work as managers, and the owner of the building threatened to fire them from their jobs because there were political reasons as well as deadlines to deliver orders for the brand (Muhammad 2015).

One survivor of the Rana Plaza poignantly says:

"What could I do? We were threatened by the factory overseers that if we did not go back to work we would be immediately discharged. I have small children to feed and schools fees to pay, I could not afford to lose my job." (Sobhan 2014)

While they could have exercised some sort of leverage if unionised, it has proved challenging to establish an exemplary system for union organisations due to the prevalence of influences that cater for profit. As Sobhan (2014) pointed out, "Had there been a collective body speaking for all the workers at that time there is no way that any employer could compel them to enter a factory in danger of collapse."

5.3.2 Power relations in the broader political and cultural processes

It has long been observed that those who occupy a capitalist position hold significant influence over the legal and political mechanisms that shape the social institutions and cultural practices in which worker exploitation occurs. Given that the interests of capitalists tend to dominate the political process, property and labour laws are structured accordingly. While labour movements in some nations have managed to secure the legal right to vote and establish their own political parties, the disproportionate influence of capitalists is facilitated by their access to mass media, their financially-backed support of political parties, the leverage of disinvestment and capital flight in response to decreased profit margins, and the recruitment of state officials for profitable

roles within their own firms and lobbying enterprises both retrospectively and prospectively (Smith 2009). This phenomenon is interpreted as "state-corporate symbiotic relationships" (Tombs 2012), "regulatory capture" (Vogel 2018b), or "regimes of permission" (Whyte 2014). Section 3.3 discussed the issue in a greater length. Whatever way we perceive the phenomena, it turns our attention to the deep power architecture, allowing us to understand harm as the outcome of the processes of capital accumulation. States and corporations colluded to accumulate capital in ways that render harm as obscured or legitimate. Politics surrounding wage settings and labour unions in the Bangladeshi RMG sector delineate this symbiotic relationship or regimes of permission. This showcases how the larger political and cultural norms not only allow but also sanction the procedures of capital accumulation by giving unjust power relations recognition and approval.

- **The politics of wage settings**

Research participants generally agreed that the wages that garment workers receive in return for their hard work are not sufficient to provide themselves with a proper meal, sleep in a calm and quiet place, have adequate rest and recreation, and not have too many family burdens upon them. Even one of the buyers' sourcing agents, Ehsan Cad acknowledges:

"I feel that the salary is not satisfactory by any means, and it's far from the required amount needed to live a decent life. Workers spend 12/14 hours a day with just half or one hour for lunch and snacks, and preparation and commuting time is also involved on top of that. So, by selling their most productive hours, they receive a negligible amount that is far below what is needed to cover expenses such as food, rent, commuting, and medical costs."

The minimum wage board sets wages for different sectors, including RMG. Employers, workers, and government representatives sit on the board every five years to set labourers' wages. However, worker representatives have limited power in determining their wages and can't act as expected under the collective bargaining agreement (CBA). Salary should naturally be adjusted consistent with the inflation rate and the price hike in the market instead of sitting together every five years and setting a wage for the workers. For a respondent,

"It's an obsolete system. Wage settings ought to be on the basis of a scientific rule that would smartly allow us to adjust/readjust workers' salaries in a way that, depending on the broader political and economic situations, workers get a legitimate wage to support them without doing injustice to them." (Azibur Hasan, Federation Leader)

The RMG value chain has traditionally seen buyers adopt a 'national law plus' approach. This involves buyers following national regulations regarding wages, industrial relations, etc., and adding their own codes of conduct on top of that. Buyers' rules are meant to be viewed as supplementary, not as a replacement for domestic laws. This approach maintains consistency with domestic governance policies and demonstrates respect for the supremacy of national laws. By combining national law with the buyer's code of conduct, the provision of 'national law plus' honours the basis for local business practices and other processes governed by domestic laws.

"However, in terms of implementation point of view, what we experience in practice is the prevalence of the code of conduct over domestic laws. Apparently, we can say as long as there is no breach of national laws, the business can go on without any legitimacy questions. But we have unmistakable evidence that multinationals are increasingly influencing the local system indirectly, even when determining the minimum wage." (Munna Matin, RMG researcher)

The Bangladesh Minimum Wage Board is entrusted with the task of determining the minimum wage for workers in the country, which is made up of representatives from the government, employers, and workers. However, in many cases, it has been realised that buyers have had an immense influence on wage determination as they colluded with employers and, to some extent, government officials and even purchasing worker leaders in bluffing the interest of workers. Buyers would say, for instance, "You cannot increase wages that much because we cannot offer you beyond a particular amount of unit price" (Sohel Usman, Buyer's Sourcing Agent). As a result, suppliers or local employers feel the pressure that ultimately dictates them to be rigid in increasing wages.

The strong associations of buyers, many of whom have membership in parliament and the cabinet, begin to weaken the power of regulators and government agencies responsible for policymaking in the sector. Employers may tell their employees and labour leaders that if they are not flexible, they may lose business, and buyers will go elsewhere. Under immense pressure and fear of losing their jobs, workers have no option but to accept a wage system that is insufficient for a decent life in the current commodity price market. While international buyers may not have direct involvement in determining domestic wage setting, their general business practices often shape the system, leaving domestic players with no way to escape and forcing them to negotiate a minimum wage that benefits capital holders at the expense of workers.

The stipulated twelve provisions in the *Bangladesh Labour Act* (BLA) that are meant to protect workers' rights by providing guidelines for a decent minimum wage setting for the workers have not been followed. Section 141 of the Bangladesh Labour Act says,

"Factors to be considered in making recommendation. — In making any recommendation, the Wages Board shall take into account the cost of living, standard of living, cost of production, productivity, price of products, inflation, nature of work, risk and standard, business capability, socio-economic conditions of the country and the locality concerned and other relevant factors."

Just one or two indicators of inflation or the impacts of new wages on overall production cost are being negotiated indirectly. Other important issues like workers' cost of living, comparative wages in other countries, and labour productivity are hardly being taken into consideration. In light of these internal weaknesses, buyers haven't been proactive in making tangible changes to questionable practices of wage settings. To be sure, buyers do have limitations, yet if they want, they can make changes with a real impact.

Government consultant Mr Rifat Karim comments:

"I've been involved in helping out with wage settings since 2006. It's been quite interesting to see how things work. One thing that's stood out to me is that there always seems to be a big gap between what we suggest and what ends up being set as the minimum wage for workers. Usually, when we're negotiating wages at the table, the employer side tends to offer lower pay while the worker side argues for higher wages based on comparisons to government salaries or salaries in other well-paying sectors. In an attempt to find a fair middle ground, academics and researchers will look at the Labour Act and consult with ILO guidelines to determine a reasonable minimum wage. However, more often than not, the final decision seems to be closer to what the employer side initially suggested."

This really shines a light on the way power dynamics can shape these kinds of decisions and how different groups can have conflicting interests.

- **The politics around labour unions**

Bangladesh has a low presence of trade unions, particularly in the RMG industry, where only a tiny minority (5%) of workers belong to a union. This trend seems to persist despite concerted efforts to improve worker rights and conditions. Although numerous trade unions do exist, many are not necessarily practising their intended purpose, with some only created by employers without any legitimate worker representation. Despite some factories wishing to implement authentic trade unions, various hurdles, such as harsh working conditions, may impede their progress. It is worth noting that while global players acknowledge the importance of promoting better working conditions, including gender pay parity, increased wages, workplace safety, and maternal benefits, little effort has been put into strengthening trade unions. Instead, many of these issues are often tackled outside the traditional union framework.

Unionisation entails a democratic culture, where workers choose representatives to negotiate with employers for the protection of their rights through collective bargaining power. However, when one scrutinises the state of the democratic culture of underdeveloped countries, it is often abundantly clear that it does not conform to the expected benchmarks that are standard in the developed world. These societies fall short of ideal democratic practices because a functional social dialogue system and open communication for identifying and solving challenges are lacking in their broader democratic culture. That is to say, trade unions or other associations that practice ideal democracies are not prevalent due to the absence of a solid foundation for democratic culture.

Pointing to two important political episodes in the country, Babar Sufian, a Workers' Federation leader, comments:

"Can you give an example of a good social dialogue in the last 20/30 years that ventured into resolving a national or local problem? No, you can't; be it the movement against the Ershad government or the movement for implementing a caretaker government system — all underwent nasty, contentious politics, with many toiling their blood or sacrificing lives. The same result, or perhaps even a better outcome, could be achieved through peaceful discussion or dialogue among various political parties and interest groups."

The same tone is reflected when Khairul Mahmud, a researcher who worked for a long time to establish a social dialogue system within garment factories, points to historical events of Bangladesh's independence.

"Surprisingly, in our history, we have had rare occasions, if any, of social dialogue in our land. The very emergence of Bangladesh is also an outcome of bloodshed and the failure of an effective social dialogue. If we could bring the parties into a dialogue that the Pakistani authority deprived us of, arguably, the achievement of Bangladesh's independence would have happened much more peacefully without having been forced into atrocities of mass genocide and unspeakable humanitarian crises of refugees in human history. We saw such dialogue in the liberation of India and Pakistan in 1947 when a peaceful discussion gave painless birth to those nations without resorting to war or mass killing."

In thinking about a crisis, isn't it best to initiate a discussion among parties (i.e., let's see and discuss whether we can come up with an effective solution)? These practices have become integral elements of countries that are often credited with the most idealised form of democracy in the world. But we miss it here in Bangladeshi society, which is a huge social lacuna, one has to say. This is why we miss the culture of trade unions in Bangladesh. In fact, in social dialogue, parties would have opportunities to show respect for each other, which is key to dismantling power relationships in the first place. So the essence that would promote mutual respect and mutual dignity, leading to an effective democracy, is missing within a wider context, and so too within the trade union system. Without having it at the national level, can we have it in

our workers' association? Alternatively, can we achieve a culture in the RMG sector that would influence the broader context? In a similar tone, Sobhan (2014) says, "Will the RMG sector become an island of good governance and accountability in an ocean of malgovernance and inadequate regulation?"

In addition, all too often, the government is afraid of trade unions as these have been seen as tools ready for opposition parties to potentially use in demonstrations or protests, creating unrest or breaching peace and unsettling the government. For example, Ashraf and Prentice (2019, 97) observed,

"[B]oth before and after independence in 1971, unions sought patronage and support from political parties and did not have a strong presence in workplaces. It was not until the 1980s — and particularly following the 1990 fire at Saraka Garments that killed 27 workers — that an oppositional labor movement took shape in the quickly-growing export garment industry, alongside the more "collaborationist" labor unions allied with the two main political parties ... With the state's vested interest in a profitable garment sector, this kind of independent labor activism has been suppressed through legal restrictions and violence and intimidation against workers attempting to unionize."

The fewer workers that are unionised, the less possibility there is for the opposition to use workers against ruling parties in political demonstrations. In the RMG, we have seen development more or less in terms of workers' place safety, workers' identity cards, minimum wage regular revision, getting maternity benefits, tiffin, and other kinds of CSR supports, which have been achieved, I would say, with some sort of encouragement from the multinationals, but surprisingly multinationals remain so reluctant when it comes to the organisation of workers; corporations feel an impending threat of destabilisation. Instead, we have seen workers' participation committees (WPC) or workers' welfare committees (WWC) in place of unions, particularly

extensively practised in our specialised Export Processing Zones, just to sidestep the possibility of workers being organised.

"One thing I realise is that people here are more politically conscious, or I can say people are fond of politicising everything that's going on. People are not used to seeing their problems outside national politics, which are highly confrontational among 3/4 of the major parties. For me, preparedness, mindset, or education/training on the part of the workers could help in this regard to make them aware of the issues going beyond mainstream political activities." (Saifur Rahman, Researcher & Activist)

Consciousness among workers regarding their rights and benefits is vital, rather than linking them with partisan politics. For example, workers may raise their voices about their low wages, but it should not be part of broader national politics, which can lead to unrest and hinder their ability to obtain just and fair wages. Unfortunately, some leaders have emerged by exploiting workers' unrest situations. While it is not wrong for individuals to have political consciousness, it should not be the focus when negotiating workers' wages and welfare issues in production factories.

So, there is a state-facilitated regime of low unionisation, which serves as the process of capital accumulation flowing primarily from underdeveloped countries to developed nations and then from labourers to employers.

5.4 Epistemic relations: 'global' inequality

This section seeks to highlight the broader characteristics of power and inequality that we currently experience in relation to a global garment and textile production network that has impacted the Bangladeshi industry. These include historical repression, how culpability turns into superiority, and the ways in which the so-called free global market system deprives the disadvantaged. These characteristics function in postnational constellations

and reinforce hierarchical relationships between the global north and south, as well as between citizens of haves and have-nots, causing conditions of immense suffering for the lower-tier workers at the sites of Bangladeshi factories.

5.4.1 Historical authoritarian regimes

The exploitation of workers in the global south by Western brands is a longstanding issue deeply rooted in the colonial past. In fact, it has been argued that the garment industry reflects and sustains colonial systems, benefiting wealthy Western corporations and shareholders while extracting labour and resources from global southern countries (Lewis 2020) — as if brands are modern colonisers effecting "colonialism in fashion" (Barenblat 2020). To be sure, such business practices have helped southern countries increase their overall GDP to some extent, and of course, employers, their managers, and high-skilled workers, i.e., blue-collar employees, in the southern regions benefit from the system. However, the focus is on the distinctive feature of the ways in which the global value chain channels resources to harm labourers by depriving them of fulfilling their basic human needs. Writes Malaz (2022), "Today's power dynamic between the fashion industry in the global north and the exploited sweatshop workers in the global south is akin to the colonial discourse of the 19th century." In a similar vein, when asked to explain the root cause of harm associated with the Bangladeshi industry, one of the country's veteran workers' federation leaders responded:

"Look at our famous 'Dhakai' *muslin* — the finest and most expensive clothing of the time that our artisans used to produce. Having been subject to the manipulation of the British imperial power, we lost our *muslin*: our pride and

our craftsmanship. Ironically, our industry today features cheap labour. Can't you see the connection? The same sector previously suffered from the domination of repressive power due to its highest quality and expense, and today, due to 'cheap labour' but this time from the politics of presentation. All are power politics, but the previous made the inroad for the latter." (Ahsan Habib, Workers' Federation leader)

Hence, it is no surprise that researcher Rifat Karim, one of the respondents, comments: "Today, it seems like the big brands are stepping into the shoes of the old colonisers, much like the British Raj." The quotes shed light on the power dynamics in the Bangladeshi clothing industry while also highlighting the possibility of inherent inequality leading to further discrimination in a deceptively inconspicuous manner. To unravel the underpinnings that have led to enduring inequalities, it could be helpful to explicate at length the historical background upon which these comments have been made.

Bangladesh, a region that has been an extraordinary centre of the textile sector's production since the era of the Mughal (1610 — 1713), has firmly established a significant standing in the worldwide market (Berg et al. 2015). Merchants of the time exported exceptional *muslin* and silk garments from Bangladesh to various parts of the world, including but not limited to Europe, Central Asia, Indonesia, and Japan. The name Dhaka, signifying the place of production, was even given to the *muslin* (Schendel 2015). Bengal's *muslins* were so expensive, selling for over 10 times the price of European linen, and were so fine that a piece of over twenty yards could fit in a tobacco box. Pointing to the textile sector's rich and prideful history, Azibur Hasan, the chairman of the Textile Garments Workers Federation, explains: "You know the industry had a golden past." In stark contrast to today's cheap clothing in the

Bangladeshi RMG industry, the superior quality of Dhaka *muslin* is vividly documented in a review:

"The beautiful and delicate muslins from Dacca which have formed so prominent a feature in the Indian Department at the Exhibition have again directed attention in some measure, towards that peculiar district and branch of industry in Bengal to which we are indebted for productions so exquisite and so costly. It is admitted on all hands, that the finest of the Dacca muslins exceed anything which can be produced by the looms of Europe: and when the Manchester manufacturer described them as 'the merest shadows of a commodity,' he pronounced, in fact, the highest eulogium which they could receive, and indicated in a few words the deficiencies of the English when compared with the Indian manufacture of muslins." (The Athenaeum 1851 cited in Berg 2015, 119-120)

Nonetheless, as a result of the English East India Company's assumption of political authority in the subcontinent, particularly in Bengal, where it was exercised most intensely, "[a] market-based system was replaced by one embedded in coercion of the intermediary merchants and the manufacturing artisans" (Prakash 2007, 1331). Subsequent to the British occupation (1757 — 1947), imposing exorbitant taxes on Bengal textiles culminated in a downturn in the trade. The importation of raw cotton without levy further amplified the damage to Bengal's economy. Additionally, the British cloth manufacturers "conspired to cut off the fingers of Bengali weavers and break their looms" (Barber 2021, 43), making it extremely difficult for the Bengali textile industry to revive and flourish. Colonial violence destroys local natural fibre products for synthetic European textiles, eradicating cultural representation and traditional craft skills. Kakali Begum, former garment worker, currently manager & secretary of female affairs in a factory, reflects: "I remember my grandma talking about the amazing *muslin* textile that was around during the British era, but now it is really hard to find. No one seems to know how to weave *muslin* anymore."

What is more, in order to maximise their profits, the British suppressed the artisans of Dhaka *muslin* on the one hand and employed various repressive forces to facilitate the production of cash crops that could earn more for British merchants, such as indigo cultivation for the raw materials supply in an indigo dye factory, on the other. In response, Bengali agrarians produced one of the most notable episodes, famously known as the Indigo Revolt, in the history of their confrontation against the British heavy-handed measures (Sinclair 2022). To investigate the causes of the rebellion, a commission was formed, which uncovered numerous accounts of suffering, coercion, injustice, and violence within a system that exploits the poverty and misery of many for the benefit of a few. Writes the English judge Edward de Latour to the commission that "...not a chest of Indigo reached England without being stained with human blood ... and such a system carrying on indigo, I consider to be a system of bloodshed" (Sinclair 2022).

The British colonial policies during the period in question imposed certain repressive measures (i.e., using the Police and military forces) in the Bengal Delta. "In order to promote European textiles, the colonisers used various methods, including implementing dualism in tax systems, suppressing *muslin* craftsmanship through physical violence, and forcibly introducing indigo cultivation, among other tactics" (Md Riachat, Buyers' Sourcing Agent). These measures undeniably led to the emergence of an enduring and deepening inequality, with the fruits of this development primarily being garnered by the British colonial power and a select few local associates, while the majority of

the Bengali populace experienced significant detriments resulting from these policies. Schendel (2015, 66) neatly captured,

"After victory on the battlefield of Polashi in 1757, the British East India Company had proceeded to turn Bengal into the hub of its expanding colony of British India. ... The Bengal delta became tightly integrated into the world economy, but under political and economic conditions that its residents could not control. A few of them benefited enormously from colonial patronage, but for many without close links to the colonial overlords it was a period of hardship."

On top of that, the ownership of most textile and clothing industrial enterprises was shifted to West Pakistanis after the independence of Pakistan in the year 1947. Later, entrepreneurs in Bengal, then East Pakistan, pioneered their own textile and jute factories in the 1960s. Unfortunately, after the independence struggle in 1971, Bengal was stripped of technical expertise and capital. In fact, the underlying cause of the 1971 war can be traced back to the utilisation of state apparatuses against the province of East Pakistan (currently Bangladesh) by Pakistani administrators since the inception of the country in 1947. For a research respondent, "The liberation war not only displaced regulatory agencies and finance capital but the conditions themselves that led to the war aimed to intentionally damage the productive sector, including textiles, in order to redirect the industry from East to West Pakistan" (Ruby Akter, Regulator). They initiated an assault on the language and culture of Bangladesh and implemented a variety of policies aimed at exploiting the land and people of Bangladesh for the benefit of then-West Pakistan. These actions set the stage for the conflict that ultimately led to the war.

"During the last fifteen years (1947-1962), East Pakistan has been drained out of one thousand crores of rupees of its solid assets by way of less imports, and more exports. Today is the sixteenth year we have been reduced to paupers to build West Pakistan; we are told 'get out boys', we have nothing for you, we do

not require you." Mahbubul Haq, a member of the National Assembly (genocidebangladesh.org).

In contrast, the West's economy flourished during industrialisation from 1947-52 under the unified Pakistani government. In the second five-year plan (1960-65), the GNP grew by 30%, industrial production by 61%, and forex earnings by 7% annually (genocidebangladesh.org). Nevertheless, in Bangladesh, this period saw the transformation of the textile industry into an export-oriented one from its previous focus on import substitution (Ahmed 2004). Ready-made garments (RMG) became the core products of these companies.

Colonial repression and subsequent trade policies imposed by Pakistani regimes have had a profound impact on the current formation of the garment industry in Bangladesh and the harm involved in production. The past is intertwined with the present, which can best be understood through the lens of neo-colonialism.

"... neo-colonialism is that foreign capital is used for the exploitation rather than for the development of the less developed parts of the world. Investment, under neo-colonialism, increases, rather than decreases, the gap between the rich and the poor countries of the world. The struggle against neo-colonialism is not aimed at excluding the capital of the developed world from operating in less developed countries. It is also dubious in consideration of the name given being strongly related to the concept of colonialism itself. It is aimed at preventing the financial power of the developed countries being used in such a way as to impoverish the less developed." (Nkrumah 1965)

Being driven by the investment of transnationally operated companies of the global north, the global chain of commodity production is the manifestation of neo-colonialism. The Bangladeshi RMG industry was subjected to repression during colonialism and is subject to coercion of neocolonialism today. The industry provides an example of understanding the ways in which the intertwining of the colonial past and its legacy today is taking shape. Babar

Sufian, President of the Garment Labour Federation, says, "We have had a golden past that has been destroyed. Imagine if we were to retain the continuity of the past today; we'd be able to offer so many great jobs to young job seekers!" But far from addressing these historical inequalities, subsequent global policies of the modern era (Pogge 2001, 2010) — even the very notion of global justice sought to overcome historical injustice — actually further reinforced asymmetric power relations. Albeit, this has been done in a way that appears harmless or benign on the surface (Chandhoke 2010; Mohanty 1991). This problem reflects epistemic humility discussed in Chapters Two, Three, and Four.

The topic of global justice delves into the question of the responsibilities that affluent nations and individuals with privilege bear towards those in less prosperous countries (Singer 1972). Global justice encompasses various perspectives on the extent to which the elite should address global poverty. The literature on global justice puts forth arguments for different approaches, including advocating for human rights, offering basic humanitarian assistance, and enacting significant institutional changes (Kohn 2013). The philosophical rationales for these strategies draw from both utilitarianism (Singer 1972) and Kantian (Pogge 2008) philosophy. Without a doubt, those who support global justice have a deep desire to address historical injustices. However, they overlook the fact that pre-existing inequalities contribute to differences in the ability to generate knowledge. Any perspective on knowledge that fails to acknowledge these unequal relationships is prone to making claims that would only perpetuate the existing inequality. This is because numerous institutions,

such as the World Bank, the IMF, and multinational corporations, along with various policies and trade agreements, have significantly contributed to exacerbating global inequalities. Ironically, these same institutions are now tasked with the challenging responsibility of addressing and mitigating these inequalities in the nations where they operate (Nussbaum 2006; Rao 2010).

Keim (2010, 169) notes about North Atlantic universality of knowledge,

"These supposedly general theories do not take into account the experience of the majority of humanity, those living in the global South. ... The social realities in the southern hemisphere are thus subsumed, without further thought, under the claims produced in the North."

Countries like Bangladesh and millions of their deprived citizens have become docile with the seemingly unproblematic notion of global justice underpinned by the universalism of knowledge. But normative theories of global justice, while philosophically persuasive, may inadvertently bolster moral superiority and perpetuate oppressive political power (Kohn 2013; Nussbaum 2006). This issue arises from the association of the concept of global justice with the intrinsically contradictory individual model of responsibility within the liberal paradigm outlined in section 4.2. In the following subsection, we will examine this phenomenon of moral superiority in the context of (de)colonised fashion in Bangladesh. The point is that colonialism destroyed local manufacturing practices and skilled labour, and then globalisation took advantage of this structural vulnerability through the GCoP. The two are clearly related. Both colonialism and neo-colonialism are presented as beneficent and civilising forces to mask harm.

5.4.2 Epistemic and moral superiority

"Western countries during colonialism and now their multinationals maintain their privilege, grabbing the output of our labourers' sweat" (research participant Kaspia, previously garment worker, currently NGO leader). The perpetuation of "RMG or fashion colonialism" represents a contemporary form of historical colonialism, often materialising through cultural appropriation and a dynamic of subordination to Europe and North America within a context of economic inequality (for more details, see Chapter Two).

"The racist sin at the core of colonialism was not only exploitation, but a systematic aim to "civilise" colonised peoples whose cultures, histories, and creativity were deemed "less socially advanced". This resulted in a forced and violently policed "westernising" of the way colonised communities presented themselves." (Ouano 2024)

Embracing decolonised fashion signifies a forward movement in the legacy of anti-colonial movements. It champions the vital importance of not merely "peoples to access resources and material well-being, but also the dynamic power of their cultures, cultures that are now intervening in and transforming the societies of the West" (Young 2001, 4) in the globalised world. Cultural or epistemic sustainability, therefore, goes to the nub of the concept of decolonising fashion. But "[t]here is a tension between the ambition to sustain cultural heritage and the responsibility to let people embrace other cultures as a vehicle for social integration" (Ouano 2024). Overcoming this involves three elements: recognising the framework of disparity, promoting political engagement as the most potent solution, and affirming the entitlement to both material prosperity and cultural acknowledgement.

From the point of view of Bangladeshi people's experiences, they can demand redress for their losses due to imperial repression during the colonial era and damage borne out of atrocities in the liberation war, as well as recognition for their struggle to repair the damage; but, instead of being materially compensated and honoured for their local traditions, their abundance of low-cost labour often leaves them feeling undervalued (Kabeer 2020). As we'll explore in the upcoming chapter, the passage of time and physical space can reconfigure relationships based on perpetuating the legacy of the colonial mindset. For example, in the words of a respondent,

"Often, people used to say these poor rural women were once unemployed, but today, they have jobs and contribute to families, which I see as a foolish argument — colonial thinking to exploit. Employment is true, but are we really going to ignore the rights of garment workers just to make a profit? Just think about it: so many garment workers are barely making enough to get by."
(Khairul Mahmud, Activist & Researcher)

This colonial mindset is also evident in the comments made by another participant, a famous research activist, Mr Saifur Rahman: "We rarely question the terms because these are the international standards, so you don't have to do anything extra to make it fair!"

Whilst there exists a certain degree of consensus pertaining to providing restitution for instances of historical inequity, the implementation of redress measures has resulted in outcomes that serve to undercut the interests of those who have experienced such misconduct; paradoxically, these current measures have, all too often, even contributed to bolstering the ethical dominance of the erstwhile perpetrators (Pogge 2001; Wenar 2003; Young 2004). This intricate dilemma lies with the ungrounded notion of the

universalism of knowledge and its unintended consequences of moral superiority. Let me be clear on it.

If there are aspirations to address past wrongs, it may help to reallocate resources as an investment to subsidise upgrades to working conditions and overall standards (Sobhan 2014). In the normative sense, this investment could come from those who have committed erstwhile wrongs and should be focused on enhancing the efficiency of the industry. The goal should be to improve conditions and make the industry more efficient. But the reality is that the organisation of the global value chain efficiently causes Bangladesh and other least-developed countries to face the paradox of contributing resources to the budgets of the world's wealthiest countries. Sobhan (2014) neatly capture the point,

"For many years we have been fighting without result for duty free access to the US market. We pay a 15% duty for RMG goods entering their market which generates around \$720 million revenue for the US exchequer. This revenue is, under prevailing market conditions, ultimately paid by the workers of Bangladesh's garment industry. In order to remain competitive in the US market our RMG buyers who pay a 15% duty on their exports need to reduce their offer price to Wal Mart by 15% which is then extracted from the wage share of workers. Since the US government offers less than \$200 million a year as ODA to Bangladesh we are expose to the paradox of a net transfer of resources from Bangladesh, a least developed country, to the budget of the world's wealthiest country."

Countries like Bangladesh evidently enjoy a range of facilities, but they do so in a way that facilitates reinforcing the existing asymmetric relations between the global North and South regions. Bangladesh, for instance, has been granted universal duty-free access to the EU market through the Everything But Arms (EBA) facility. Similarly, "the garment industry in Bangladesh could have

received the Generalised System of Preference (GSP) facilities²², which are currently available for a wide range of exports to the US, excluding RMG" (Mohaimin Hossain, Leader, Employers Associations). The provision of GSP and EBA by the EU and US governments, respectively, is determined by political discretion (Kabeer 2020; Sobhan 2014). Therefore, it is important to consider the influence of metaphor and narrative in relation to these mechanisms as a means of addressing past issues (Mohanty 1991).

Normative global justice tends to portray current wealth and poverty as natural and citizens of the affluent as innocent bystanders, raising moral questions about whether the rich should give away surplus wealth as a sacrifice to reduce inequality rather than questioning the structural appropriation of wealth based on the historic exploitation of the global south (Wenar 2003). A moral fact is thus being occluded and distorted to desensitise the moral drive of the agents of justice. For details on the production of indifference, see Chapter Six. This portrayal of global justice obscures the unjust conduct of the past, allowing the current willingness of violators to help victims to come to the fore. Benevolent behaviour towards the disadvantaged is highlighted instead of being held accountable for the harm they have caused. Or to deploy the wise adages espoused by the eminent philosopher and theologian Martin Buber in his notable words, "Injustice as a means to justice renders justice unjust"

²² The Generalized System of Preference (GSP) is a unilateral program through which developed countries offer customs duty preferences or concessions for specific products exported from developing countries. These preferences may entail the elimination or reduction of customs duties when eligible products from the beneficiary developing country (BDC) are exported to the developed country.

(Buber 1970, 7). In a thought-provoking article, political philosopher Kohn (2013, 194) argues, "[a] narrative which depicts the privileged as sacrificing their own prosperity in order to save the underprivileged could function ideologically to support ideas about Western superiority, thereby justifying more authoritarian forms of global governance and intervention." By stark contrast, in the words of a research participant:

"Instead of asking for charity, we're asking for recognition of the injustices we've faced. This recognition would not only involve material redistribution but also support our cultural sustainability, allowing us to regain our dignity and autonomy. It's about challenging the moral hierarchy that separates us from the Western world." (Nasreen Akter, NGO leader)

Thomas Pogge (2010) pointed out that the privileged class holds moral superiority, which is not only a falsehood but also forms the basis for other false beliefs. Theories of justice that prescribe how things ought to be can further bolster this sense of moral superiority. This, in turn, can serve to legitimise political power that may have the potential to be oppressive. For Pogge (2010), the citizens of wealthy nations, much like the Germans during the Nazi regime, are involved in grave injustices. Yet, while the defeated Germans had to face their role in the war, citizens of affluent nations are deemed successful and, therefore, do not reassess the narratives used to justify global inequalities. These narratives include progress or development, mutual benefit, deservedness, and so on. As discussed earlier, the idea of development being oriented to individual autonomy and freedom misses the point of structural coercion and is, hence, unlikely to overcome the historical injustices and instead aggravate the situation. The lack of accountability for historical injustice can perpetuate an unjust status quo, ultimately continuing

to harm those most vulnerable to the effects of contemporary global inequality. So, it wouldn't be exaggerated to opine that people in wealthy countries are not just bystanders who witness a child drowning, but they play a part in supporting corporations and benefiting from their actions — unintentionally, though. Unfortunately, culpability has now turned into moral superiority with demeaning and dehumanising effects respectively on Bangladesh as a nation and its citizens.

- **Demeaning effects on Bangladesh**

Rich nations, although equally responsible for global poverty, are not referred to as weak or corrupt, unlike poor countries, which are often tagged as "failed states" due to their lack of regulation and corruption (Connor & Haines 2013).

For instance,

"Why does the primary responsibility for rectifying the problematic wage labour system lie with Bangladesh when often multinational companies are driving resource extraction, and the source and host governments alike are induced to cooperate? Given that resource extraction is often motivated by multinational corporations and that both the source and host governments are incentivised to acquiesce, what justifies placing the principal onus on the Bangladesh government?" (Saifur Rahman, Activist, Writer & Researcher)

To be sure, the issue of remediating the problematic wage labour system is a complex and multifaceted one involving a multitude of stakeholders. While multinational companies do play a significant role in driving resource extraction, the primary responsibility for addressing this issue is generally attributed to the host country, Bangladesh. For example, a respondent commented in relation to sustainability,

"The government should keep an eye on things locally to make sure that the systems in place for sustainability are being properly maintained. After the Rana Plaza disaster, buyers are already keeping an eye on these things, but it

would be even better if the government played a more active role as a neutral facilitator for the industry." (Md Riachat, Buyer's Sourcing Agent)

This is due to several factors, including the fact that the labour system in question primarily affects Bangladeshi workers and that the government of Bangladesh holds a certain level of jurisdiction and control over labour laws and regulations. Furthermore, it is not uncommon for host governments to be incentivised or coerced into cooperation with multinational corporations, which can further complicate matters. The government is responsible for ensuring workers earn enough for a decent standard of living and supporting workers' unions, but the need to attract foreign investment often takes priority, overshadowing these commitments. Nonetheless, ultimately, the task of rectifying the problematic wage labour system requires a coordinated and collaborative effort between all involved parties, with due consideration given to the rights and well-being of affected workers and the overall socioeconomic impact of any proposed solutions. In fact,

"Upgrading the garment sector in Bangladesh so that it is sustainable for business and society will be a long-term challenge. It will require concerted and coordinated efforts among global brands, local factory owners, government agencies, civil society, unions, and the international donor community." (Labowitz & Baumann-Pauly 2014, 45)

In a similar fashion, Barrett, Baumann-Pauly and Gu (2018, 24) argued,

"Shared responsibility seeks to address the underlying causes of the most serious human rights risks by requiring the collective action, influence, and resources of all major stakeholders in global supply chains. The ultimate goal is to protect workers in producing countries and spread the benefits of globalization more evenly."

That is to say, we must strive for mechanisms that can reflect the notion of global solidarity, as utilised by organisations such as the World Social Forum (WSF). The WSF promotes the idea that moral responsibility goes beyond national boundaries and necessitates actions towards those far away. However,

what is crucially significant here is that the WSF's approach emphasises mutual responsibility rather than an imbalanced donor-beneficiary relationship, with distant groups being seen as equals. In practice, this results in calls for greater democratic oversight of international financial organisations, regulation of multinational companies, social justice, and ecological sustainability (Steger and Wilson 2012). In order for such a democratic achievement in the postnational constellation, scholars like Sobhan (2014) and Kabeer (2020) call for the responsibility of the developed nations. "With 64 percent of Bangladeshi exports shared among European nations and 18 percent consumed in the U.S., these governments have a special obligation to help improve the workplaces producing popular low-priced clothing for so many consumers in their countries" (Barrett, Baumann-Pauly & Gu 2018, 25). However,

"Saying weak or corrupt about Bangladesh might be a little bit true, but it's not fair to blame just Bangladesh for all the problems. The big companies and the countries they come from should also help fix the problems. Using stories and images that don't belong to Bangladesh can make things even exacerbating for their problems." (Baharul Hasan, Regulator)

In a nutshell, describing Bangladesh as a weak or corrupt country may be partly true, but this narrative absolves the brands, acting as modern colonial forces, from the accusation of perpetuating fashion colonialism. This has a negative impact on Bangladesh. While Bangladesh may serve to ameliorate unfair business practices, blaming Bangladesh shifts focus away from the real issue rooted in the global production chain. Solving the problem requires cooperation, with the brands and their source countries shouldering much of the responsibility rather than putting the burden solely on Bangladesh. The use of metaphor and representation here could be seen as cultural

appropriation or political manipulation, detrimental to Bangladesh's autonomy.

- **Dehumanising effects**

Like the demeaning effects on Bangladesh as a nation, the rhetoric of global justice dehumanises Bangladeshi people. This point will be discussed in greater length in the following section, at the heart of which is the idea of politics of representation. In order to follow this, here we will see how words or representations of even local actors operate to (mis)recognise the dignity of garment workers, with far-reaching consequences. Female workers from poor backgrounds in the Bangladeshi textile industry have been unfairly depicted as inferior and menial instead of being recognised as individuals with limited options who are engaged in the only available avenue for work.

"The poverty and illiteracy that female workers inherit make them do whatever they can to get by. It's simply unfair to call them cheap or menial without considering the challenges they face. Instead, we should acknowledge their struggle and support efforts to help them break free from their tough economic situations." (Saifur Rahman, Activist, Writer & Researcher)

The conditions of girls in the garment sector are a result of economic hardship and gender bias ingrained in an underdeveloped and male-dominated community, and not merely work in the garment business (Kabeer & Mahmud 2004). Yet one's normative sketching of the dire situations of garment girls can assert one's "credentials as a caring moral being but it reduces the young girl to the status of 'a creature', almost a different species" (Kabeer 2020), as is evident in the following comments made by Ruby Akter one of the officers working for the Minimum Wage Board of Bangladesh:

"I must say our workers are in dire situations. Their lives are in no way comparable to human lives. Around 7/8 garment girls lived in tiny rooms and supported themselves with that meagre salary. They take *singhara* (a sort of snack much like a wrap with vegetables, often potatoes and onions inside) and eat the cover of the singhara during their snacks, and they eat the remaining part of potatoes or vegetables with their lunch meal. I feel shame that we can't do something for them; at least we would ease the situation a bit more — a bit more so that they can at least have their lives as humans with a degree of autonomy. They do not have a hygienic environment at home, nutritious food, or any rest and recreation facilities. How come we stay unanswered experiencing these dire situations? I don't know. People will appreciate how struggling a life could be if one visits the situation of these garment workers' lives. The entire system was just cheating on workers. Workers just spend and spoil their lives as an instrument of a money-making process for some greedy, heartless creatures with whom we share our lives. Our government must realise this unjust situation and take policies that will ensure decent working conditions at work, a decent lifestyle at home, and sufficient money consistent with the commodity prices of the market."

As a regulator, Miss Ruby's feelings about garment workers demonstrate her moral credentials without a doubt, but the words used in her narrative might reflect an unintentional effect of assaulting their autonomy as if they are not someone like her to be considered equal to a fully respectable human agent. For example, phrases like "their lives as humans" and "spoil their lives as an instrument of a money-making process for some greedy, heartless creatures" might invoke an inferior image of garment workers. This is because words cannot be neutral and might have connotations conveyed without the speakers' intention to say so. Lister (2021) aptly argued that even the word poverty carries connotations of harming the poor's autonomy; they must be represented as autonomous agents in this long and challenging battle as well as recipients of support. Liala Yashra, a former garment worker who is now the Readymade Garments Workers Federation Central Committee president, has spent her life fighting for the rights of those in the industry. She began her journey at 12 years old, worked for 10 years, and got involved with unions at

the age of 15. Liala is now an activist raising awareness of the difficulties faced by garment workers in a patriarchal society. She shared her experiences, such as how factory owners have often disregarded union claims and used abusive tactics to maintain their control. However, her account of garment workers' achievement of self-realisation was compelling, reminding the fact that representation/knowledge and the metaphorical use of the phrases/terms are not neutral. Her version of the narrative, although meant to serve a similar meaning as that of Ruby, is constructed in a way less likely to inflict any harm on their autonomy (Lister 2021).

"However lower the salary is, our poor rural women see at least some sort of independence when they feel they can earn by themselves by being recruited by RMG factories rather than remaining dependent on their parents, husband or relatives. She can support herself, help raise her child, or send money to the poor parents they left in the village. This sense of thinking of oneself as important for one's immediate family is something vital that, in turn, provides a sense of freedom — freedom from being controlled by others and freedom from financial obstacles. The employment opportunity gives them a structure through which they live their life, make sense of human society, and get their own thinking and opinions about happenings surrounding them. They experience exercising their agency: what to do with their hard-earned money, how to spend, how to identify priorities and learning what is important and what is not are continually shaping/reshaping their way of thinking and living a life in this world. There are many invisible coercions for girls in a patriarchal society; girls now having the opportunity of being employed in the RMG sector at least see themselves as fortunate than previously for unlocking doors to the ways of making their lives meaningful instead of being suppressed or oppressed. It would help if you appreciated how the opportunity of employment in the RMG sector allowed our girls to come out from the shackles of being subservient to traditional cultural values of only males going out for earnings with their girls remaining to the task of household and looking after children. Today, it's very fashionable that our girls are employed, commute at night, go shopping and participate in social events, whilst, once, not long ago, these girls' activities were seen as unacceptable and unthinkable."

She is not certainly suggesting that such feelings of freedom excuse harm, as freedom should never be at the expense of exploitation. Simply withdrawing investments is not the solution either. Instead, what she implies is that workers' motivation to keep going with the only available option they have to

live in this world. Exploitation is deeply ingrained and rooted in historical elements, so simply acknowledging it or redistributing resources is not enough to address the injustices. Additionally, we need to respect their collective way of thinking, and we must support the political aspiration of emancipation.

These individuals come from deprived backgrounds and are pressed into service in the garment sector due to compelling circumstances. This departure from mainstream social norms, where girls are typically expected to remain in the household and perform their familial duties, has indeed transformed the cultural dimension of Bangladeshi society. Consequently, it has also been an essential driver for the country's steady economic growth. This development serves as a stark reminder of the inherent dangers of a country neglecting its potential by leaving half of its young workforce idle in an unproductive industry. The need for employment, coupled with the availability of opportunities in the apparel industry, therefore, propelled the country's progress forward despite a large population. This growth was not without its social and environmental problems, often leading to egregious violations of workers' rights in manufacturing sites, but what is significant here is a sort of recognition and dignity for their efforts to ameliorate the situation.

Now, the important question, as with Kohn's (2013, 196) words, "Is it possible to advance a philosophical argument that seeks to convince the privileged of their obligations without invoking a rhetoric that demeans or dehumanises the poor?" Pointing to the role of power in knowledge production, she (2013, 196) herself optimistically replies, "I think it is, but it requires greater attention to

the power of metaphor and narrative." (Kohn 2013) Hence, what follows is how the politics of 'representation' wields the power of language, metaphors, and images to enhance the persuasiveness of the rhetoric of a global open market system, even if they don't align with actual facts.

5.4.3 Politics of 'representation': the power of meaning-making

The global free market system is not free at all; rather, it appears to be coercive for nations struggling to catch up from colonial historical exploitation. On the other hand, from the perspective of developed nations, people are often blindfolded to the experiences of the people in the southern regions. Adherents to liberal thinking don't see any problem with the notions of freedom, individual autonomy, development, human rights, and so on. But these notions are founded on the problematic liberal ideology actually serving the pre-existing unequal relations. In a similar vein, the confluence of the international market lends advantages to the more developed countries, as multinationals originating from these nations wield the authority to contrive and construe the regulations that govern the competition, prioritising their own welfare over an impartial structure (Gilabert & O'Neill 2019). The advanced industrialised nations have long protected their own industry in the garment and textile sector and largely controlled it in global trade despite their bolder initiatives for trade liberalisation in general. The Multi-Fibre Agreement (MFA) was agreed upon in 1974 by the United States, Canada, and some European nations to control the RMG sector, despite their commitment to commercial openness through the General Agreement on Tariffs and Trade (GATT) established in 1948. The MFA agreement allowed advanced countries to hold

sway over the industry through a range of mechanisms, such as the insertion of social clauses and the practices of a quota system. It is worth pointing out here that there is a strong case for protectionist practices by developed nations to adapt to structural adjustment caused by the globalisation processes.

Following the escalation in oil prices during the early 1970s, an economic downturn ensued, leading several nations to adopt MFA quotas with the aim of curtailing imports from East Asian countries (Kabeer 2020). During this phase, particular trade unions advocated for the inclusion of a "social clause" within the MFA regulations that would permit the implementation of sanctions against countries whose exports contravened universally accepted labour standards. Though the notion of linking labour standards with trade sanctions was not an unprecedented idea, the revival of interest in the social clause for controlling textile industries was motivated by the increasing concern over structural unemployment in industrialised countries (Bairoch 1999).

As a result, in 1999, opposition to the social clause before the WTO Ministerial Conference in Seattle drew in various groups, including southern trade unions, civil society organisations, and scholars of different beliefs. Their stance was against linking labour and environmental standards with WTO and trade treaties. These activists recognised that while some proponents of the social clause may have had pure intentions regarding workers' rights, such concerns were being tainted by powerful protectionist interests who sought to increase developing nations' production costs, thereby weakening competition against developed countries. WTO aims for trade liberalisation, while the social clause

is seen as a separate goal. It is recommended that WTO only focuses on liberalisation and lets other organisations handle the social agenda.

The hypocrisy of countries calling for a social clause despite their flawed labour rights was evident. The USA, for instance, has restrictive legislation dismantling workers' rights, resulting in only 12% of its labour force being in trade unions at that time (Kabeer 2020). It has also failed to sign key ILO conventions on labour rights, including the clause on forced labour, violating ILO conventions by using prison labour to manufacture goods. To appreciate the role of power asymmetries on the post-national constellations, one only has to appreciate the potential political fallout if less powerful countries like Bangladesh would use the WTO's dispute settlement procedures to demand trade sanctions against the USA for violating ILO conventions (Sobhan 2014).

The politics of representation has also been played out around cheap labour and child employment. As a female worker, Kaspia Akhter, who has now become an NGO leader, says, "Unlike the '*muslin*' era, our girls today are depicted as cheap labour; being cheap, our girls are charged with having diminishing effects on white girls. They never consider our girls' struggle to live in this world." The concept of "cheap labour" is intertwined with the politics of representation, particularly when it comes to female workers in the global south. A prevailing narrative portrays the struggle of these female workers for economic emancipation as a cultural barrier, one that impedes female workers in the global north countries. This framing contributes to a skewed understanding of the challenges faced by female workers in different regions

and the complexities of their emancipatory efforts. Elson (1983) astutely observed how the equation 'third-world women' with 'cheap labour' functioned to validate the demands made by workers in the First World who sought increased protection against what they perceived as 'unfair competition'.

"Women workers in the Third World are often stigmatised as 'cheap labour', willing to work in appalling conditions which undermines the position of women workers in the First World countries of North America, Western Europe and Australasia. There is often a feeling that Third World women are at fault; that they won't stand up for their rights, and thus jeopardise any attempt by women in the First World to stand up for theirs. Tighter restrictions on imports of garments and textiles are often seen as the only strategy for women in the First World to protect themselves against the supposed menace of 'cheap labour' founded on 'oriental submissiveness'." (Elson 1983, 6)

Likewise, following the introduction of the Child Labour Deterrence Bill, also known as the Harkin Bill, into the US Senate in 1992, the USA-led campaigns favoured complete prohibition to employ the labour of under eighteen — they never considered the fate of these children as they could have ended up being employed in more hazardous jobs; they could have been considered few-hours jobs for those in their teens with school attendance, that could be a positive gesture towards the employment culture of the country given the constraints to which the industry is subjected.

"So, they were all about not letting anyone under the age of eighteen work. The thing is, they never really thought about what might happen to those young kids if they couldn't get a job. They might have ended up in even more dangerous situations! What if, instead, there could be some kind of short-term jobs available for teenagers, with just a few hours per week, so that they could still go to school? It would be a really cool way to show support for employment in the country, especially with all the challenges we face politically and economically. Don't you think?" (Sakhina Begum, Union leader)

Also, Imrul Kayes, Manager in Human Resource Management (HRM), says:

"You know when people try to protect their own industry and bring up social issues like cheap labour and child labour? It's important to recognise that these are serious issues, no doubt about it. But what's also important to consider is that Bangladesh is a country with limited resources and a huge population. It can be a real challenge to find ways to align with the practices of more

advanced nations. We have a unique way of dealing with things here, shaped by politics and economic realities. If we're not sensitive to this, any extra pressure could just make things worse, fuelling harmful power relationships that are already at work."

Sakhina and Imrul's observations highlight the varying approaches needed for conducting similar activities in different societies. They emphasise the unique challenges that Bangladesh faces in striving to meet the higher labour standards set by more developed nations. While these standards may be appropriate for countries in the global north, expecting the same from countries in the global south overlooks the additional challenges these nations encounter. Moreover, Bangladesh finds itself in the position of a rule-taker rather than a rule-maker — subject to the rules without significant input — in the dynamic power game on the global stage. The influences of apparently rich Western epistemic capacity hinder Southern society's ability to articulate — befitting their own sociocultural practices — the terms on which trade relation thrives (Aas 2012). Rules imposed upon Bangladesh are often influenced by a belief system of universalism, primarily originating from the northern regions; these rules often fail to address the unique and often marginalised experiences of the people of Bangladesh. Instead, it would be more appropriate to consider an altered epistemic ground that takes into account the diverse cultures and geographical sites of southern countries, thereby fostering a more inclusive and culturally sensitive approach. For instance, although basic safety guidelines should ideally be applicable worldwide, but the pressures from economic globalisation vary across different countries. From the perspective of developing nations, the adoption and ethos surrounding safety regulations may differ from those of developed nations. It's crucial to take into account

the diverse viewpoints of various countries when examining the global applicability of safety regulations within the framework of economic globalisation.

In the absence of knowledge resources for an altered view to emerge, the epistemic asymmetric relationships appear as unproblematic and do their job legitimately with a more searing effect on existing inequality. It is then frustrating to see that the provisions of WTO law and trade agreements hinder Bangladesh. The nation-state of Bangladesh is subjected to various constraints that impede its ability to effectively reduce tariffs, customs duties, and local content requirements in relation to its products. Apart from this, there is a range of issues that constrain Bangladesh's effort to emerge, such as WTO's restrictive provisions on government procurement, intellectual property rights, agricultural export subsidies, devaluation, investment incentives, trade finance, export taxes, etc. These limitations prevent Bangladesh from using crucial policy tools such as import quotas, subsidies, and tariffs — tools on which richer economies rely heavily to boost industrial growth. As a result, Bangladeshi ruling leaders are unable to effectively target economic activities to transform their economies, limiting their potential for growth and development.

The current global order is, therefore, characterised by economic inequality — developed countries have historically dominated the global economy while developing countries have struggled to catch up. This has led to a wide range

of social and economic problems, including a discriminatory impact on a global value system.

It would be normatively legitimate to claim that nation-states operate within an international framework whereby market access is not employed as a means of political patronage. Market access should not be granted on the basis of political rent-seeking, as this practice engenders a significant predicament for developing nations' endeavours to do business within the globalised production network. Less influential countries like Bangladesh find it unfair when they lose market access due to strained relationships with certain countries promoting specific economic models and policies. However, the overarching political economy in which a value chain system is nested is structured in a manner that primarily benefits developed nations. Bangladesh and other similar countries find it utterly challenging to compete in the open market system as the rules of the game are written and interpreted by advanced political societies. Bangladesh needs to adapt to the globalised trade and open market culture by bringing about a profound transformation in its domestic industries, impacting many people's lives.

5.5 Conclusion

Three broader relational aspects related to the Bangladeshi RMG industry have been identified to make power inequality foreseeable. They are not exhaustive or mutually exclusive; rather, they are meant to indicate the possibility of rendering harm and, by implication, power inequality visible. As we have seen, they are intertwined to result in a grotesque inequality that is morally significant because those who are stripped of socioeconomic means due to the

power inequality ought not to be considered as the outcome of their intentional action. An exploration of power inequality offers an opportunity to identify who might be accountable for resulting harm and to anticipate such harm in the first place. In the upcoming chapter, namely "Harm and Indifference," we will examine how this problematic power asymmetry resulted in substantial harm and how people became indifferent or passive towards the repercussions.

CHAPTER 6: HARM AND INDIFFERENCE

"The absence of socialites from the ground has a class element to it. One of the probable reasons might be the proximity or distance from working class. In a factory, an owner doesn't necessarily need to know a sewing operator. For him s/he is just a number stitching X number of clothes. Under a neo-liberal economy, our consumption doesn't let us see the people who are serving us. We no longer require staying in a close proximity to the working class and can lock ourselves in fortresses. This relative distance does make these service providers look like machines required for production, assist in domesticity; a nameless, faceless individual. Their information are only required for surveillance. More often than not they do not exist/belong to our cognitive world. Hence it is possible for us to be charitable and donate money as proxy to their life." (Activist & Writer Seuty Sabur, May 8, 2013)

6.1 Introduction

Three interconnected themes: **globalisation**, **regulation** and **responsibility/accountability** have been explored in the theoretical segment of the thesis. Chapter Three delves into globalisation and regulation to surface the idea of global power structure and its impact on regulatory capture both at home and internationally. Chapter Four presents a detailed critique of the standard view of responsibility/accountability, highlighting the inherent contradictions in the core principles of liberal philosophy. It has been predicted that overlooking power dynamics and regulatory capture within this individual model of responsibility entrenches power asymmetry and serves the production of moral indifference in capitalist societies. In response, within the second half of Chapter Four, a modified framework for responsibility — a social harm model of responsibility (HMR) — is proposed, underpinned by the principles of **foreseeability**, **alterable social arrangements**, and the **differential capacities of diverse social subgroups**. The preceding chapter analyses empirical data to demonstrate power differentials, both **epistemically** and **materially**, providing insights into the unequal capabilities

of social subgroups involved in the production chain. This chapter illustrates how power asymmetry is entwined with morality, ultimately fostering moral **indifference** towards the plight of factory workers in the RMG industry in Bangladesh.

Clearly, harms experienced by garment workers stem from systemic, nonviolent practices of economic globalisation that are not confined to specific time frames and extend across geographical boundaries, transcending national borders. In addition, these practices are often rationalised through the scientific style of bureaucratically and economically pragmatic assessments. Exploring the dilemma of morality in relation to "proximity", "violence", and "rationality", this chapter illustrates how indifference operates to perpetuate garment workers' sufferings. This analysis provides insight into how and why an HMR would defend morality beyond our immediate context, for silent structural violence, and for harm related to rationalistic calculations.

The chapter is divided into four main sections. The first section introduces the moral dilemma arising from proximity conditions and its subsequent impact on the annihilation of moral proximity. Neoliberal practices often limit the perception of harm to the immediate context within national boundaries, overlooking the de-bounding of harm — the fact that such harm often originates from a complex chain of production rooted in historical colonialism and ongoing north-south relationships. This chain encompasses various interconnected moral spheres or mini-moral communities — factory workers, employers, buyers — facilitated by technological and legal abstractions,

leading to a sense of indifference toward garment workers. Paradoxically, this indifference arises from the loss of proximity in a compressed space-time.

Likewise, as the second section presents, the concept of harm encompasses insidious systemic violence, where the moral compass may become obscured in the absence of overt acts of violence. Indifference towards workers can be considered a form of violence, as evidenced by their frustration and fear of being overlooked. In response, workers themselves may engage in militant protests, often prompting violent reactions from the state. Ironically, these acts of violence of both the protestants and state responders together breed a general animosity towards the protestors. The prevailing emphasis on consumer rights and security concerns conveniently casts these individuals as criminals, thus restricting our consideration of morally relevant facts. In reality, these individuals are the bearers of pertinent moral truths that are essential for evaluating harm within an HMR.

The third section presents the notion of distortion of moral knowledge through rationalistic calculation. It is important to recognise, as dwelling on the Levinasian concept, Bauman (1989) argues, that moral responsibility is unconditional and should arise when harm is known to have occurred (see also Pemberton 2004). However, bureaucratic and rationalistic calculations, in effect, reduce morality to technicalities. This can lead to the perpetuation of certain practices through the use of persuasive language such as audit, development, scientifically justified mechanisms of compensation, and so forth. Ultimately, we risk becoming indifferent when we distort moral

knowledge by delegating situational moral matters to universal scientific calculations.

Finally, the fourth section examines two paradigmatic instances of moral actions to further illuminate how proximity, violence, and suspension of rationalistic thought processes contributed to triggering a moral response to the Rana Plaza collapse and the #PayUp campaign during the COVID-19 pandemic. However, as these moral actions fall within the dominant view of harm and responsibility, they fail to acknowledge the core of harm — the de-bounded, rationalistic structural violence of the activities of mini-moral communities within a global chain of production. In conclusion to this chapter, I cannot do anything further besides only briefly and abstractly outlining the answers to the research questions.

6.2 Annihilation of moral proximity

Both in terms of its originating sources and ongoing operation, the global scheme of "social" cooperation in the apparel commodity production system involves time, space, and coordination among actors within and between various stakeholders, i.e., local employees, employers and multinational brands. While this network operates on a global scale, individual moral responsibility tends to be more deeply influenced by immediate contextual factors (Bauman 1989). Consequently, a dichotomy emerges, wherein the global nature of the production chain and the localised impact of moral decision-making gave rise to two significant phenomena: the "de-bounding" (Beck 2002) of harm and the formation of "mini-moral communities" (Bauman 1989). A distinction is worth making here that Beck's (2002) term "de-

bounding" has been employed to shift the focus from viewing harm as merely a manifestation of isolated events. Instead, it highlights Beck's concept of three-dimensional de-bounding. Consequently, Beck's interpretation requires a shift in perspective where harm takes the place of risk. According to Beck (2002, 41),

"This de-bounding is three-dimensional: spatial, temporal and social. In the spatial dimension we see ourselves confronted with risks that do not take nation-state boundaries, or any other boundaries for that matter, into account: climate change, air pollution and the ozone hole affect everyone (if not all in the same way). Similarly, in the temporal dimension, the long latency period of dangers, such as, for example, in the elimination of nuclear waste or the consequences of genetically manipulated food, escapes the prevailing procedures used when dealing with industrial dangers. Finally, in the social dimension, the incorporation of both jeopardizing potentials and the related liability question lead to a problem, namely that it is difficult to determine, in a legally relevant manner, who 'causes' environmental pollution or a financial crisis and who is responsible, since these are mainly due to the combined effects of the actions of many individuals."

De-bounding of harm and mini-moral communities collectively contribute to the annihilation of moral proximity toward the suffering of factory workers. For example, Farid Chand, a senior Merchandiser, shared his feelings as follows:

"Brother, I understand, just like many others, the industry exploits workers. Initially, I was shocked and felt ashamed witnessing this first-hand. I wondered why workers couldn't receive just a bit better pay and well-being. However, over time, I became accustomed and less guilty. As a manager, I am constrained and comforted myself by thinking that if it's wrong, why do powerful people and big multinationals accept this unfair situation?"

Initially, due to his close proximity to the suffering victims, he developed a strong moral connection. However, over time, he became desensitised as he attributed the harm to influential individuals far from him who were associated with multinational brands. He began to align himself with a distinct moral community (managers) separate from the workers. Faced with the suffering of factory workers, the natural tendency of the inborn moral drive gets

deactivated due to the conditions of time-space involved — de-bounding of harm and due to the sense of belonging to a particular interest group employers/managers — formation of moral mini-communities.

6.2.1 De-bounding of harm

As we have seen in the previous chapter, due to a reduction in scale in many other productive sectors in Bangladesh, the economy is heavily dependent on the garment industry. This reliance creates a double-edged problem. On the one hand, the owners of garment factories hold significant power within the country. On the other hand, both the Bangladeshi state and these influential owners are relatively weak and vulnerable when it comes to the international stage. As a result, workers' ability to negotiate and secure favourable deals is greatly diminished. Clearly, the sources of harm lie in power inequality between nation-states of northern and southern territories and between haves and have-nots. This point is captured in the following quote:

"We work for people who live far away, like a thousand miles away. They're the reason we work so hard in this factory. They design things and consume what we produce. Unfortunately, the people close to workers, i.e., factory owners/managers and even government people, don't really bother about what workers are going through but are trying hard just to stay in business. They too are separated from those remote main decision-makers and often can't do much to help us." (Sakhina Begum, past-garment worker, currently manager)

What Sakhina Begum really signifies is the causal connection of harm that extends in space, time, and nation-states. In the global north, governments that excessively favour multinational corporations contribute to the establishment of a global supply chain facilitated by a panoply of supranational institutions. These processes result in an abundance of inexpensive and rapidly produced fashion clothes in the northern region at the point of

consumption while simultaneously perpetuating inhumane conditions in the southern countries at the point of production. Notably, the chain facilitates the unrestricted movement of capital, products, technology, management, and skilled talent yet constrains labour mobility. "People of power and their things can cross borders, but workers can't" (Soheli Pal, Vice President, Workers Federation). Consequently, labour remains confined to southern countries, where it is exploited as a low-cost commodity. The abandonment of workers at the production site is intricately linked to historical actions primarily rooted in the regions of the global north. The detrimental impact of this chain transcends time, geographical boundaries, and national borders, thereby undermining the personal moral drive for the suffering victims of harm associated with the global chain of production. Pointing to this dilemma of moral proximity and de-bounding of harm writes Bauman (1989, 152),

"The visual capacity of moral drive, limited as it is by the principle of proximity, remains constant, while the distance at which human action may be effective and consequential, and thus also the number of people who may be affected by such action, grow rapidly."

The lack of spatiotemporal proximity between the action and the moral agent can dramatically impede moral inhibitions; this means that the agent is not physically or temporally close to the action, making it difficult to feel a strong emotional connection to the consequences of the action (Bauman 1989).

"People who live far away don't have to see the tough conditions the workers endure to make their clothes. They just buy cheap fashion at their favourite stores without thinking about how it's been produced. Some of these consumers are workers themselves, but they live in countries of northern regions where labour laws protect them with minimum wages and such. They can't really understand how hard it is for the people to be labourers here in Bangladesh, a country within the southern territory that faces enormous challenges from within the country and externally." (Azibur Hasan, Chairman of a Workers Federation)

In the Bangladeshi case, harm is essentially transnational and "a product of a long chain of geographically often dispersed and un-bounded events and actions" (Aas 2012, 13). The profound and intricate interdependence of a global value chain system calls for our urgent attention to the vital need to merge perspectives on spatialised, geopolitical factors of global inequality with sweatshop experiences (Falk 1999). Harms are no longer confined to specific geographic locations or national boundaries. They can extend indefinitely in terms of time and can be challenging to define in social terms, including their causes, those affected, and responsibility. This aligns perfectly with Beck's (2002, 41) insight that modern societies are characterised by three-dimensional de-bounding of risk, a broadening of risks that transcend traditional spatiotemporal as well as nation-state boundaries. The de-bounding of harm in spatial, temporal and social terms leading to moral indifference is particularly evident in the Bangladeshi case.

6.2.1.1 The acts of time and space: forgetting the historic colonial connection

Here, we will look at how space-time itself can act as a source of indifference to harm. During the colonial era, Bangladeshi *muslin* was renowned for its quality and considered one of the most expensive apparel commodities. However, due to colonial violence, these skills have disappeared. Today, the Bangladeshi industry is often criticised for violating workers' rights, and workers are frequently labelled as "cheap", as is evident in the following quote:

"My great-grandpa used to work in the *muslin* industry, making some of the most expensive clothing back in the day. People really looked up to him for his amazing skills. But things have changed, and now we're among the cheapest producers of garment items. These days, it's all about cheap labour, not skill. Not only do we lose pride but also our living wages. It's pretty wild how time

can totally shake things up and change our whole deal." (Nasreen Akter, former Garment Worker, currently founder chairman of NGO)

The criticisms of human rights violators and the notion of workers being cheap are actually a form of symbolic violence because such critiques, as we have seen in the previous chapter, have unintended demeaning or dehumanising effects. Subsection 5.4.2 discussed symbolic violence, highlighting dehumanising and demeaning effects in greater detail. It is important to understand that workers cannot be cheap, and the failure of Bangladesh to uphold human rights in the factories is not solely the fault of Bangladesh (we will see this issue further in sub-subsection 6.2.1.3). Instead, the global production chain reflects the impact of past colonialism and is far from a level playing field (refer to subsection 5.4.1 for details). These criticisms actually serve to perpetuate structural violence.

"The industry, once marred by colonial violence during the British era, has now evolved to exhibit structural violence against factory workers within the global chain of production. We forget this connection between two acts of violence and refer to things on new terms of a level playing field. If I can, you can. What about historic injustice and what about inequality." (Tipu Raihan, Researcher & Activist)

Within the neo-colonialism project of the business model, rather than coming to terms with the evil of power inequality that destroys Indigenous values, we become obsessed with Eurocentric consumerism. People deprived of their basic needs now engage together, however uncomfortable, with citizens of affluent nations through that quintessential global chain of the production system. Each one is deemed to be motivated by the same promises, yet with the outcome of sure reality for almost all of the latter and forever fantasy for the majority of the former. The dispersed network of the production system

across space and time — i.e., colonised RMG²³ akin to the colonial past — allows us to conveniently overlook the injustices borne out of unequal power dynamics to focus on contemporary consumption culture. This oversight places both the underprivileged and the advantaged on a level playing field, subjecting them to similar working conditions. The involvement of time and space shifts attention away from power relations and towards working conditions, which deeply affects the disadvantaged, as Hage (2003, 75) succinctly explains:

"Though its darker legacy is sometimes conveniently forgotten, Western colonialism has often produced and still produces some of the worst living conditions created on the planet. And yet the people who try to rise above these living conditions are somehow expected to be chic, humanitarian, cosmopolitan — even aesthetically appealing."

This is strikingly similar to the following comments made by research participant Azibur Hasan, the chairman of the Textile Garments Workers Federation,

"You know, time is a great perpetrator. We forget everything about British colonialism, the partition in 1947, and the liberation war in 1971, all of which deprived us and violated our human rights severely... a country that just gained independence not too long ago is trying so hard to build from scratch with limited resources. Yet we are subject to ongoing power politics, and yet, we are expected to do things to the standards that the international society has set for us."

Such calling for international standards for human rights, for example, is evident in Barrett, Baumann-Pauly & Gu's (2018, 5) words, "Bangladesh deserves attention, not only because it ranks as the world's second-largest clothing manufacturer, behind only China, but because the human rights concerns affecting its workers also affect workers in garment-manufacturing

²³ For an expansive and comprehensive analysis, please refer to subsection 5.4.1.

countries around the world." The interesting tone we see in Kabeer (2020), as she argues, "While the country faces the typical difficulties of any underdeveloped country with a very limited history of industrialisation, it has given unusual prominence in international efforts to promote labour standards in global value chains."

The inherent spatial and temporal aspects of harm give rise to complex ramifications that are both distributive and synergistic in nature, often resulting in irreversible consequences.

"The temporal and spatial qualities of harms also alert us to the fact that harms operate and are experienced synergistically — harms extend through time and space and in so doing they encounter each other and are experienced synergistically, in more searing forms." (Canning & Tombs 2021, 91)

To curtail this spatiotemporal quality of harm, as the prevalent social processes of fighting crime and harm problems do, is to allow harm to be distributed over time and across space, to become more searing, and ultimately lead to irrevocable circumstances — and hence to perform its tasks without being noticed or obstructed. Yet we are tempted to curtail the de-bounding feature of harm, and "these temptations of curtailment rather belie how harms can not just affect but indeed recreate our being and biographies in ways that are irrevocable" (Canning & Tombs 2021, 91) as occurred with the Bangladeshi industry. Exploitative labour conditions are the product of the "racialised... colonial structure of international trade and labour arrangements... designed precisely to extract from, neglect, and forget an array of human and environmental resources (e.g., skill, knowledge, time, health, wages, clean water, clean air) from the people and places" like Bangladesh (Pham 2022, 4). Yet, Bangladesh is to conform with the

international standard of labour rights because our concerns merely with proximity allow us to incessantly rewrite the relationships on new terms, and thereby, any moral significance the previous relationships might have is removed from view.

To briefly summarise, time and space act on us as we act on them; when a considerable amount of time-space gets involved in our social cooperation, the most alarming of the unintended harm produced thereof is that our relations can get changed irrevocably. Not only do previous violations get eliminated from view as a result, but they also invoke a burden — necessitated and legitimised by the current circumstances — upon the victim; this imposing of the burden itself is morally problematic if viewed through the entirety of the problem or with the non-curtailed spatiotemporal dimension of harm, let alone any sanctioned penalty imposed if not realised expected behaviour from those victims, let alone the spatiotemporal ability of harms to get operated "synergistically and in more searing forms," increasingly involving more victims.

6.2.1.2 The impact of global geopolitics: ongoing north-south relationships

"[T]he economic negligence that Bangladesh had to endure for over two centuries during colonial rule has significantly deterred the development of a proper institutional corporate regulatory system...This is reflected in the country's hybrid corporate governance system, which has been changed on many occasions over the last 50 years." (Reza & Plesis 2022, 272)

As we have seen in Chapter Three, the global power structure and regulatory capture work in tandem to provide the foundation for the harm upon the lower-tier factory workers of the chain. Research participant Baharul Hasan, a government regulator, observed,

"It's tough when powerful countries make all the rules for trade and business to favour their own multinational companies. We have very little say in these situations, especially when it comes to international issues like pandemics, child labour, or tragedies. It feels like we can't do anything without the northern countries calling the shots."

Bair and Palpacuer (2015) caution that a dominant global governance regime may obscure social and political disputes and dissuade challenges to leading firms in global supply chains. Consequently, this could hinder the transfer of value from dominant actors to less powerful ones.

The disparity between the global north and south underscores the existence of two distinct worlds that must be reconciled to mitigate the detrimental effects of economic globalisation. In their work, Khan and Richards (2019, 438) astutely noted the inherent link between geopolitics and the harm of the COVID-19 pandemic upon Bangladeshi garment factory workers:

"There is growing recognition that the climate crisis is a symptom of a much longer 'anthropocenic era' ..., and that the global refugee crisis is an expression of ongoing geopolitical conflicts and colonial violence In fact, it could be argued that the racialised and unequal impacts of the pandemic on the fashion industry are inseparable from these other historical currents."

The following passage acknowledges this inequality and underscores the imperative of engaging peripheral countries in consultations.

"We live in different worlds. We live in one world where regulations are handed over to us, and the other world is of course the world that regulates. The point is that there's a distinct disconnect . . . how are we ever going to be able to comply . . . apart from just ticking the boxes if we are not actually consulted in the process of assessment. So, if you really want a level playing field, then all the worlds, both the worlds need to converge, and be broadly inclusive. While a legislation is being framed it is imperative that the countries who are expected to comply must be taken into consideration." (past-BGMEA President Rubana Huq cited in Fontana & Dawkins 2023, 23)

To follow how the situation constrains Bangladeshi opportunity, let's quickly recall a range of issues discussed in the previous chapter. Firstly, following the attainment of independence of Bangladesh, the newly established ruling class

adeptly leveraged its political authority to amass wealth, thereby integrating itself into the global capitalist framework. Although initial constraints existed in the early post-independence years, the concerted efforts of local entrepreneurs and policymakers effectively surmounted these barriers. The structural adjustment program precipitated a gradual transition towards the privatisation of state-owned enterprises. Notably, these enterprises were divested to private entities at significantly nominal prices. Seizing this opportunity, the ruling elites acquired these enterprises for minimal cost, subsequently dismantling them within a brief span. Evidently, the structural adjustment program in Bangladesh, like elsewhere in global south regions, played a pivotal role in facilitating the emergence of private proprietors of state assets. The proliferation of this new socioeconomic stratum can also be ascribed to substantial debt and aid inflows during the period of structural adjustment. This influx of capital enabled politicians, bureaucrats, contractors and consultants to consolidate themselves as an interconnected class within the global capitalist system. It is imperative to underscore that the proprietors of the textile industries, who have notably shaped Bangladesh's economy, ultimately emerged as products of this intricate process.

Secondly, in the context of peripheral economies such as Bangladesh, the terms of trade often operate unfavourably. This results in a continual decline in the relative unit value of their exported garments compared to the imported goods from more economically developed regions. Consequently, Bangladesh is compelled to increase the quantity of its exports in order to afford the same volume of imports from these more affluent regions. For more details, see

subsection 5.4.2. To stimulate export volume, the country is compelled to maintain its export prices at the lowest feasible levels. This approach frequently necessitates the implementation of measures such as the deliberate devaluation of the national currency. While this tactic may contribute to the promotion of exports, it can engender adverse repercussions for other sectors of the economy.

Finally, the economies of countries in the southern hemisphere, heavily reliant on exports, are significantly affected by the economic conditions prevailing in the northern hemisphere. Factors such as financial downturns, pandemics, escalating unemployment, trade barriers, and political influence consistently present substantial threats to nations such as Bangladesh. "The fate of workers is really connected to what's happening up north. When the economy goes down, or there's a global health crisis or conflict, the countries up there make policies that can really hurt our factories." (Miran Gazi, Labour Activist)

Furthermore, importing nations, particularly the United States, regularly exploit Bangladesh's export dependency to negotiate additional trade advantages. International buyers and retailers usually receive 60% to 80% of garment sales value (Kabeer 2020; Sobhan 2014). Retailers focus on lowering purchase prices and increasing profits, leading to cost-cutting practices and stress for workers, sometimes resulting in tragic incidents. The core of the harm experienced in such incidents was thus lost "in the labyrinth of global capitalism" (Islam 2013) and escaped social consciousness in general.

Clearly, the adverse effects of the global production chain are not confined to a specific time or location. The expansion of these negative impacts is intricately connected to historical colonialism and its ongoing manifestations. In fact, the configuration of the production chain reflects the perpetuation of past injustices within the relationships between the global north and south. For a fuller discussion of this issue, see Chapter Three.

6.2.1.3 Harm as isolated events

Unfortunately, when this uneven situation inevitably leads to disastrous events, the ways of dealing with them imbued with neoliberal conceptions conveniently disconnect events from the natural course of action, i.e., from the regular economic practices that form the GCoP. "The stories of worker exploitation and abuse in the garment industry ... were not discussed as effects of global capitalism, but rather were recast as evidence of a world suddenly in 'crisis'" (Khan & Richards 2019, 432). A similar view is evident in a participant's tone:

"Whenever disruption happens, we look at local issues and often ignore the fact that there is a chain in the production system. Bangladesh may represent the site of the harm, but the global economic order is the environment in which it is made. We often overlook the bigger picture of a worldwide system where developing countries are encouraged to prioritise low costs and poor labour conditions in order to attract international brands." (Ruby Akter, an administrator in the Minimum Wage Board)

The chain operating across multiple countries and jurisdictions means that traditional notions of labour rights being the sole responsibility of individual states within their own borders are being challenged. That is to say, "[c]utting across national borders, supply chains are at odds with the historical conception of labour rights as a state's responsibility within its own territory"

(Prentice 2019, 174). The conflicting issue of economic globalisation and upholding human dignity is reflected in the following quote.

"You cannot solve global issues locally. Yet our habituated tendency to look at things as the state's responsibility allows an opportunity for multinationals to evade responsibility. When it comes to the global value chain, we are no longer confined within the nation-state; our actions impact the far side of the world. If we are able to free something like a multinational to run across the globe, how may we find an equivalent, something that would enable us to uphold human dignity regardless of their society, culture, sex, and so on?" (Mohaimin Hossain, regulator)

In the globalised world, nation-states of the southern regions have certain limitations. The classic state-based solution to the problems of workers' human rights problem might work well for rich countries,

"But the government of Bangladesh has twofold problems. Employers are often part of the government, and the government needs to avoid harsh laws and radical changes in the salary structure lest buyers go elsewhere as buyers are global players and can relocate their contracts; thereby, they can deter the government from making policies other than friendly to business and trades and by implication friendly to multinationals." (Azibur Hasan, Workers Federation leader)

On the other hand, the implementation of state-based solutions in northern countries does not eradicate harm but merely results in the exportation of harm to southern countries. Robin Berson, a distinguished editor and artist, draws attention to the contrasting circumstances surrounding the Triangle Inferno²⁴ and the Rana Plaza Collapse:

"The Triangle inferno caused much stir in New York and America, and as a result many legal measures and institutions were developed to monitor workplace conditions. But in the case of Bangladesh the protesting workers were dispersed and were lost in the labyrinths of global capitalism. "What we've done," says Berson, "is exported tragedy." Although they keep the line of

²⁴ On March 25, 1911, New York City experienced a catastrophic event known as the Triangle Inferno when the Triangle Shirtwaist Factory fire resulted in the loss of 146 lives (Islam 2013). The factory was located in a ten-story building where the workers became trapped due to locked doors, which led to tragic outcomes such as asphyxiation, burns, and fatal falls from windows (Islam 2013). Triangle Inferno, along with the resulting policy transformation, has frequently been likened to the tragic incident of Rana Plaza; both incidents hold significant parallels in terms of their impact and subsequent actions taken (Khan & Richards 2021).

production endlessly, workers of the developing world including Bangladesh work under brutal, inhumane, unsafe conditions." (Islam 2013)

Sometimes, the sheer gravity of events such as the Rana Plaza disaster brings attention to the fundamental harm present. This compels people to take time to understand the underlying issues. However, as discussed earlier (see subsection 6.2.1.1), the passage of time and space can attenuate the situation's urgency.

"Occurrences like building collapse and factory fires are common in Bangladesh. After each incident, we are told that "measures" are being implemented, but then things quiet down after a significant period of time. During this time, people take time to demonstrate irregularities, corruption, and negligence, which often play a role. Building collapses and fires reveal flaws in design, lack of proper authorisation, and absence of fire safety measures. Yet prevailing narratives label these incidents as accidents." (Munna Matin, Researcher)

When harm experiences are reframed as isolated incidents or misfortunes, the inherent power imbalance is no longer visible. Within liberal institutional practices, harm experiences are reduced to 'isolated' events that result from the ignorance of the de-bounding of harm, i.e., the ignorance of the ongoing effect of colonialism with its origin in deeper history and the geographically extended production chain that cuts across nation-state boundaries. Terms like accidents, moments of rupture or disruption conveniently hide the continuity and entirety of the incidents, invoking the sense of looking at the immediate context, whereas the incident provides windows into foreseeing the core of harm. Prevention of future harm lies in this core — i.e., disruption of power inequality. By contrast, regulation as a tool of power struggle just cultivates further inequality — regulation serves as the generative context of harm, which it is meant to prevent. This further elucidates the theoretical discussion presented in Chapter Three. Regulation allows one to evade

responsibility for the core of harm embedded deep in history and geopolitics because the natural tendency of personal moral drive is more likely to be activated within the proximate conditions of the incident. This was theoretically predicted in subsection 4.2.6.

6.2.2 Mini-moral communities

So far we have demonstrated how spatiotemporal de-bounding of harm counteracts personal moral drive, leading to irresponsibility towards garment workers. Proximity conditions mean our morality may be lost in the remoteness but intensely activated in the immediate context. It is quite ironic that the production chain, which serves as a connection between different moral systems and practices, is inadvertently causing a decrease in concern for the well-being of garment workers. While these workers are indeed a part of the moral community formed by all the people involved in the production chain, factory workers often find themselves marginalised within said community. Even though they are interconnected within a broader chain of production, which itself creates a moral environment driven by the urges to promote innovation and efficiency, individual workers end up being divided into a separate moral sphere that is distinct from those of the brands and employers they work for.

The moral sphere pertains to a closely-knit community of individuals who share common interests. People may find themselves affiliated with various moral groups, such as being a parent, an investor, a club member, and more. In the context of a global value chain, it becomes apparent that there are distinct interest groups with their own moral values that come into conflict. For

example, wage workers may prioritise meeting their basic needs, while managers concentrate on expanding the business, and brands strive to satisfy consumers' demands for fast fashion while also seeking to maximise profits for shareholders. This interaction of conflicting moral values within these diverse interest groups underscores the intricacy of navigating the moral sphere within the framework of a global value chain.

These subdivisions hinder workers' opportunities for advancement and well-being, even quite often leading to a point of nonfulfillment of basic needs. This situation arises because liberalism has made moral considerations remain confined within specific spheres, often influenced by proximity conditions of our inborn moral drive (Bauman 1989). Let's look at the three distinct moral spheres associated with employees, employers and transnational buyers.

"As workers, we firmly believe that we have fundamental rights to come together and organise, to receive fair wages that allow us to live with dignity, and to work in environments that are safe and conducive to our well-being. We are confident that achieving these goals is within reach if multinational corporations and our employers are willing to allocate a fair share of markups."
(Liala Yashra, past garment worker, currently activist)

Workers' moral messages are succinctly captured here: they have a right to work safely and meet their basic needs. Fair wages and unions help, but profit maximisation can get in the way. Multinational companies can balance workers' needs and business goals.

"I feel responsible for looking out for my workers and making sure they don't lose their jobs. This often means we have to accept orders from buyers even if the price isn't great. We have to keep the factory running to keep our workers employed. In this cutthroat competitive environment, we sometimes have to agree to contracts even if they don't bring in much profit. Because of the tight margins, it's not uncommon for us to take shortcuts on health and safety at the production sites." (Imrul Kayes, Human Resource Manager)

Employers and their managers operate within a unique moral framework within the chain's larger moral landscape. Imrul's statements demonstrate thought-provoking moral reasoning. They are morally obligated to safeguard the jobs of the factory workers, which can sometimes present difficult decisions involving trade-offs with safety considerations. These decisions are also influenced by the factory's need to grow, highlighting the complex ethical reasoning at play. By contrast, Riachat's following quote highlights the moral duty of brands. Brands' moral obligation is to sustain business and maximise profit for the shareholders.

"We believe it's important to ensure the satisfaction of our shareholders while also running our business in a fair and sustainable manner. We understand that doing the right thing may incur additional costs, but we are committed to the benefits business brings to our company and shareholders." (Md Riachat, Buyer's Sourcing Agent)

What, however, really goes to the heart of the global value chain system is that things are being done efficiently by splitting tasks along a "bureaucratic style of hierarchical production network" (Weber 1978). Interestingly enough, to look it in the face is, therefore, to confront something both coordination and splitting. It requires the highest possible degree of 'coordination' from us that we have been able to deliver through 'splitting'! These two words, 'coordination' and 'splitting', delineate just the kind of problem with which we are concerned in this subsection. While coordination within a specific circle, at its thickest level, relates to 'personal meetings' — the possibility of face-to-face interaction with each other, coordination between split circles refers to indirect collaboration that mostly hinges on business rules and contracts. Paradoxically, appealing to moral urges within a close-knit group can actually

hinder us from extending those same moral drives beyond the confines of that particular group. To reflect upon this confrontation in which we look at a global scheme of social cooperation, the work of Bauman (1989), who worked towards envisioning an appropriate sociological theory of moral responsibility, is particularly helpful. This issue was also discussed in subsection 4.2.6.

In order to understand how those different segments logically come across so well to form a global value chain system (also, see Chapter One), we must refer to the burgeoning growth of outsourcing practices in developed economies, which presents a lucrative market opportunity for those who can offer competitive prices. The availability of abundant and inexpensive young, predominantly female labourers from rural areas in Bangladesh brings its entrepreneurs to the allure. As fashion entrepreneurs vie for substantial foreign contracts, there is a compelling race to secure the best deal. Clearly, the larger moral community of the chain — the unfragmented morality of the chain — corresponds to the commitment to innovate and produce efficiently.

Undoubtedly, this environment differs significantly from the one in which the country's conventional business practices were established. Unfortunately, such contexts distribute benefits and harms in an utterly asymmetric manner, making them fall squarely upon the same group of actors repeatedly, singling out workers being subject to sweatshop experience. That is to say, we can refer to the system as achieving the quintessential embodiment of efficiency and innovation on the one hand and the perpetration of sweatshop labour on the other. This is strikingly similar to the situation that Bauman (1989)

masterfully demonstrated in his *Modernity and the Holocaust* as he (1989) argues that the unthinkable murderous act of the Holocaust became possible because of a rational bureaucratic industrial system of modernity. Likewise, the clothing industry's consumer affordable, fast fashion would be unthinkable without the exploitation of sweatshop labour, which is made possible in a globally mediated network of production systems. The best possible coordination but turning a blind eye to the harm was required to achieve such a situation where people triumph over regional and national barriers to reach social cooperation at the level of global. Without deep collaboration and coordination, the efficiency of such a scale — the achievement of fast fashion with unprecedented affordability — wouldn't be possible. But coordination requires bringing people in close proximity to each other, within which people wouldn't escape calling to their moral urges. Yet, sweatshop labour persists, raising questions. Bauman's (1989) "moral mini-communities" explain this by showing how coordination fosters morality within each division of labour while remaining indifferent to others outside their circle.

Coordination is mediated between different segments through abstract legal terms rather than personal relationships. The loyalty of factory owners to the terms of their contracts and their commitment to timely delivery of orders at a price, even when they are aware that it may harm their workers, is a significant issue; the moral obligation to fulfil the terms of the contract is given precedence over the needs of the workers. In developed economies, people's ethical demeanours are given effect through rules and contracts; the race to

the bottom is prevented, for example, through safety regulations. Writes Hooker (2013),

"Europe and North America organise business around rules and contracts, while much of the world organises business around relationships. In one case, you trust the system, and in the other, you trust the person. Naturally, it is not all black and white, because rules and relationships play a role in both settings. Nonetheless, there is a difference in emphasis."

Clearly, there is an evident cultural mismatch, overcoming which would require something that can substitute the Western-type legalist approach with thick personal relationships when it comes to coordination among entities of different societies. The difference in emphasis that Hooker (2013) observes imprints a range of grievances from both ends. When abstract technical terms replace genuine emotional connections and moral considerations inherent in personal relationships, there is a risk of minimising the importance of human values. In such situations, individuals may become mere instruments, and their relationships can be more easily manipulated and exploited due to the absence of moral concerns. In this sense, personal relationships serve as a safeguard against exploitation. In our daily interactions, it is more suitable to acknowledge that we engage in relationships that exist along a personal-abstract continuum rather than being purely social or purely abstract. Bauman (1989) argues that morality is the primary condition for being with others. While we may temporarily suspend morality through abstract rationalisation, it remains a fundamental aspect of our interactions.

Facing incidents like accidents, fires, or pandemics, multinationals tend to blame the failure of the Bangladeshi regulatory enforcement, whilst activists tend to blame buyers' insensitivity towards the sufferings of workers. None are

true, though; there must be innovation for the smooth functioning of ethical values across cultures. How come we expect the same sort of outcome as with the developed country's culture from a business milieu that is culturally relation-based instead of compliance-based?

Since the outbreak of the COVID-19 pandemic, more than half of Bangladesh's suppliers have faced the devastating reality of their production being abruptly cancelled — around 45.8% of these suppliers have experienced the heartbreak of having most, if not all, of their almost-finished or finished orders rejected by buyers; these buyers, who are legally obliged to honour their agreement, are deceitfully taking advantage of *force majeure* clauses to justify their unjust actions (Anner 2020). "Force majeure ("superior force"), which is common in international agreements of common law and civil law countries, is invoked when a party demands that it be excused from the full performance of a contract (ECCHR, ILAW and WRC 2020, 8)" (Anner 2022). The utilisation of *force majeure* clauses by brands to absolve themselves from their contractual duties exemplifies the manifestation of the contemporary process of globalising the interconnected production system, whereby the conceptual power of legal agreements is deemed paramount in comparison to interpersonal connections. This is an excellent example of how the powerful interpret the rules of the game, as seen in Chapter Three. Anner (2022) notes that when governments mandated factory shutdowns, suppliers would have invoked *force majeure* clauses to delay shipments without penalties. Yet, buyers have used the same principle to cancel orders. Instead of raising prices due to

increased raw material costs, buyers pressured suppliers to lower prices. If suppliers are structurally disadvantaged compared to buyers, workers are even more vulnerable in their dealings with suppliers, their direct employers.

Beyond the role of legal contracts, the intense price competition, which is characterised by a strong desire to offer the best prices to customers, exerts significant pressure on factory owners. Despite having good intentions, these managers may find themselves being pushed to compromise on safety measures. Their deep commitment to protecting their employees from layoffs and ensuring job security can lead them to make difficult choices in order to keep up with the demands of the constantly changing supply chain industry. As a result, they may feel compelled to take shortcuts and make compromises in order to stay competitive. However, when they are compelled to make the difficult decision to lay off workers, industrialists can't lose their face, even those who are part of their own village community, as is evident in the following utterances.

"During COVID-19, our company had to lay off some employees due to reduced orders. A young female sewing operator's parent approached me, asking if we could make an exception for their daughter. Knowing them personally from my village, I had to explain that our hands were tied as the cancellations were beyond our control. It was tough because we empathised, but we couldn't alter the situation." (Solaiman Prodhania, Factory owner)

However, on the other end, multinationals often deny blame, saying that they too are locked in the grid of competition and need to consider the concerns of those investors and shareholders, but given the high value that has been added to the products, they need to reconsider their ethics. One participant from the sourcing Agency nicely explained:

"Multinational buyers might argue that they're facing cost pressures and need to find the cheapest manufacturers to stay in the game. They seem like they cannot possibly work with suppliers who have high ethical standards because it's just too expensive. However, considering the high markups often seen in the apparel industry, this excuse doesn't always hold water. Western businesses should really consider taking a good look at their own ethical practices." (Md. Mazharul Islam, Buyer's Sourcing Agent)

Furthermore, in order to stay abreast of consumer needs, multinationals often need to innovate. The constant need for speed and insatiable demand for fast fashion results in shorter lead times and volatile orders, with the potential for more stringent exploitation of workers in manufacturing sites. In discussing their penny-saving methods, a manager from a reputable business firm points out that,

"Companies often opt for a smaller team to avoid the expenses of training and fixed benefits that come with hiring new employees. They rely on their existing staff to put in more hours during times of high demand and sometimes even outsource some of the work for lower costs." (Md Shahjahan Patowary, Factory Manager)

The need for management expertise within the chain also creates abstract, invisible connections between moral realms, such as unauthorised subcontracting and hidden layers, which came in detail in Chapter One as well. Bauman (1989) would argue that management practices within the supply chain triumph over morally significant social relationships, akin to the "administration of things, not people." The practice of concentrating tier-one suppliers has become prevalent in supply chain management, enabling companies to allocate their attention to a limited pool of suppliers; although this approach streamlines the interfaces at the primary tier, it inadvertently generates additional tiers beneath the immediate supplier, thereby diminishing visibility, with devastating consequences (Anner 2013). For example, in the event of a fire at the Tazreen Fashion factory in Dhaka,

Bangladesh, on November 24, 2012, caused the death of at least 117 people, and over 200 others were injured due at least partly to unauthorised subcontracting practices:

"Wal-Mart placed the order with a New York City company now known as Success Apparel, which subcontracted to Simco Bangladesh Ltd, which send the order to Tuba Group, which passed it along to Tazreen Fashions, which operated the Dhaka plant. Simco's chairman said that he tried to rescind the order when he learned that Tuba had diverted it from its own Wal-Mart compliant plant to Tazreen, but to no avail. Meanwhile, disaster struck at the Tazreen plant." (Hooker 2013)

Although fully aware of the catastrophic consequences that could arise from the deployment of volatile products and unauthorised subcontracting practices, the designers who work for the brands did not shy away from harnessing business innovation as they would be hailed in the brand's boardroom for their contribution to meet consumers' needs and thereby to capital growth. In the context of fast fashion culture, the term "volatile product" is used to describe a situation where buyers frequently transfer the risks associated with unpredictable product demand and ever-changing clothing trends to suppliers. This is typically done through sourcing practices characterised by rapid shifts and uncertainty. The terms "volatile contracts," "volatile supply contracts," "volatile chain of production," and "volatile supply chain practices" are often used interchangeably to refer to this phenomenon (Anner 2013). This issue was also discussed in Chapter One.

How would one assess designers' moral considerations? Bauman's (1989) following quote beautifully explains their moral situation:

"Moral people can be driven into committing immoral acts even if they know (or believe) that the acts are immoral - providing that they are convinced that the experts (people who, by definition, know something they themselves do not know) have defined their actions as necessary. After all, most actions in

our society are not legitimi[s]ed by the discussion of their objectives, or by the advice or instructions offered by the people in the know." (Bauman 1989)

A mini-moral community is, therefore, a close-knit group of people who are inevitably bound by a strong sense of responsibility for the adverse outcomes caused by their actions. However, it is ironic that this inherent moral drive within a specific area of work can lead to a reluctance to acknowledge the suffering of those in a different location. Despite belonging to the same production network, ethical concerns seem to create a division among these mini-communities.

6.2.3 Indifference arising from the loss of proximity in compressed space-time!

A global production network signifies profound transformations in the spatial and temporal dimensions of the industrial production framework. It highlights the ways in which geographical space and territorial boundaries undergo shifts with a remarkably accelerated temporal structure in manufacturing processes. These changes in how people perceive space and time are undermining the significance of local and even national boundaries when it comes to addressing the negative consequences generated by cross-border production networks. For example, Rifat Karim, a government official and an expert on the RMG industry, evaluated the dubious role of technology:

"With all this super-fast communication and transportation, the things they do have a huge impact on us afar. It is disheartening to see how many individuals overlook their conscience despite the constant flooding of information on labour exploitation from social media, the internet, and TV. It seems like technology has made it easy to get stuff done quickly and cheaply, but it has also left ethics out of the equation. I mean, technology is causing human relationships to become less social."

Globalisation comes to exist in the sense of annihilation or compression of space in the face of the rapid temporal structure of social activity, such as the

global production circuit (Scheuerman 2023). Paradoxically, indifference comes to operate within the same deterritorialised globalised milieu — within the same compressed spatiotemporal structure — but in the sense of annihilation of proximity. Indifference indeed emerges due at least partly to the erosion of proximity within the compressed spatiotemporal structure. As Sobhan (2014), in his attempt to delve into the root causes of the Rana Plaza collapse, observed,

"Interestingly enough we not only witnessed the failure of governance on the part of the Bangladesh state but also of the international sector. The global buyers who were required to demand compliance from the companies where they buy their product remained conspicuously missing in action in discharging their oversight responsibilities at the lower tiers of the production chain."

If Sobhan (2014) is right in his argument about the questionable ethical attitude of multinationals, then what to say about the role of technology? Doesn't technology fail to generate moral proximity, as Md Riachat doubts? Nevertheless, there is the argument that goes like teletechnologies totally go beyond those old-school distinctions we used to make between nonexistence and existence, visible and invisible, past and present (Derrida 1996 cited in Valier 2004, 321). It is like they're here to shake things up and blur the lines; what this implies is that "technology has made the Levinasian "face to face" of justice a visible, if paradoxical, reality" (Goodrich 2001, 2070).

Technology proved immensely useful in weaving the chain and communicating the violence of ruptured moments but proved to be of little use in bringing historical inequality between vital segments in the chain to moral proximity. While technology can effectively stimulate our moral conscience when it comes to witnessing violent acts, it struggles to elicit the same response when faced

with the subtle and pervasive structural violence embedded in global production practices. As we will see in further details in subsection 6.5.1, when people watch the disturbing footage of the tragic events at Rana Plaza, it has a profound impact on their moral compass. The scenes of deaths and injuries prompt a strong emotional response and elicit a sense of empathy on a global scale. In contrast, technology often falls short in its ability to evoke moral responses towards structural violence. The systemic injustices perpetuated by the global supply chain are not easily captured by dramatic visuals or singular events. Both violent and nonviolent results of these practices come from the same technological advancements that enable global production processes. Yet, the impact of technology on our moral sensitivities varies between these two forms of violence.

This is due to "presentism" and "collective amnesia" (Laub 2004)/ "the general myopia and lack of historic interest" (Aas 2012). As Taylor (2016, 48) argues,

"Modern visual experience is constituted in part by the possibilities for seeing, and for not seeing, the members of the different races. Race-thinking is an integral part of modernity's screen of signs, and discovering what this screen screens out is the key to understanding black invisibility".

Teletechnologies, such as the Internet and other communication tools, are devoid of any inherent ethical principles. To be sure, technology helps to instantaneously communicate potential harm, but ethical decisions are up to us. This is evident in the following utterances:

"Yeah, honestly, you know we anticipate impending danger, which becomes evident when we directly observe the overall production system within the factory, i.e., the load on our men and machines. Even though technology lets us send messages upward about potential issues, whether or not people actually take action to prevent them is what really matters. Sometimes, those sourcing agents from the buyers might just think we're making excuses to save

time and money without really understanding the problems it could cause them." (Taslim Khan, Senior Garment Technologist)

As users of these technologies, we hold the responsibility to make conscious decisions regarding what information we choose to transmit within the vast and intricate network of global garment production. This network often obscures the underlying violence perpetuated by the global power structure. It is within our control to selectively disclose information and maintain a level of opacity, thereby concealing the brutality that persists. "[T]he mediated forms of visibility and outrage through which we come to know" (Khan & Richards 2021, 436) harm is nothing but the prevalent tendency of individualisation of harm. Section 4.2 discussed in greater detail the issues of individualisation by critiquing liberalism and responsibility. Examining the confrontation of technological role is really elucidating, as we will see shortly (in relation to moments of moral action).

Suffice it to point out here that when it comes to addressing social causes of harm, unlike violent events, notwithstanding the technological role of bringing face-to-face effect, "moral knowledge is not 'immediate'. In many cases, I don't just experience the harm. It may take work to know or even to believe that I've been harmed; it may take consciousness raising, participation in counter-publics, critical reflection, even theory... ." (Haslanger 2017, 167) Soheli Pal elucidates the point by contrasting her career as a garment worker with her current role as a Workers Federation Leader. She said,

"Honestly, the salary I used to receive from my job as a garment worker wasn't enough to buy my daily necessities, but I never complained because I was just grateful to have a job. Now that I'm involved in activism, I've learned a lot. The exploitation in the garment industry is completely unfair and needs to be stopped. We need to raise awareness and promote a more humane approach.

Focusing only on profits makes us turn a blind eye to the suffering of factory workers, and that's just not right. We have to put an end to these practices and address the hardships faced by our workers."

It is evident that Soheli Pal did not recognise the negative experiences she went through as harmful, primarily because she became accustomed to adapting her preferences to fit within her disadvantaged socioeconomic circumstances. On the other hand, her role as an activist has granted her the ability to perceive the moral injustices deeply intertwined with the exploitative practices observed within the global value chain. In order for such consciousness to emerge, it is helpful to bear in mind that in a globally dispersed production network, the causes and effects of actors' actions, as well as the scope of humanity, intersect. Each one's action, no matter how localised, can impact the lives of others. Similarly, the fate of any group of people, particularly those at the bottom of the production tier, cannot solely rely on the actions of its members.

"[I]f evidence of global economic and political interdependence shows the existence of a global scheme of social cooperation, we should not view national boundaries as having fundamental moral significance. Since boundaries are not coextensive with the scope of social cooperation, they do not mark the limits of social obligation." (Beitz 1979, 151)

Likewise, "if evidence of global economic and political interdependence shows the existence of a global scheme of social cooperation," so too does morality; we must also expand the reach of morality to match the scope of this cooperation — personal morality shouldn't mark the limits of social obligation.

The situation in Bangladesh inspired Berson, a renowned editor and artist known for creating a memorial quilt for the Triangle tragedy in 1911 in New

York, to design a new memorial quilt featuring photos of Tazreen and Rana Plaza.

"She hopes that these quilts will elicit empathy among the viewers for the humanity, beauty, and fragility shared by the dead youths. At the same time they can strengthen the sense of moral kinship and responsibility among people all over the world." (Islam 2013)

We must be attentive to the fact that the lack of proximity makes harm remain hidden but operates with much more resilient, grievous, and widening effects, yet tends to run contrary to our moral impulse. Bauman (1989, 187) warns us about this hidden danger, "[r]esponsibility is silenced once proximity is eroded; it may eventually be replaced with resentment once the fellow human subject is transformed into an Other."

6.1.4 Foreseeability of harm: social harm model of responsibility

Before moving on further to the production of moral indifference to the harms of garment workers, let's see how the discussion presented so far can help us to foresee harm within an HMR approach. First of all, the claim of harm experiences (deprivation of basic needs) should be seen as a prima facie case of harm and as a window into the workings of the relational aspect or social content at a global level rather than treating them as individualistic, isolated events and issues of state's responsibility. The presence of suffering victims of the harm of the global chain of apparel production means a case in hand that merits enquiry into the underlying power relations. Secondly, we may be lost in the maze of complexities of north-south relations, but there might be some inherent order that could help us foresee harm. By tracing the flow of money within the chain, it is possible to discern a semblance of order within the system.

Thirdly, if various social groups (employers, employees and buyers) with differential abilities in relation to each other engage in social cooperation, there is an inherent danger of structural coercion upon the least powerful. Workers with the least skills and resources are inevitably subject to coercion that operates through the global power structure. Furthermore, there is the inherent danger of epistemic wrongdoing based on the uncritically accepted core values of such social cooperation. For more details, see section 2.2. Hence, there is a need to be critical of the core values upon which such social cooperation exists. The values of neoliberal economic globalisation must be called into question. Given the situated moral knowledge within a single group, there is an inherent danger of moral disconnect among social groups. We must be aware of such moral indifference and dedicate sufficient effort to counteract it. Abstract connections must be replaced with thick personal interactions. Finally, once we are aware of these facts about our relational aspects: moral wrong or structural coercion, epistemic wrong — or, as we will see below, occlusion and distortion of morally relevant facts — and moral indifference to suffering victims of harm, we can be well aware of foreseeable harm, the possibility of altered relations, and who is responsible for what.

6.3 Occlusion of moral facts

Just like the proximity condition, there is the 'violence' condition of moral drive. The morally relevant facts of the harm (unmet basic needs) that lack violence face enormous challenges (dominant practices) to enter the majority's moral sphere, creating further indifference. This is because our moral compass often seems to be more sensitive to overt acts of violence while exhibiting less

responsiveness when it concerns the insidious, systemic harm caused by structural violence. Socially accepted knowledge can belie moral facts that correspond to context.

"Humans (and some other non-human animals) are capable of recogni[s]ing suffering and have it matter... In such cases, we are exercising our epistemic capacities adequately and gaining moral knowledge. We are social animals, and these epistemic capacities come with the sort of being we are, even if we are almost always in conditions that prevent us from exercising them well. This is compatible with individuals, and even whole societies, being grossly mistaken about what's right and wrong, and leaves room for disagreement about the conditions under which we are adept at exercising our capacities to judge the moral facts." (Haslanger 2017, 167)

However, when the nonviolent practices of a larger power structure serve to inflict harm, workers still feel alienated and humiliated. Garment worker Sakhina Begum says, "There are times I feel I am so unfortunate I have to work as a garment worker. People look at us as if we are not ordinary people." Indeed, she is unfortunate because they are abandoned for the sake of capital accumulation, as the wider society doesn't feel that she is part of human society but a tool of production. Kaspia Akhter, also a garment worker who has now become an NGO leader, expressed her grievances, "When I was in garment factories, I experienced how we were the prey of bullying; they called me "*khanki*" (prostitute), even including one of my "*hujur*" (a religious teacher) to whom I used to go to learn reading the holy script, Qur'an." These descriptions provide valuable insights into the degrading conditions forced upon garment workers, perpetuated by a power structure that is rooted in the intersection of race, gender, and colonialism. Even the revered bond between teacher and student is not immune to the influence of larger societal forces. In such circumstances, workers' moral message is seldom heard and, thus,

often turned into ignorance. The burden of frustration and resentment inevitably pulls workers towards militant protest.

However, diffuse and sporadic labour protests, although commendable and committed, are not a formidable adversary to the concentrated power of local employers and multinationals. These capitalists are pampered, protected, and shielded from any difficulties on a daily basis by governments competing for accolades in providing exceptional care to secure investments and support, and by the heavily armed forces under their command.

During the recent string of labour unrest in October-November 2023, wherein journalistic sources contended that textile labourers who were demanding fair wages and better working conditions were confronting intense physical maltreatment and coercive intimidations. A researcher expressed his viewpoint on the current state of workers who are courageously fighting for fair wages by having been engaged in recent labour protests.

"Bangladeshi garment workers are bravely fighting for fair pay and better working conditions. These workers, who play a vital role in the country's textile industry, are facing violence, threats, and even death as they stand up for their rights. Despite the tough situation, these workers keep speaking out and pushing for change, showing the need for international support and solidarity in their struggle for justice. Their grievances should be seen as against the wrongdoing of global capitalism instead of targeting the government. How come Bangladesh would exhibit exceptional humanitarian gestures other than fostering global capitalism when it needs foreign investment just to create jobs for these workers?" (Tipu Raihan, Researcher & Activist)

However, a particularly interesting quote from a newspaper article strikes a deep chord with me.

"They are trying to silence us but we won't back down," says Naima Islam, a machine operator at Columbia Garments. "They can threaten and beat us but what they don't understand is, we have nothing to lose. If we accept their ridiculous wage proposal, we will starve to death anyway." (Begum & Ahmed 2023)

This statement bears a strong resemblance to a concept expressed by Žižek (2011, 4), where he discussed the connection between rioting and consumerism: "You call on us to consume while simultaneously depriving us of the means to do it properly — so here we are doing it the only way we can!" (Žižek 2011, 4)

One of the significant risks encountered by protesters is the unfortunate occurrence of violent victimisation inflicted upon them by the police. It is undeniable that a distinct correlation exists between the strategy of containment employed by law enforcement and the subsequent escalated use of force. The tactical method known as kettling, where protesters are confined within a specific area, generates heightened levels of stress and tension. This heightened stress can ultimately lead to the manifestation of behaviours from the protesters that could potentially provide the police with a justification or rationale to employ more forceful measures, such as the deployment of mounted police or the use of batons, and so forth.

The ongoing conflicts between state agencies and the labourers have created a strong sense of abnormality regarding the workers' rightful ability to protest in the eyes of the public. This abnormality has led to a situation where the focus has shifted instead of holding those who engage in vandalism, violent activities, or property damage during protests accountable to criminalising the protests themselves. There are, of course, numerous justifications available to support this action. Says a Police officer,

"Public space, in many cases, is privately owned. This means that protests often require permission from private interests to take place. Parks, gardens, and

squares may be owned by the government, municipality, or a corporation. The presence of protesters on the streets may be tolerated for a limited time or not at all. Organisers must obtain permission from the police or city authorities for the planned route, time, and duration of a march or protest. The police can propose changes in advance or redirect marchers on the day of the event." (Rashed Chabur, Police Officer)

The idea that the rights of ownership are being interrupted provides a justification for viewing protests as disruptions to the order of society, thus leading to the perception of protests as criminal activities. Additionally, this perspective has led to the development of a series of related legal measures aimed at protecting property rights, which can either strengthen or work in tandem with current criminal legislation. The rationales for such actions generally pertain to the purported entitlements of various groups — including the entitlement of individuals to traverse freely by vehicle or on foot, the entitlement of individuals to engage in commercial activities, the entitlement of individuals to commute to their places of employment, the entitlement of individuals to reside or work without being subjected to the audible disturbances caused by shouted slogans, and the entitlement of public welfare to be safeguarded from unhygienic conditions caused by protests. In legal terms, all these considerations are regarded as superseding the entitlement to engage in protests. Consequently, in Bauman's (1998, 77) words,

"As actual or potential criminals, the poor [garment workers now] cease to be an ethical problem – they are exempt from our moral responsibility. There is no more a moral question of defending the poor against the cruelty of their fate; instead there is the ethical question of defending the right and proper lives of decent people against assaults likely to be plotted in mean streets, ghettos and no go areas." (Bauman, 1998, 77)

That is to say, labourers' valid grievances remain not merely unheard but also criminalised, eliminating from view not only state violations but also any possibility of protesters being considered within the appropriate moral sphere.

Instead, the question of security for consumers and investors comes to the fore.

Given the frequent militant protests occurring in the industry (Ashraf, Hasan & Prentice 2019), it is not surprising that there is a security concern facing consumers in general and investors in particular. For instance, Mr Mohaimin Hossain, investor and factory leader, expressed his grievances,

"You know our industry is doing well, yet why are workers always engaging in vandalism over silly matters? We won't be able to move forward if this keeps happening. I don't understand why the government isn't stepping up with more cops and stricter laws. Employers and investors feel very insecure within such a militant environment. We need more security measures in place."

On the part of these decent people, the relentless "search for zero vulnerability produces a gaze that sees threats everywhere and ends up reproducing the very vulnerability it is supposedly trying to overcome" (Hage 2003, 81). In environments characterised by ongoing insecurity, employers and investors often find themselves advocating for what they perceive as "tough" measures against crime. These measures typically involve a range of strategies, such as increasing the number of police officers, granting them greater authority, implementing targeted crackdowns on specific offences or suspects, imposing stricter sentences, and adopting more severe penal systems. In a thought-provoking article, Loader (2006) argues that these demands, however, often reveal a lack of patience for informed democratic discussions and deliberation; the proponents of these measures often exhibit impatience towards the democratic process, seeking to circumvent or undermine fundamental rights in their pursuit of immediate solutions. In doing so, they may inadvertently foster animosity towards workers, as their focus on security leads to the

marginalisation and stigmatisation of garment workers. For Loader (2006), the result is a vicious cycle of security being set in motion: ever more security forces with accompanying never-ending security demands. This is perhaps why, during my interview with Mr. Khairul Mahmud, a well-known researcher in the garment sector, I observed his passion for public dialogue. For Mahmud, "Peaceful discussion or dialogue among political parties and interest groups, like employers and workers, could lead to a better outcome. It would create a sense of belonging for workers to society."

One potential consequence of this approach, as is found in the data, is the close association between these employers, investors, and the state. "The strong associations of employers, with many having their membership in the parliament and in the cabinet, start to liquidate their power upon the regulators and government agencies who are entrusted with the responsibility of policymaking for the sector" (research participant — a Worker Federation Leader). By actively seeking to harness the state's "protective" power, they aim to advance their own interests and align their identities with the state. This alignment can have significant implications, blurring the lines between private and public interests and potentially leading to imbalances of power.

So, as promised by capitalism, workers get involved with a production system, yet in exchange for their entire labour power, they have been left with nothing but barely sustenance wages and are often deprived of getting organised. On the other hand, it is this labour that allows capitalists to grow and accumulate. This is the moral message of the harmed victim, who faces enormous

cooperation and coordination challenges to reach moral agents. When they resort to militant protest, the liberal system allows wider society to cast them as (self-)destructive agents because the act of protest is workers' free choice of action. It is now incumbent upon society to count protesters as criminals to make them face proceedings — people value consumerism and security, and government agencies are committed to protecting property rights and public good order. In stark contrast, from the perspective of labourers, the entire system turns out to be utterly coercive as "the only choice is between playing by the rules and (self-)destructive violence" (Zizek 2011, 2). The choice is indeed "used to normatively transform what would otherwise seem to be an unjust inequality into a just one. Inequality, with its oppressive ring, becomes mere difference" (Chambers 2017, 193), and indifference is just a logical consequence to follow.

Garment workers' experiences of harm and the moral message that they are unjustly subjected to coercion borne out of the global chain face enormous challenges. Given the orthodoxy of the prevalent view, it is our epistemic responsibility that we hear those who have situational knowledge about morally relevant facts. Such responsibility is evident in Carla Novi who visited Dhaka before the collapse and interviewed 15 workers from Rana Plaza for her documentary; after the collapse, she returned to Bangladesh to find them — only Dilora survived. Dilora was brought to Scotland to share her story, and Novi reported on this:

"I thought that if I could amplify one voice in a country where the voices of garment workers are muted and westerners choose to consume products coated by odourless sweat and colourless blood; if one voice could tell her

story in one of the countries actively engaged in 21st century slavery under the guise of supporting social economical development; if only that voice could be heard by those who can't hear beyond the borders of their comfortable lives...then, maybe then, we can experience social change." (Novi 2015 cited in Luthfa 2023, 168)

Nonetheless, the protestants are conveniently reduced to problem people. Haslanger (2017, 163) would say, "They are not what matters; the local cultural [tool] produces 'blindness' that filter and shape experience." Repression and criminalisation of protests are then logical consequences, subjecting them to 'invisibility'. For Tamir (1997, 302), "Individuals do not fear only bodily torture and cruelty, they fear social oppression, marginalization and, worst of all, invisibility. They dread being intimidated, suppressed or exploited not only as individuals but also as members of disadvantaged groups." The culturally embedded values of consumerism and security mask or occlude what are morally relevant facts and prevent us from appreciating what protestants hold due to their situational experiences. The protestants' situated knowledge, not unproblematic though, possesses morally relevant facts on the working of bringing the necessary change to the prevention of harm.

6.4 Distortion of moral knowledge: rationalistic conversion of morality

From the above discussion, one can easily observe that another dilemma of moral responsibility for harm is that harm is tolerated as the outcome of society's rational practices, whereas morality ceases to operate with the dominating rationalistic calculations. However, we focus here on how societal endeavours to resolve situational complex moral issues through so-called value-neutral economic and bureaucratic processes foreclose the possibility of democratic deliberation in addressing social problems. Profit-oriented and

order-seeking social activities, although de-bounding and non-violent in nature, unfairly constrain garment workers' opportunity to fulfil their basic needs, and we collectively turn a blind eye to them as our pang of conscience often has recourse to value-neutral technicalities. But the reality is we can't measure morality or our relational aspect; if so, then the best possible way of answering my research questions would be statistical regression instead of critical and interpretative research.

No scientific calculation can overcome the dilemma, tension, and political struggle that inevitably and overwhelmingly present in the struggle from statistical data to interpretation. However, once a decision is reached and gains dominance, all those tensions and dilemmas have gone hidden from view as we rarely challenge the terms upon which decisions were made in the first place. Instead, accept them as value-neutral scientific judgments and, as such, only evaluate anchoring the basic principles as taken-for-granted and leaving them unquestioned. However, the presence of mini-moral communities and the differential capability of those communities means that technical intervention into moral issues entrenches harm by cultivating bureaucratic indifference. The point is cogently captured by Kleinman (1997, 321),

"[S]uffering . . . is . . . a professional discourse that organi[s]es forms of suffering as bureaucratic categories and objects of technical intervention . . . suffering is social... because social institutions respond with assistance to certain categories of sufferers (categories that institutions have constructed as authori[s]ed objects for giving help), while denying others or treating them with bureaucratic indifference. Thereby social institutions, through their policies and programs, frequently deepen certain forms of social suffering and become obstacles to their alleviation."

Under the influence of rational calculations of economic methodologies, in industrial production practices, all too often, actors' moral drive is subject to

rationalistic conversion, "which has both managed to keep the moral issues hidden and permitted a pragmatic expansion of economic calculus to promote various public or corporate goals" (Fourcade 2009, 291). The relentless drive for financial gain in the capitalist global production system fuels the callous disregard for the pain and hardship experienced by individuals at the lower end of the network. Here, we look at a couple of issues that lay bare the distortion of moral knowledge.

6.4.1 Development by keeping them "cheap"

Scholarships in international, legal, development, and sociological studies surface the sheer contestable feature of the term development. Particularly, Sen (1999, 2009) and Nussbaum (2006) made the point clear that authentic development should come through the achievement of the capability of the individual human person. In this capability approach, development is seen as the means rather than the end, which flies in the face of the traditional view of development that is primarily aimed at the collective goal of a particular society. As we look into the Bangladeshi case, it has achieved considerable development and often contends for alleviation in a middle-income country. Unfortunately, this self-conceited macro development idea misses the point of what the capability approach exposes — in the Bangladeshi case, the underlying meaning of being "cheap". Development by keeping them cheap! Whose development then we talk about? Isn't it those who are already capable? This idea of being competitive by keeping them cheap and achieving development dramatically exposes how we become oblivious to our duty to educate them to graduate them from cheap to capable ones who can consume

and pursue their goals, whatever they might have. When macroeconomic development takes precedence, it becomes easier to overlook the state's failure to enhance workers' conditions, and the ethical implications of exploiting "cheap" labour are no longer as apparent. For example, a federation leader, frustrated with the condition of garment workers at the individual level, made the following comment:

"Our development leaders seem to be really hyped about RMG. They say it's all about boosting the economy and creating jobs, but you know what? I think maybe we should just hit the brakes on all that excitement. It turns out that relying on super cheap labour actually ends up costing us way more than we thought. Consider their bare sustenance level wages; consider their relentless struggle to organise against oppressive capitalist systems; consider how many died and were injured from Rana Plaza, Tazreen Fashion fire, and so on. So yeah, maybe this whole endeavour isn't really worth all the fuss." (Siddiqur Rahman, Labour Federation Leader)

Aided by development rhetoric, people generally become desensitised to fathom what it means to be cheap. All the more, leaders motivated the industry by the rhetoric of keeping them cheap, attracting buyers, ensuring more orders and contributing to the development of the country. However,

"What's worse is that we have become desensitised to the term "cheap labour" and too blinded to understand its underlying meaning. We are bombarded with optimistic headlines like "China to become one of Bangladesh's largest garments importers" and "Bangladesh, a hub for non-traditional garment products." But really, we have churned out a labour force of which the biggest comparative advantage is its *cheapness due to its low skills*." (Nowshin 2015)

6.4.2 Compensation: putting a price tag on human lives

Rationalistic conversion of morality even comes to the point where we become adept at assigning monetary value for human loss and suffering and keep going on with peace of mind. In September 2015, the Rana Plaza Donors Trust Fund successfully achieved its designated amount of \$30 million. Following the occurrence of one of the most devastating industrial catastrophes in human history, it took over two years for the fund to attain its target of \$30

million, which was reduced from the original objective of \$40 million due to a lacklustre response from various brands and retailers (Prentice 2019). Despite considerable international pressure and global calls for brands to fulfil their responsibilities, as of April 2015, approximately one-third of the 32 companies alleged to have conducted business with the Rana Plaza complex have failed to provide any monetary compensation. Many brands that claim to be "doing their part" are falling far short of what they could be doing to adequately compensate victims and their families (Nowshin 2015). Now, the big question is, "Are the victims and their families finally seeing the light of justice? Will these compensations suffice?" (Nowshin 2015) Enquire into these questions would certainly invoke the debate surrounding the issue of the Ford Pinto case (Gioia 1996) or the "value of statistical life" (VSL) (Viscusi 2009), for example. For Fourcade (2009), "the highly moral and emotional boundary between life and death has undergone a rationalistic conversion", so we become at ease with putting a price tag on human lives. Then, the other way around, why is it morally problematic to put a price tag on human lives? One interesting answer is found in one of the Rana Plaza victim family members' replies, "The harmful consequences of our obsession with cheap fashion leave wounds that cannot be healed through financial means."

In essence, it can be argued that the scientific methodologies used in economic inquiries have tended to belittle the importance of moral discussions. This downplaying of moral questioning results in moral responsibility being reduced to mere technicalities, which fails to address the true essence of the issue at hand. The fact that assigning a monetary value to human lives has

gained acceptance in the field of economics and is commonly used as a decision-making tool in regulatory agencies should not overshadow the process that led to the development of this specific settlement.

When undergoing rationalistic conversion, social policies and practices themselves tend to act as a legitimate vehicle for transforming human subjects into objects of technicality, eroding possibilities of social cohesion. Whose grievances are worth prosecuting and whose are not often rest upon economic viability instead of the true merit of the situation as if "tell me who you are, and I will show you the law". When cheap labour is perceived as the main driver of economic development, it is no surprise that rationalistic cultivated selves are oriented towards fashioning the argument for development by keeping "them" cheap and, by implication, collective aggregate progress at the sacrifice of a group of people. In a production network with a bureaucratic hierarchy and a diverse workforce, actors work together in a manner that prioritises demonstrating expertise, advancing in their careers, and pursuing personal interests above all else. The contemporary globally dispersed chained production system was designed with the goal of bringing structure and organisation to the manufacturing process. Its purpose is to improve efficiency and foster innovation, thereby reducing production costs. However, in doing so, it has inadvertently limited the potential for cohesion or solidarity within the system.

6.5 Moments of paradigmatic moral action

However, as the sort of being we are, we can't sometimes simply escape the moral appeal of harm. Of course, there are numerous moments where all those

barriers, as mentioned above, fall apart, allowing the condition to emerge to the effect of moral proximity where people get the opportunity to move morally with the scenes or knowledge of suffering. Stated differently, moral action could potentially emerge when individuals are faced with irrefutable knowledge about the negative consequences of globalization. This could occur in certain situations and environments where people are not just socially driven but feel a moral obligation to take action. This implies that indifference, often attributed to liberalism, can be countered and overcome by the empowering force of moral activation towards revealed harm. The incidents of the Rana Plaza collapse and the cancellation of orders during the COVID-19 pandemic are particularly revealing.

6.5.1 Ghosts of Rana Plaza causing moral drive

The devastating Rana Plaza tragedy in Dhaka remains etched in the memory of people across the globe. As discussed in Chapter One, occurring on April 24, 2013, this catastrophic event marked one of the deadliest crises ever witnessed in the apparel industry (Anner, Bair & Blasi 2013). The incident unfolded when an eight-storey building, housing factories that supplied global brands, suddenly collapsed, reducing it to rubble. The human toll was immense, with a staggering loss of 1,134 lives and thousands more injured; the aftermath of the disaster left countless families grappling with the profound impact of this unimaginable incident (Sobhan 2014). Whatever the root causes of the tragedy, the reach of its violence to millions of people both on-site and viewing live on the screen alike without requiring words what Motlagh (2014) described as the ghosts of Rana Plaza. Explaining why Rana

Plaza has been able to spark an online social movement, Tipu Raihan, an RMG researcher, says,

"You know, violence has its own meaning and way of reaching the human person. People watched the distressing sight of lifeless, deceased, and wounded individuals emerging from the ruins of Rana Plaza; they didn't want to hear any other things about the incident. They just know it's caused by our system, and we shouldn't let it go on."

When people witness televised scenes of the Rana Plaza site in real-time, victims, in silence or screaming, speak for themselves, requiring few, if any, words on the part of the presenter. So, too, were viewers; the hidden story behind the scenes at once slipped, as well as those on-site, into the distant lives of millions of viewers without requiring them to utter too many words. What follows is a couple of compelling accounts captured by reporters and commentators:

"Deep inside the rubble, entombed in pitch black, Paki Begum awoke to a stabbing pain that seemed to swallow her whole. She could hear others nearby. When her eyes adjusted to the darkness, she saw the massive concrete beam that pinned her down and a man's head crushed between the beam and her thigh. She looked to her right and saw the clothing of her sewing assistant, only to find his stomach organs spilling out. Another man lay to her left, his hand bent underneath her back. She wrenched the hand out to see if he was still alive but felt no life." (Motlagh 2014, 65)

"[B]roken pillars, sandwiched and trapped human bodies, body parts, blood, sandals, lunch boxes, workers' ID cards and timecards, torn clothes, sewing machines [...] and colourful bolts of fabric scattered among the concrete slabs." (Ashraf 2017, 252)

The hidden world lurking behind the scenes, through the spectre of the sites, slipped into viewers' lives. Witnessing this unprecedented revelation, spectators experienced an instantaneous emotion. Swiftly and unexpectedly, individuals — not too few, many of them alike worldwide — experienced a powerful surge of emotions, prompting them to take action even before words could be spoken, before political agendas came into play and before the

concept of justice had a chance to prevail. The scope for demands for an unconditional and asymmetric response had been created as a result.

Motlagh (2014, 72) graciously presents us with a riveting account, immersing us in the thrilling world of the courageous onsite rescuers. These remarkable individuals, fully aware of the imminent peril that surrounds them, are irresistibly compelled to heed their inner calling and valiantly rush to the aid of their fellow beings.

"Muhid's interlude in the plaza's horrific underworld had struck some inner chord that he couldn't fully understand — a strange kind of comfort in the presence of the most desperate, the dying and the dead. "It was scary," he said, "but it was like an addiction. I spoke with them and said I felt their pain. My feeling was that their spirits were coming over me."" (Motlagh 2014, 72)

"Rafiqul Islam, the bricklayer, had likewise found a sense of purpose that he'd never known before. At one point he became trapped and spent seven stifling hours in the black, gasping for air. Four other men were with him; one who was too large to be extracted died in the hole. The incident made Rafiqul second-guess his choice to volunteer — and his friends encouraged him to quit — but a dogged compulsion to extract survivors sent him back into the rubble the next day, this time with a hacksaw. "I was only thinking that I have a great responsibility to pull out bodies, even if it kills me," he says. "I had no choice."" (Motlagh 2014, 72)

The ghost of Rana Plaza reaches people in no time with mute silence through teletechnologies; the events of the Rana Plaza collapse, witnessed by individuals in real-time as broadcasted on television, indeed had the potential to foster a sense of moral proximity. In the words of a respondent,

"You know, all those gadgets that keep us connected... It's pretty wild how the tragic events of the Rana Plaza collapse were broadcast on TV and brought us all together in such a deep and emotional way. It's like we could feel the closeness, and our hearts were totally touched." (Mujahid Ishtiaq, a Buyer's Sourcing Agent)

The image or scene can speak "the hauntingly poignant, and are part of the evocation of the tragic" (Valier 2005, 92). For example, Taslima Akhter commented about an image, "The Last Embrace," which was taken by herself

and commented on by Time as the entire country's grief captured in a single image:

"[I]t haunts me. It's as if they are saying to me, we are not numbers — not only cheap labor and cheap lives...As a witness to this cruelty, I feel the urge to share this pain with everyone. That's why I want this photo to be seen." (Luthfa 2023, 166)

The sheer horror and immediacy of the occurrences deeply affected people — the silence left by the dead, the unspeakability of those who were trapped, and the screaming of the wounded turned the Rana Plaza debris into a spectral site. Being viewed by the millions on site or on the screen, the 'mute' silence and the 'wordless' screams of this spectral site somehow break the silence of morality numbed by the spatiotemporal conditions, forceful demands of law and rationalistic calculations. What makes the site particularly distinctive is its ability to reach viewers without necessitating a form of representation; the world of words and the worlds of law with accompanying discourses of justice is gone into deep silence. Momentarily, millions of spectators worldwide have been able to transcend those influences to prioritise moral judgments above linguistic representation, political justice, and rationalistic reasoning, thus directly influencing their moral instincts. This collective response had the potential to generate more audacious initiatives within the governance system, culminating in the unprecedented agreement of the Accord and the Alliance, with remarkable success in reducing accidents in Bangladeshi factories in the last decade (Bair, Anner & Blash 2020).

Whether or not such initiatives were just responses is a moot point, however. Nevertheless, what is instructive here is how "teletechnologies", "silence", and "violence" together acted upon to bring down all barriers that otherwise might

come in between to preclude moral urge. The ghosts of Rana Plaza had been able to appeal to moral consciousness as they exceeded spatiotemporal as well as "word" barriers. What, however, is more significant here is that when we look back into the background, the violent character of the tragedy goes on to hide in structural violence where "the violence is built into the structure and shows up in unequal power and consequently as unequal life chances..." (Galtung 1969, 171). While technology can still serve to produce similar effects of dismantling spatiotemporal barriers, ghosts have now turned into incarnations; in order to reach people, they must escape the pre-discursive domain and enter the sphere of some sort of presentation. "Structural violence is silent, it does not show — it is essentially static, it is the tranquil waters' — thus it refers to the often unnoticed or taken for granted structures and affected livelihoods, but that need to be acknowledged and tackled" to have access to justice (Galtung 1969, 173). Unfortunately, we increasingly become indifferent to the root causes of harm, as the following subsection elucidates further.

6.5.2 #PayUp campaign seeking fair compensation for cancelled orders during Covid

During COVID-19, when the "existential crisis" threat crystallised around the industry, Bangladeshi garment workers experienced the gravest consequences of ruthless capitalism (IndustriAll 2020). This is not only because the pandemic crisis distributes much harm to the lower end of the power spectrum, but the opportunity to recourse to remedy has also been discriminately distributed; needless to say, victims are lower-tier workers in both cases (Fitzpatrick 2020;

Gaztambide-Fernández 2020; Guarnieri 2020). As consumers' demands for fashions started to ebb, buyers began to cancel/defer orders and denied payments (Anner 2020). Millions of workers, having lost jobs and payments, suddenly became an overwhelming burden for the country. In a country whose economy is primarily dependent on the jobs of these workers, there was little affordability left for the creation of any social safety net for this vast number of jobless, penniless people, giving rise to a horrific situation that the consciences of many of us couldn't escape. For instance, Mark Sebastian Anner, a Penn State University professor specialising in labour and employment relations, commented, "This is a profound international crisis that has disproportionately affected the people at the bottom of the supply chain, to the extent that their very survival is at stake," Anner continued, "we'll be seeing the repercussions for years to come." (Cited in Politzer 2020)

The ominous survival warnings ultimately led to a hashtag petition, namely #PayUp, on the renowned digital platform change.org, initiated by the non-profit organisation "Remake" on the 30th of March 2020, accentuated the obligations imposed upon fashion consumers to extend their support towards the Bangladeshi garment labourers. Remake urged people to be concerned that failure to pay workers could result in dire consequences, plunging them into hunger and homelessness. Activists and campaigners have particularly been successful in conveying harm to mass consumers, particularly Western consumers, as they joined en masse and brands felt pressure to #PayUp. Remake claimed:

"There's no question that the campaign has, at least for now, averted millions of lost jobs in the industry and hundreds of millions of dollars in wages for workers... And in terms of its direct financial impact on workers, [#PayUp] is probably the most successful campaign on worker rights in the apparel supply chain ever." (Scott Nova, Worker Rights Consortium)

Now, what is to be made about this apparent success of the campaign that moved consumers towards moral action? Again, as with the Rana Plaza crisis, this was possible because there was a break from the original course of action; crisis discourse cannot merely recast harm as isolated events, but the spatiotemporal dimension of harm gone ambiguous, eroding its concerns among actors (Patrona 2018; Samman 2015). Furthermore, exceptional COVID-19 conditioned many of us so that the forces of indifference remained suspended. This was mostly due to the ways in which technology and exceptionalism become essential to each other in the lockdown and social distancing circumstances. Lockdown and social distancing regimes cultivated the importance of disembodied communication through social media using the electronic domain like never before. The already hybridised lives of online and offline got the opportunity to create smeared selves of the virtual environment to the effect of the necessity of real lives far from the previously thought hyperreality of technology (Stratton, Powell & Cameron 2017; Vallor 2021). Gaining support for #PayUp provides substantial evidence for this argument. Living in an exceptional pandemic situation, people reflected on the harm that has electronically been conveyed, and they felt a connection with those distant victims. Although these victims can speak for themselves, unlike those in the Rana Plaza crisis, the rudimentary discursive tools used to reach

consumers were overshadowed by the exceptionalism of the time that touched everyone.

When harm is viewed as a result of a sudden crisis like the pandemic, the recognition that this harm is a manifestation of systemic failure is disregarded, and the underlying unequal power dynamics that contribute to the harm experienced by workers in the industry are not held accountable. That is to say, be it the sudden collapse of a building or the buyers' inability to pay during the pandemic crisis, when attributed to unprecedented episodic incidents instead of to the natural course of action, serves to conceal the undeniable reality that the exploitation of labourers within the garment supply chain is an inherent component of the industry's systemic framework. As discussed in the power and inequality chapter, the exploitation of workers in the garment supply chain is, unfortunately, woven into the very fabric of the industry's natural order; episodic isolated events are nothing but symptoms of the problematic background forces of power inequality. Ironically, the compelling occasions of moral drives that could be identified with the industry are being activated unconditionally (i.e., Levinasian asymmetric moral responsibility) or, precisely, with the conditions that background unequal conditions are disregarded and hence exonerated from blame. This point is superbly reflected in the following comments made by a factory owner:

"When we kindly request buyers to make payments for their ongoing orders and seek support for the survival of hardworking workers who have consistently delivered their orders on time throughout the years, we often receive responses like, "We completely understand the challenges faced by your workers, but due to these exceptional circumstances, we find ourselves in a difficult financial situation. The impact of these circumstances on our ability to make payments makes it currently impossible for us to consider your

'conditions' — we can't do anything about the need to support your workers." It's disheartening to see that many brands are taking advantage of the crisis and using it as an excuse to neglect their responsibility, putting all the blame on the pandemic while overlooking the underlying issue of structural inequality as the root cause of the harm." (Mehta Rakesh, Factory Owner)

The unspeakability or exceptionalism underpinning tragedy made us act rather than talk. We can engage in debates and embark upon an extensive discourse of thousands of words at a later time, but for now, our imperative is to respond with utmost urgency. As the response gradually quelled public outcry and ebbed media attention, we began to witness the profound effectiveness of words, time, space, and rationality in fulfilling their purpose. Unfortunately, we tend to forget the importance of addressing underlying inequality and seldom take the initiative to determine a just response to the harm suffered. Instead of acknowledging the systemic exploitation prevalent in labour practices, we chose to focus on isolated incidents such as accidents or pandemics. Rather than considering a response that would aim to dismantle unequal power dynamics, our attention shifts towards concepts like ethics washing or greenwashing or taking superficial actions in the aftermath of tragedy. This perpetuates and strengthens the indifference towards harm, the kind of human suffering that has been extensively discussed throughout the research.

6.6 Conclusion

I conclude the chapter by discussing the HMR in light of the analysis presented above. The main objective of the HMR is not to speculate about an idealistic future but rather to bring forth and validate the current ethical and economic practices that prioritise the ability to anticipate harm, modify foundational

structures, and allocate responsibility/accountability according to the varying control capabilities of social groups involved. The central tenets of this approach revolve around the notions of 'solidarity' and 'collectivity'.

"We're all implicated in this as consumers, as retailers, as supply chain organisers, as factory owners in the third world, as government bodies, and as international labour organisations, and it will only probably be through some coordinated action between all of these entities that we will arrive at some solution to avoid further tragedies." (Stewart Clegg, Professor of Organizations and Management at the University of Technology in Sydney)

Instead of perceiving the GCoP as an unalterable and all-encompassing global system that inevitably results in exploitation, the HMR forces us to consider an alternative approach: viewing it as a crucial component of a multifaceted 'global assemblage' borrowing Ong and Collier's (2005) terminology. This intricate assemblage is formed by diverse 'ethical regimes', which consist of a blend of different economic structures and stakeholders. These stakeholders encompass garment producers, entrepreneurs, consumers, and activists hailing from various locations. By recognising these numerous connections and relationships within the GCoP in the garment industry, rather than fixating on isolated incidents, we open up the possibility to envision 'action' in terms of interconnected obligations. This shift in perspective enables a more holistic comprehension of the industry and its potential to bring about significant transformation.

How can we foresee harm?

(a) Well, by remaining vigilant about our relationships lest they generate harm. Are the symbolic and material values generated and distributed within the global production chain continually subject to the international community's

"epistemically responsible practices of reflection and internal critique"? (Haslanger 2017, 134) Paradoxically, insofar as these forms of reflection and methods of critique are shaped and prioritised by the same underlying values and priorities of the neoliberal capitalist system in which the chain is nested, we cannot view them as completely neutral. (b) Instead, we can analyse 'incidents' within the entirety of the chain, which is so important because incidents provide a window to foreseeing the core of harm, and the chain provides order. The chains may "involve highly complex, dynamic sets of relationships among social and economic actors. Amid this complexity, insights into power relations can be gained by "following the money"." (Anner 2022, 80) But on which grounds may we arrive at a decision about the core of harm? (c) Because of their positionality, the labour protestants might possess a unique ability to obtain knowledge about morally significant facts that may remain out of reach or unavoidable for many others. This knowledge pertains specifically to the morally troubling unequal practices within the chain.

How can we anticipate the possibility of altering the chain to prevent future harm?

- (a) When we convincingly foresee harm or, more precisely, epistemic humility and material inequality, we are already in a position to put an altered view of moral responsibility in place, which would create a moral obligation to disrupt harm generative context, but due to challenges of massive power inequality
- (b) We need to increasingly promote values of humanitarian concerns of workers above all else, i.e., to give importance to suffering victims of harm

and (c) We also need to eliminate abstraction between different segments within the chain, which in turn promote solidarity and cooperation across the chain.

Who is responsible for what?

Following the money flow within the chain, as schematically presented in Figure 11, we can allocate responsibility for harm, with those who benefit most on the top of the responsibility chain, those who benefit least on the bottom, and others in between. The government, IGOs, NGOs, consumers, and other activists can be vital in implementing such a responsibility framework.

CHAPTER 7: CONCLUSION

This thesis has sought to respond to Reiman's (2006) challenge of explaining "a social structural conception of responsibility" — by implication, to understand 'who' is responsible for 'what' and to 'what extent' under an SHA. Following Reiman (2006), the question is important for at least the following three reasons. The first one relates to our ideal thought of doing justice to harm victims, which requires our moral activation, which would, in turn, allocate responsibility and hold responsible agencies accountable. Second, the SHA needs to explicate a doctrine of responsibility in order for its coherent progression as an academic discipline. Finally, there are pressing needs to reduce and prevent harm in the actual world; harm reduction policymakers can benefit by taking this doctrine of responsibility into account when making an effort to address the harms of unintended and socially mediated causes.

In doing this research, Chapter One began by looking into the catastrophic events at Rana Plaza and the resulting policy reforms. Through this exploration, various structural elements that contributed to the tragedy were brought to the forefront, providing crucial insight into the complex circumstances surrounding the incident (Anner, Bair & Blasi 2013; Kabeer 2020; Sobhan 2014). The insight allows for three interrelated themes to emerge to be explored in the subsequent chapters: epistemic (Subsection 2.2.1), corporate (for details, see Chapter Three), and legalist (Section 4.2). Taking moral responsibility for the incident means being accountable for all these underlying causes. That is to say, understanding the moral responsibility

for the harms of GCoP requires an analysis of the structural or social backgrounds of such harms (Kabeer 2020; Muhammad 2015; Sobhan 2014).

Taking the epistemic dimension first, those who are the most powerful create "meaning," which reinforces the status quo, i.e., maintains the current direction of material accumulation. Foucauldian disciplinary constraints taught us about this danger. Academic knowledge production is subject to the power game, the manipulable field for policymakers, politicians, and capitalists. The idea presented in relation to social reality (Subsection 2.2.1), regulatory capture (Section 3.3), and rationalistic conversion (Section 6.4) convincingly asserts that adhering to the universal knowledge claim is to play the power game. By contrast, under SHA, knowledge claims must be consistent with the situation in our current relationship and, hence, consistent with the individual-social continuum. By this, I mean the interpretive and reflexive core of knowledge is situational and resides within relationships among various social subgroups. The truth about moral knowledge lies in its self-reflexive production with reference to the exact context in which the problem lies.

With regard to the corporate dimension, in a globalised world, the interplay between global north-south relationships and regulatory provisions escalates and concentrates the inevitable and familiar deleterious capitalist byproducts within GCoP's production sites. This is because regulatory provisions, in effect, turn out to be the tools of the power game; far from being a solution, regulatory reform is a sure recipe for compounding the underlying crisis. More concretely, the operation of corporate power concealed, rationalised, and

embedded in globalisation and regulatory processes creates conditions for intense regulatory capture or, in other words, extreme regimes of permission or enhanced corporate-state symbiotic relationships in the countries of the global south.

Apart from the epistemic and corporate elements of harm, there are legalist sources of harm. The possibility of expanding the criminal model of responsibility for structurally caused harm is nothing but an illusion because the underlying assumption of individual autonomy and freedom is at odds with socially mediated harm. Our relational aspects go to the heart of socially originated problems. The idea of "relational" may appear complex but is much more real than the abstract ideas of autonomy and "individual freedom". The individualistic concept of responsibility obscures our vision of harm and prevents us from taking responsibility for harm victims. Pragmatically, the institutional practices of CMR, subject to the condition of intentionality, created conditions for non-responsibility for socially caused harm that nobody intended.

However, it is important to bear in mind that thinking about relations might evoke the extreme concept of "social," which has the potential to create problems the other way around, such as the individualism-collectivism trap and the urgency of articulating a theory of justice. The way forward is to employ a middle ground within the individual-social continuum. This way of thinking allows for the idea of a chain of responsibility, resolves issues of moral evaluation of harm by debunking the requirement of a complete theory

of justice (social harm understands freedom in both positive as well as negative terms and hence can expand the existing theory of justice to be as consistent with the rule of law as the notion of crime does), and suspends a moral hierarchy between intentional and unintentional acts of wrongdoing. The HMR that has been formulated is meant to be within the individual-social continuum rather than the extreme social point of view.

The empirical findings demonstrate the presence of power, inequality, and moral indifference and their interplay. The epistemic (symbolic or cultural) and material power of the global north shifts the hazards of commodity production into the manufacturing sites of the Bangladeshi RMG industry. The local employers play the intermediary role in facilitating the flow of hazards and accumulation in the opposite direction. These few local capitalists share some of the profits but at the expense of the millions of their factory workers. This direction of hazards and accumulation would not be possible without the production of moral indifference. The unbounded, nonviolent, and rational practices within the production network erode the possibility of innate personal moral drive for the suffering victims of harm to operate, thus contributing to the production of moral indifference. The de-bounding of harm means the causes of harm are not essentially related to our immediate context but rather extended in time and geographical space, often beyond the nation-state border. The suppression and invisibility of the source of morally relevant facts occludes moral knowledge, and the rationalistic conversion of moral issues means distortion of facts. Harm may be de-bounded, and the practices that create harm may be rational and nonviolent, but the experiences of harm

are very real structural violence to be suffered by victims and hence no short of proximation for the pain they endure.

Having all these relevant points ready in hand, it is time to see how they might be helpful in answering research questions. The study develops HMR, at the heart of which is the argument that the ability to foresee harm, the possibility of altering the present arrangement to prevent or reduce harm, and the identification of competent agents to make a difference ought to ground responsibility for addressing the epistemic and moral wrongs involved with socially mediated harm. The central aim of the study has been to answer the research question — **"To what extent is it possible for the social harm approach to outline a model of responsibility that identifies 'who' is responsible for which specific harms of the global chain of production?"** — in a way that can escape the individualistic and collectivist trap and is consistent with the following global conditions of a most appropriate responsibility discourse:

- i) Responsibility must be both forward-looking and backwards-looking: blameworthy, not necessarily inflicting punishment, though.
- ii) Responsibility must be taken up at the level of the collective. Changing personal behaviour alone does not necessarily improve the situation; restructuring the underlying arrangements is necessary.
- iii) Responsibility arises from social action rather than social connection, implying that simply being a member of a particular society shouldn't ground responsibility and that there might be a chain of responsibility in

the particular social structure reflecting the fact of societies embedded within societies. The notion of "the chain of responsibility" carve out a middle ground to escape the trap of individualism and collectivism.

- iv) Irrespective of the causes, harm carries the same moral weight if it is preventable. Our moral feeling should equally be activated in confronting human suffering, be it the abduction of an innocent child caused by individual wrongdoers or the malnutrition of sweatshop workers caused by social compulsion, for example.

This framework has been developed theoretically with the intention of being accompanied by empirical fine-tuning. The idea behind this is to combine theoretical principles with practical testing in order to find the most effective and accurate account of the framework. By integrating theory and empirical findings, we can address the research questions in a comprehensive manner, which I now turn to.

Question 1: Foreseeability test: Can we foresee the harms that occur in the global chain of production?

In order to ensure that harm can be anticipated and predicted, it is essential to conduct a comprehensive analysis that links the occurrence or possibility of experiencing harm to the underlying causes of harm. This analysis can be approached in two ways. Firstly, by carefully monitoring our overall circumstances and demonstrating the existence of the complex relationship between power dynamics, inequality, and moral indifference, we can anticipate potential harm or predict the likelihood of experiencing harm. This involves

examining how these factors interact with one another and can lead to detrimental outcomes. This is exactly what the findings chapters wanted to achieve. The second approach relates to the first half of the thesis (Chapters One — Four), starting from Rana Plaza; by examining concrete instances where harm has actually occurred, we can gain insights into the patterns and mechanisms that contribute to the production of harm. By recognising and understanding the ways in which harm is repeatedly manifested, we can then apply this knowledge to anticipate and predict potential future harm. This is where harm claims — be it retrospective or prospective — become crucial, as they offer valuable insights and serve as a means to uncover the hidden connections between actual or potential experiences of harm and the core elements that perpetuate harm — the interplay between power, inequality, and indifference. That is to say, the ability to foresee harm hinges on the ability to reveal and comprehend the underlying connection between actual or potential experiences of harm and the fundamental factors that drive harm — power dynamics, inequality, and moral indifference. This recognition of the interplay of power, inequality, and indifference is not just a philosophical concept, but a practical necessity in preventing harm. Without this connection, harm may be perceived as a common accident, regulatory failure, tragedy, or individual crime problem. Conversely, without referring to harm experienced or potentially to be experienced, the sole recognition of the interplay of power, inequality, and indifference may be dismissed as purely philosophical and non-pragmatic.

It is important to keep in mind that when assessing harm, we must ensure that harm is being inflicted upon a group of victims rather than individualistic experiences. In other words, the experiences of harm should be collective in nature. Additionally, the consideration of foreseeability of harm should be victim-oriented. In order for a thorough analysis of foreseeing harm to be valid, we need to listen to victims themselves or individuals who are directly involved with victims, such as activists, regulators, or potential victims. This means taking into account the situational circumstances surrounding the victims. Therefore, in order for a valid claim of foreseeable harm, there are three key conditions that must be met: the victim condition, collective condition, and background conditions.

Giving voice to activists, victims, and their regulators, this study demonstrates that the harm associated with GCoP is collective and deeply linked to structural conditions. Factory workers suffer harm or will likely suffer that stems from the interplay between power, inequality, and indifference. More specifically, the generic harm of sweatshop labour — unliveable wages, low unions, long working hours, and substandard working conditions, i.e., the escalation and concentration of negative byproducts of the capitalist production system upon factory workers — is demonstrated as the product of the interplay between epistemically and materially unequal relationships among different mini-moral communities and moral indifference of brands and employers towards employees.

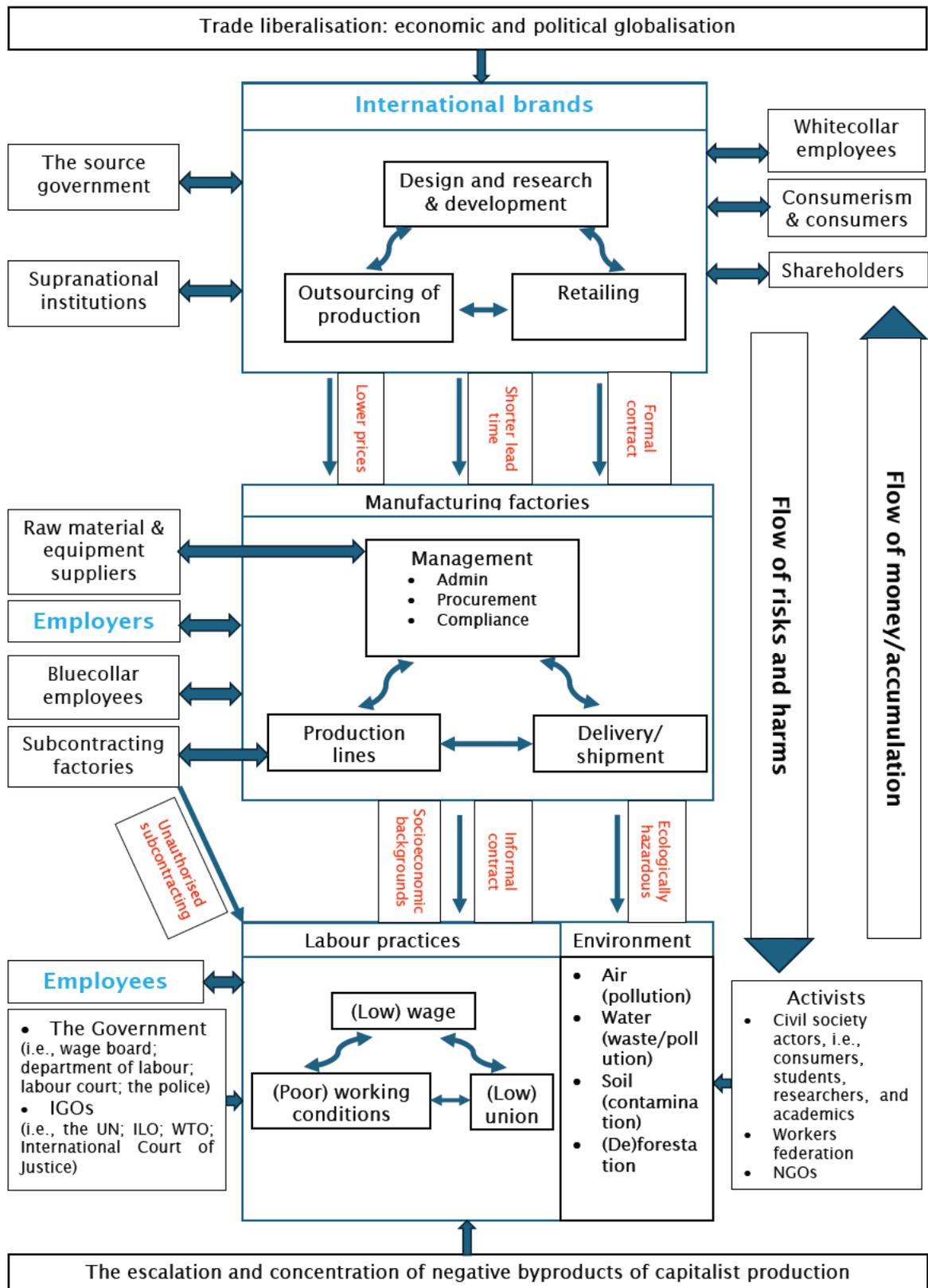


Figure 11: A schematic diagram of the global chain of production

Question 2: Alterability test: How much can we change the current global production system to prevent, reduce, or address harm?

Foreseeable harm means, therefore, a valid analysis exists linking harm experiences and harm causes. For example, the analysis in the first four chapters demonstrates Rana Plaza is deeply linked to the interplay between power, inequality, and moral indifference. Likewise, the analysis in the finding chapters that demonstrate this interplay, one can foresee harm that potentially coerces the lower-tier social subgroups in the chain. The possibility of alteration thus means power relations are made to operate differently through the redistribution of material resources, integration of local cultural or epistemic tools, cooperation rather than competition, and thick social relationships rather than abstraction or technocratic arrangements. Clearly, the collective and power conditions make it political; a movement or struggle for change can't exist in a political vacuum.

However, the insight from section 4.3, we must employ a middle ground within the individual-social continuum; rather than experimenting with the entire social change, we talk about change within the chain of social subgroups within the production network. We can redistribute resources so that victims will meet their basic needs without any destruction of the business or rather this would make the business more sustainable.

However, it is worth noting that there are valuable insights to be gained from the policy initiatives implemented after the tragic incident at Rana Plaza. One such initiative is the MSIs, which played a significant role in improving factory

safety conditions. Looking at the structural adjustment policy of the 1990s, which completely transformed the relationship dynamics in the industry, we can draw insights into how alteration to the industry took place and with what effect. Deregulation also brought about notable changes, as did the implementation of CSR principles. It is important to recognise that while these initiatives have their merits, they do not necessarily promote solidarity and deep personal relationships. They can be seen as part of the ongoing business practices rather than being entirely victim-oriented. To truly prioritise the well-being of victims, we need to focus on eliminating any form of victimisation, ensuring that workers have their basic needs met. It is essential to understand that the current value chain business system is not a natural phenomenon. Rather, it is a result of various political and economic imperatives. By actively working towards eliminating the victimisation of factory workers, we can strive for a model that prioritises their well-being. In short, the analysis provided makes a compelling case for the alterability of GCoP. It highlights the potential for positive change and the importance of prioritising the rights and safety of all workers involved in the production process.

Question 3: Identifiability test: Can groups of actors, such as brands, employers, and employees, be recognised as having the ability to effect change?

The complexity and dynamism of our social relations can hinder our ability to anticipate harm. There might be harm which we couldn't foresee, or we might think that these harms are beyond the possibilities of human intervention. In

fact, foreseeable harm implies that harm is preventable, and preventable harm means we can rearrange our present circumstances to prevent futuristic harm or the recurrent production of harm. Harm wouldn't be "social harm" if such a possibility didn't exist. In that case, we might say harm is beyond human intervention and hence natural, not social, which victims are destined to suffer. But the alterability of social arrangements in practice depends on the identifiability of competent agents who can make the change. If we can't identify actors who can effect change, we can't say something is alterable.

Again, to meet the collective condition is essential. The change is not individual moral behaviour change but instead social change. And the change does not essentially relate to 'social' entirety, either. Within the continuum of individual-social, our social arrangements are embedded in copious ways with each other. The idea of social subgroups helps us come out of this quagmire. In relation to the harm of GCoP, we have clear social subgroups of brands, employers, and employees apart from regulators, activists and consumers. The notion of a mini-moral community suggests all member of each of these social sub-groups are tied with their situated and distinctive moral principles.

In order to make change happen, following the insights presented in section 4.3, we can allocate responsibility to different subgroups depending on their relative ability to intervene. Factory workers are the victims, and they are the recipients of responsibility. Employers are in between workers and those with brands. The insights of the demonstration of the interplay of power, inequality and indifference in finding chapters are that change must come through

material reallocation, integration of culture, and integration of moral principles to defy the obstacle of mini-moral communities. While all the social subgroups involved have a shared responsibility in the chain, a hierarchy can be established following the money flow within the chain. If we follow the principle that from each group according to their ability, to each as they need to fulfil their basic needs, we can discern a chain of responsibility with the brands at the top and employers, regulators, consumers, activists, and so on constitute the middle layer above the recipient groups. The discernible order of the complex relationships among various stakeholders within GCoP is illustrated in Figure 11.

So if any harm problem wouldn't be addressed at any other level, the ultimate responsibility goes to the business enterprises. Nonetheless, the thesis acknowledged that the idea could have been developed in a more coherent and nuanced way, but due to the limitations of time and space, it only indicates a range of ways in which this could be defended and elaborated. Further to this, it was felt that this thesis falls short of a range of other issues. The study envisages a framework for allocating responsibility for harm. As a first step, it identifies two wrongs: epistemic wrong, which relates to the occlusion or distortion of moral facts and prevents us from valuing the abandoned human lives of wage workers, and moral wrong, which relates to structural coercion blocking the equal opportunity for a group of people to fulfil their basic needs. In order for a fuller analysis, it could have invoked an account to reflect the moral and epistemic superiority of the project of social harm, particularly why a SHA corresponds to moral truths — why structural coercion and resulting

unmet basic needs are morally problematic and how it could be addressed without violating the basic tenets of the rule of law. However, due to space and time limitations, it has been omitted. To acknowledge wrongs with harm is to foresee harm. From this point, it is important to agree upon mechanisms to make connections between incumbent individuals and the harm in question. Particularly, as the framework acknowledges the fact that there are multiple layers within society or, in other words, societies embedded within societies, then from which point to start, to which direction, and when to stop in the task of allocation of responsibility would be futuristic research in advancing the argument of moral responsibility for harm. Nevertheless, the thesis would like to suggest the following policy prescriptions.

In summary, this study has sought to develop a social/structural conception of responsibility in order to hold incumbent agents accountable for socially mediated harm in today's business organisations of GVC systems. By analysing the prevailing responsibility mechanisms of regulation and criminalisation, it has been demonstrated that the operation of political and economic power, often hidden and embedded in knowledge tools, function in tandem with unintended, unbounded, indirect, and collective qualities of harm to foreclose the possibility of taking responsibility towards the harm victims. Consequently, this model of responsibility for harm seeks to establish a framework that allows us to foresee the epistemic humility that not only perpetuates morally problematic structural coercion but contributes to the production of indifference. Understood thus, it is only a short leap to appreciate who is responsible for what. In a nutshell, it is crucial to develop an

HMR to prevent the unnecessary and unjust suffering endured by the vulnerable in our society due to the flaws within the capitalist system. We need an effective mechanism in place to allocate responsibility for socially mediated harm.

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APPENDIX 1: LIST OF PARTICIPANTS INTERVIEWED

	Participant Affiliation	Number
1	Industry representatives (including factory owners, managers, and association leaders, as well as buyers' sourcing agents)	22
2	Labour representatives (including union leaders and federation leaders)	9
3	Activists (including researchers, academicians, and NGO representatives)	9
4	Regulators (including administrators from the labour department, minimum wage board, and law enforcement members, as well as policymakers)	7

APPENDIX 2: PARTICIPANT INFORMATION SHEET

Project: The moral responsibility for the harms of the global chain of production: a case study of the Bangladeshi ready-made garment industry

What is the purpose of the study?

In recent decades, we have witnessed a range of industrial disasters like fire accidents and building collapses in Bangladesh's ready-made garment sectors. Often, it has been said in the literature and the mass media that these are the symptoms of much deeper problems. This study investigates these underlying causes of almost routinised accidents and other harms associated with Bangladesh's textile and garment industries. The study will illuminate our understanding of indifference to the sufferings of victims and advance the argument of activating moral responsibility for harm. The study will propose a policy prescription for the reduction of workers' harm in the Bangladeshi ready-made garment industry.

Who is funding and conducting the study?

Jasim Khan is conducting the study as a part of his doctoral research under Professor Simon Pemberton (lead supervisor) and Dr Daniel Mitchell (co-supervisor) at the School of Social Policy, University of Birmingham. Jasim Khan is funded by the Prime Minister Fellowship, Governance Innovation Unit, Prime Minister's Office, Dhaka, Bangladesh.

Who is taking part?

Individual people connected to the Bangladesh garment sector who are involved in the emergence of alternative business relationships in the apparel

global supply chain, entrusted with ethical roles within brand companies, and thought to be able to make a difference.

What do participants need to do?

As a resourceful person, you are invited to participate in this research. Your involvement will consist of sharing your thoughts and opinions about the harm associated with the garment sector. These interviews are part of a doctoral programme to answer a research question on how to frame a business model designing out harm from the garment industry. It is expected that participants will take part in, involving their brainstorming and sound thinking about the research topic.

There are no right or wrong answers to the questions. We are interested in your experiences and what sense you made of these. It is expected that the interview process will take up to 1 hour, though we can arrange to take a break during this if you would like to. After the interview, you will also be asked whether you would be interested in potentially being contacted at a later date to provide feedback on the findings from the study.

Your involvement in the research aspects is entirely voluntary, and it is up to you to decide whether you wish to participate. If you choose to take part, you will be given this information sheet to keep and be asked to sign a consent form. If you decide to take part, you are still free to withdraw at any time until four weeks after the interview without giving a reason. Your withdrawal will not lead to any consequences, and your data will be destroyed.

Disadvantages and benefits of taking part

As this interview is part of academic research aimed at reducing harm, there are no apparent disadvantages to taking part. The study is committed to at least no further harm. Instead, you will have an opportunity to draw on your understanding and experiences to contribute to a project addressing workplaces' sufferings. Furthermore, by taking part, you will benefit from actively reflecting on your thoughts and your learning over the interview. We hope that you will find it interesting and useful to talk about your experiences with harm reduction policies.

What will happen to my information?

The information which you supply and that which may be collected as part of the research project will be entered into a filing system or database on the researcher's university account and will only be accessed by authorised personnel involved in the project. Participants' names will be removed from any data after it has been collected and replaced with a code. No details on location/business names that could identify participants personally will appear in the write-up. The information will be retained by the University of Birmingham for a maximum of ten years and will only be used for research and statistical and audit purposes. By supplying this information, you are consenting to the University storing your information for the purposes and period stated above. The information will be processed by the University of Birmingham in accordance with the provisions of the Data Protection Act to GDPR, 2018. No identifiable personal data will be published.

Expenses and payments

The interview will be arranged either online or offline at a mutually convenient time and location; however, Jasim Khan will be able to pay the expense for local travel if necessary.

What will happen to the result of the research study?

The research study and results will be written up by the main researcher, Jasim Khan, for his thesis as part of his PhD with the University of Birmingham; a copy will be held at the university library. The research may also be written up for publication in a journal or book, and summaries may be shared with relevant organisations. You will not be identified in any report or publication.

What if I have any further questions or concerns?

If you have any questions regarding the research or would like to know more before you agree to participate, please contact Jasim Khan, the researcher, on [REDACTED] or by email at [REDACTED]. You can also contact the supervisor of the project: Professor Simon Pemberton, Department of Social Policy, Sociology and Criminology, University of Birmingham; Email: [REDACTED] Tel: [REDACTED]

APPENDIX 3: PARTICIPANT CONSENT FORM — INTERVIEW

Please tick the boxes below to show that you consent to the following:

1. I confirm that I have read and understood the information sheet about the study. I have had the opportunity to think about the information, ask questions and have had these answered satisfactorily.
2. I understand that my participation is voluntary and that I am free to withdraw before the conclusion of the research without giving any reason. I understand I must withdraw until four weeks after the interview and should communicate this decision via email to the researcher.
3. If I withdraw, my data will be removed from the study and will be destroyed.
4. I am happy for Jasim Khan to make audio or video recordings of my meetings with him. I understand that this data will be stored on an encrypted device and then transferred to the University of Birmingham's secure server. The University of Birmingham will destroy my personal data 10 years after the completion of the project i.e., 2032.
5. I understand that the personal details I have provided on the Participant Information sheet will remain confidential. I also understand that the interview I am about to take part in will be transcribed and potentially used in the research report and future academic publications; however, the researcher will anonymise this data, so quotes cannot be attributed to me personally.
6. I understand that the personal data provided by me will not be used for any other purpose and that the researcher or the University of Birmingham will not disclose my personal data to any third parties.
7. If I no longer want to take part, I understand that I can stop at any time.
8. If I say something that discloses criminal liability and worries Jasim Khan, I understand that he will have to pass the information on to competent authority for criminal proceedings and someone who can help me, respectively.
9. I understand that following the completion of the research I will be emailed with a two-page report of the research findings.

Name of participant

Date

Signature

Name of person taking consent

Date

Signature

Respondent ID (researcher use only)

APPENDIX 4: INTERVIEW TOPIC GUIDE

INTERVIEWER NOTES

This document is a guide to the principal themes and issues to be covered in the interview. The study addresses the question, "*To what extent is it possible for the social harm approach to outline a model of responsibility that identifies 'who' is responsible for which specific harms of the global chain of production?*". In order to facilitate operationalisation for empirical inquiry, the research question is then split into three overlapping segments: *i) Foreseeability test: Can we foresee the harms that occur in the global chain of production? ii) Alterability test: How much can we change the current global production system to prevent, reduce, or address harm? iii) Identifiability test: Can groups of actors, such as brands, employers, and employees, be recognised as having the ability to effect change?* That is to say, integrating foreseeable harms with the notion of alterable social relationships and the concept of power relations helps us see how moral responsibility for social harm might be activated. The central argument of the thesis is that when harm is foreseeable, which could be avoided through the rearrangements of the present situation, there must have identifiable actors who are morally obliged to shoulder responsibility for the creation and recreation of unintended harmful consequences of a particular social order/arrangement. Interview questions can be modified and followed up in more detail as appropriate. Prompts which will be used

-Can you expand on that?

-That's interesting, go on...

-Have got any more stories...

INTRODUCTION

My name is Jasim Khan, and this interview will be recorded as a part of my PhD research project under the guidance of the School of Social Policy, University of Birmingham. First of all, I would like to thank you for agreeing to participate in my study.

Before we begin, I'd like to talk about my research briefly. The study deals with the responsibility of prevention/remediation for human suffering in the workplace, particularly workers' conditions in the Bangladesh textile and garment industry. While a range of voluntary mechanisms, such as corporate social responsibility and the Bangladesh Accord, is in operation, there is a growing interest in establishing these policies as mandatory provisions. Engaged with the views of different stakeholders, I want to understand the justifications for taking responsibility for improving working conditions. So today, I'd like to ask how you think of and act on taking responsibility for preventable harm at the workplace. I would prefer to record the interview as this helps me capture exactly what you have said. Findings will be written up into a published work such as a dissertation, journal article, or book. Any views and quotes used in the report will be combined with views and quotes from other interviews, but I want to assure you that the discussion will remain confidential — interviewers' real names will not be used anywhere in the report. I want to further assure you that your participation is entirely voluntary, and there is no compulsion to complete the interview. You can stop the interview, decline to answer any specific question and take a break at any time if you wish.

So, before we start, can you please confirm that you understand the purpose and confidentiality of the research and are happy to take part? Are you comfortable with recording the discussion? Do you have any questions?

PART 1: FORESEEABILITY TEST: CAN WE FORESEE THE HARMS THAT OCCUR IN THE GLOBAL CHAIN OF PRODUCTION?

Q 1.1: There is a lot of discussion in the media and political and academic debates about the current supply chain model in the garment industry: is it harmful/does it work? What's your opinion?

Q 1.2: To what extent does globalisation impact the supply chain and the business model of the RMG sector?

Q 1.3: Do you think the working conditions of garment factories are fair, considering the competition and current global business practices?

Q 1.4: Why has Bangladesh become one of the world's largest exporters of garment products, just behind China?

Q 1.5: Bangladesh garment sectors have routinely experienced disasters like fire accidents or building collapses. Are there ways in which production factories could be made safer and accidents prevented?

Q 1.6: Is there any way to proactively foresee the causes of accidents within the RMG of Bangladesh?

PART 2: ALTERABILITY TEST: HOW MUCH CAN WE CHANGE THE CURRENT GLOBAL PRODUCTION SYSTEM TO PREVENT, REDUCE, OR ADDRESS HARM?

I would now like to ask if you see the current business model in the apparel supply chain as alterable.

Q 2.1: It has often been said that workers have little to say on what and how to produce. Do you feel this is unfair, and there is a need to improve this worker-employer relationship?

- If yes, then why if not, then why not?

Q 2.2: How can we improve the supplier-buyer relationship, given the buyers' ability to relocate their business globally and have tariff/trade and tax rules in their way by putting pressure on governments and IGOs?

Q 2.3: How can we make a supply chain business model sustainable in the textile and garment sector?

Q 2.4 To what extent can an improved and sustainable industrial relation play a pivotal role in the RMG supply chain to prevent or remedy the harm?

Q 2.5 How can brands contribute to making safer and accident-preventable working conditions for the garment industry?

Q 2.6: Do factories have a sole duty for the processes for monitoring and reporting accidents and their apparent causes? What's your opinion?

Q 2.7: Is there any role that the government of the host countries can play in influencing/improving sweatshop labour?

Q 2.8: What are the ways the governments of the source countries can play a crucial role in improving sweatshop labour?

Q 2.9: How can IGOs have a role in influencing and improving sweatshop labour?

Q 2.10: What role can civil society actors such as activists, NGOs, students, researchers, and academics play in improving/influencing sweatshop labour?

Q 2.11: How can consumers influence/impact sweatshop labour?

PART 3: IDENTIFIABILITY TEST: CAN GROUPS OF ACTORS, SUCH AS BRANDS, EMPLOYERS, AND EMPLOYEES, BE RECOGNISED AS HAVING THE ABILITY TO EFFECT CHANGE?

Now, I want to talk to you about the responsible agents for making a difference.

Q 3.1: How about the power relationships? It is often said that powerful nations write and interpret the rules of the game in favour of multinationals. For example, although we talk about an open market, the Generalised System of Preferences and the EU's Everything But Arms policies protect buyers' interests. Bangladesh has to maintain 'politically serviceable relationships' with richer countries to get access to the market. What is your opinion?

Q 3.2: Do you think benchmarking/minimum wage can play a pivotal role in improving sweatshop labour?

Q 3.3: Despite the prior initiatives by global trade unions and NGOs, it was not until after the Rana Plaza that most buyers came to agree on the Accord and Alliance. What do you think?

Q 3.4: Why did the Western brand companies in the Accord legally bind themselves to take remediation responsibility for the fire, structural, and electrical security within the manufacturing factories?

Q 3.5: The Accord is a tripartite agreement between three representatives from both brands and unions, with one representative from ILO; why did the Accord allow trade unions that distinctive position in the Accord?

Q 3.6: Although the Accord is a voluntary agreement, demand has recently been increased by a range of actors to make it obligatory. What are the principles of these actors advocating for a mandatory and legally binding Accord?

Q 3.7: Despite the considerable success of this multistakeholder initiative, the Bangladesh court passed the order in 2018 to restrain the Accord. How do you feel that it might impact sweatshop labour in Bangladesh?

Q 3.8: An international accord akin to the Bangladeshi Accord started in 2020 in Hague. What's your opinion about such a global initiative?

END OF INTERVIEW

Thank you very much for participating in my study and sharing your views with me today. Your experiences and opinions will be invaluable for my project. So before I go, is there anything else that you think is important that I should consider when writing my report?

APPENDIX 5: THE CODEBOOK

(The initial codes were represented in black, but during the coding process, the red codes were discarded, while green codes were generated from the data. "~" signifies similar codes, and "+" denotes codes that are combined into one.)

1. A select few
2. A formal approach to industrialisation ~ formalised industrialised countries
3. A vicious cycle of security
4. Abstract legal terms
5. Abundance of workers
6. Access to material resources~ deprivation of material resources
7. Accumulation
8. Activists~ workers' federation leaders & NGO leaders + researchers & academics
9. Ad hoc beginning
10. Advanced industrial nations~ developed nations ~ the advanced economy
11. Advantage of factory owners
12. Affiliations with public institutions~ members of parliament and cabinet
13. Agro-based economy
14. Alienation ~ distance from working class
+ dehumanisation ~ instrumentalisation ~ human as a tool of production ~ machinelike tools ~ simply numbers
15. Allocation of responsibility
16. Alterable business model
17. Anarchy
18. Annual increment ~ increase in the minimum wage ~ living wage
19. Arduous lifestyle ~ workers' lifestyle
20. Auditing
21. Automation ~ the role of technology ~ less automation
22. **Autonomy harm**
23. Avoidable harm
24. Basic needs ~ necessities ~ essential expenses ~ minimum daily expenses ~ fulfilling basic needs
25. Better enforcement
26. Boycott
27. Broader power dynamics
28. Business as usual
29. Buyer-oriented industry~ buyer-driven industry ~ buyers' industry
30. Buyers' code of conduct
31. Buyers' sourcing agents

32. Capitalist class relationships
33. Caring responsibilities
34. Chain of responsibility
35. Cheap labour
36. Child employment ~ child labour practices ~ **elimination of child labour**
37. **Childcare**
38. Civil society
39. Climate change
40. **Close-knit group**
41. Coercion and mistreatment
42. Collective bargaining power
43. Collective effort
44. Collective growth
45. **Colonial mindset**
46. Colonial violence ~ imperial repression
47. Commodity prices
48. Compelling circumstances
49. Competition ~ competitive environment
50. Compressed time-space
51. Conflicting interest
52. Consumers and consumerism
53. Consumers' ethical concerns ~ ethical consumer ~ ethical buying
54. Cooperation and coordination + shared and shifting responsibility ~ coordinated and shifted responsibility
55. Corporate code of conduct
56. Corporate-government nexus ~ regimes of permission ~ regulatory capture
57. Corruption
58. **COVID-19**
59. **Criminal justice ~ criminalisation of labour protestants**
60. Cross-border exchange of man, money and materials
61. Corporate Social Responsibility (CSR)
62. **Cultivable lands**
63. Cultural appropriation
64. Cultural constraints
65. Cultural sustainability
66. Cultural tools ~ symbolic elements ~ epistemic resources
67. Daily available working hours ~ full eight hours of job ~ normal working hours
68. Decent jobs
69. **Declining jute industry ~ declining Indigenous industries**
70. Decolonisation
71. Decolonising fashion
72. Deindustrialisation
73. **Densely populated country**
74. Deregulation
75. Developing countries

76. Development by keeping them cheap
77. Discrimination
78. Disruptions
79. Domestic duties
80. Domination
81. Early retirement
82. East Asian capital
83. Ecological degradation
84. Economic activities
85. Economic empowerment
86. Economic inequality
87. Employers' associations BGMEA and BKMEA ~ setting up BGMEA and BKMEA
88. Employer's interest
89. Entrepreneurs ~ first generation entrepreneurs ~ second generation entrepreneurs ~ local entrepreneurship
90. Export Processing Zone (EPZ)
91. Ethical businesses
92. Ethical responsibilities
93. Ethics washing
94. Eurocentric consumerism
95. Eurocentric standards
96. Existential crisis ~ COVID-19
97. Exploitation
98. Export taxes
99. Exportation of harm
100. Export-oriented paradigm
101. Extended-hour jobs ~ overtime ~ long working hours
102. External influences ~ external forces
103. Face-to-face interconnections ~ thick personal relationships
104. Factory owners and managers
105. Failed states ~ weak or corrupt government
106. Fair play
107. Fair share
108. Family disruptions ~ loss of family members, i.e., husband, wife ~ divorce
109. Fast fashion
110. Fear of losing jobs
111. Force majeure clauses
112. Forced labour
113. Foreign direct investment (FDI)
114. Foreseeable harm ~ predictable harm ~ anticipatory harm
115. Free market
116. Frustration
117. Gender discrimination ~ sexual bias
118. Generalised System of Preferences (GSP)
119. Global geopolitics

120. Global solidarity
121. Globalisation ~ trade liberalisation ~ economic globalisation ~ economic and political globalisation ~ international market integration
122. Globality
123. Globalised business regulation
124. Glocal = global + local
125. Green factories
126. Greenwashing
127. Harm generative context
128. Historical injustice ~ historical inequality
129. Holiday & holiday locations
130. Humanitarian issues
131. Hybridised lives of online and offline
132. Illiteracy
133. ILO's core conventions
134. Immediacy of morality
135. Indigo revolt
136. Indirect acts of structural violence ~ symbolic violence
137. Industrial growth
138. The police ~ industrial police
139. Industrialisation
140. Inequalities
141. Inferior positions
142. Infirm physiological capacity
143. Informal contracts
144. Informal industry
145. Inhuman workload
146. Innovation
147. Instability ~ political instability
148. Intellectual property rights (IPR)
149. Interconnectedness
150. Interest group
151. Internal colonialism
152. International code of conduct
153. Intervention in domestic affairs
154. Investment incentives
155. Irrevocable relationship
156. Isolated events
157. Job dissatisfaction
158. Joblessness
159. Kettling
160. Labour force
161. Labour-intensive industry ~ labour-dependent industry ~ low-skilled industry ~ less-automation
162. Labour standards
163. Labour unrest
164. Lack of proximity

165. Least developed countries (LDCs)
166. Level-playing field
167. Life expectancy
168. Look back to your own ethical practices
169. Low-level positions
170. Male adult workforces
171. Manufacturing sites ~ factory premises
172. Maternity leave
173. Meaning making ~ politics of representation ~ consequences of the use of metaphor
174. Means of production
175. Mindset
176. Missing canteen-dining spaces
177. Missing a childcare or daycare
178. Missing a medical centre
179. Moments of crisis
180. Moments of moral action
181. Monetary advantage
182. Moral kinship
183. Moral obligation
184. Moral superiority
185. Multi-fibre Arrangement (MFA)
186. Multinationals
187. Multistakeholder initiatives (MSIs): Accord, Alliance, Arrangement, RSC
188. Muslim dominant society
189. National disasters
190. National law plus
191. National prosperity
192. Natural resources
193. Negligible profit
194. Neocolonialism ~ postcolonialism
195. NGOs
196. Non-convenience
197. Non-immediacy
198. Occupational Health & Safety (OHS)
199. Opaque subcontracting practices
200. Open bidding system
201. Outcome stage
202. Outsourcing practices
203. Passivity to harm ~ passivity towards workers' sufferings
204. Patriarchal society
205. Personal sentiment
206. Point of consumption
207. Point of production
208. Policy tools: quotas, subsidies, and tariffs
209. Political and institutional rents
210. Political economy

- 211. Politically serviceable relationships
- 212. Politicisation
- 213. Political tools
- 214. Poor living conditions
- 215. Poor working conditions ~ substandard working conditions ~ hazardous working conditions ~ unsafe factory premises
- 216. Postnational constellation ~ international arena ~ international system ~ international society ~ the international community ~ the global stage
- 217. Post-Rana Plaza movement
- 218. Post-Rana Plaza policy prescriptions ~ MSIs + corporate prosecutions
- 219. Poverty ~ economic hardship ~ financial insecurity ~ financial uncertainty ~ hard work
- 220. Powerlessness
- 221. Power structure
- 222. Prevention and remediation of harm ~ **reducing workers' sufferings**
- 223. Price negotiation
- 224. Privatisation
- 225. Problem populations ~ dangerous working class
- 226. Production lines
- 227. Productivity
- 228. Profit distribution
- 229. Profit maximisation
- 230. Profit-driven system ~ **money-making industry**
- 231. Promotion
- 232. Prosocial behaviour ~ **implicit bias**
- 233. Protectionism
- 234. **Putting a price tag on human lives**
- 235. Quota hopping
- 236. Rationalistic calculations
- 237. Reaching the moral agents
- 238. Ready-made garment industry ~ apparel industry ~ garment and textile industry ~ fashion industry
- 239. Reallocation of resources ~ redistribution of material resources
- 240. Regulatory enforcement
- 241. Regulatory protocols
- 242. Regulatory vacuum ~ regulatory gap
- 243. Remediation responsibilities
- 244. Factory in residential building
- 245. Resistance to change
- 246. Respect and dignity
- 247. Rest and recreation
- 248. Rule-maker
- 249. Rule-taker
- 250. Safe tax heaven
- 251. Security and public good order = a vicious cycle of security
- 252. **Sense of justice** ~ sense of injustice

253. Social clauses
254. Social cohesion
255. Social dialogue ~ public dialogue
256. Social isolation
257. Social movement
258. Social service ~ civil service ~ social welfare programs
259. Socioeconomic problems
260. Socioeconomic resources
261. Southern experiences
262. Status quo
263. Street harassment
264. Stringent regulations
265. Structural adjustment policies (SAPs)
266. Structural unemployment
267. Subcontracting factories
268. Subjugation
269. Suppliers' small share
270. Supranational institutions ~ international government organisations (IGOs)
271. Suspension of production lines
272. Sustainable business
273. Sustainability
274. Sustainable development
275. Sustained growth
276. [The #PayUp campaign](#)
277. [The 1947](#)
278. [The 1971](#)
279. The bigger picture
280. The broader political economy of the RMG supply chain
281. The collective course of life
282. The colonial era ~ the British era
283. The de-bounding of harm ~ the unbounded context
284. [The Ghosts of Rana Plaza](#)
285. The global chain of production~ extended production network ~ global value chain system ~ globalised production network
286. The global unequal relationships
287. The golden past
288. The government
289. The human needs
290. The international Accord
291. The invisibility of protestants ~ [criminalisation of labour protest](#)
292. The invisible hand of the market
293. [The muslin and silk industry](#) ~ the golden past
294. The north-south relationships
295. The role of power
296. The role of technology
297. The social safety nets

298. The victims ~ factory workers
299. Tight profit margins
300. Top-tier personnel
301. Trade sanctions
302. Trade union
303. Traditional gender roles
304. Tripartite consultancy council
305. Underdeveloped countries
306. Unemployment~ poverty
307. Unfair competition ~ competition
308. Unfair global order ~ the global unequal relationships
309. Unintentional harm
310. Unionisation
311. Universal Human declaration
312. Universalism of knowledge
313. Unjust treatment
314. Unproductive industry
315. Unsustainable industry
316. 'Us' versus 'them'
317. Vandalism
318. Violations of workers' rights
319. Vulnerable business practices
320. Wage setting = annual increment + the minimum wage + increase in the minimum wage + living wage + low wage + bottom rock wage + insufficient wage + inadequate compensation+ the Bangladesh Minimum Wage Board
321. Weak enforcement ~ better enforcement
322. Welfare foundation
323. Worker insecurity
324. Workers' associations
325. Workers' deep vulnerability
326. Workers' leaders
327. **Workers' Participation Committee (WPC)**
328. Workers' social background
329. Workers' social problem