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What is fair in the fair transport concept?

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Abstract

This is a working paper, in-process to be language edited.

It starts in a simple question and purpose of what is fair in the transport chain concept, and develops to an abductive reasoning based on critical business ethics research and polyphonic narratives for an understanding of the mess that involves people, ethics in supply chains, interest organizations and EU institutions. Analytical understanding arrives from the Spinozian ethical principles in societies, justice and mercy. Justice as a social pact in order to escape the natural injustice and inequality outside the social system. Mercy as recognizing individuals in collective co-existence. Fairness in fair transport is suggested to be of a dynamic nature and derived from knowledgeable reasoning and found in lived ethico-political relationships.

Introduction

Road freight transport is a highly competitive, cost-driven and labor-intensive industry - a deregulated industry that operates under a wide range of regulations. Remaining regulations aim to uphold professional conduct in the single market of EU road freight transport. Replacing the institutional regulation with market regulation causes pressures that squeeze hauliers and labor (Belzer, 2000, 2002). The EU road freight transport market challenges are that *“rules are not sufficiently clear and are very difficult to enforce. This has led to abuse by some hauliers. In addition, some Member States have begun to introduce their own national rules, which have added to the confusion”* says the responsible European Commissioner Violeta Bulc. Not only the Swedish Prime Minister but also leading politicians in Denmark say that the market is in a “wild west” status (Transportmagasinet, 17-02-2017: SvD, 19-01-2017).

Objectives regarding the Single European Transport Area are to simplify the movements of freight, reduce costs and enhance the sustainability of European transport. Policy makers want further integration of the road freight market in order to render road transport more efficient and competitive (European Commission, White Paper 2011/0144). Taking account to huge difficulties to control road freight transport due to the mobile character of work, sustainability is at risk. Not only at risk, since the sustainability is an acknowledged problem of how EU road freight is conducted (European Commission, White Paper 2011/0144).

The most common way to analyze sustainability is to through a composite measure of economic, environmental and social factors, which may be appropriate for performance measurement and management of organizations. Not in order to better understand sustainability of road freight conduct performed in an economic-political integrated market context with market actors that have very different cost structures, cultures and needs. There is a need to understand the apparent failure in the sustainable road freight market, an ethical understanding that outline what is good for individuals and the society of road freight transport in EU. A stream of research in organization studies develop an understanding of how ethics is practiced and

resisted (Pullen & Rhodes, 2015b), an embodied approach (Pullen & Rhodes, 2015a), acting affirmative and affective politics (Pullen, Rhodes, & Thanem, 2017), an ethics possible to mobilize in business conduct (Clegg, Kornberger, & Rhodes, 2007; Pullen & Rhodes, 2014), thus that ethics that locates corporations in democratic societies (Rhodes, 2016, especially that permits embodied ethics of organizational conduct through Spinoza's affective ethics {Thanem, 2015 #3235; Spindler, 2009). The philosopher Benedictus de Spinoza's (1632–1677) ethics perspective has an *“on-going and unfinished nature which necessitates practical action for our mutual striving and flourishing within and beyond organizations; and it is the emphasis on mutual striving which makes it brutally honest and more realistic than any ethics of recognition.”* (Thanem and Wallenberg, 2015: 248). A Spinozian analysis of ethics that creates sustainable road freight business is of especial importance because of the diverse organization created in the Single European Transport Area. It may enhance capacities both of marginalized groups such as drivers and hauliers with different origins and bodily experiences and of those who have authority to compose a heterogeneous, powerful and well-functioning transport body. This ethical analysis contributes to knowledge of European road transport and facilitates road transport actors' *“embodied forms of reason in concert with others”* (Thanem and Wallenberg, 2015: 247). From a Spinozian perspective there is a multitude of affective relations in the Single European Transport Area in which each individual is a part. Only from this collective existence is it possible to understand human action and thinking. Spinozian ethics is a study of freedom: how understanding of complex processes releases us from prejudices and illusions deduced of fear and vulnerability. Such study is important in order to counteract the historical trick of authorial tyrants that gather people with dogmatic formulations that forces judgment and make people *“fight as bravely for slavery as for safety, and count it not shame but highest honour to risk their blood and their lives for the vainglory of a tyrant;”* (Spinoza in *A Theologico-Political Treatise*, preface). Prejudices and illusions about us and the world may lead to acceptance of being dominated, exploited and excluded and to one's own acts of domination, exploitation and exclusion. This is an ethico-political approach where ethics cannot be separated from politics in order to be *“dealing with concrete practices in real ethical relations”* Thanem and Wallenberg, 2015: 239).

The analysis I want to do in this paper is on the specific initiative by European labor organizations, Fair Transport in the context of European road freight business. This paper aims to take an ethico-political perspective in order to understand what is fair in the fair transport concept, such as what capacities are raised and generate questions of ethics for further discussion the sustainable road freight transport sector, thereby contributing to innovate road freight transport practice of many different actors' contributions.

To address this ostensible simple research question, I present a qualitative action net study of fair in the context of fair transport. Since fair transport is an un-finished phenomenon, rather than a retrospective study, materials cover influential actions that are assembled without the ambition to present it as settled.

The study extends the literature sustainable supply chain management on ethico-political aspects of sustainable road freight transport research and policy making by drawing on critical business ethics literature, especially the Spinozian ethics. The abductive study leads to my argument that neither codes of conducts nor its equivalents on an institutional level, EU regulations will bring forward an ethical conduct. Strict compliance or enforcement are of any better use. The just transport conduct is found in lived ethico-political relationships that bring about a common understanding of what Spinoza denotes as *conatus* and how they develop or hinder the fair transport (chains).

Sustainable supply chain management

Supply chain management research is largely driven by the notion of efficiency (New, 1997), also sustainable supply chain management literature (Pagell & Shevchenko, 2014). Supply chain management knowledge of predatory efficiencies is important in neoliberal economies, but research needs to engage with social and ethical questions that relate to justice (New, 1997). The concept of sustainable supply chain management winning terrain in supply chain management literature and a common definition is “management of material, information and capital flows as well as cooperation among the companies along the supply chain while taking goals from all three dimensions of sustainable development i.e., economic, environmental and social into account which are derived from customers and the stakeholders’ requirements” (Seuring & Müller, 2008; Yawar & Seuring, 2015). The definition hints that sustainable supply chain management concept is just window dressing for efficiency actions of a dominant organization. Another stream of sustainable supply chain management research argues that key features of supply chain responsibility is: Acknowledgement of different approaches to ethics by different organisational forms within the supply chain that aims for social and environmental benefits beyond the narrow economic, technical and legal requirements of the supply chain, which are derived from the legitimacy and possibility of all links in the chain to have a voice (Spence & Bourlakis, 2009).

Sustainable supply chain management research has developed much but the social aspects of sustainability is underdeveloped (Yawar & Seuring, 2015), especially the stream that aims for the understanding of the just supply chain (New, 1997), with many voices negotiating ethical behavior (Spence & Bourlakis, 2009) and enacts genuine social responsibility in supply chains (Andersen & Skjoett-Larsen, 2009).

“In too many cases, supply chain research can be seen to be uncritical and passive, and – especially in regards to supply chain CSR – insufficiently skeptical”. (New, 2015: 704)

Suck knowledge gap not only implies that firms may deploy largely ineffectual policies but also that we have problems to grasp the underlying causes which leads to the problems in the first place. In a context of industrial capitalism New (2015) argues that on the one hand is CSR activities and policy statements that are presumed to reduce the problem, and on the other hand is the buying company’s commercial power to negotiate such prices and trading terms that inspires dodgy business practices that are hard to recognize through CSR activities. New (1997; 2015) is calling for a radical perspective that may reform supply chain action to complement the taken-for-granted liberal perspective of economic efficiency. The lack of understanding of the just supply chain may be a prime reason to the underdeveloped social aspect of sustainability and lack of theorizing applicable to a socio-political setting. The early literature on sustainable supply chain management are reviewed and synthesized as strategies for (1) supplier management for risks and performance, and (2) supply chain management for sustainable products (Seuring & Müller, 2008). These strategies are responses to the need of the company to avoid problems originating from the supply chain and consumers of the product. It is important to note that the product-focused sustainability studies are due to the traditional supply chain management research focus on manufacturing rather than on service provision. It is however problematic since more and more manufacturers reengineer its business into services, hence providing and supporting a product. In service provision, people is a major component which underlines the importance of a strategy to innovate the supply chain processes into just practices. Another literature review of social aspects of sustainable supply chain management identifies social issues to be labor conditions, child labor, human rights, health, safety, development and inclusion of minorities, disabled and marginalized people, and gender equality strategies (Yawar & Seuring, 2015). The identified strategies to manage these social issues are broadly grouped into communication (sustainability reports and labelling of products), compliance (standards and audits) and supplier development (Yawar & Seuring, 2015). These

strategies contribute to an efficient program of the company but not to visible sustainability in the supply chain (New, 2015).

The most debated social issue in the literature review of social aspects of sustainable supply chain management literature is labor conditions, debated from the Western perspective (Yawar & Seuring, 2015). The inadequacy of existing private auditing schemes and strategies that seek to ensure a basic level of safety and decent work conditions for laborers is well documented (Lund-Thomsen & Lindgreen, 2014; Rhodes, 2016; Rhodes & Pullen). Also, literature reviews continue to state a lack of a theoretical background and perspectives that better informs a critical sustainable supply chain management, including ethical issues (Quarshie, Salmi, & Leuschner, 2016; Seuring & Müller, 2008; Touboullic & Walker, 2015; Winter & Knemeyer, 2013).

A critical feminist perspective to advance sustainable supply chain management

With feminist perspective I see the concept development of sustainable supply chain management as a development of a male norm that research has viewed in a critical manner, scattered as in the supply chain management field but more substantially in the organization field. We need to view such a concept and its application in a critical manner. A seed to change the state of affairs (Hirdman, 2010), is in acknowledging the feminine subordinated organizational ethical actions of business ethics (Rhodes & Pullen, 2017), and acknowledging the masculine rational and control-based approaches to ethics that are less concerned about ethical behavior than a strive for mastery and legitimacy (Painter-Morland, 2015; Rhodes & Pullen, 2017). What will follow is an introduction to a perspective from organization studies (critical business ethics) that enables sustainable supply chain management studies to leapfrog from an uncritical and passive position (New, 2015) to one of knowledge of relationality, change and engagement that is needed in sustainable supply chain management (Touboullic & Walker, 2016). (Touboullic & Walker, 2016)

A review of critical business ethics studies by Rhodes and Pullen (2017) substantiates three streams of critical business ethics literature, namely the business case for ethics, ethics and impression management, and ethics and political independence. The themes from the literature review are variants of the underlying argument “when business engage with ethics they do so for their own advantage and on that basis their actions cannot be deemed ethical.” (Rhodes & Pullen, 2017:3). The studies state that corporate self-interest remains on the top of the agenda.

A business ethics situated in self-interest is problematic since the whole apparatus of sustainability reports and codes of conduct may end up as a well-orchestrated fraud such as in the Volkswagen scandal (Rhodes, 2016). The Volkswagen case alerts researchers ethics in a sustainability perspective is not something to be managed in an isolated way, there is a need of continuous disruption from the outside that go on and bring in new aspects into what is seen as business ethics. Ethics is always in relation to something or someone else. Rhodes (2016) develop a Levinasian ethics, one that stems from responsibility to other people, to always care for other before oneself (Levinas, 1985 in Rhodes 2016). Ethics cannot be isolated to oneself, neither as an individual, nor as a company. An alternative form of ethics is ‘democratic business ethics’ (Rhodes, 2016):

“The scandal at Volkswagen would not have happened if it was not for the involvement of NGOs, scientists, law makers, government agencies, the media and the general public. While this might be regarded as a failure of the corporate world, it is an achievement of civil society that a major corporation was brought to justice. The scandal can be regarded as a democratic interruption to Volkswagen’s corporate sovereignty that was enacted in the name of ethics.

This is not corporate business ethics by a long stretch. Instead it represents what can be called ‘democratic business ethics’. Volkswagen being held to ethical account was a process of democratization achieved by a political process instigated and fuelled by the members and institutions of civil society. The ethics that was enacted aligns more with the idea of radical democracy than that of liberal democracy.”

‘Democratic business ethics’ is one where civil society holds corporation to account for their actions (Rhodes, 2016). This is an alternative form of business ethics and to hold the powerful actor to account for actions is important. But in order to advance sustainable supply chain management with an ethics based on relationality, change and engagement (Spence & Bourlakis, 2009; Touboulis & Walker, 2016), further conceptualization of an ethics that is alive and performed in the everyday of the subordinated organizational actors is needed (Pullen et al., 2017).

There are general principles for lived ethics (Parker, 2003), ‘do as you would be done by’ and ‘the greatest good for the greatest number’. In addition, the philosopher Emmanuel Levinas is influential in critical business ethics texts (Jones, 2003; McMurray, Pullen, & Rhodes, 2010; Pullen & Rhodes, 2014; Rhodes, 2016; Rhodes & Pullen, 2017; Roberts, 2003). Levinas’ ethical base is relational, a face-to-face meeting with another that enriches your understanding of the other. Typically, Levinas ethical principles is according to Jones (2003) not readily available to be applied in the sense as formulated into a code or rules, because the “idea of applying a formula would tend to efface the very idea of responsibility” (2003:234). Jones argues that Levinas does not offer laws or moral rules, but rather the essence of the ethical relation in general (2003:225), the pure ethical relation is non-reciprocal and unconditional. Such a Levinasian relation of ethics seems to be rather difficult and also counterproductive in business networks, based on the demands: “For unconditional hospitality to take place you have to accept the risk of the other coming and destroying the place, initiating a revolution, stealing everything, or killing everyone. That is the risk of pure hospitality and pure gift.” (Derrida 1999:71 in Jones, 2003). Anyhow, Roberts (2003) do contemplate Levinasian insights for business ethics in terms of a dialogue, such as:

“Corporate codes and reports and new forms of internal reporting can be seen as genuine vehicles for creating corporate social responsibility only if they are viewed as a supplement and support to what I have discussed here as a dialogue across the corporate boundary. In addition to dialogue with those who can threaten the corporate reputation, there is a need, if there is serious corporate intent, for face-to-face dialogue with those different others who are themselves most vulnerable to corporate conduct. Only with such contact is there the possibility of informing corporate ignorance of its actual myriad effects, and of learning of what might allow us to make a reality of corporate social responsibility.”

As I understand the Levinasian line of ethical thought, such a dialogue would be unethical if it aims to coordinate or to influence. It builds on an asymmetrical obligation where the corporation owes the other everything, the other owes the corporation nothing. The meeting in itself offers a meaningful direction and orientation to corporate ethics work. Levinasian relationality seems to restrict relational engagement for change by being afraid of doing more harm than good and thereby preferring passivity. However, Jones (2003:238) argues that the problem is that ethics is treated as a technology for reducing un-decidability and to mediate between different actors’ basic values

Much in line with Rhodes and Pullen (2017), Jones (2003) argues that business ethics is then a monstrous tool to provide alibis and to eliminate ethical dilemmas, such a technology “would indicate not ethics but

rather the end of ethics. Knowing what to do, having a procedure to follow, or simply responding without experiencing un-decidability is not the domain of ethics. Quite the opposite, it is the absence of decision, responsibility and anything worth the name of ethics.“(Jones, 2003:239). Decision technology such as codes of conduct or legislative standards promote ethics but cannot stand in for ethics (Jones, 2003). Levinas’ insights are used productively in critical business ethics studies to reflect on how its decision technologies work and how emancipatory projects inside and outside the organization are colonized. It gives few ideas of how the emancipatory projects are better energized, the critique against the decision technology plays down the possibilities that actually are enacted not because of the law-like conditions but because of structures are changed and there are potential to do different.

Rhodes and Pullen argue while ethics in business is effectively criticized as being the instrumental pursuit of economic self-interest or legitimacy, “the possibility of non-instrumentally rational means–ends accounts of that pursuit are not explored. As such, the notion of instrumental rationality as an empirically dominant reality and an analytical necessity is accepted rather than interrogated.” Rhodes and Pullen argue no organization can be reduced to its obligations and rationalities, organizations are more complex than these. One suggestion for further critical analysis is the about masculine business image, the glorification of business ethics, the “should” of ethics as something businesses should pursue. Another is lived business ethics, for example, concerning the role business ethics play in the commercial dynamics of global production networks by opening for civil society organizations to address the rights of vulnerable workers in global supply chains (Barrientos, 2008){Scheper, 2017 #3284}. Organizational business ethics is not and cannot be an encompassing solution because the social issues are dynamic and complex, instead becoming ethical holds out hope as an open-ended process (Pullen et al., 2017). Lived business ethics practices need to be determined by context-dependent factors (Andersen & Skjoett-Larsen, 2009). Understanding is needed to alter power relationships in global supply chains and bring about sustained improvements in workers’ conditions (Lund-Thomsen & Lindgreen, 2014). Feminist organization theory has explored such complexity in detail (Rhodes and Pullen, 2017). The gendered perspective adds understanding to the critical business ethics literature by identifying the character of the organization that is talking business ethics but acting in its own interest as a corporate glorification “normal” in masculine-rational business ethics action. The unfinished nature of ethical development and interactions are hidden but important in any critical business ethics study since they are productive and acting for a lived business ethics.

A productive approach need to acknowledge the many agendas that actually are making up the ethics that is glorified in communicated messages, stated policies and supplier development schemes. What are the acts of care, nurturance and relationality and how is work, intended good acts carried out in different contexts? Levinasian ethics seems to focus on restricting yourself out of respect for the other, which seem to restrict the possibilities of togetherness. Thinking on the global supply chain context, it should be noted that diversity is what makes supply chains uniquely profitable, diverse socio-economic conditions, socio-culturally rooted skills and qualifications, diversity of legal frameworks, infrastructure and nature (Scheper, 2017). And that labor acts with individual aspirations and life-cycles. Prejudices and illusions about us and the world may lead to acceptance of being dominated, exploited and excluded and to one’s own acts of domination, exploitation and exclusion. Spinozian ethics is accepted as an ethico-political approach where ethics cannot be separated from politics in order to be “dealing with concrete practices in real ethical relations” (Thanem and Wallenberg, 2015: 239). Spinoza takes a relational perspective and develops ethics in relation to what bodies can do, focusing on what can be brought out in the situated meeting, what is productive under certain circumstances. Basically, Spinozian ethics is a path towards democratic freedom

(Garrett, 1995a, 1995b) . While the Levinasian ethics is interpreted broadly as taking responsibility for the other in self-other relations (Thanem & Wallenberg, 2015a, 2015b), the Spinozian affective ethics offers a less idealistic conception of ethics (Pullen & Rhodes, 2015a). Thanem and Wallenberg theorize ethics of organizing as a collective achievement where the affective power of ourselves and others, the bodily energy of joy and sadness forms responsibility and possibility. It is an embodied perspective of ethics with ambition to enhance the capacities of marginalized groups, such as vulnerable workers, whose joy and suffering are situated.

“On Spinozian ethics, it is the entanglement of ethics with embodied and political reality which makes it on-going and unfinished; it is its on-going and unfinished nature which necessitates practical action for our mutual striving and flourishing within and beyond organizations”. (Thanem & Wallenberg, 2015b:248)

This ethical agenda avoids the temptation for moralizing of other’s ethical shortcomings and goes for a critical and productive theorizing of how we live and work together and explore difficulties. There are radically different ways of living, working and organizing and these are not in opposition against each other, but in a becoming state of what we term a supply chain (Thanem, 2006), thus what seems monstrous and threatening do not have to be killed or excluded in a moralistic outcry but rather understood as symbiotic relationships where development is not about homogenization but about mutation, ‘rhizomic transformations’ (Thanem, 2011).

It is an ethics of consensus that might be achieved through dialogue for a prospering, harmonious and pluralistic community (Pullen et al., 2017; Rhodes & Wray-Bliss, 2012; Thanem & Wallenberg, 2015a, 2015b). An ethics of consensus is an antidote to “The sleep of reason creates monsters” etching by Goya, 1799, thus understanding complex processes releases us from prejudices and illusions deduced of fear and vulnerability and allows an ethico-political way forward to deal with the concrete in real ethical relations (Thanem and Wallenberg, 2015: 239).

An ethico-political conceptualization in progress

Codes of conducts and similar programmed approaches reach out for ethical conduct and may facilitate it. However, instrumentalities and institutions work for an ethical conduct, but in such manner they define the problem instead of solving, they are medicine, not emancipation (Woodbridge, 1949). How to convert anxious care of codes of conduct into the possibility to emancipation? Ethics is understood here as a bodily capacity and it implies “*taking responsibility for enhancing not just...[our] own capacities but doing so in ways that enhance the capacities of other people*” (Thanem, 2011:124). In this paper Spinozian ethics is employed, in order to avoid idealistic positions and moralism (Spinoza, 1949/1675), and facilitate interpretation of lived supply chain complexity as an on-going, imperfect and unfinished project.

Spinozian ethics is neither a normative ethics of moral rules and guidelines, nor merely a diagnostic analytical framework. Rather, it offers a theory of the good, joyful and powerful life, which helps us analyse, enact and hopefully enhance the affective relations we embody within and around organizations. (Thanem & Wallenberg, 2015b:248).

A crucial construct is capacities. Capacity to act depends on other actors and perseverance is crucial in such a context. For Spinoza, actors seek to persevere by entering into affective relations with others that enhance their capacities (Spinoza, 1949/1675: Thanem & Wallenberg, 2015:241). Everyone has what Spinoza calls conatus, which may be defined as “a natural tendency, impulse, or striving” Merriam Webster Dictionary) as an inclination to persist in its own being and extend its capacities on its own and in combination with other

of importance. Different bodies' passions need to align and the one who is given power (from nature by being bigger or from civilized social settings by agreement from contract, regulation or law that aims as much freedom for all as is possible albeit based in human rights. Freedom is the oxygen for conatus. Larger composites of people relies on reasoned agreement that enlarge the capacities of the different actors. Reason is not developed in isolation but an ongoing project and experimentation. Reason is always embodied, social and political (Thanem and Wallenberg, 2015) with reference to a cornerstone in Spinoza' texts, i.e. the mind is the idea of the body and the body is what the mind knows (Spinoza, 1949/1675).

A well-integrated supply chain is to be seen as a collective body that affect and is affected by bodies with different conatus. "Reasonable bodies are able to join with other bodies, despite some disagreement, and compose larger, more powerful, yet more heterogeneous bodies, which incorporate the capacities that made them different in the first place (EIVP38)

Thanem and Wallenberg' s (2015) key concepts after reading Spinoza in a contemporary context of other Spinoza readers are affective, reason and freedom. Freedom because the ethical reasoning is of mind/bodies as they are, rather than a representation of an ideal body and this reasoning is to be used in practical politics (Spindler, 2009).

Any discussion of ethics related to sustainable supply chain management is also political, that is possible to formulate as, Supply chain politics, such as wise governance enables supply chain actors to participate where their passions and differences are negotiated and also protected in a stable setting of contract, regulation or law. The ethico-political understanding can be formulated as:

"Ethics involves the striving to enhance our embodied capacities to affect and be affected in ways that help ourselves and others flourish, politics is the struggle to embody and embed the different desires, imaginings and capacities of different people in just institutions. ... [t]his ethico-political struggle is advanced by cultivating an embodied reason whereby rulers and ruled understand our passions and agreements with others and limit our individualistic strive for freedom and power." (Thanem & Wallenberg, 2015b:245)

Methods

Qualitative methods are employed to investigate complexities related to what is productive and destructive related to the theme of sustainable supply chain management and visible manifestations, here Fair Transport and codes of conducts. There are difficulties in addressing social aspects of sustainability (Ashby, Leat, & Hudson-Smith, 2012) in that problems are messy, cross-disciplinary and concern the flourishing of individual persons and their communities (Pagell & Shevchenko, 2014)(Touboulic & Walker, 2015), the phenomena is not a state but a direction (Bouchery, Corbett, Fransoo, & Tan, 2017; C. Carter & Easton, 2011), focus cannot be limited to traditional supply chain partners (Bouchery, Corbett, Fransoo, & Tan, 2017; C. Carter & Easton, 2011; Pagell & Shevchenko, 2014). A qualitative approach such as ethnographies is relevant (C. Carter & Easton, 2011) for rich insights, for example on trade-offs (C. R. Carter & Rogers, 2008) and for advancing a critical interpretation and attitude towards sustainability and the interrelation between science, policy and operations (Linton, Klassen, & Jayaraman, 2007). New perspectives that expands understanding of sustainable supply chain management involves how research is performed (Pagell & Shevchenko, 2014) and trans-disciplinarily critical perspectives (New, 2015). This paper draws on a cultural study of sustainable European road freight transport. There are those who are ambiguous to such an existence. Not only because of environmental concerns and the oxymoron of road freight such as a polluter can be sustainable, but also out of social concerns. The ambiguity is situated in a vaguely defined regulatory market context of EU road freight transports where ethics and fairness are disputed.

This study is based upon a year's work among the European road freight and logistics professionals, spread over the period 2015-2017. But, as in many contemporary organization and management studies the people studied are "already elsewhere" (Strannegård & Friberg, 2001) and the ethnographic geist of a better understanding of sustainable road freight business "takes place in a net of fragmented, multiple contexts, through multitudes of kaleidoscopic movements" (Czarniawska, 2012:134). Which movements are a problematic choice. Also the mix of methods that works in and "knows" multiplicity, indefiniteness, and flux, where methods need to detect, resonate with, and amplify particular patterns of relations in the excessive real: what John Law discuss as a combination of reality detector and reality amplifier (Law, 2004:14).

To research and investigate fair transport I observe, analyze and represent ethics of others by distance respondents' voices from their original contextual speeches into what is suitable for generalized abstractions and illustrations of theoretical arguments for and against a questions that relate to the problem I have formulated. Thus, the fieldwork aims for cultural understanding, not as a complex whole but of how a sustainable organizing of road freight transport are performed. Such an endeavor is a strategic choose formed by one or many modes of authority, experiential, interpretive, dialogical, and/or polyphonic (Clifford, 1983). My choice of interpretative and polyphonic modes relates to the complexity involved, there is not *one* culture to understand but the different types of actors typically influence the social, economic and political site differently. However, some jokes are shared relating to extreme low margins of services performed and to entrepreneurial spirits of the service providers.

Czarniawska suggests action nets are necessary methodologically, in order to understand organizing, the situated action and its framing evaluations (Czarniawska, 2004). Valuations need to be "politically correct", in order to win and influence organizing and this is an achievement. In such a contest of meaning as sustainable road freight my writing, and maybe even more the interviews, discussions and interferences in the field are influencing valuations and reflections. Methods used in a study of organizing aim to understand a mobile, dispersed, heterogeneous and computer-mediated phenomenon (Czarniawska, 2008). As is suggested in action net studies, this study uses complementary methods of documentary studies and interviews both to familiarize with the research object and to follow objects. Almost 50 interviews are carried out (shippers, logistics firms representatives, drivers, dispatchers, small and big transporters, union representatives, politicians, among others) and debates about sustainability especially ethics are followed in trade magazines and in news media during a year. Some of these debates are followed into the commentary field in e-journals. The empirical fieldwork is accompanied with a theoretical inquiry across different perspectives partial insights. The decision to rely on mainly philosophical framing of the good and ethical fair transport, Spinoza's ethics is mainly derived from my ambition to be objective and attend to ethico-political implications.

Two major illustrations are provided of fair transport. One is based on an article from *Transportarbetaren*, a Swedish magazine. The article illustrates a case of transport chain ethics characterized with distance to any moral obligations beyond law or regulation. The other is based on a provocative BBC article about (un-)fair transport related to Ikea's transport chains. The provoked actor was not ignorant about care for others, but claimed another perspective. I followed this debate with further documentary studies (other journals' coverage of the story or related to the story, 48 articles), Ikea's documents of performing a fair transport, codes of conducts incl. scientific literature of these, and interviews with involved actors (in all about 10-15 hrs of interviews). The choice of cases that draw on debates concerning social aspects of supply chain management aims to provide analytical insights to differences across actors' justifications and an informed analysis of the fair concept. Road freight sector in Europe has experienced several influential shifts and such context-dependent factors are of special importance in business ethics studies (Andersen & Skjoett-Larsen,

2009; New, 2015). Transport chains are often not included in the part that of the supply chain that is managed, but as service providers where labor is vulnerable providers of work in the supply chain it is a segment to study that are of high relevance in any supply chain and of the topic of social sustainability. Which suppliers should be covered by firms policies and actions is not at all clear, since boundaries of what counts as a “supply chain” is not at all obvious (New, 2015; Winter & Knemeyer, 2013).

Research context: The European transport market

Development in the de-regularized and liberalized Single European Transport Area is uneven in terms of sustainability. First, despite environmental damages of road freight transport there is no measurable modal shift. According to 2015 Eurostat road haulage data, 72 % of transports are carried out on road despite political ambitions to increase share of other transport modes. Second, road hauliers from Central and Eastern European member states that joined the EU in 2004 take on more and more of EU transport activities and show above average growth rates while hauliers from the “old” EU member states do less and less international transports. Third, international transports between two countries are now often performed by a haulier from an Eastern country. Fourth, drivers from non-EU countries are increasingly being employed in the EU (in Poland, Lithuania, Slovenia and Spain): Between 2014 and 2016 these drivers doubled in numbers and is 2,5 % of the total workforce in the road haulage sector (Commission, 2017). According to Belzer (2002) the reason to the driver shortage in developed countries and increase in numbers of drivers from emerging countries is due to market conditions after deregulation – he argues that the vehicles are to be seen as sweatshops on wheels in that the drivers have low wages, long hours, and unsafe and unsanitary working conditions. These problems, Belzer (2002:8) argues, are due to loose regulation and uneven enforcement.

The road transport chain is complex often with several intermediaries that trades a transport operation. Markets of road transportation rely a social technology; collaboration (Stark, 2009). Complex operations of coordinating less-than-full truckloads of different destinations to different destinations in full truckloads are assigned to different drivers and sometimes outsourced to another transporter in the network (both national and international networks). Operations are tradable and collaborations are important to provide services. Specific knowledge is provided from transport operators in coordinating any transport operation to a specific buyer’s need. Coordination is needed to build a route or to have knowledge of competitors routes that are possible to source. The actual service may be performed by the supplier or an actor in the supplier’s network. Thus, roles in the markets are dynamic and complex.

Some of the biggest firms globally are logistics operators and the status of these giant logistics operators acts as a guarantee about the quality of its service operations. However, these actors seldom perform the actual transportation, but outsource it to rather anonymous small transporters. Many transport operators consist of the owner who also is the driver, and basically all transporters have less than 10 employees (there are few exceptions e.g. Netherlands). A simple transport might be outsourced several times with little control of the performance beyond time precision and price. The transport chains or networks are complex with many layers of sub-contractors that shifts over time. Hence, the road freight transport and logistics work are organized in loosely coupled networks, including some of the world’s biggest companies and many small firms that co-produce services that connect manufacturing and retailing supply chains in time and space. The actual work is done by either the owner of a transport firm or employed drivers.

Regulators and the fair road freight transport work

The single European transport area was and is a political ambition to create a competitive and efficient transport system and it became a concerned market in which political, social, technological and economic

interests spur a debate on multiple values. The EU internal market problems that the commission focuses on, 2017 are cabotage rules (applicable for the foreign truck making domestic deliveries on the way out of the country, see <https://ec.europa.eu/transport/...cabotage>) and letterbox companies. The cabotage rules are abused by hauliers, and individual member states introduce national rules parallel to the EU rules, in order to circumvent the mal-practices. The letterbox companies are established by transport companies in low-wage countries, without any activity there, thus exploiting loopholes in conditions between the internal market and the national market.

It is difficult to control the mobile work across several countries and to enforce regulations. European Commission's 2017 proposal for updated regulations was preceded by a speech of transport commissioner Violeta Bulc:

The issue of enforcement applies to both social issues and the internal market. One of the threads which runs through this whole package is the word "enforcement". Of course, if I sit here, as Transport Commissioner and ask for rules to be enforced, I must first ensure that any rule, be it old or new, is actually enforceable!

The social issues Bulc refers to are about social harmonization related to the internal market, especially posting of workers and weekly rest (see <https://ec.europa.eu/transport/...-posting> and <https://ec.europa.eu/transport/...-rest-time>). Posting is while work is carried out for a period in another country, the worker should acquire that countries' social rights, e.g. earn the same pay rate. Posting has not been applied in the road transport sector, because drivers historically used to pass many borders on a route. Loopholes in the regulation changed the international driver's work towards being posted in an area. The weekly rest rule demanded 45 hours rest after six working days, which forced numerous of drivers from low-wage countries to rest in the cabin under unhealthy conditions, because their wages does not allow living 45 hours in a high-wage country. Labor costs are a lion's share of total costs in road haulage and it is not surprising that hauliers from Central and Eastern Europe are experiencing growth (c.f. bandwagon effect of outsourcing production to sites in low-wage countries). Neither that they are demonized by actors in the "old" EU countries that see their shrinking potential to do transport business. Belzer (2000) say that the problem is not struggle between management and labor in that many hauliers are price-takers and cannot increase costs in the bazaar-like market of road freight transport services where the low prices are key to stay in business.

Social harmonization is difficult in that member states are divided on this issue. Transport commissioner Bulc says:

One group of states is demanding the full application of the posting of workers. The other group would like no application at all of the posting of workers directive to road transport. My aim is to propose a solution which preserves the integrity of the internal market while ensuring the effective enforcement of the posting of workers directive in road transport.

In early 2017, what is called the road package, was to be presented in the coming months. It is a proposal about adjusting regulations of four areas, focusing on the functioning of the internal market, the social aspects of road transport, road charging and digitalization and interoperability. Different interest groups want to influence its direction.

On the one hand is the "old" EU countries, transport ministers of Germany, Belgium, Austria, Italy, Luxembourg, Denmark, Sweden and Norway met in Paris on January, 2017 to jointly launch a "Road

Alliance” and sign a declaration about aligning implementation of European regulations and to make enforcement more effective. The ministers’ action plan aims to combat what the French minister states as: “Unfair competition based heavily on social dumping. This sector is in particular a victim of the use of sophisticated fraud and the misuse of internal market and labor law rules“. (<http://nla.eu/news/nine-countries-signed-up-to-a-road-alliance/>). France is one of the countries that has a specific interpretation of the regulations that are implemented for cabotage as well as for international transports to and from France. These special national rules include minimum wages, registration of posted workers, documentation that minimum wage is paid and make sure that drivers have documentation in the truck about social security.

On the other, the “new” EU countries, Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia declare that “European service providers are confronted with increasing number of obstacles that are often disproportionate, unjustified and are endangering their competitiveness”. For the sake of competitiveness of the Single Market of the EU, they states that the national measures implemented by the “old” countries are to be seen as raised entry barriers.

European service providers are confronted with increasing number of obstacles that are often disproportionate, unjustified and are endangering their competitiveness..... We are witnessing a growing number of national measures cutting deeply into the freedoms upon which the EU is based, in particular the freedom to provide services in the Single Market. Transport is a vital element of the EU economy and limiting the possibility to provide the transport services within the Single Market will have negative spillover effect to other economic sectors important to the EU.

The European Union should therefore make its best efforts to preserve and improve the conditions in which transport companies are able to perform to their best potential. In this context it is vital to enhance our cooperation to eliminate unfair and illegal practices. However, unjustified national conditions and restrictions that have a disruptive impact on the transport sector cause fragmentation and harm the whole economy of the EU. (Annex to 3519th Council meeting on competitiveness)

There are also negotiators in the matter of the social aspects of the road package. The Czech minister of Transport states: “We want to be mediators between the different positions on EU road transport policy!”

Shippers often purchase transport operations in price-focused short-term, arms-length business relationships with contractual agreements including a specified social and environmental concern. Advanced purchasers of transport and logistics services uses category management or similar management technologies which centralizes to centralize purchasing activities. Here are clear risks with becoming remote from the supplier, given the diversity of interpretations of Ethics is agreed upon in contracts. Such “‘*ethics management*’ is often pursued without much consideration for its ethico-political effects.” (Painter-Morland, 2015:335) . These actors outsource operations and avoid knowledge and responsibility for ethical conduct and political implications. It is to be seen as corporate attempts to create corporate sovereignty that mat be resisted of society, represented by individuals and institutions (Rhodes, 2016).

There are directives and regulations within the EU but these are not fully harmonized and there are also instances when they are deliberately disregarded. Issues at stake involve detrimental environmental impact and unjust working conditions. There is much research on reducing transport emissions and environmental sustainability, but little research on the work and organization of road freight operations, these challenges are left to policy-makers and practitioners to deal with (but see (Belzer, 2000; Hilal, 2008; Kummer, Dieplinger, & Fürst, 2014).

Policy-makers contribute with studies, “Report on the State of the EU Road Haulage Market: “, including “Task A: collection and analysis of data on the structure of the road haulage sector in the European Union” and “Task B: analyse the state of the European road haulage market, including an evaluation of the effectiveness of controls and the degree of harmonisation”, and “An overview of the EU road freight transport market in 2015” (European Commission, https://ec.europa.eu/transport/modes/road/studies/road_en). Practitioners are a wide spectrum of actors that enact and form the market, both deliberately and without intent as a consequence of other business developments.

The “old” member state market actors, trade organizations, trade associations and transport unions forge the fair transport concept. Fair transport is a both a campaign that aims for “fair competition, equal working conditions and good jobs” (<http://www.fairtransporteurope.eu>) and a code of conduct for associated hauliers (<http://www.akeri.se/fairtransport>), among others. The overall ambition of these initiatives is to change the state of affairs towards safe and green transportation and good working conditions for drivers, hence to take responsibility to develop the sector.

A question is to what extent this concept is a western critique to protect interests of some domestic actors by signifying what fair competition implies, among who working conditions need to be equal and what good jobs imply rather than go into grips with lived problems?

The idea of Fair: a road transport market for goods based on fair and healthy competition and guarantee of the social rights of workers

Fair competition and a level playing field are concepts of the economics sphere, and valuations related to the economic good. Social values are regulated but they are measured and negotiated according to social norms. Spokes people of north western road haulage combat dodgy practices and what are seen as loopholes in regulation for the sake of national hauliers and sustainable road haulage, this is “a road transport market for goods based on fair and healthy competition and guarantee of the social rights of workers”.

One origin of Fair transport as a concept and idea came at a conference where a managing director of a trade organization listened Siim Kallas, EU commissioner for transport 2011-2014. The managing director was intensely sensing the scope of the social consequences of full harmonization:

“My reaction started in 2011, while listening to the commissioner at a conference in Brussels. He said: “My ambition is that from 1st of January, 2014, cabotage shall end. It shall be free for everyone in EU to do transport in every EU country.”

As he spoke, it sent shudders down my spine, because he meant it! It was his ambition.

Back home I told the board: We have to do something, and it is a task too big for us.

He continues to explain what might happen and relate the explanation to one of the drivers to harmonize the market, i.e. a better utilization of trucks returning to their home country and less empty trucks on the road:

The principle of cabotage, to do work in another EU country, must be aligned to the principle to salaries paid in that country (posted workers’ directive). As is, there will be no environmental benefits since backhauling isn’t the ambition. Instead a lot of trucks are driving across Europe to trick the cabotage rules.”

In response to this experienced loophole in the regulation collected international support to influence the state of affairs:

“We initiated [organization name, a collaborative organization among four countries trade organizations], because we all had the same challenges. Our purpose is to pursue our agenda as high as possible, it may not be because of us but cabotage was not further liberalized the 1st of January 2014.”

As a response to the road package proposal:

We do want to recognize that the Commission is trying to give an honest answer to a complicated situation. We note, that a lot of the initiatives are basically based on the concerns and criticism we have expressed through the years and we appreciate this. However, a change to the existing rules need to provide real benefits and advantages, rather than new loopholes and special national rules. The key to fair competition remains introduction of committed enforcement. (Letter for ministers prior to EU transport council meeting from the collaborative organization)

The special national rules are explained as:

a growing patchwork of national minimum wage regulations in the EU, each with its own wage levels and system of report with accompanying administrative burdens, sometimes with need for advanced notification of journeys and supply of confidential salary documentation to third parties. (Declaration in response to road package, the collaborative organization)

What loopholes and what dodgy practices? And, who are those that take advantage of these? For example, letterbox companies, established in an EU country, where they have no (or minor) economic activities, in order to achieve lower taxes, wages etc. are illegal. Drivers' payments are aligned to the letterbox's country of origin but the drivers are actually employed by a company in a country where they may also do most of the work without the payment and social benefits they are entitled. Also variants of cabotage cause drivers to fall outside the rules and protection just by moving around in the internal market. Dodgy practices are business practices that force drivers to be nomadic, without the rights they would have as a posted worker in another country. Loopholes and dodgy practices common denominator is social dumping, defined as “the practice undertaken by self-interested market participants, of undermining or evading existing social regulations with the aim of gaining a competitive advantage” (Bernaciak, 2015:2).

These collective response to the capacities that the commissioner forecasted and planned is a political articulation of responsibility and action to counterfeit injustice. A response that strived for change (c.f. (McMurray et al., 2010)).

As Levinasian lived ethics implies generosity to the other without attention to yourself (Pullen and Rhodes 2014) (Roberts, 2003) (Jones, 2003), it is threatening the existence of the self. From a philosophical standpoint it is difficult to argue against but from a pragmatic maternalistic standpoint it seems irresponsible. For example, the collective organization is speaking on behalf of around 46.700 companies and the around 425.000 trucks they operate daily in the EU. From a Spinozian perspective, lived ethics means letting your body and presence be reasonable based on your knowing of yourself *and* other bodies, related to each other. The reasonable ability is closely related to how bodies in the social system are affecting and being affected

of each other, hence affective ethics in Thanem and Wallenberg (2015: 243) interpretation of the Spinozianethics.

Any categorization signify value (Fair transport/unfair transport) and may judge rather than engage in situated ethical values (Thanem and Wallenberg 2015). The signifier of “fair” is an ethico-political resistance to forms of oppression (Pullen and Rhodes, 2014) that tries to accomplish democratic ethics in response to a market situation that is threatening basic social rights accomplished in northwestern EU. A question is “how”? Rhodes (2016) draws on the Volkswagen scandal to theorize an alternative form of ethics, democratic ethics that disrupts powerful agents (based on wealth and capital) and works for organizing ethics.

Political possibilities are in the commitment to dynamic collectivity (Diprose, 2009). The basic argument is founded in “I am also others and they are also me”. It is a responsibility that rests in speaking *and* hearing, touching *and* being touched, in an ontology of intercorporeality of being in the world rather than audit or survey it (Diprose, 2009). Ethics is always possible seen as “the striving to enhance our embodied capacities to affect and be affected in ways that help ourselves and others to flourish” (Thanem and Wallenberg, 2015:245). “[p]olitics is the struggle to embody and embed the different desires, imaginings and capacities of different people in just institutions.” (Thanem and Wallenberg, 2015:245). A beauty of the Spinozian perspective is how it is situated in embodied ethics, dynamics and thinking anew. Ethics, not a list of should items or a wish-list, but a political theory of human action and implications for all relations. It is applicable across time and space in social and economic organizations in order to compose capacities of different abilities, wills and appetites *and* demand obeying of individual capacities. Ethico-political theorizing makes sense in critical business ethics studies. Also, it is in line with Butler’s call for the performative agency in socio-economic market studies, she is pointing to the lack of normative questioning and an ethico-political elaboration of its working (Butler, 2010).

The single markets with homogeneous products are maybe an abstraction and an influential image, which is described and analyzed in recent market studies but there has been little care for market failures. The combat for fair transport is an example of a market failure in which regulators seem to have a powerful combatant. Nature self. Spinoza (A Theologico-Political Treatise, chapter XVI) explains:

I merely mean those natural laws wherewith we conceive every individual to be conditioned by nature, so as to live and act in a given way. For instance, fishes are naturally conditioned for swimming, and the greater for devouring the less; therefore fishes enjoy the water, and the greater devour the less by sovereign natural right. For it is certain that nature, taken in the abstract, has sovereign right to do anything, she can; in other words, her right is co-extensive with her power.

Market actors, regardless country of origin use their sovereign right. Natural law gives those who have desire and power the right to exercise it. Conatus is the quest of Nature as a whole and individual parts to preserve and strive towards more power (Spindler, 2009). Conatus is the idea of the body and soul seen as appetite. Spinoza argues that natural law is alien to structured society and moral. But conatus manifests itself in societies as seeking joy by persistence, prospering, and nurturing a better tomorrow. Spinoza’s main thesis is that the state’s main purpose is the individual’s freedom and, vice versa that the main purpose of the whole of all individuals that together create and make up the state is to create a state aiming for their own freedom (Spindler, 2009). Freedom implies to obey state decisions, because the civil law in the society will guarantee every individuals potential for freedom in collective co-existence. The collective is a collective co-existence

of bodies in relation to each other by ideas, thoughts and confrontations. No individual can be thought of outside the relations of its social system.

From a Spinozian perspective, the major principles in societies are justice and mercy (Spindler, 2009). Justice as a social pact in order to escape the natural injustice and inequality outside the social system. Mercy as recognizing individuals in the collective co-existence.

Judith Butler (2011) matters in this context with her urge to better understand performative agency. She argues that social sciences, broadly speaking work with performativity in understandings about 'effects', more specifically take into account relations and practices that are constantly renewed by human and non-humans. Performativity effects are interesting, such as a financial device that models the market it is supposed to predict but so are effects such as operations that fail to work, what Butler describes as *performative breakdowns*. She argues that research focus has been on illocutionary performativities (speech acts of humans and non-humans). She calls for perlocutionary performatives (that follow of some specific conditions), which cares about delineating normative horizons.

“the question for theorists of performativity is not merely, how are economic matters made? Or how are certain effects instituted? But also, how do we think about the political value of certain economic effects? Even if political questions are already raised within the terms of economic analysis and practice, those questions do not exhaust what we mean by politics. After all, if certain operations of performativity fail, then it is useful to know when and why they do, and whether they ought to.” (Butler, 2010:154)

Normative horizons of justice are seen in the many versions of the fair transport concept, but what about mercy?

Lived ethical concerns

The “old” EU countries view of unfair is, for example, a transport performed by a Romanian driver rather than a Danish driver, which work under very different working conditions. In the name of fair are attempts to maintain prices at higher levels by barriers towards developing countries that are evaluated as producers at a potential unfair market. Some transport companies, especially bigger ones flag out vehicles to other countries. They internationalize the enterprise. The business risk is low compared to industrial actors that decide to outsource a part of their production to regions far away. Flagging out is discussed in the industry as a question of immorality. Internationalization and flagging out brings forward different connotations, therefore we will continue to discuss two different cases of lived ethical concerns.

Typical contractual relationships

Lithuanian drivers transport status-laden premium beds between the producer in Sweden and customers in Norway is investigated by journalist Johanna Kvarnsell and illustrated in “Transportarbetaren”, no. 1, 2016. The attention at transport work on behalf of the bed producer, Hilding Anders started when a chief delegate of the safety group at the factory noticed drivers walking in the area without safety shoes. Also, employees that loaded trucks had reported that smells from previous transport (return freight from Norwegian fishing industry) was so bad that loading needed to be postponed until the truck was ventilated, and this was apparently difficult to communicate to the drivers because of language difficulties. The tipping point was a driver that was prevented from driving because he was drunk. Hilding Anders employees felt that a shift had happened. Employees related it to management principles of the new multi-national owner, i.e. centralized purchasing, located in France and responsible to buy all production sites' transport needs. It is a form of category management that provides huge synergies. The centralized purchasing unit uses several forwarders,

and one of these outsources the Sweden-Norway route to Lithuanian transporters (Girteka that is Lithuania's biggest transport firm and Vlantana).

The producer of premium beds has an ethical policy that all their employees should have fair salaries and a right to organize themselves in the union. In Lithuania the drivers' union (Vairuotoju profesine sąjunga) says that they need to work in the shadows, because unionized drivers get problems. The mentioned companies, Girteka and Vlantana offer similar and common conditions to the drivers: On-the-road for six weeks and then two to three weeks rest in Lithuania, total payment is about 1500 euro a month. The drivers at Vlantana say that this is basically right, i.e. these are the conditions. Because 1500 euro is not enough for a living in Sweden, the drivers need to live in and around the truck and do their cooking etc at the roadside. Drivers say they know their earnings are bad from a Swedish perspective but in Lithuania they would get even less. *"It is a dog's life, you are sleeping in the truck and you are eating in the truck."* But it is worth it, i.e. in Lithuania they would be worse off.

The Nordic manager of production and logistics at Hilding Anders says that Hilding Anders is not sourcing Lithuanian work, it is the forwarder who is in control of that. *"We buy a transport service, and I haven't put much interest in how they manage that. We are busy with our own factory. I guess it is a question about transport price and we want the price to be as low as possible. It adds no value to our product."* Hilding Anders has a legal responsibility to react if they are aware of un-legal acts. The journalist, Johanna Kvarnsehl asks even if there are no legal responsibilities, what are the moral responsibilities?

"There is of course a general responsibility to source from suppliers acting in a decent situation. But my main responsibility is the responsibility of our production and the company I represents. There I have a responsibility to keep us competitive, so I can provide job opportunities. This is more important if I come into conflict between these stakes." (Hilding Anders Manager)

The drivers argue about valuation as a process, a practical action worthwhile in order to finance studies for a younger driver but questionable for the older driver that "survived" to be away from home, wife and children for long periods by drinking alcohol. And, the Hilding Anders manager argues of value as a noun, a price on a service that adds no value to the product and the firm competitiveness. It is interesting that the managerial expression seems almost to be a copy-and-paste from Milton Friedman's (1973 cited in Beckert, 2005) dictum that the social responsibility of business is to make profits and the moral task of economic actors is to maximize economic welfare. The moral responsibility that the journalist is addressing is actually controversial in economics as well as in sociology (Beckert, 2005). All markets operate in social contexts with economic and non-economic values and Beckert argues that morality is an integral part of the efficient functioning of markets. However, the role of morality for market outcomes is ambivalent:

Market-liberal objections to any type of coordination devices but self-interest don't do justice to the problems emerging from unequal initial endowments, monopolistic market structures, external effects, free-riding and principal-agent problems. This, on the other hand, does not imply that morality based decision-making can be seen as unequivocally positive for the efficiency of market outcomes. Morality might be discriminatory to outsiders, hinder the functional differentiation of the economy and block markets that would be beneficial for at least some market participants. (Beckert, 2005:16-17)

The discrimination is in advancements of codes of social accountability. If these are advanced in the North in a paternalistic way and regards, e.g., working conditions and low wages that are one of the few competitive

advantages of the South, then they act as a hidden enforcement of a competitive disadvantage for emerging economies (Beckert, 2005).

Response to typical organized ethical statements

Regardless if ethics work is driven by the business case for ethics, impression management, or political independence, the ethical practice is seldom deemed to be ethical.” (Rhodes & Pullen, 2017). Democratic ethics is one alternative form of ethics (Rhodes, 2016) and affective ethics is another (Pullen et al., 2017; Thanem & Wallenberg, 2015b). Ethical valuation practices are *contextually* legitimate and therefore always becoming. A fair transport campaign is an ethico-political engagement with socio-economic changes that touches both providers and buyers of transport services. Figure 1 illustrates its image. Campaigning Fair Transport aims for “fair competition, equal working conditions and good jobs”. It is initiated from within road haulage industry of actors in the transport chain that are worried they are undercut by companies breaking the law. They resist unfair valuation by illustrating differences that are hidden behind the monetary value. But these actors, often small national hauliers and their interest organizations are also being undercut by companies from southeast of Europe that are not breaking the law, but organize transport chains in new ways, through internationalization, horizontal collaboration among others.

The most liberal counterforces to calls for fair transport denies the existence of social dumping and accuse unions to invent social dumping, in order to create angst.



Figure 1 Promotion of Fair Transport – North European initiative

The fair transport concept is developed in spaces and forms of political dissent of the single market. Development of sustainability and low costs in road transport chains relates to several and overlapping valuation practices performed in a market context. Valuation is to be seen as an action (Dewey, 1939; Muniesa, 2012). Judgment is situated and decisive in *what to do*.

The driver and the industrial supply chain manager are two important actors with differences in culture, economy but also similarities in dependence on low cost structure and not being legally responsible for unsustainable transport chain work. Transporters, forwarders and logistics operators are buyers and suppliers of road transportation. Tensions are in between incompatible interests in road transportation sites.

Lived ethico-political relationships

Here is IKEA's struggle with incorporating the transport sector in their code of conduct system for a controllable ethics in sub-contracting chains and the political consequences. It is a remarkable story in many ways. In the previous illustration of a typical contractual relationship and its approach to responsibility category management was hinted as an explanation to the state of affairs. Also Ikea uses category management but in a different way. Codes of contracts are not only a document, Ikea visit all the suppliers to ensure compliance to the audit process. What makes these codes of conducts unique is that they are not only a corporate policy and signatures in a stack of documents that are put in a drawer. I will return to the nature of it as "being lived", but first a few words about how it is comparable to the Hilding Anders case

Ikea's work with their transport suppliers would be a quit process if it was not for BBC News' headlines "Ikea drivers living in trucks for months" (BBC, 15th of March 2017, Zoe Conway (Reporter) & Victoria Derbyshire (program)). The story is based on a questioning of Ikea's transport chains that bear marks of slavery-like conditions. The article is focusing on Emilian, a Romanian driver, a typical driver of international transports. Emilian is first lending towards the door in the truck and expressing feelings to feel "like a prisoner" in his cab. It is not strange because his private life includes him cooking in the trailer (if he is lucky) and otherwise on the roadside. "*Today we are very lucky, we have a table. But in the middle of the week we are sleeping, we make food on the roadside. We have nothing like a human person*". Emilian wears Bring Norway clothes. But Bring Norway doesn't employ Emilian, and neither does Ikea. His employer is Bring's Slovakian subsidiary and he is paid Slovak wages. A national driver may go home every week, but Emilian spends up to four months on the road. According to EU law the 48 hour weekly rest should be spent outside the truck, but Emilian can't afford to sleep anywhere else with 45 Euros in expenses to cover all hotel expenses and meals.

Bring says Emilian is responsible for taking his rest breaks. And that he can go home whenever he likes.

Emilian is being paid as if he was driving in Slovakia, yet he never works there. He takes a mini-bus to Western Europe and after a few months he takes the minibus back to Slovakia. He says "it is not good for drivers, it is not safe for other people on the road, but this is the conditions". The article conveys Emilian's day of rest in Dortmund, Germany, outside the biggest Ikea distribution center in the world. At the truck park outside the distribution central, food are made and clothes are dried etc. It is also a central spot were drivers are being picked up by a minibus to go home. From a driver's perspective it is a comparable good space. "*In many places there is no parking, no running water, no toilet. We live like primitive people. But this is work at least. There is no work in Bulgaria*", says another driver, paid 250 EUR, compared to the national German drivers 1200 EUR. Yet another driver from southeast says "*we spend a lot of time living in lay-bys where there are no toilets, no showers, no facilities, we are walking where there are other traffic. You do not rest. This life is not good. I do it for my family.*"

The article is a result of democratic ethics work where trade unions accuse Ikea for failing to treat their supply chain properly, when it comes to who transports their goods. Ikea speaks out about its values, they want to have a positive effect on people and therefore, at least to some extent, they may function as a scapegoat (according to Wikipedia this is an actor that has to take on the sins of others, or is unfairly blamed for problems. The concept originally comes from the third book of the Jewish Bible, in which a goat is designated to be cast into the desert with the sins of the community). Edwin, representing the Dutch trade union FNV says: "*IKEA is the economic employers of all these workers here, they have so much power, Ikea can change the business model with an eye blink*".

In relation to the media coverage, Ikea's spokesperson says:

-We recognize that there is a discrepancy between what we find in our audits and interviews and what is presented in the BBC report. We are currently running a pilot aiming to further reduce the risk of breaches of social conditions in the Ikea supply chain. Focus areas are among others minimum wages, working hours, resting times, cabotage and posted workers.

Ikea's interviews with drivers results in suggestions to change business, but nothing about the "living in trucks for months", rather how can Ikea improve loading and unloading in ways that facilitate drivers. Ikea's formal statement is that they will "*act upon any concrete evidence of non-compliance presented to us, by unions, the BBC or any other actor.*":

Even though they [drivers] are not employed by IKEA it is very important for us that every driver transporting our products enjoys good and fair working conditions and we want to do our part to secure their rights. Through our supplier code of conduct, IWAY, we put clear and strict demands on our transport service providers when it comes to wages, working conditions and following applicable legislation. We also follow up and make regular audits and act to correct any non-compliance.

Despite our efforts, we do recognize that there are challenges within the transport industry. We are developing IWAY for transport to reduce the risk of social dumping and we also call for joint efforts, on different political levels as well as from key industry stakeholders. (Ikea press release, March 2017)

Also Hilding Anders referred to their code of conduct, but the approach differs. Ikea has a long history with suppliers that live in different "worlds" and has guiding principles when working with environmental, social and working conditions, namely what is in the best interest of the child/the worker/the environment? The manager of Ikea social and environmental affairs says: "*IKEA shall secure good social, working and environmental conditions at its suppliers, and increase the suppliers' own capability and motivation to implement and maintain our demands*". Ikea's demands are described in their code of conduct, Iway that looks like many other codes of conducts.

However, most of Ikea supply chains are delivering products but the transport chains deliver services. The different nature of such a supply chain has engaged Ikea to implement a transport section in addition to the Iway standard.

When I first started I was very impressed by the Iway standard and thought this was really, really great for improving sustainability and supply chains. Since I have been working with it longer, there is a lot of work we need to do to adapt it, especially to the complexity we have in the market. The Iway standard is very much based on the production site model, it was designed to ensure that outsourced production of Ikea furniture were performed in a sustainable way. ... [T]hat is something that the more I get into it I see that we have some work to do to improve what I think is a good standard to be even better and more applicable for the transport industry.

Iway musts are start-up requirements that must be complied with before start of business for Ikea. For example, workers at the Ikea supplier shall be employed according to applicable laws and regulations. A transport version add-on to Iway musts is "Start-up requirements also apply to subcontractors performing

Transport Services for IKEA, and is transporting 80% of IKEA volumes for the Supplier (or the 5 biggest, if that amount is reached before the 80% in volume)". Beside the must requirements, the remaining conditions in Iway need to be implemented within 9 months from the start of business. "When we have a haulier onboard, they are encouraged and supported by us to comply with the standards." The purchaser better believe that the supplier can be fully Iway approved after nine months, in order to use that supplier (otherwise a new supplier needs to be developed). The purchaser is seen as a business developer that is facilitated by sustainability developers to audit the service provider of transport and logistics services. The first formal Iway audit is after nine months. Beside the business developer and sustainability developer visit at the supplier to check documentation, interview employees and report if there are any issues, this Iway audit is by an independent auditor from a different part of the IKEA organization that comes in for two days and goes through the entire standard. If there is a deviation against any of the requirements then the supplier has a 90 day corrective action period, an action plan within five days and this action plan needs to outline how the carrier intend to close the deviation within the 90 day period. All suppliers are visited in continuous relationships, either by internal Ikea auditors or external auditors. *"we have developed quite a lot of carriers, their standards have increasingly improved and our standards doesn't stand still. They constantly evolve with the carriers that we have been working with over the years"*.

Because of the complexity in the transport chain, Iway transport is complemented. One where Ikea sustainability developers and business developers interview drivers without connection to who are their employer, is the diagnostic driver spot-checks. All drivers that visit, for example, a distribution center are interviewed with questions that back-track the Iway standard. Another new approach is developed together with suppliers, the sub-contracting chain management that more or less, requires suppliers to implement Iway standards towards their subcontractors.

We have developed a checklist for them to use to check their sub suppliers. Our requirements are based on the first chapter of Iway, the Iway must. It is eight particular requirements in the standard that is extremely important to check that we don't have in our supply chain So we are looking at those and the specific one on transport regulation in Europe. The simple ones: Such as no letterbox companies, no zero-hours employment contracts, no fake self-employment in the supply chain, no payments of drivers per kilometer driven, compliance with the cabotage regulation and compliance with the posted workers regulation and compliance with the Rome convention (min wages). In September, our suppliers will add this into the contracts that they have with sub-suppliers to perform transports for Ikea.

In this manner, Iway evolves.

The development of sub-contracting chain management programme is situated in Ikea's visits at the supplier's site. At ten different suppliers' sites, the sustainability developers spent about a half to a full day learning about how their business was set up and how they organized the transport for Ikea. The visits aimed to explain the program and to get their feedback on that. *"But also for us to learn how this industry is set up"*, says the sustainability developer. The different aspects of transport in the different countries was appreciated as a massive learning experience.

There are a lot of different setups for outsourcing in transport chains. A set up of east European subsidiaries to perform their transport on their behalf. A Dutch company with a Romanian subsidiary where drivers are employed to transport goods throughout Europe – quite a common setup in some markets

B: Do you see that as a letterbox company?

No, not if they have operations there, you know standard transport operations as described by the legislation. ... In this case we have a big company from Scandinavia with a big subsidiary in Slovakia. The Slovakian operation is employing many, many, maybe 1500 employees. It is a big distribution hub with warehousing, IT systems ... and drivers employed for international transport. It is a hub for transport throughout Europe. Definitely not what we consider as a letterbox company.

B: what about the ambiguities related to the posted-workers discussion?

This goes back to the lack of clarity in the European legislation, it doesn't say specifically the amount of time that workers need to spend in another country to be considered posted. Also, the discussion of minimum wages where the legislation use the term "habitually working" in one particular country, but it doesn't define what habitually is. We want much clearer and stronger guidelines on the legislation and enforcement.

It is a fact in the market that hauliers in Western Europe are using eastern drivers. It is legally compliant because there is no clear definition. The recent road package proposal provide guidance when a truck driver is considered as a posted worker, a guidance we need and work towards.

Without any doubt, says the transport union's international secretary: -*"A route between Norway and Sweden that are performed by Bring Slovakia where the drivers start in Sweden is a case where the drivers shall have wages and social benefits as to the agreement of where they are posted"*. Bring Slovakia says: -*"No, way. This is an international transport."* The difference in wages is about 4:1. This is a typical loophole in the regulation that is seen as freedom to act. Ethical market conditions are not a question about managers and workers anymore as Belzer (2000) outlined. It is to be seen as a state where Natural law gives right to act in relation to one's power, which is not sustainable ethical conduct in the common market Spinoza in Spindler, (2009). The role of Societal laws, drawing on Spinoza principles of justice and mercy helps to avoid the unfair Nature and inequality outside the society and develop respect in between people for the collective co-existence. The productive co-existence enhance our capacities and enjoy freedom, what is fair is to create conditions that help those who are harmed or suffer to enhance their capacities. The ethico-political struggle is advanced by cultivating an embodied reason whereby rulers and ruled understand and limit individualistic strive for freedom and power (Thanem & Wallenberg, 2015:245).

While Iway as a policy is not unique as such, the Iway process is remarkable as a lived process with "what is in the best interest for transport chain actors" as a guiding principle. The policy is lived by Ikea colleagues in the transport area, they check compliance in the auditing process and ensures that the companies enrolled are the best in the market. The work increase the suppliers' own capability and motivation to comply with standards. The standard is also aligned to experiences from the specifics of the transport chain. The complexity in the market is seen as a condition to visit suppliers and learn about specific conditions and Iway continuously evolve. This is what can be seen as lived ethico-political relationships, because the ethical approach is bot informed by politics and forms politics in a way that increase normative horizons of the different parties.

In conclusion

This paper sheds new light on ethics in a supply chain context. Codes of conducts and company policies on ethics are generally designed for manufacturing operations rather than precarious work in transport chains. In addition, they generally rely on widely accepted legal requirements. The interpretative action net analysis of the socially sustainable transport chain assembles insights from the concept of fair transport, driver voices about conditions, two cases of controversies in international European transport chains and shippers that employs codes of conducts but with different approaches and this empirical material is situated in a context of common regulations and situated in regulators struggle in the name of fair.

From a shippers perspective a transport chain is not only complex but also changing since a widespread practice is that suppliers have a network of sub suppliers for different service provisions. And it is difficult to differentiate between the sub suppliers, because the form of transport is practically the same (a driver, a truck and a trailer), hence traditionally shippers has not worked with these chains. One of the respondents put it like *“there were a primary focus on cost that is controllable, we had these nice codes of conducts for suppliers but they were never really checked”*. What is called dodgy business practices that make use of loopholes in laws and regulations is recognized as a widespread problem for sustainable business conduct. The analytical framing from critical business ethics research and especially Spinozian ethics facilitates understanding of the different “worlds” a transport chain crosses and its different valuations based on the capacities that are in work. Just and merciful collective co-existence and organizing of international transport chains demands not only reasoning based on knowledge of the self and the other but also effective and cooperative enforcement that secure the agreed upon common market rules. The research question, what is fair in the fair transport concept is empirically validated in lived ethical relationships where audits are an integral part that align both the rules and the conduct. A similar lived ethical relationship in the road package development calls for audits and compliance with the regulations, a dialogue for ethics based on existing regulations. For example, in the fight for fair transport the posting of workers directive is a protection for the nomadic drivers that are oppressed by capitalistic aims to take advantage of regulations that are not enforced. Enforcement and compliance are empirically validated to be unfair in the struggle of fair transports. In addition to Belzer (2000), who explains that Sweatshops on wheels is not a question about managers and workers, this paper explain unfair aspects where Natural law gives right to act in relation to one’s power, it is, thus a miscellaneous set of actors that are making use of loopholes and develops grey market practices. Regulations are Societal laws that help to avoid the unfair Nature and inequality outside the agreed upon market boundaries and develop the collective co-existence. Regulations, in a similar as any code of conduct is not a wish-list or a solution but an important step in an inclusive common market of transport services, accepted as fair. The next step is to live the regulations in a process that develops the users and informs regulations’ evolvment into guidelines and audit processes. Thus, also regulations need to evolve, for example, the regulation that establishes rules on driving times, breaks and rest periods for truck drivers

Drivers that are forced into a discriminatory morality (right social conditions), not allowed to choose where to take rest and are discriminated at work in some countries and at some loading/unloading spaces, and “always” violating rules (because they are such a complex net)

Shippers whose main responsible is their own body

Shippers who act to “secure good social, working and environmental conditions at its suppliers, and increase the suppliers’ own capability “, such as increasing the common space for developing “their individual will to live” (conatus)

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