

THE COST OF COMPLICITY:

State-Corporate Collusion and the Devastation of the Valencia Floods

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ABSTRACT

This paper examines the devastating DANA floods that occurred in Valencia in 2024 through the critical lens of state-corporate crime theory, analysing how the collusion between government failures and corporate actors amplified what could have been a manageable natural hazard into a disaster claiming 232 lives. Drawing on two frameworks: Beck's risk society (Beck, 2009) and Kramer and Michalowski's integrated theoretical model (Patten, 2019), the research interrogates how state negligence and corporate exploitation operated across institutional, organisational, and interactional levels to create conditions of extreme vulnerability. Through its focus on legal frameworks and worker testimonies, the study reveals a pattern of state-facilitated corporate crime where economic imperatives consistently took precedence over safety considerations.

Key findings illustrate how the Valencia government's dissolution of emergency response units, delayed alerts, and failure to mandate workplace closures created a permissive regulatory environment that enabled corporations to prioritise profit over worker safety. This systematic devaluation of public safety exposed vulnerable populations, particularly low-income workers in low-status or precarious employment situations. This research further exposes significant limitations in existing legal accountability mechanisms that shield both state and corporate actors from criminal liability by demanding proof of individual wrongdoing instead of acknowledging systemic negligence. By contextualising the Valencia case alongside similar disasters in Germany, the UK and Italy, this critical criminological analysis demonstrates how neoliberal governance regimes systematically produce risk while diffusing responsibility. The paper concludes that effective disaster prevention requires fundamental reconfiguration of the present regulatory frameworks, in order to address collective forms of harm and establish accountability based on outcomes rather than intentions.

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1. Introduction

The entanglement of state power with corporate interests creates conditions of structural harm that remain largely invisible with conventional understandings of criminality. The devastating DANA disaster that struck Valencia in late October 2024 offers a profound case study of this phenomenon, revealing how environmental catastrophes became magnified through the nexus of governmental neglect and corporate harms.

A few months back, the Spanish city of Valencia experienced a severe Cold Drop phenomenon (*DANA, Depresión Aislada en Niveles Altos*), resulting in a devastating flooding that tested both the institutional response mechanisms and the community's resilience. This extreme weather event, characteristic of the Mediterranean region, brought unprecedented rainfall and subsequent flooding, causing significant infrastructure damage and disruption in daily life across the region (RTVE, 2025). The disaster caused not only physical harms, as the intense rainfall and flash flooding escalated into an unprecedented catastrophe, claiming 232 lives, including 224 in the province of Valencia (Galvez-Hernandez et al., 2025; La Moncloa, 2025). But also, it highlights criminologically relevant fundamental issues of social order, institutional trust, and systemic inequalities seen because of the lack of investment, protocols and neglect.

The DANA case study provides a compelling example through which to explore the manifestation of state-corporate crime in contemporary society. Through the theoretical lens of Beck's risk society and frameworks of state-corporate crime, this paper examines how the convergence of state and corporate interests in Valencia's development and emergency response systems created conditions where vulnerable communities bore disproportionate risks and impacts. By positioning this disaster as a central focus, we can analyse how decisions made across several sectors converged to amplify harms that reflected broader patterns of state-corporate criminality.

This paper combines a theoretical critical analysis with a short examination of legal frameworks, creating a dual analytical approach that enhances its critique. This methodology allows for both structural critique and practical legal accountability assessment—revealing not only how systems of power operate but also interrogating the adequacy of existing legislation to address state-corporate harms. It also interrogates whether legal mechanisms, such as Article 316 of the Penal Code, are equipped to address systemic harms or merely shield powerful actors, grounding the critique in both theory and practice. By using theoretical concepts and specific Spanish legal provisions, in the context of disaster response and worker protection, the analysis exposes the gaps between normative legal frameworks and their actual implementation.

An underlying assumption of this paper is that many natural disasters are the direct outcome of ‘deviant’ political and economic decisions and actions by states. So, this research will start by providing a theoretical framework, then detailing the chronology and consequences of the disaster, analysing the regulatory frameworks, legal accountability for the state and corporations, and instances of corporate negligence that contributed to worker endangerment. By combining both the systemic patterns and legal responses, this approach aims to provide a more comprehensive critical examination when it comes to understanding the accountability of state-facilitating corporate crime, a necessity to prevent future disasters.

2. Theoretical Framework: State-Corporate Crime and Natural Disasters

2.1. Conceptualising State-Corporate Crime

State-corporate crime, the collusion between state and corporate actors causing harm (Michalowski & Kramer, 1990), thrives under systemic flaws exposed by disasters like the Valencia floods (DANA). This connects to how people frequently pause to question why our system permits state-corporate crime to thrive unchecked (Barak, 2017). When catastrophic events finally expose the deep-rooted systemic flaws to the public, it raises critical questions: What powers should be given to authorities to uncover the collusion between state and corporate actors? Is there a meaningful distinction to be made between negligence that precipitates a disaster and outright manslaughter? And what constitutes an appropriate response when a government or corporation fails to adequately prepare for a disaster that could have been anticipated?

While debates about punishing individual offenders like murderers or rapists are common, discussions about penalising states or corporations remained unconventional for decades. Some argue that there is no basis for holding state-corporate entities accountable, rejecting the notion that such accountability could be framed as a “necessary evil” (Wells, 2001). Nonetheless, the idea of a corporation or state being punished is more odd than a murderer or rapist being sent to prison. The concept of corporate liability challenges the ideological and normative foundations of criminal law and its operations (Wells, 2001).

When we begin to observe any corporate crime, it becomes clear that these offences, often committed by corporate executives or entire organisations, involve state actors in some capacity. This is because the production of such crimes is perpetually shaped by a regulatory process (Tombs & Whyte, 2020). And it builds on a concept first articulated in 1990 by Michalowski and Kramer, who described state-corporate crime as *“illegal or socially injurious actions that occur when one or more institutions of political governance pursue a goal in direct cooperation with one or more institutions of economic production and distribution”*.

This framework develops from Edwin Sutherland’s (1949) white-collar crime theory, which distinguished occupation and corporate offences but stopped short of linking them to state institutions (Cullen & Wilcox, 2010). The major difference between the two crimes, however, is in the victims and beneficiaries of the crime. For example, corporate crime benefits both the company and the offender(s), while white-collar crime benefits only the offender (Dekeseredy, 2011). Moreover, subsequent scholars highlight how regulatory processes perpetually shape such

crimes, with neoliberalism and globalisation fragmenting state power and reducing oversight. This perspective underscores the state-corporate relationship as a critical lens for understanding the emergence of harms like those potentially evident in the DANA disaster (Tombs, 2007; Tombs & Whyte, 2020).

State-corporate crime manifests in two forms: state-facilitated, where government fails to curb harmful corporate behavior due to shared goals or collusion, and state-initiated, where state actors direct or tacitly approve such actions (Bisschop et al., 2018; Tombs & Whyte, 2020). These subtypes exist on a continuum from passive complicity to active collaboration, often involving bureaucratic failure and regulatory dysfunction (Kauzlarich et al., 2003). For the DANA floods, this paper adopts Green and Ward's (2000) approach, framing it as a state-facilitated crime. Here, the state can facilitate and perpetuate environmental harms through lax or unenforced regulations amid corporate influence or self-regulation (Malin et al., 2024). If protections have not been deregulated or changed to current regulations, as well as mechanisms for state enforcement, will drive to a deficient state and corporate accountability for crimes, harms and offenses (Malin & Kallman, 2022). These actions, in the end, demonstrate a violation of human rights resulting from state and corporate actions, alongside subjective public labelling of these actions as deviant. This qualitative reconsideration, inspired by Bisschop et al. (2018), positions the Valencia case as a critical test of state-facilitated corporate crime.

2.2. Risk Society and Disaster Vulnerability

Experts in disaster vulnerability argue that failure to mitigate risks will likely lead to avoidable losses (UNDRR, 2025). However, this reality often becomes apparent to non-experts only after disasters strike and the losses have already occurred. To invest in the reduction of future disasters, however, governments should start seeing this process driven by moral hazards, in which actions to further the interests of one party cause changes that are detrimental to other parties (Husted & Nickerson, 2019). So politicians, failure to mitigate disaster risk is a gamble, it saves money if disaster does not occur during their terms of office (Alexander, 2017). If instead it does happen, the tendency is to blame the previous officeholders for not doing enough.

Therefore, Ulrich Beck's concept of "risk society" provides a crucial theoretical framework for understanding the transformations brought about by modernisation, particularly in how it reshapes our relationship with natural hazards and disasters, which are increasingly socially produced rather than purely natural phenomena. While Beck initially focused on technological risks, his analysis extends powerfully to the systematic production of "manufactured uncertainties" as byproducts of technological and economic advancements, risks that differ from

traditional hazards by being imperceptible without scientific mediation, possessing a global scope that transcends national boundaries, and existing as potentialities that resist traditional insurance calculation (Beck, 1992; Beck, 2009). The DANA flooding exemplifies this transformation, where natural processes become hazardous primarily through human modification of landscapes, such as the capitalist development of floodplains that simultaneously creates economic value and disaster vulnerability. As Beck further notes, “the social production of wealth is systematically accompanied by the social production of risks,” a dialectic evident in how society must increasingly confront the unintended consequences of its own development choices, blending economic progress with heightened vulnerability (Wimmer & Quandt, 2006).

While Beck initially focused on technological risks like nuclear power and chemical production, his framework applies equally well to contemporary environmental disasters. As Culver et al. (2011) argue, hazards triggered by natural phenomena such as wind, water, or tectonic plates movement have to a large extent arisen out of the process of modernisation. The DANA flooding exemplifies this transformation—while extreme weather events have historical precedents, their destructive impact has been magnified by contemporary development patterns, urban and political planning decisions or alert methods, as well as infrastructure design that convert natural phenomena into social catastrophes (Culver et al., 2011).

On top of that, Beck’s concept of “organised irresponsibility” (1995) provides a particularly useful analytical tool for understanding how institutions systematically evade accountability for the risks they generate. This concept describes a network of complicity in which responsibility becomes so distributed across complex institutional arrangements that no single actor bears clear liability for resulting harm (Komlik, 2015). In disaster contexts, organised irresponsibility manifests through fragmented jurisdictions, overlapping authorities, and institutional practices that normalise risk while obscuring responsibility for potential consequences (Tierney, 2012). These power asymmetries form the structural foundation upon which state-corporate crimes flourish. The risk production, however, does not occur in a political vacuum alone. State-corporate crime academics established that these risks are systematically generated through collaborative relationships between state and corporate actors (Nicoli, 2024). Further, not only the diffusion of responsibility presents a challenge for disaster governance, but other systemic vulnerabilities are created when combining political, economic, and environmental factors.

2.3. Power Dynamics Enabling Regulatory Capture

The social production of risk is enabled by power imbalances inherent in capitalist systems (Mythen, 2004), where regulatory capture—agencies serving corporate interests—creates

‘regulatory space’ that corporations exploit with the little risk of sanction (Tombs and Whyte, 2010). The concentration of economic power in corporate entities translates directly into political influence, creating conditions where regulatory policies become increasingly captured by the very interests they are meant to control. Further, Levi-Faur (2009) explains how regulatory agencies ostensibly exist to protect public interests, and how neoliberal governance regimes have also systematically undermined their capacity through budget cuts, restructuring an ideological reorientation towards “partnership” approaches that favor voluntary compliance over enforcement (Gumisiriza, 2022).

In the Spanish context, decentralised governance adds complexity, with overlapping jurisdictions potentially worsening these regulatory gaps. As Baram and Lindoe (2014) note, fragmented regulatory authority often allows corporations to ‘venue shop’ for the most favorable interpretation of rules or to exploit coordination failures between agencies. These imbalances of power are not incidental but structural features of contemporary capitalism. And as Pearce and Tombs (1998) argue, “the legal regulation of corporate behavior operates within structural constraints which systematically favor corporate over social interests”, a bias that becomes especially clear in disaster contexts, where the drive to maintain economic activity can override safety concerns—as potentially seen in the failure to suspend non-essential commercial operations during the Dana warning period.

This interplay of power and regulation enables state-corporate crime, which operates through distinct mechanisms across multiple levels, as outlined in Kramer and Michalowsky’s (2012) integrated theoretical model with institutional (at the macro level), organisational (at the meso level), and interactional (at the micro level) (Patten, 2019). At the institutional level, political-economic structures create incentives for harmful behaviors, with neoliberal governance regimes prioritising economic growth and private sector freedom over environmental protection and public safety (Rothe, 2009). Disaster capitalism, as theorised by Klein (2007), exploits crises to push market-oriented policies that may further undermine resilience (Long, 2021). In Spain, these dynamics may manifest in land-use policies that favour development in vulnerable areas and emergency management protocols that prioritise economic continuity over precautionary evacuations.

At the organisational level, corporate profit motives and state budgetary constraints create operational logics that minimise prevention investments, while risks might still happen. Decision-making structures, like governments of city councils, often fragment responsibility and thus creates what Vaughan (1996) famously called the “normalisation of deviance”—where small deviations from safety standards become routine (Kramer et. al., 2010). Moreover, it is often seen

how organisations develop cultures of denial regarding low-probability, high-consequence risks (Sundh, 2024), leading to systematic underinvestment in the preparation of disasters. Lastly, at the interactional micro level, draws on the idea that individual decision-makers operate within constraints that encourage harmful choices despite potential catastrophic consequences. Additionally, Vaughan's (1996) work on "structural secrecy" can identify how information becomes compartmentalised within and between organisations, preventing holistic risk assessment (Vaughan, 1999). Social psychological factors such as diffusion of responsibility further enable harmful decision-making, as suggested by the delayed response of Valencian authorities during the DANA crisis

Together, all these multi-level mechanisms define system failures that arise from complex interactions between technical systems, organisational structures, and human decision-making. Far from being unpredictable, disasters like the DANA, emerge predictably from systemic arrangements that prioritise short-term economic gain over long-term safety.

2.4. Connecting theories to the DANA disaster

The theoretical framework outlined above provides a robust foundation for analysing the DANA disaster as a case of state-corporate crime. By integrating risk society perspectives with critical disaster studies and organisational criminology, it allows a critical analysis to examine how the intersection of state and corporate power created conditions of vulnerability that magnified the disaster's impact. Specifically, this framework allows us to investigate several key research questions:

How did state-corporate dynamics exacerbate systemic harm during the DANA disaster in Valencia

- a. What mechanisms allowed state-corporate collusion to remain hidden or unaddressed in the lead-up to and aftermath of the Valencia floods?
- b. To what extent did systemic inequalities (e.g., class) shape the impacts of state-corporate crime on Valencia's marginalised communities during the DANA disaster?

3. Case Study: The Valencian Disaster

This section explores the Dana floods, beginning with a timeline of events, followed by a separate analysis of state crime and corporate crime. Each part includes a subsection on legal aspects and systemic failures, distinguishing state and corporate roles for a later analysis of their collusion.

3.1. Chronology of the Disaster

On October 23rd 2024, the AEMET, *Agencia Estatal de Meteorología* (State Meteorological Agency), began to report on a cold drop, a phenomenon also known as DANA, acronym for *Depresión Aislada en Niveles Altos* (Isolated Depression at High Levels), which would affect the coast of the Mediterranean Sea. On the afternoon of the 28th October, institutions started to cancel and suspend teaching activities, for instance the University of Valencia (UV) (Valencia Plaza, 2024). The rector of the university, Mavi Mestre, explained that the UV acted on the recommendation of its emergency committee, based on public information about the heavy rain forecast (Solsona, 2025). Mestre, further explained that the university prepared a response to the head of the Court of Instruction Number 3 of Catarroja, Judge Nuria Ruiz Tobarra, who requested details about the decision-making process, affirming that the suspension was a prudent step given the circumstances (Solsona, 2025).

Days after, October 28, a strong storm with hail the size of golf balls fell at 10pm in El Ejido, whose province of Almería was on orange alert since 6pm by the AEMET (Sánchez, 2024). Interestingly, journalists explained how on this day, hundreds of people with the citizenship of Japan, geographically located in Valencia and its surroundings received an email alerting its citizens one by one to take precautions and to consult information on the evolution of the weather situation (Pantoja, 2024). However, it was not until 7.36am from 29th of October when the AEMET reported to the Valencian population a red warning for heavy rainfall for the interior of Valencia. Later that day, the Júcar Hydrographic Confederation sent an email to the Emergency Coordination Center Government indicating that the maximum alert threshold had been exceeded (Álvarez et al., 2024). And some municipalities started to alert through social media to their citizens, such as the City Council of Pairporta, describing an “important warning of risk of extreme rain” posted at 12.47pm (Belarte et al., 2024). At 1.00pm, the president of the Generalitat Valencia, Carlos Mazón, appeared at a press conference and assured that, “*according to the forecast, the storm moves towards the Serranía de Cuenca, so it is expected that around 6pm its intensity will decrease throughout the rest of the Valencian Community*”, information that he published in the platform X which was later removed (elDiariocv, 2024).

Furthermore, between 3.30pm and 4.40pm towns were starting to completely flood, so the Valencian Government requested the intervention of 250 soldiers from the Military Emergency Unit in the Utiel-Requena area. But journalists showed how some mistakes started to emerge as the Generalitat was wrong and instead of asking for the mobilisation of the UME, it asked for its demobilisation (Martínez & Fabra, 2024). The error was then corrected at 3:41 pm, and General Marcos, responsible for the corps, decided to mobilise more than 1000 soldiers near Valencia, in anticipation that the affected area would be larger, waiting for authorization from the Generalitat to intervene (Pereira, 2024). Later, around 5pm, the Emergency 112 telephone began to receive calls about the overflow of the river's ravine, in the end more than 19.000 calls were received. At that time, the Comprehensive Operational Coordination Center (CECOPI) was established, which coordinated the actions of response to the crisis, to whose emergency meeting the President Mazón did not join until 8.38pm. During that moment, the responsible for the emergency management of the Ministry of Justice and Interior of the Valencian Government, informed that there was a risk of breaking the Forata dam, so they finally decided to activate the ES-alert system, sending a message and audible warning to all mobile phones in the province of Valencia at 8.11pm (Caballero, 2024). It is important to highlight that although the message had a preventative intention, at the time of being broadcast many localities had been flooded for hours and the workers were already displaced, since the work activity was at no time suspended (Fabra, 2024).

October 30, president Mazón confirmed the discovery of the first corpses in flooded areas. That morning dozens of people were isolated, about 1,200 were trapped in the province's highway network, and another 70 roads were interrupted. A few reporters travelled to the affected areas and argued that there was no mobile connection, drinking water, electricity and other basic services could not be fully restored until several days later (Maldonado, 2024). In addition to the damage that the natural phenomenon had left behind, the Government began to talk about "lifeless bodies". As the deaths started to rise, 2 days after the rains, some roads are opened for the passage of emergency services, where autopsies and identification of some dead are practiced, rising to 155, many of them in Paiporta, considered "ground zero" of the dana (ValenciaBonita, 2024), some others were still trapped in the vehicles without being able to be identified. While the neighbors tried to save what was left from the rubble and enable the houses so people could go back to their places, the claims for the lack of help from official teams were increasing (Alba Santana, 2024).

3.2. State Crime in the Valencian Disaster

To understand what happened during the DANA in Valencia and before elucidating the potential criminal liability of the various members of the state or regional government, it is

important to know how emergency management works in a decentralised country like Spain. There are three levels of emergency in the country. At level 1 and 2, the autonomous communities assume their management –although in the second case they can request resources from the central government.¹ At level 3 is the central state that assumes the management of the situation and can declare a state of alarm. However, the regional executive of Mazón decided to call the alert level 2—which remained during the crisis. Nevertheless, if the central government (under Pedro Sánchez) had considered it necessary, it could have unilaterally declared alert level 3 and intervened immediately (Santana, 2024). But he decided to justify himself under the idea that “*the Valencian authorities know the ground better than anyone else (...) they know what needs to be done and, if they do not have enough resources to do so, that they ask them again to the General Administration of the State*” (La Moncloa, 2024).

Since then, huge mobilisations of people from all over Valencian Community and over Spain have approached the small towns to help those affected under the slogan of “*Only the people save the people*” (Santana, 2024). Even though a large number of people have tried to help since the very beginning of the DANA, the lack of regional and municipal organisation has been a problem.

3.2.1. Legal Frameworks for State Accountability

An interesting point regarding the punishment of the state, is throughout the legal ground of the Order of the Superior Court of Justice of the Valencian Community. The complaints are attributed to several members of the regional government because of a crime of omission of the duty to assist, based on the Art. 195 of the Penal Code (Ley Orgánica 10/1995), arguing that neither Carlos Mazón, nor the Regional Minister of Justice and Interior, among other accused individuals, “adopted the preventative and assistance measures that would have minimised the impact of emergency situations”, such as the ones observed by the DANA. As it is also known, the President of Valencia and other authorities have been charged with the commission of a crime of reckless damage, under Art. 267 of the Penal Code (Ley Orgánica 3996/1995), because here, the negligent damage exceeded 80,000€ (Elías, 2024). In line with the above described, is it reasonable to attribute objective criminal liability to the President of the Valencian Generalitat and

¹ This is linked to Art.149.1.29 of the Spanish Constitution (Ley Orgánica 2500/1978), which states that “*The State has exclusive jurisdiction over public safety, without prejudice to the possibility of the creation of police forces by the Autonomous Communities in the manner established in the respective Statutes within the framework of the provisions of an organic law.*” Thus, it is evident that the Autonomous Communities have the capacity to take on management responsibilities in this domain. In the specific instance of the emergency caused by the DANA in Valencia, the Valencian Government possesses the authority to oversee the response.

other authorities or public officials for the material damages suffered by citizens? (Carratalá, 2025)

In reality, no. Under Spanish law, Article 267 of the Penal Code (Ley Orgánica 10/1995) requires "gross negligence" for reckless damage, meaning a foreseeable, avoidable risk, a clear breach of duty, and a direct causal link to the harm. Spanish law rejects objective liability—guilt based solely on position or outcome—demanding specific evidence of personal fault. The complaints allege negligence, but systemic issues—such as underinvestment in flood defences or the 2023 dissolution of the Valencian Emergency Unit—reflect collective failures, not individual acts meeting this high legal threshold. This legal rigidity reflects a broader failure to adapt criminal law to state-corporate harms, prioritising individual fault over structural critique and shielding systemic power from scrutiny (Carratalá, 2025).

The DANA damages arose from an extreme weather event compounded by broader governance lapses, not necessarily Mazón's or other officials' direct actions. Spain's decentralised system placed Valencia in charge at Level 2, with Mazón maintaining this status, while the central government could have intervened at Level 3 but didn't (Santana, 2024). Without proof that Mazón knowingly ignored a specific, imminent risk he could have prevented—beyond general policy critiques—criminal liability under Article 267 lacks foundation. Spanish jurisprudence requires individualised negligence, making civil or administrative routes more suitable than criminal prosecution for addressing these damages.

While the legal framework limits criminal liability for public officials to specific acts of gross negligence, the DANA floods also reveal a broader dimension of accountability involving private corporations, whose actions—or inactions—exacerbated the human cost. The *supra* state's failures to mandate evacuation or stricter safety measures in restaurants, shops or highways, left workers vulnerable, pointing to a potential collusion between state leniency and corporate recklessness. This interplay underscored the state corporate crime dynamic.

3.2.2. State Policy Failures and Criminal Neglect

Years of underinvestment in infrastructure maintenance, such as flood defences, compounded the issue. According to the complexity of the situation, a heated debate has emerged among experts regarding the role of environmental policies in this disaster. Some citizens question whether the EU Environmental plans caused Spain to eliminate 133 dams in 2022. However, the European Commission said that these statements “are unfounded” and added that the decisions to remove or not a dam is the responsibility of each Member State, not the EU (Reuters, 2024). And in fact, these demolitions were part of the National Strategy for the Restoration of Rivers, which

follows European guidelines. Yet, this explanation has not quelled the controversy, which has spilled over into a fierce political dispute. The current Spanish government staunchly denies accusations that it has demolished dams and reservoirs critical to flood management, dismissing such assertions as “impossible” and baseless. Instead, officials clarify that the policy of removal has been limited to small, obsolete structures—such as minor weirs or low water jumps, often just a few meters high (Quintana, 2024). According to the government, these outdated barriers can actually increase the destructive power of floodwaters by obstructing natural flow, a point they have stressed in response to swirling rumors and accusations amplified on social media (MalditoClima, 2024).

Compounding these systemic issues was Mazón’s decision to eliminate the Valencian Emergency Unit in November 2023. This unit, aimed to improve regional coordination in the response to natural disasters such as forest fires and floods, was dependent organisationally on the integrated Ministry of Justice and Interior of the community, along with the rest of the emergency bodies (Alonso, 2024). Its dissolution, intended perhaps to streamline operations or cut costs, left a critical gap in the region’s disaster response framework, reducing the capacity for swift, localised action at a time when such coordination was desperately needed.

3.3. Corporate Crime in Disaster Amplification

Beyond the immediate infrastructural and state’s failures, the floods exposed a deeper layer of state-facilitating corporate collusion that endangered workers, many of whom were trapped in their workplaces as the water rose. Unlike educational institutions that suspended activities, private companies in industrial areas and commercial zones were not mandated to close despite the worsening forecasts and eventual red alert (Móner, 2025). Many workers have denounced through social networks the reckless actions of their companies. They assure that many imposed the obligation to go to work ahead of the safety of the employees (Beltrán, 2024). Even after receiving the SMS alert, sended by the government, some companies maintained and obliged to continue working. Furthermore *Directa.cat*, a national newspaper, has gathered interviews and testimonies, all of which expose the actions of the companies that played a significant role in contributing to the tragedy. Some examples include:

An Inditex worker at the Bonaire Shopping Center recalled:

“They didn’t warn us in time; by that point, our towns were already flooded,” and revealed, *“Some colleagues managed to leave, but they got caught by the water in their cars and spent the night on the road.”* She insisted, *“My company also bears*

responsibility for this tragedy... other stores in the shopping center didn't open all day as a precaution."

A Mercadona worker anonymously shared:

"In the Ribarroja warehouse and Quart de Poblet, they kept operations running even after the 8:00 p.m. alarm, and the entire night shift in Quart de Poblet, starting at 10:00 p.m., went to work," adding that their boss dismissed a viral video of a company van swept away, saying, *"It's the delivery drivers' fault; they should watch where they're going."*

At Druni in Carlet, a worker described:

"The mistake was making those of us on the afternoon shift go in and not sending us home when things started getting bad," and shockingly noted, *"The manager went home at 6:00 p.m. because he said they were going to close the bridge... He left while we stayed working, and no one cared what might happen to us,"* with the situation escalating as *"in the Carlet warehouse, the strong winds ripped off the entire roof with the workers inside."*

A Transfesa worker from Almussafes explained:

"At 6:00 p.m., we were already watching videos of highways full of water sweeping cars away... They didn't let us," and after the 8:00 p.m. alarm, were told, *"Whoever wants to go can go, but you'll have to make up those hours."*

3.3.1. Legal Frameworks for Corporate Accountability

Further, there were accusations to President Mazón of a crime against workers under Article 316 of the Penal Code (Law 10/1995). This penalises those legally obligated who fail to ensure workplace safety per occupational risk norms, endangering workers' lives or health. Employers are liable, but Article 14 of the Occupational Risk Prevention Law (Law 31/1995) extends this duty to public administrations for their staff. The complaints claim the Generalitat's 8:12 p.m. SMS alert—sent as shifts ended—trapped workers in traffic or workplaces without time for precautions, causing deaths and injuries preventable by earlier warnings enabling shift endings or closures (per Article 21 of Law 31/1995) (Carratalá, 2025)

Yet, proving a violation of Article 316 is challenging. Spanish law requires a clear causal link between Mazón's actions and the risks, a link doubted by the Public Prosecutor's Office, which rejected similar COVID-19 claims for lacking specifics on affected workers, workplaces, and causality. Here, it's unclear if the accusations target public or private sector workers, or which norms (e.g., Article 13.9 of LISOS and Article 21 of Law 31/1995) were breached. Critics argue this suggests objective liability—blaming Mazón for his position, not proven negligence—since

criminal responsibility can't arise solely from the disaster's outcome without specific evidence (Carratalá, 2025).

3.3.2. Corporate Recklessness and Worker Exploitation

While we have observed that the legislative focus on the accountability of corporations is not enough to criminalise these actors, we can indeed explain that there was a pattern of corporate negligence that turned workplaces into 'death traps', driven by profit motives from the owners. Companies like Inditex or Druni kept operations running despite AEMET's red alert. Here, risks are socially produced by economic decisions and are externalised onto workers, particularly those in low-power roles. Furthermore, neoliberal deregulation weakened the enforcement of laws like Article 21 of Law 31/1995, which as stated above, enabled this shift. With a failure from the state to mandate closures –unlike education—exposing a systemic bias towards economic continuity.

4. Analysis: State-facilitated Corporate Crime Mechanisms

The DANA disaster lays bare Kramer and Michalowski's (2012) state-facilitated corporate crime, not as a mere failure but as a deliberate system where economic elites manufacture vulnerability across institutional, organisational and interactional levels. State permissiveness did not merely fail to mitigate the crisis; it actively sculpted a 'regulatory space' (Tombs and Whyte, 2010) that turned a natural hazard into hundreds of deaths. At the macro level, neoliberal governance—entrenched in Spain's decentralised framework privileges economic expansion over precautionary measures, raising a critical inquiry: why do policies consistently favour development in flood-prone areas while statutory obligations, such as those under Law 31/1995, remain unenforced? The Generalitat's decision to forgo workplace closures, despite AEMET's red alert on October 29, 2024, exposed thousands of workers—predominantly low-income and often immigrant individuals in precarious (not office) employments—to preventable risks (Galvez-Hernandez et al., 2025). This reflects not an isolated error but a structural preference for economic continuity over human safety. At the organisational meso level, prolonged austerity measures eroded Valencia's disaster preparedness, most notably through the 2023 dissolution of the Valencian Emergency Unit, an entity designed to coordinate crisis response (Alonso, 2024). Such decisions entrenched a normalisation of deviance (Vaughan, 1999) fostering an institutional culture that minimises the significance of high-consequence risks (Sundh, 2024)—evidenced by the persistent underfunding of flood defences.

At the interactional micro level, the state's response—marked by the 8.11pm ES- alert issued hours after Pairporta and other municipalities were inundated—demonstrated structural

secrecy and diffused accountability (Vaughan, 1999). President Mazón's 1.00pm press conference, asserting the storm would subside by 6.00 pm presenting an authoritative narrative of control and reassurance based on AEMET's forecasts, while the actual situation deteriorated. The subsequent retraction of this statement from *X* acknowledges that the initial assertion did not align with the escalating crisis, revealing that delayed action and optimism contrasted sharply with the reality of widespread harm.

At the meso-level, organisational dynamics with both state agencies and corporations actively contributed to the disaster's severity and its uneven distribution. The Valencian government's decision-making structure, characterised by fragmented responsibility and a culture of denial regarding low-probability, high-consequence risks (Sundh, 2024), is seen in the counterproductive dissolution of the Valencian Emergency Unit. This not only hindered effective disaster response but also exemplified a systemic devaluation of public safety in favour of bureaucratic streamlining or cost-cutting. Additionally, corporations like Mercadona and Inditex were driven by relentless profit motives, fostered a culture that actively disregarded worker safety, illustrating how organisational cultures have normalised deviance, by maximising profit while externalising risk onto workers. This meso-level analysis reveals how organisational structures become conduits for state-corporate crime, translating macro-level priorities into harmful operational practices.

This multi-level alignment of state actions did not merely intensify the disaster's impact; it resulted in 232 deaths, predominantly in Valencia's working-class regions, portraying a state's failure that enabled corporate exploitation. The selective suspension of educational institutions but not commercial operations reveals also a neoliberal prioritisation of economic imperatives over societal well-being, a pattern reinforced by austerity-driven deficiencies in infrastructure and response capacity (Galvez-Hernandez et al., 2025). Within this permissive regulatory environment, corporations transformed Beck's (1995) "organised irresponsibility" into a mechanism for profit maximisation, endangering workers across institutional, organisational and interactional dimensions (macro, meso and micro levels). Research by Galvez-Hernandez et al. (2025) documents an interesting pattern; corporations with established worker representation councils were 68% more likely to finish operations before flooding, while precarious/low-skilled employment sectors showed the highest casualty rates. Of the 232 fatalities, 157 were individuals traveling to or from workplaces, with 82% employed in temporary or subcontracted positions. This exploit reveals class-based stratification of risk. While executives evacuated corporate headquarters, warehouse workers remained under threat of disciplinary actions, such as seen in the

Druni case where manager sent a documented message at 6:42 p.m. explaining that the night shift was expected and that “absence means contract termination” (Beltrán, 2024).

These patterns are not isolated but systemic, exemplified by the austerity policies on disaster preparedness, where fiscal conservatism has often taken precedence over social welfare and public safety. The long-term effects of such policies have been particularly pronounced in regions such as Madrid and Valencia, where city administrations have been guided by neoliberal principles (Galvez-Hernandez et al., 2025). Resulting in underfunded emergency response infrastructures weakening the capacity of local governments to respond to crises (Galvez-Hernandez et al., 2025), these conditions set the stage for the disaster’s scale. This prioritisation reflects what Levi-Faur (2009) described as the undermining of regulatory agencies by neoliberal governance, where budget cuts and a focus on voluntary compliance creates a system inherently vulnerable to corporate exploitation. The Valencian case demonstrates how this ‘hollowing out’ of regulatory capacity translates into tangible harm when disaster strikes. Furthermore, the decentralised governance structure in Spain further complicates the issue, creating overlapping jurisdictions and potential ‘venue shopping’ by corporations seeking the most favorable interpretation of regulations, as highlighted by Baram and Lindoe (2014).

5. Discussion

The analysis of the DANA disaster in Valencia reveals a pattern of state crime that developed into the state facilitating corporate crime, that resonates with findings from other disaster case studies, underscoring the systemic nature of such harms and the challenges of accountability. By integrating Beck's risk society and Kramer and Michalowski's state-corporate crime framework, this paper has demonstrated how state negligence and corporate exploitation—operating across macro, meso, and micro levels, can result in preventable deaths and injuries. These dynamics are not unique to Valencia but echo patterns observed in other catastrophic events, reinforcing the broader criminological significance of this case.

Building on this, the analysis reveals that neoliberal governance and corporate profit are motives that converge to transform a natural hazard into a human catastrophe. The evidence shows how Valencia's policies prioritised economic expansion over safety, such as unenforced statutory obligations, created a permissive environment where corporations could operate without restraint. It was also reflected in dissolution of critical response units and delayed state actions to counter corporate decisions to keep workers in danger. Together, these dynamics amplified harm, resulting in preventable deaths and widespread disruption. Further, as discussed in the theoretical framework, the line between negligence and manslaughter, is crucial in a legal system fixated on individual faults, but this gets dissolved when state inertia and corporate greed are predictable outcomes of a risk society economy that thrives on externalising harm, as evidenced by preventing 232 deaths.

Moreover, this case has revealed that there are limitations in the conventional legal approach of corporate accountability. While there are some laws that do contain provisions that *theoretically* protect workers from employer negligence, the diffusion of responsibility between state and corporate actors creates a difficult situation for a successful prosecution. The reason is because the current framework (particularly Article 316 of the Penal Code) proves inadequate because it requires specific intent, failing therefore, to address the structural negligence attached to state-corporate crime. A more robust framework would recognise collective harm and should establish liability based on outcomes rather than intentions. Also, another potential solution would be including stronger information transparency during events like the DANA. As Fung et al. (2007) explored, this can include a mandatory disclosure system documenting each of the decisions made in the emergency response chain, allowing to create accountability across all institutional levels.

However, the tragedies of the last years give us lessons that, judging by the dynamics of the analysis, tend to be ignored by politicians of all kinds of orientation, since their main mission is to avoid the consequences of their mistakes and ineptitudes within the prevailing development model and they prefer to engage in political problems. A prominent and close to home example, where the extreme flooding happened in Germany and Belgium occurred in 2021, bringing more than 100 deaths and hundreds missing, despite clear advances warnings, there were no evacuations happening. Compared to what other authorities, including the Belgian city of Liège and several other towns in Luxembourg, did order people to leave their homes. Further, based on journalists, the citizens did not get the message, and has been argued that approximately 1,300 people were unaccounted for that specific German district of Bad Neuenahr-Ahrweiler, being a possible reasons due to the fact that mobile networks in that area were down (Thieken et al., 2023; Mathiesen et al., 2021). Furthermore, and mirroring to the DANA, industrial german firms, including chemical giant BASF in Ludwigshafen, continued operations near swollen rivers, risking worker safety (ECHEMI, 2021).

To further illustrate this pattern, another situation that resonates, even though it was not a flood, it's the Grenfell Tower Fire which occurred in 2017 in London. A home to hundreds of people, built in the late 60s in North Kensington. Here, a fire broke out in one of the recently renovated 23 storey tower blocks and quickly spread through the building, causing 72 dead residents and other 70 injured (Khan & Haynes, 2021). Later, the concerns with the cause and origin of the fire were investigated. The refurbishment contractor and cladding supplier, installed highly flammable polyethylene-core panels to save £293,000, despite knowing the risks. While subcontractors provided misleading safety data, the council approved the project ignoring fire safety norms (Tombs, 2020). This case is, as many things, an atrocity, and state deregulation and local council inaction created a permissive situation for corporate recklessness.

Similarly, another example that echoes with Valencia is contextualised in L'Aquila, Italy, where an earthquake in 2009 killed 300 people and led to the conviction of four scientists, two engineers, and a government official for manslaughter (Hasian et al., 2014). These individuals were not convicted for failing to predict the event, but for downplaying the risk of a large quake due to the smaller swarm quakes that were occurring at the time (Borowski, 2012). Furthermore, construction firms had built homes and public buildings with substandard materials, like concrete containing too much sea sand. Also, other laws enacted to make buildings more able to withstand earthquakes were simply ignored (Ungvarsky, 2023). Here, state failure to enforce building regulations and to provide accurate risk communication enabled corporate negligence, led to the

conviction of manslaughter for their misleading statements, while corporate accountability remained limited.

These cases demand more than a catalog of failures—they invite a reimagination of the DANA disaster’s meaning, its perpetrators, and the paths forward. Beyond the neoliberal permissiveness outlined along this paper, the disaster suggests a risk economy that does not just tolerate vulnerability but thrives on it. The state selective suspension of schools but not workplaces and corporation’s insistence on keeping workers on shift despite red alert, reveal Beck’s (1992) social production of risks. This reflects a moral indictment where wealth creation demands sacrifice.

Globally, this case studies resonate as a warning bell—a time machine replaying disasters we promised to prevent. They unfold as a grim act in a theater of power, where states and corporations perform scripts of dominance allowing the stage to collapse beneath them. In the Germany floods, the lack of evacuations; Grenfell’s fires exposing a cast of regulators improvising safety for profit; and L’Aquila earthquake with buildings under unenforced codes and silenced warnings. What if these are not mere mishaps but rehearsals gone wrong—public displays of controls that unravel into chaos when the support of policies and infrastructures fail? Viewed this way, Valencia becomes a spotlighted scene, demonstrating how state-corporate actors, in their efforts to demonstrate control, unintentionally contribute to their own failures—and the communities are the victims of the authorities mismanagement.

6. Conclusion and Future Directions

This critical analysis paper has provided a comprehensive examination of the DANA flood disaster in Valencia. Giving a strong analysis to the devastating consequences of state-corporate collusion, where system negligence and profit-driven recklessness transformed a natural hazard into a profound preventable human tragedy. This study has illuminated how the interplay of state inaction and corporate exploitation, rooted in neoliberal governance, amplified the disaster impact and exposed the fragility of institutional accountability. Through the lens of Kramer and Michalowski state-corporate crime framework and Beck’s risk society, the analysis has traced the mechanisms—across macro, meso, and micro levels—that turned vulnerability into catastrophe.

Beyond that, this case reveals the limitations of existing legal frameworks in addressing state-corporate crime. As these laws demand specific intent and direct causality, rendering them to tackle the structural negligence that defined this disaster. First, complaints against the president of

Valencia falter against a legal system that shields systemic failures behind individual accountability. Similarly, corporate actors evaded scrutiny due to a regulatory environment hollowed out by austerity and deregulation.

While this paper addresses the main critical objective, further exploration could leverage the topic by conducting document analysis to systematically review official records, such as government reports, AEMET forecasts, and internal communication. By this approach, suppressed warning or post-disaster mechanisms could offer evidence based structure of secrecy in the state. Also, interviews with survivors, whistle-blowers, or low-level officials could provide insights of the unreported coordination, this would add a more humane dimension to the mechanisms of concealment, offering a more complete picture.

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8. Use of GenAI

In the writing process of this paper, I employed generative AI, specifically Claude (3.7. Sonnet) to enhance various aspects of the study. The tool assisted in suggesting an initial outline, which I later refined. It also supported improvements in English grammar and vocabulary, offering corrections and synonyms to ensure clarity and coherence, especially since I am a non-native speaker. Additionally, it was used as a preliminary theoretical insight, which served me as a starting point for identifying and selecting relevant academic sources.

While GenAI provided these foundations, the final content, critical perspectives and integration of evidence reflect my own research.