

Between cooperation and competition: global corporate power and the State

The case of Apple Inc.

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Abstract:

In the current global scenario, political power is spread over four levels: supranational level, state level, sub-national level and extra-state level. The extra-state level, on which we will focus here, includes the category of multinational corporations (MNCs). By their economic strength, their transnational nature and the purposes they serve, MNCs exert a growing political relevance. In the light of these considerations, we ask two main questions: a) how and by what means are MNCs able to set the political agenda of states? b) Considering their growing powers, do MNCs represent a threat for the state's authority or are they compatible with states and able to support them in several fields? To answer to these questions, after presenting the various categories of actors sharing the global political stage, we will focus on MNCs and on the case study of Apple Inc. that on the one hand cooperates with state governments through initiatives in support of public schools or vocational training programs for young people, and on the other hand it challenges the states on issues such as fiscal policy or privacy protection. Our goal is to emphasize the powers which allow this category of actors to influence the public policy's agenda and to evaluate the effects of the power of MNCs as compared to the power of the states. We suppose a continuum between one extreme in which an extra-state authority coexists with the state and cooperates with it, and the other extreme in which another extra-state authority challenges it. We will rely on a number of indicators (control of strategic sectors; assets; investments in issues areas such as global development, environmental sustainability, security; etc.) to compare the power of Apple Inc. with the power of several states with whom the company interacts, in order to position Apple Inc. along our continuum.

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Introduction:

In the decades between the end of the Twentieth century and the early Twenty-first one, the world's political set-up underwent profound transformations that required a redefinition of consolidated political paradigms and the presence of a number of new actors (supranational political institutions, transnational economic forces, new subjects claiming the recognition of their own political identity,

etc.) operating on multiple levels: supranational level, state level, sub-national level and extra-state level. As a result, sovereignty becomes object of sharing and disputation between a plurality of actors that interact and, sometimes, collide with each other within a globalized world where the territorial boundaries of states no longer coincide with those of traditional political authority. Among the categories of actors that make up the extra-state level, the multinational corporations (MNCs) are particularly relevant. By virtue of the economic strength and the transnational nature which characterize them and for the objectives that guide their activities, they assume a self-regulating function and a growing political importance. In the light of these considerations, there are two main questions: *a)* how and by what means are MNCs able to guide the political agenda of the states? *b)* Considering their growing powers, do MNCs represent a threat for the state's authority or are they compatible with States and able to support them in several fields? In order to answer these questions, we want to develop the work in two phases. In the first part, after presenting the various categories of actors sharing the global political stage, we will focus on MNCs. As a case study, we will analyze *Apple Inc.* which, especially in the last years, has engaged in policy discussions in issue areas such as environment, civil rights and intellectual property. In this respect, we will emphasize the powers which allow this category of actors to influence the public policy's agenda through their activity in strategic fields, their advocacy activities and their direct interventions on society. The specific case study will be the Apple Inc. and its relation with Italy. We will rely on a number of indicators to compare the resources of the Californian company with those of the Italian state, bearing in mind, however, that we are dealing with different measures. In fact, our purpose is not to operate an economic comparison but to bring out the possibility of MNCs of influencing, through the resources they have, the policies of the governments of the states in which they are established. Afterwards, we will focus on the activities of Apple Inc. in Italy. After considering the tax disputes that put the company and the Italian government in a position of contrast, we will analyze how the two actors cooperated in order to create the iOS Developer Academy, the training center for iOS App developers built on the outskirts of Naples that brings benefits to the whole community, thus contributing to increase the state's action.

1. Political power in the crisis of the Nation-state

Globalization links distant communities, transforms and de-territorializes the relations of power that extend their reach beyond traditional domestic borders (Marchetti, 2016). The transnational flows of knowledge systems, business practices, economic bodies and the forms of social organizations produced by the globalized society determine a growing erosion of the sovereignty of the Nation-state.

At the same time, a constellation of different collective actors emerges (Habermas, 1998). Some of them are new, others renewed their structures and their functions. Consequently, the Nation-state becomes one of the various actors which make up the global society. This, in turn, becomes a stage for an always more complex interaction between state and non state-actors that could be placed in four different levels of power - supranational level, state level, sub-national level and extra-state level – interacting independently from each other.

SUPRANATIONAL LEVEL	STATE LEVEL	SUBSTATE LEVEL	EXTRA – STATE LEVEL
<p>Regional political organizations</p> <p>Multilateral economical organizations</p>	States	<p>Federal states</p> <p>Local authorities</p> <p>Global cities</p> <p>Special economic zones</p> <p>Special administrative regions (Hong Kong; Macao)</p>	<p><i>De facto</i> self-government bodies (Confederation of Rojava; Autonomous communities of Chiapas)</p> <p>Recognized self-government bodies (Palestinian National Authorities)</p> <p>Nomadic societies</p> <p>Criminal cartels and mafias</p> <p>Non-governmental Organisations</p> <p>MNCs; Big four accountants; Risk management agencies; ICT Societies; Rating agencies; Bank and insurances</p> <p>Transnational political-religious movements;</p> <p>Transnational social movements</p> <p>Illegal settlements</p>

Tab. 1 Levels of political power

The *state level* includes the traditional form of modern state¹. Nowadays, we have two-hundred six states which, however, have substantial differences between each other in terms of size, strategic position, power and influence. Such differences are reflected in the possession of a huge national technological know-how, a huge economic and industrial power, military power and a critical, spatial and democratic mass. These are the differences that let some states preserve a prominent position in comparison with other states that undergo the pressure of globalization and a reduction of their role to mere administration and management of public order (Bauman, 1996). The *supranational level* is characterized by a substantial delegation of powers from states to actors that can autonomously exert executive, legislative and judicial powers. For example, the World Bank has the faculty to define the loan terms (even if the final decisions come from the member states) and the International Courts interpret international law rules and apply them to specific cases, without the consensus of all the parties concerned. Anyway, even if the state sovereignty underwent many limitations in favour of a supranational governance, in most cases there is still a strong prevalence of the national interest (Andreatta et al, 2013). An exception to this last trend is European Union which represents the most important case of supranational integration in the contemporary world and it is able to condition effectively the sovereignty of every single member

¹ According to Weber's definition modern state is «human community that successfully claims the monopoly of the legitimate use of physical force within a given territory» (Weber, 1946).

state. The *sub-national (or local) level* includes the local governments of many states that are «able to allow large populations grouped in villages, cities or entire regions to self-govern totally or partially their communities» (Damiani, 2010, p.15). Furthermore, in the last decades, from the political and economical point of view, we witnessed a reappearance of the local territory (Keating, 2001). In fact, nowadays, territories are gaining a growing relevance and they actually are real centres of power, actors with their own requests and strategies. Today, territorial authorities (regardless of the variable structures and denominations) have their own political relevance and they have economic and commercial relations with other state and non-state actors. An example of these relations is provided by the decentralized cooperation implemented by regions, local authorities, federal states and global cities². The *extra-state level* is the most complex, especially because of the actors who make it up. It includes those authorities that, despite their non-state nature, hold such power to self-regulate and to influence the activity of states, thus becoming key players of national, regional and global governance. They also take part in the public decision-making processes, develop and implement public policies and interact directly with states and public institutions. Even if they are very active and influent in the global politics, those actors are mostly excluded from the formal institutional power (Marchetti, 2017). Nowadays, this category of actors plays a significant role in the international affairs, performing functions that in the past were fulfilled exclusively by the states: they provide expertise and information (for example, technical help provided by NGO in development programs), they influence political discourse, agenda setting, and law-making (for example, lobbying activities of advocacy or TNCs networks) as well as they play their part in the implementation of decisions (for example, service provider organizations in humanitarian actions) (Arts, Noortmann, and Reinalda 2001; Marchetti, 2017). At the same time, part of those actors control and administrate territories and have institutional relations with the state governments.

1.1. The extra-state authorities

During the last decades, the actors related to the extra-state level have exponentially increased their role in the global politics so that they compete with the state capability to impose rules to the citizens, to control their borders, to formulate and to implement public policies autonomously. (Martinelli, 2004). Meanwhile, in some cases, they provide the state services and economic assistance, supporting them in the performance of duties that they would have difficulties in carrying out otherwise. With regard to the nature of these actors, they are so diverse among them and constantly evolving that, until now, it appears much complicated to approach them together in a classification based on their nature and organizational structure.

It is thought that an easier path to follow is the ideal-typical classification that would have as a standard of comparison the state, and would consider variables as the nature of the interests pursued and the territoriality. With regard to the actors that constitute the extra-state level until now there are:

² According to Sassen (2001), global cities are powerful and influent urban centres that are characterized by a large population, the presence of international organisms that have influence on the world economy, an advanced communication infrastructure, several international cultures and communities, a system of connections with different parts of the world, an advanced transportation system, a lively cultural scene and cultural institutions and several powerful and influential media outlets with an international reach.

- *Self-government bodies*: they are political authorities with a non-state nature that govern territories not subjected to another state sovereignty. This could be the case of the Rebel *Zapatista Autonomous Municipalities of Chiapas*³ and the Democratic Federation of Rojava⁴. What they have in common is that, despite some restrictions, they govern territories and they are legitimized by the approval of the population governed, thus constituting models of authority which are alternative to the state in its traditional meaning.
- *Nomadic Societies*: they are groups of individuals sharing the same cultural systems and language (or dialect) that, instead of permanently living in villages, move from a site to another, although, usually within a fixed territory (Wrangham & Glowacki, 2012).
By virtue of the fixity of territories in which such societies move, in the classification that follows such societies will be considered as form of territorial authorities and similar to the category of self-governing political organisms.
- *Trans-national criminal cartels and Mafias*: The organized crime constitutes a phenomenon preceding the formation of states that has evolved in time reaching such levels of complexity and organization that it represents a counterweight to the power of the states. An example of this counterpower is represented by the Italian Mafia. The so called *Cosa Nostra*, *'Ndrangheta*, *Camorra* are the most powerful criminal organizations that, nowadays, although engaged in activities explicitly illegal, present many characteristics typical of the state authority: a complex power structure through which the disobedience is punished by the use of force; the control of economic sectors; forms of taxation (even if in the form of extortion), and so on (Ciconte, Forgione, Sales, 2012).
- *Non-governmental organizations*: The NGOs are inter-individual groups made of natural and legal persons, that represent the most organized part of the collective movements and that increasingly but indirectly participate to the creation of the international rules taking part in the negotiation of multilateral treaties, lobbying the states so that they respect certain conducts, and directing the public opinion (Focarelli, 2012). At the same time, they are capable of carrying out and providing facilities, services and protection whenever such tasks are included in their own policy agenda, they are also capable of obtaining large funds, and deploying significant resources (Martinelli, 2004). This does not mean that civil society organizations are not able to replace the state governance, despite their large scale dimensions and their transnational nature. However, states cannot do without considering such actors.
- *Multinational corporations (including those related to the control of ICT societies)*: From a political point of view, MNCs are undoubtedly the most active trans-national actors, and the most significant ones in terms of real ability of shaping the public

³ Rebel Zapatista Autonomous Municipalities are small territories self-governed by the Zapatista support bases in the Mexican state of Chiapas, founded December 1994, when an armed group claimed their territories and established several locations operating outside the Mexican law (Munoz Ramirez, 2003).

⁴ In 2012, following the events related to the Syrian civil war, the region of Rojava (in the north and north-east of Syria) was formed *de facto* as a Confederation of autonomous regions whose form of government is inspired by the democratic confederalism theorized by Abdullah Ocalan and defined as a form of «non-State political administration or a non-State democracy [...] flexible, multi-cultural, anti-monopoly, and geared towards the consensus» (Ocalan, 2011).

decisions (Marchetti, 2016, p.84 – Barnett & Muller, 1974). MNCs are generally organizations that control the production of goods and services in more than one country as well as in the respective country they belong to. MNCs, besides being the largest economic institutions in today's world – the 300 main MNCs control ¼ of the global production (Marchetti, 2016) - are political actors in the global governance: lobbying; creating trans-national networks with political aims; self-regulating and producing public regulatory (Braithwaite & Draho, 2000; Haufler, 2001); implementing public policies such as development aids, disaster relief, and so on. At the same time, several MNCs participate to the Food Security Committee of FAO; to the Global Compact initiative of the United Nation; to the Global Fund to Fight AIDS, Tuberculosis and Malaria. They also pursue a foreign policy and deal with the governments directly and on the same level.

- *Insurance, rating, risk management agencies and accountants:* These actors take care of a series of services that play an increasing role in the world economy and, subsequently, have effects on politics affecting the allocation of resources between social groups, national economies, and commercial enterprises. Indeed, with an increased interdependence, more and more individuals in the world are directly involved in the market economy suffering the consequences of implementing rules of risk management and the way of running the insurance business (Strange, 1996; Stringham, 2015).
- *Trans-national political-religious movements:* these are new actors mainly based on a tribal and religious background that operate at local or regional level, but in some cases they constitute a real network of global extent. They often show radical goals and make use of terroristic methods in order to achieve their goals (Lebedeva; Marchetti, 2016). Such groups have significant economic resources supplied by subsidies of various kinds (donations from states and NGOs, legal and illegal commercial activities; systematic subsidies comparable to taxation) that allow them to provide facilities and services to the related communities.
- *Trans-national social movements:* they are actors engaged in the mobilization of trans-national communities of solidarity and resistance and they use the same resources used by the MNCs to control the market in order to achieve their goals. They come from the critical social movements that operated at national level during 1960s and 1970s and from older collective movements such as trade unions and more radical wings of the professional organizations (Martinelli, 2004). Among them there are the *No Global* (o *New Global*) movement and the *World Social Forum*. Despite such category of movements is not capable of responding to all the state's tasks, they pursue concrete objectives affecting the population lives (debt cancellation for developing countries, reform of WTO) and give rise to new forms of political socialization.
- *Illegal settlements:* This expression refers to every locality built on a land that belongs to other authorities. Such cases are represented by the communities in the West Bank (including East Jerusalem) and in the occupied Golan and are made up of Jewish civilians, and their creation has been allowed by the Israeli state that nowadays occupies the West Bank, the Gaza Strip (where the settlements were dismantled in 2005) and the Golan (Allegra, 2013; Petti, 2007). The administration of these settlements is officially under the control of the Israeli government which was condemned several times by the UN Security Council and by the UN General Assembly for the construction and the extension of the settlements. In fact, this practice

represents a violation of the art.49.6 of the Fourth Geneva Convention: «The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies».

All these actors have in common an increasing role in the world political framework due to a growing participation in public decisions, an increasingly bigger availability of resources, and a larger involvement in the realization of public policies.

Fig.1 suggests a classification of the extra-state authorities mentioned above according to: the nature of the interest pursued (public/private), the extension of the exercise of power (territorial or non territorial). An authority is considered public when its activities pursue the general interest. Otherwise, it is considered private when the action is intended to satisfy a particular circle of individuals. In order to establish the nature of the interest we answered to the following questions: a) Are the resources used to produce goods and services for everybody? b) Can everyone know how the resources are used? c) Is the authority used to guarantee the general interest?

An authority is considered territorial instead when it exerts a political power – even by using forms of coercion - within a defined territory. Non territorial authorities pursue their interest through their political influence but without exerting a coercion power within the interested territory, mainly because this interest is often independent from the territory. In order to establish if the considered actors were territorial or not we answered the following questions: aa) Is the territory protected by forces trained for fighting? bb) Is there a system of rules valid in the controlled territory? cc) Do armed forces possess weapons and tools to threaten to use force in case of violation of the rules?

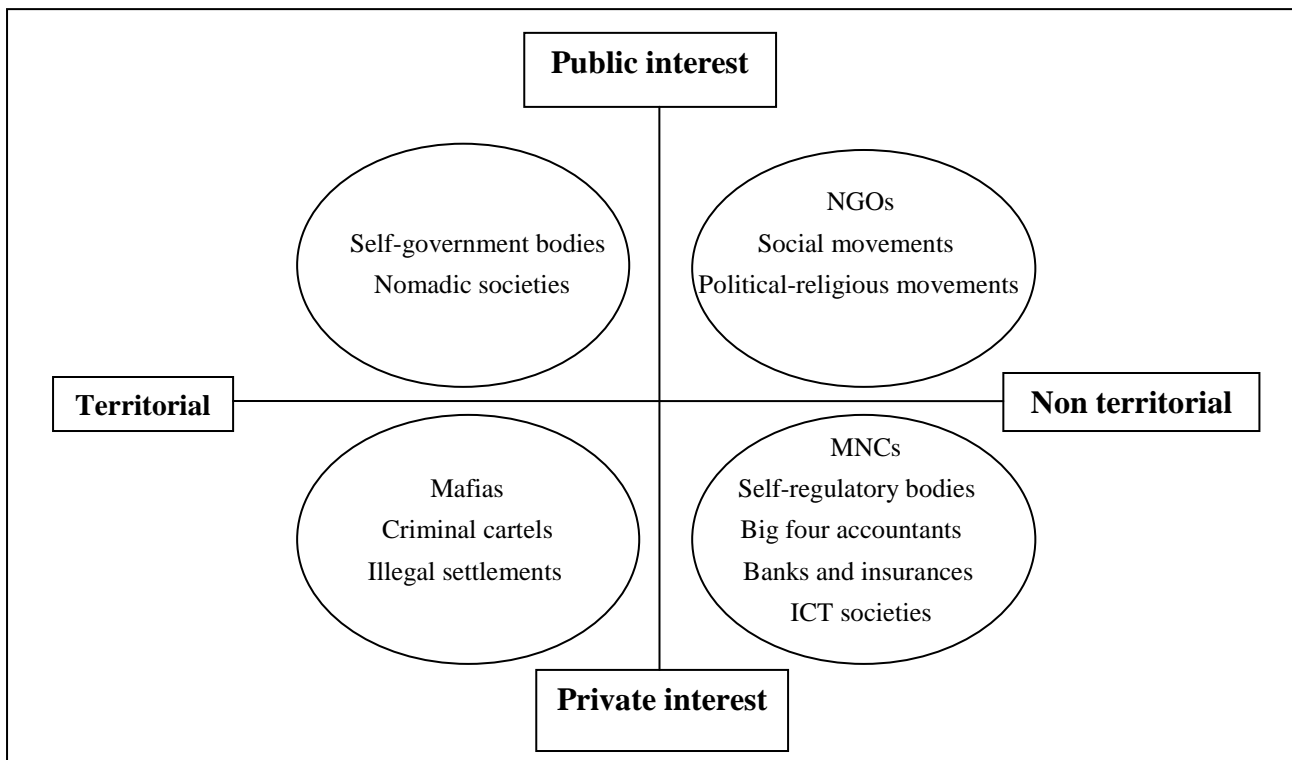


Fig. 1 Our classification of extra-state authorities

According to this scheme, we have four categories of actors. In the first square there is the category of the territorial public authorities, which means those forms of political organization that pursue a collective interest, characterized by a total or partial control of the territory, and whose action is entitled by a general consensus from the subjected population. In the second square there is, instead, the category of non-territorial public authorities, including those non-state actors that, even if they do not exert a power over a defined territory have a general consensus and approval from non-state actors that pursue a collective interest. The third square, territorial private authorities, includes all those actors that through the exercise of a coercive power over a given territory succeed in pursuing private interests, without a political legitimacy. Finally, the category of non-territorial private authorities, fall those non-state actors that, despite the lack of a general consensus, use their own political influence to pursue a private interest, usually related to economic profit that remains independent from the territory.

2. Multinational Corporations⁵

Among the non-state actors which make up the category of private non-territorial authorities we can find the Multinational Corporations (MNCs). These are, according to Meier and Schier (2001), organisations which own or control firms or material and financial assets in at least two countries. There are roughly 32,000 MNCs worldwide counting up to 1,116,000 branches for a value of 27,000 billions of shares (FDI) (Unctad, 2016). Among all these companies, the top five hundred bill 27,600 billion dollars in revenues and employ sixty-seven million people in thirty-three different countries⁵. Their influence is constantly rising and it often exceeds that of many states. In fact, according to a study made by the British NGO *Global Justice Now*⁶ the number of multinationals present in the list of the first one hundred world economies has risen from sixty-three in 2014 to sixty-nine in 2015 and, as displayed in tab. 2, the first ten MNCs are amongst the first thirty positions of the list (Inman, 2016).

MNCs operate in every strategic and productive sector: aerospace and weapons; food; the automotive industry; the chemical and pharmaceutical sectors; electronics and computers; finance, insurance and banking; gas electricity and water supply; the manufacturing industry; metallurgic and minerals; services; oil; postal services and transport; large scale distribution; telecommunications. These sectors were controlled nearly exclusively by states until the mid 20th century. However, as from the aftermath of World War II, the relations between states and MNCs changed profoundly with the transfer of powers from the former to the latter. In this regard, the reconstruction of the evolution of the relationships between states and MNCs made by Dunning (1992) is relevant. The English economist identifies three phases in this relationship: the "Honeymoon" (beginning 50s– mid 60s), where the states in the aftermath of World War II were willingly accepting the resources and competences offered by MNCs; the "Confrontation" (mid 60s – end of 70s), where MNCs were accused of being the cause of an uneven redistribution of the world's wealth; the "Reconciliation" (end of 70s - nowadays), which consists in a rapprochement of the states to MNCs for which, on the one hand the states redefine their policies in order to take

⁵ Despite there being a distinction between transnational corporations which operate in different countries, multinational corporations which are organised in different countries and global corporations which can be considered real global actors, in the present work the definition of multinational corporation includes all the types of enterprise just mentioned.

advantage of the investments made by MNCs and on the other the latter start to adopt ethical codes and take into consideration the social implications of their actions.

Top 100 Countries/Corporations					
Country/Corporation	Revenue (US\$, bns)	Country/Corporation	Revenue (US\$, bns)	Country/Corporation	Revenue (US\$, bns)
1 United States	3,251	35 Austria	189	69 Ping An Insurance	110
2 China	2,426	36 Samsung Electronics	177	70 United Arab Emirates	110
3 Germany	1,515	37 Turkey	175	71 Kroger	110
4 Japan	1,439	38 Glencore	170	72 Société Générale	108
5 France	1,253	39 Industrial & Commercial Bank of China	167	73 Amazon.com	107
6 United Kingdom	1,101	40 Daimler	166	74 China Mobile Communications	107
7 Italy	876	41 Denmark	162	75 SAIC Motor	107
8 Brazil	631	42 UnitedHealth Group	157	76 Walgreens Boots Alliance	103
9 Canada	585	43 CVS Health	153	77 HP	103
10 Walmart	482	44 EXOR Group	153	78 Assicurazioni Generali	103
11 Spain	474	45 General Motors	152	79 Cardinal Health	103
12 Australia	426	46 Ford Motor	150	80 BMW	102
13 Netherlands	337	47 China Construction Bank	148	81 Express Scripts Holding	102
14 State Grid	330	48 AT&T	147	82 Nissan Motor	102
15 China National Petroleum	299	49 Total	143	83 China Life Insurance	101
16 Sinopec Group	294	50 Argentina	143	84 J.P. Morgan Chase	101
17 Korea, South	291	51 Hon Hai Precision Industry	141	85 Gazprom	99
18 Royal Dutch Shell	272	52 General Electric	140	86 China Railway Engineering	99
19 Mexico	260	53 China State Construction Engineering	140	87 Petrobras	97
20 Sweden	251	54 AmerisourceBergen	136	88 Trafigura Group	97
21 Exxon Mobil	246	55 Agricultural Bank of China	133	89 Nippon Telegraph & Telephone	96
22 Volkswagen	237	56 Verizon	132	90 Boeing	96
23 Toyota Motor	237	57 Finland	131	91 China Railway Construction	96
24 India	236	58 Chevron	131	92 Microsoft	94
25 Apple	234	59 E.ON	129	93 Bank of America Corp.	93
26 Belgium	227	60 AXA	129	94 ENI	93
27 BP	226	61 Indonesia	123	95 Nestlé	92
28 Switzerland	222	62 Allianz	123	96 Wells Fargo	90
29 Norway	220	63 Bank of China	122	97 Portugal	90
30 Russia	216	64 Honda Motor	122	98 HSBC Holdings	89
31 Berkshire Hathaway	211	65 Japan Post Holdings	119	99 Home Depot	89
32 Venezuela	203	66 Costco	116	100 Citigroup	88
33 Saudi Arabia	193	67 BNP Paribas	112		
34 McKesson	192	68 Fannie Mae	110		

Tab. 2 Source: Global Justice Now

However, we consider that the latter phase it is not only based on a cooperative relationship between states and MNCs, but the relations between the two types of actors move along a *continuum* of options. At one end of this *continuum* we find a cooperative relationship between state and MNCs, which undertake a catalyst role for the socio-economic development of the Country and share some of its functions with it (Dunning, 1992). From this perspective MNCs take a "providential" role as creators of jobs, innovation, wealth and human and territorial development. At the other end we find a competitive relationship, mainly due to the fact that MNCs are configured as the main promoters of international economic interdependence, hence limiting the state's control on the economy. At the same time, the transnational character of these enterprises allows them to easily transcend the state frontiers, bypassing the limits imposed by the territorial sovereignty of the latter. Despite the lack of a synthetic indicator capable of reflecting the role played by MNCs in the global economy, data such as revenues, shares value, investments in R&D, volume of exportations and foreign assets show how today MNCs have a central role in the global economy. It so happens, in the era where states compete to attract FDI, that MNCs are getting stronger and consequently acquire the power to make strategic actions and decisions independently of the interests of the countries in which they operate. The latter, in their turn, undergo the weakening of their ability to regulate markets in favour of a transnational regulatory regime (Jaworeck & Kuzel, 2015; Marchetti, 2016). In fact, in many cases, the MNCs dictate the economic policies of the states, inducing them to undertake austerity measures and structural adjustment policies in order to be eligible for foreign loans. Besides, since the states try to attract foreign direct

investments, MNCs can exert an influence on the states regarding environmental and use of land policies. It so happens that some states limit the execution of laws which protect the environment in order to attract MNCs to their territory (Cusimano, 2000). The latter, on their part, show an increasing ability to do “without states”. It is there that *private governance* forms emerge, namely of production and application of norms which transcend the state regulations which the MNCs use to grant the security of their business in a more efficient way compared to how states could do this. The consequence is the birth of private regulation systems for e-commerce, private police forces, private forms of dispute settlement, risk management agencies etc. (Stringham, 2015). However, MNCs are not only organisations aiming at the reduction of the uncertainty due to competition and the possible negative externalities that that could encounter. Nowadays, they represent real communities which produce sense of belonging among their members, identity cultures and consumer lifestyles (Martinelli, 2004).

Since the balance of the international political system is continuously changing, as the power of both the types of actors considered, also the position of multinational corporations within our *continuum* between cooperation and competition varies according to the economic and contractual influence of these, of the power of the state with which they are interacting and the economic cycles trend. At the same time it can also happen that cooperation and competition are not mutually exclusive. In fact, a multinational corporation can compete with the state with which is interacting on certain subjects (*e.g.* taxation) and, at the same time, cooperate with it on other subjects. This hypothesis is happening, as we will discuss later, in the Apple Inc. in Italy case.

3. The Apple Inc. case

At 25th place in the most powerful world economic entities list we find Apple Inc., the firm founded on the 1st of April 1976 in Cupertino (California) by Steve Jobs, Steve Wozniak and Ronald Wayne which is today amongst the leaders in the ICT industry. Its strength is mainly due to the ability to identify new technologies with great potential and integrate them by advanced engineering competencies, besides the continuous objective to develop products aimed at ensuring the maximum customer satisfaction and great attention towards design. It is the company that launches on the market the most popular electronic products, exploring the frontiers of the digital revolution and consumer electronics (Mazzuccato, 2014). In May 2017 it reached a value on the stock exchange of one-thousand billion dollars and, on its own, it controls 14.6 % of the smart-phones global market (Badkar, 2017). It is amongst the main producers of operating systems, computers and technological devices, which are also used in the military sector. In fact the company is member of a team of hi-tech corporations which cooperate with the US government in the creation of technological devices employed by the US army (Alexander, 2015). It holds operating segments in the Americas, Europe, China, Japan and the Asian Pacific area and sells its products in the whole world for a total of 216 billion dollars and assets of 322 billion dollars in 2016 (Apple, 2017). Although basic, the data cited so far allows us to understand the extent of Apple's influence. Such influence can be used to pursue both private and collective interests. Regarding the first, as already stated earlier, today governments push so that MNCs invest on their territory producing jobs, territorial development, competencies and, especially tax revenues. It follows that governments, with the hope of attracting FDI, by offering favourable conditions to MNCs, are willing to modify

their legislation or to ensure a privileged tax treatment, as happened in August 2016, when the European Commission condemned Apple to pay a compensation to Ireland for receiving a special tax regime between 2003 and 2013 equal to 113 billion €. In particular, Apple took advantage of an illegitimate tax regime based on *Tax ruling*⁶ in order to attract the multinational's investments. In doing so, two companies controlled by Apple (Apple Sales International and Apple Operations Europe) had centralised the revenues of European sales in their Irish headquarter, which was - as reported - only legally active but not operational. In this way, Apple was able to avoid paying taxes on the sales in the single European market, exploiting the preferential tax policies laid down by the Irish government to attract multinationals in its territory and paying around 0.005% of the taxes envisaged for Apple Sales International's activities.

However, as previously mentioned, besides the main interest in profit, Apple Inc. exerts its influence also for the attainment of collective interests. In particular, with the shift from Steve Jobs to Tim Cook's management, there has been an increasing commitment by Apple in political debate, especially regarding human rights, access to education, gender equality, immigration, the fight against racism and privacy protection⁷. This public commitment is carried out through activities ranging from position statements of the company on social and political issues - as the official participation of the company to the LGBT pride parade in San Francisco or the decision to use only renewable energies for its activities -, to the funding or the implementation of services and infrastructures such as public bike and pedestrian paths around the new Cupertino Campus and the collaboration with governments for the creation of app developer academies, besides the adoption of guide values and strict codes of conduct in favour of the inclusion of disadvantaged social categories and healthcare programmes initiatives. In light of the above, it is clear that Apple Inc. represents not only one of the most influential economic entities in the world, but also a political authority in light of its capacity to orientate the governments' choices which compete between each other to attract its FDI. Nevertheless, despite the fact that Apple Inc.'s annual revenue is clearly larger than the GDP of most of the states of the planet and despite it boasting record-setting capitalisation and jobs productivity which enables it a large bargaining power, it has to be clear that the company owes most of its success to its collaboration with the US government. In fact, in order to reach its success the company has received direct investments and capitals from the government and the US military forces during the beginning of its activity; access to technologies, the result of important public research programs; tax, commercial and technology policies of the US government aimed at sustaining companies during difficult times (Mazzuccato, 2014). Moreover, we should add to this the determined action of the government aimed at protecting the intellectual property of American companies and ensuring a safe access to global markets, such as the public procurements which helped Apple Inc. to survive the competition with rival companies. (Mazzuccato 2014; Prestowitz 2012). At the same time, a study by Duhigg and Kocieniewski (2012) shows how Apple would frequently use methods that subtract considerable sums from the American tax system, creating companies controlled in states where the entrepreneurial income and the capital gains are not taxed. Nevertheless, despite the numerous controversies on the tax strategies and the employment methods of the Silicon Valley company, the fact that the US government took the

⁶ Anticipated decision in tax matters, through which the authorities of a member State communicate to a specific company the way in which the corporate income tax will be calculated

⁷ "Apple's Tim Cook leads different" A. Lashinsky in Fortune Magazine 26/03/2015.

burden of high risk profile investments to sustain the company's economic development and the fact that different countries are willing to change their legislation to attract Apple Inc.'s investments on their territory show how the company is not perceived as a threat to the state's authority, but on the contrary as a resource for the development of the country and an ally to grant value to for the development of national interest.

4. Apple and Italy: competition and cooperation

After this brief reconstruction of the possible variations of the relationship between states and MNCs, we continue with a comparison of the power of these two different actors to see if they can interact in a cooperative way, integrating their interests, or in a competitive way, perceiving one another as a threat to their authority. Afterwards, trying to imagine our *continuum* of options ranging from a relationship of compatibility and cooperation to one of incompatibility and competition, we observe how the position of Apple Inc. changes according to the activity carried out and the interest at stake. In order to understand such movements all along the axis it is necessary to focus on the contexts and the tools with which Apple Inc. tends to cooperate constituting an element of support for the Italian state, and in which situations and by what means, on the other hand, the relationship moves in the direction of competition, representing a threat for the authority in question. Regarding the comparison in terms of power, we were inspired by a research of the American think tank RAND⁸ which measured the resources of the States seen as containers of *capabilities* that are then converted into national power. The indicators taken into account by the think tank to compare the capabilities of states are the gross domestic product⁹, the population¹⁰, the defence expenditure and the available technologies. Besides these, we will also consider the *total assets*.

Indicator	Apple Inc.	Italy	Ratio
Revenues	234 billions \$	876 billions \$	0.27
Inhabitans/ full-time employees	116,000	60,656,000	0.002
Spending on defense	-	18,500 billions \$	/
Technologies (Investements in R&D)	8,1 billions \$	21,9 billions \$	0.37
Total assets	322 billions \$	1,084 billions \$	0.3

Tab. 3 Processed data published in 2015 by Apple Inc., Istat and M.E.F.

The comparison in tab. 3 shows that despite the extent of the resources controlled and invested in R&D by Apple, Italy is in a position of clear superiority regarding all the indicators taken into

⁸ Treverton, G.F.; Jones S. G. (2005), *Measuring National Power*, RAND, Santa Monica (CA).

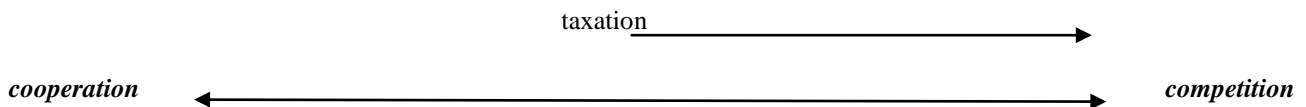
⁹ The data comparable to GDP considered for Apple is the annual revenue.

¹⁰ The data comparable to population considered for Apple is the number of the full-time employees.

account. The Italian GDP, capital and the amount of investments in R&D are roughly three times those of Apple. Moreover the latter, despite being involved in the design of military technologies on behalf of the US government, does not possess defence systems of its own which are a prerogative of States or parastatal authorities. Lastly, if we want to compare the employees of a company to a State's population in light of the fact that they recognize the authority exerted by the company as legitimate¹¹, we can see that the ratio between Apple's employees and the Italian population corresponds to 0.002. However, Apple's resources are such that the Italian government is interested in attracting its investments to its national territory since, as previously stated, such investments would represent a multiplier of technological development, employment and wealth.

4.1 From the fiscal disputes to the iOS Developer Academy

Regarding the relationship with Italy, depending on the different situations, Apple moves from one end to the other of our cooperation-competition *continuum*.

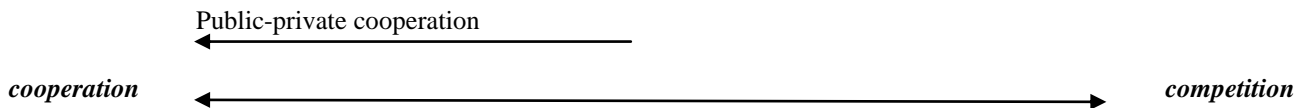


Specifically, we witness a shift in the direction of competition regarding matters of taxation. In fact Italy is amongst those countries which in recent years has accused Apple Inc. of tax fraud. The Italian IRS accused the Californian company of omitting tax return and tax evasion in the period between 2008 and 2013 for an amount of around 880 million € of IRES (corporate income tax) by means of tax inversion.¹² According to the Italian authorities, Apple Inc. had established a company in Italy (Apple Italia srl), which officially performed only counselling activities for the company Apple Sales International (replaced by Apple Distribution International), which cashed in most of the profit from sales of services and devices sold from Ireland where the registered office is. By doing so, it paid rates close to zero while the company located in Italy declared every year an amount of incomes equivalent to the cost necessary to support the expense of facilities (around 30 million €). The inquiry carried out by the Italian authorities showed that the sales that had generated profits above one billion Euros were actually created and managed from Italy, while the Irish companies only served as a terminal for payments. In response to the outcome of the inquiry and after months of negotiating, on the 30th of December 2015 Apple Italia srl accepted to pay to the Italian IRS the 318 million Euros requested.

¹¹ According to Levi's (2004) definition legitimate means «the existence, in a significant part of the population, of a such level of consensus that assure the obedience without the use of force being required, expect in minor cases» (p.503).

¹² It is the practice of relocating a corporation's legal domicile to a lower-tax nation, or tax haven, usually while retaining its material operations in its higher-tax country of origin (Cassazione civile Sentenza, Sez. Trib., 07/02/2013, n.2869).

Conversely, we witness a shift in the cooperation direction between state and MNCs, when we observe the commitment of Apple in the implementation of services and facilities of collective interest.



Regarding Italy, an important example of public-private cooperation is the creation of the first iOS developer Academy in Europe placed in San Giovanni a Teduccio which is a problematic neighbourhood in the eastern periphery of Naples. This is a collaboration between the University of Naples Federico II and Apple Inc. for the implementation of a training centre for applications and software developers for the iOS operating system and a start-up incubator. In the following we propose an analysis of the project focusing on its origin, the importance of it in this particular context, on the actors involved and the costs. In order to recollect the facts we used semi-structured interviews and testimonies of the delegates of the Italian government, Naples city council and Federico II University who were the fundamental actors, involved in the realisation of the project.¹³

The project, its aims and applications

The iOS Developer Academy aims to attract students from a wide range of backgrounds with the training designed to support not only those with coding or computer science experience but young people interested in areas such as design and business. It is a free programme aimed at accepting 200 students every year coming from every part of Europe and it provides scholarships aimed at covering the primary expenses. It provides a nine months course, designed and supported by Apple, with a dedicated facility on the new campus of San Giovanni a Teduccio, made available by the University of Naples Federico II. The facilities include laboratories and access to the most recent Apple hardware and software products. The courses will be organised in two semesters: the aim of the first semester is to improve and enhance the students' skills in the development of software on iOS; during the second the students will participate in courses of start-up creation and development of apps which could possibly be sold on the App Store¹⁴. The students will use a space in a modern building, property of the University of Naples, of about 1500 square meters with 30 laboratories and modern classrooms for an estimated cost of around 15 million Euros in three years. Prof. Giorgio Ventre, delegate of the Dean of the Federico II University, who played a mediation role between the University and Apple, stated that «iOS Developer Academy arises from the need to increase the base of iOS app developers not only as being technically capable but also able to develop new services.»¹⁵ The decision to implement such initiative in Italy was born from the interest shown by

¹³ Apple was represented by Prof. Ventre delegate of the University of Naples and mediator with Apple Inc. in the implementation of the project.

¹⁴ App Store is an electronic tool developed by Apple available for its devices which allows one to buy and download applications.

¹⁵ Interview of the 4th of April 2017.

the former Prime Minister Matteo Renzi towards Apple's willingness to undertake a similar path in Europe.

Afterwards, the Italian Government insisted for the initiative to be implemented in the south of Italy in order to boost its growth. After three months of negotiations and the evaluation of applications from different cities of the southern Italy, Naples was chosen for logistic reasons (advanced infrastructures, easy connections) besides its cultural dynamism and the touristic vocation which characterises the city. In this context Federico II University was accredited as the best offer for the quality of the facilities and its resources.

Players involved:

As regards the subjects participating in the project, the role they played and the advantages that they attain by taking part in the project, we have:

- 1) Apple Inc. that contributes approximately 3 million Euros a year to cover the running costs of the Academy: the teachers' salaries, hardware and software, the administration, organization of the courses and part of the scholarships awarded to students. It is the endorser, along with the Federico II University, of the agreement at the foundation of the project.
- 2) The University of Naples Federico II – endorser of the agreement with Apple - which provides highly qualified teachers, an infrastructure which has recently been refurbished and houses laboratories and advanced equipment for a cost in excess of 3 million Euros.
- 3) The Campania Regional Authority, which has invested around 100 million Euros in the reconstruction and conversion of an abandoned building in the San Giovanni a Teduccio quarter, which at one time housed a food factory, and handed it over to the University of Naples Federico II. The Regional Authority also contributes a sum of 7 million Euros towards scholarships for students taking part in the courses. The decision to contribute towards this initiative is based on the conviction that the development of the Academy represents a strong impulse towards growth of employment and the welfare of the Campania region. In fact, of the 200 students selected for the first year of the course, 145 are from Campania.
- 4) The Italian Government, which, apart from the commitment shown in persuading Apple Inc. to invest in the South of Italy, has sustained the choice of partnership and location. At the same time it has assumed the role of assistance to the partners on the territory. Among these – apart from those already mentioned – improvements will be made to the other Universities in Campania, the Industrialists' Union and public facilities and activities present in the area.¹⁶

As regards the beneficiaries from the success of the initiative, these will be (in the order of most advantaged):

- **The students:** The project is aimed at 600 students (200 per year) who, in the period ranging from 2016/2018, will attain professional competence and training for work on the development of iOS applications. Apps developed by students will be owned by them: they will find a place in the App Store, with profits going to them. Moreover,

¹⁶ Interview with Francesco Nicodemo on the 31st of May.

intensive training modules will be organized in the other six Universities in the Campania Region (Istituto Suor Orsola Benincasa, Parthenope University, Orientale, Del Sannio, Salerno and Second University of Naples) which will run for three weeks each and will be open to the students of each of these Universities.

- **Apple Inc.** who need developers - as the App market is growing rapidly whilst sales of devices remains stable. The advantages that Apple will gain from this enterprise consists of 600 developers at its disposal for creating iOS Apps, who will collaborate in the development and innovation of the company, apart from the possibility of training new competencies using the resources that the Italian institutions have invested in the partnership.
- The **South** of Italy, **Naples** and in particular the **neighbouring quarter**: This area has seen the birth of an incubator of start-up companies which involves a variety of important economic players, for example Accenture – and contribute to the growth of the area. At the same time the arrival of hundreds of students is an important stimulus to the growth of the city. In particular we will be seeing great improvements made to the San Giovanni a Teduccio area, both through public investment (creating new spaces, services and public facilities, improvements in transport connections), and private investment (new shops and commercial activities) which will be encouraged by the repopulation of the neighbouring quarter.¹⁷ The intervention takes on further importance if one considers the critical state of the quarter involved (and many other quarters in the centre, suburbs and outskirts of Naples): high youth unemployment, widespread presence of organized crime (Camorra) which attracts young people thanks to the prospect of easy earnings and discourages self employment due to frequent cases of extortion in this area.

This intervention, together with the Campania Regional Authority's recovery of an abandoned industrial building which allowed the creation of a new campus for the Federico II University, has produced an immediate effect on the area regarding socio-economic growth.¹⁸

- **Enterprises** in Campania: "The iOS Academy not only trains developers, but potentially hundreds of new enterprises and a new business model. Moreover, if Apple invests in Naples, many other multinational countries will see Naples as a place to open up offices and businesses (e.g. Cisco, Accenture, etc.)".¹⁹

5. Considerations about the relation between Apple and Italy

Focusing on the iOS Developer Academy case, we tried to retrace the way Apple Inc. deals with the Italian institutions. The general purpose of this work is to understand the way and the means that can be used by MNCs to influence the political agenda of the governments; and then, by virtue of these growing powers, if they can be a threat for the government authorities or if they can coexist

¹⁷ <http://www.economist.com/news/business/21708716-unlikely-choice-apples-new-app-academy-could-boost-italys-south-made-men>

¹⁸ Interview with Francesco Nicodemo, delegate of the Presidency of the Council of Ministers for the realisation of the iOS Developer Academy

¹⁹ Interview with Prof. Giorgio Ventre on the 4th of April 2017

by integrating their action in different fields. In Italy – one of the G7 countries and with a lot more potential resources than many MNCs – Apple does not seem to be a threat for the state authority. However, the resources of the company and their investments represent an interesting key factor for the countries looking for FDI. Therefore, we see from one side that Apple is challenging Italy on fiscal matters without having good results and having to pay a 318 million euro fine and, from the other side, the mutual cooperation by realizing a public-private partnership whose benefits are distributed to the community, the local authorities and, not least, Apple itself. However, despite it has been shown that Apple cannot limit the Italian government authority, it is important to keep in mind that the country needs foreign investments and then it is important that Apple keeps investing, or co-funding, in projects in the Italian territory.

In this circumstance, as it was confirmed by some of the interviewed stakeholders, the government represents the weak partner and the one that needs both to promote the presence of Apple within the national borders and to push for further investments. That is the case in which Apple can benefit from the willingness of the Italian government to create working conditions that are suitable for investments from foreign companies.²⁰ In this way there can be a cooperation between Apple and Italy in which, despite the difference in resources, the power balance tends to go to the former. This one, together with other relevantly growing economic partners (e.g. Amazon), interacts directly with the national authorities thanks to an institutional relations' bureau that avoids intermediations and creates a peer relationship. «Tim Cook speaks directly to the government representatives and to Matteo Renzi. Although Apple does not represent a national or a government-run organization, it tends to qualify as “adjacent” to the power, a sort of “counter-power” that respects the authority and does not question or challenge it», one of the stakeholders said²¹. In this situation, made of the willingness to cooperate and the shown impossibility for Apple to represent a threat for the Italian government authority, due to its lesser amount of resources, one can claim that, if one has to imagine the future action of Apple, it will definitely go toward cooperation rather than competition. It is also necessary to add that, with reference to the past (for example, the role of the big multinational companies in South America), the economic resources stopped to be an instrument of coercion. Today, the tools used by the big trading groups to expand their influence are the information control and the use of soft power.

As a result MNCs, by virtue of their economic power, their transnational organization and the purposes of their action, are experiencing a growing political relevance that makes them influence the national political agenda thanks to their activity in some strategic fields (eg: hi-tech), and also thanks to multiple resources in terms of advocacy and direct intervention on the society. However, this does not represent a threat for the national authority but a new way of coexistence and integration between governments and corporate power.

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²⁰ Interview of the 4th April 2017 to the Prof. Giorgio Ventre and interview of the 31st May to the Francesco Nicodemo.

²¹ Interview of the 4th April 2017 to the Prof. Giorgio Ventre.

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