

Subcontracted Capitalism, Nike, and Worker Dissent: A Rancièrian interpretation of the '*politics*' of transnational labour governance in global production networks

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Abstract

The last three decades have seen the emergence of various private governance instruments, such as codes of conduct, and social auditing and monitoring initiatives, that seek to implement, monitor and verify labour rights in global production networks (GPNs). Much of this 'GPN policing', however, seeks to silence worker voices; prescribe social roles and naturalize hierarchical relationships and appearances. Applying concepts developed by the French philosopher Jacques Rancière that involve politics, police, and the performative element of equality, this paper contrasts practices of GPN policing with eruptions of worker discontent in relations to the sportswear company Nike. The paper seeks to reinterpret the *politics* of transnational labour governance within global production networks.

Introduction

Karl Marx once noted that the capitalist always treats the worker as an element to be eliminated from production (Marx, 1863). The royal road to achieve redundancy is automation: a strategy based on substituting human labour for technology. This can be achieved by introducing more sophisticated machinery and production technologies,

like robotics, digitalisation, 3D printing, and so on. The advantages of automation, from a business perspective, are easily recognisable: not only does it potentially lower costs, and thus catalyse the company's competitive position; it may also help business avoid the agency of labour with all of its potentially antagonistic aspects. The company is no longer obligated to take care of tea or cigarette breaks, overwork, safety regulations, sick time, overtime, holidays, maternity leave, child care, career development plans, retirement schemes, union regulations, labour negotiations or dealing with employees whose work performances have been compromised by emotions, passions, or boredom. Thus, when Foxconn, the world's largest manufacturer of electronics, including Apple's iPhone, was confronted with rising labour costs, a wave of worker suicides, and, consequently, lots of bad press related to extremely poor working conditions at its Chinese production sites; it announced that it intended to replace its one million workers with one-million Fox-Bots, referred to as 'harmonious men' in the company's jargon (Chan, 2017). Likewise, the desire to substitute human agents for machines is currently the impetus behind Uber's attempts to introduce self-driving cars and Amazon's efforts to introduce automated warehouse pickers.

Although the history of capitalism is full of such examples,¹ introducing labour-replacement technologies into existing work practices, however, often turns out to be more difficult than expected. While automation, as Mike Davis argues, 'has been the approaching death star for generations' (2018: 3); for now, at least, most companies continue to be highly reliant on humans as repositories of knowledge and skills. Even if the labour-saving technology becomes widely available; it may simply be too expensive to operate profitably in particular business environments, such as in situations where market uncertainty makes producers more reluctant to invest in expensive machinery that may depreciate before it has been fully amortised. This may occur when manufacturers become uncertain about future orders. The widespread availability of cheap, flexible, and unprotected labour reserves may further discourage the application of labour-saving technologies. Hence, as Coates argues: 'Globalisation in the modern form is a process based less on the proliferation of computers than on the proliferation of proletarians' (cited in Munck, 2002: 6).

There is another, less dramatic, way for capital to 'emancipate itself' from the human agents of production (cf. Tronti, 1966), namely, through outsourcing. Rather than producing in-house; the company decides to procure its products, components or services from a third party. In this case, the worker is neither 'eliminated' from the production process nor delegated to the 'side of the production process' (Marx, 1973: 705); he or she is simply *displaced*. This process involves a third-party assuming responsibility for organising a specific labour process on behalf of the 'absentee' firm. The day-to-day management of (mass) labour processes, including recruitment, training, the need to motivate, control and discipline (coercion) labour and so on, becomes 'somebody else's problem' (Atkinson, 1985). Not only does outsourcing disconnect one company from its relationship with mass workforces, it also distances them from (micro) struggles involving aspects such as wages, working conditions and reproduction (education, child rearing and healthcare). If automation is designed to substitute labour power for machine power, hence minimize labour time; outsourcing often has the opposite effect: it breathes new life into accumulation strategies that actually *increase* the number of workers as well as the workload and working hours of individual employees.² Worker productivity is based on de-skilling, piece rates, and 12-hour working days. Authoritarian state systems are often needed to keep labour in check. This comes at great human cost as the workers must endure exhaustion, poverty wages, extremely long working weeks, insecure contracts and many other violations of basic worker rights.

Subcontracted capitalism

Outsourcing has become essential to the 21st-century capitalist economy. ILO research, based on data gathered from 40 countries, suggests that one in five jobs can be linked to global supply chains (ILO, 2015). For instance, the International Trade Union Confederation (ITUC) 'found a hidden workforce of 116 million workers in the global supply chains of just 50 multinational companies, or 94 per cent of their total supplier workforce' (2016: 7). ITUC estimates that Apple depends on between 1.6 to 2.3 million hidden workers; while Coca Cola has an estimated 5.7 million; garment retailer H&M 1.6 million and General Electric an estimated 7.5 million, and so on (ibid.: 7). This is also evident in the dramatic expansion of export processing zones (EPZs): China alone has

over 300 free trade zones where 40 million workers produce for export. The vast majority of EPZ workers are women, especially in the garment and electronics sectors (ILO, 2014). Of course, outsourcing also occurs within national contexts and is not limited to labour-intensive manufacturing: it is a widespread phenomenon, which is further expressed in the huge increase in self-employment and decline of 'core' jobs. For instance, an extreme case is the increasing number of workers – already exceeding some 7 million workers, according to some estimates³ – who work as 'independent' contractors for 'digital intermediaries' or 'platforms' where an algorithm replaces the employment relationship and market discipline is imposed through an app. This creates a situation where all of the employment risks are individualised. Jane Wills has argued that 'subcontracted capitalism' has become the paradigmatic model (2009: 442), by which she means that precarious or insecure employment is now a common characteristic of how economic activities are organised among the different sectors, often captured by the terms casualization, flexibilisation and social exclusion.

Lead firms play an organisational role within global production networks (GPNs). The ILO defines a lead firm as a 'company that controls the global supply chain and sets the parameters within which other firms in the chain must comply, and is typically responsible for the final sale of the product' (ILO, 2016: 5; Humphrey and Schmitz, 2008; Gereffi et al. 2005). The result, as Philips argues, is a 'highly leveraged form of managed trade' in which lead firms control production – not markets or states – and in which the value of the system is captured by the most powerful actors within it' (2016: 596). Firms such as Walmart, Apple, H&M and Nike organise GPNs but remain formally outside of employment relationships for the majority of workers. Lead firms have developed great managerial capacities to steer spatially fragmented but functionally integrated production processes; although, there is a sharp demarcation between what these firms *want* to control – quality, prices, delivery times, brand reputation, consumer behaviour, etc. – and what they do *not want* to control, such as workplace discipline, the environmental consequences of production, and the broader developmental or societal consequences of industrialisation (Tsing, 2009: 156; McIntyre, 2008).

The outsourcing phenomenon can thus also be understood as a ‘flight from labour’ (Cumbers et al., 2008: 370), as it provides one fraction of capital with an opportunity to escape regulated labour markets and unionised workforces (see, e.g., Letto-Gilles, 2002; Wills, 2009). This logic operates not only at the individual corporate decision-making level but must be understood as part of a broader neo-liberal strategy to ‘eliminate’ the working class as a political subject. By dismantling the counterforces, constraints and ties that bind capital to national regulatory regimes and its social compromises, outsourcing has been a major tool in the undermining of the balance of power between labour and capital on which the post-war social consensus was founded (see, e.g., Fraser, 2005).

Global sourcing – local effects

Outsourcing makes it possible for lead firms to operate on a global basis without committing to specific places, labour forces or societies (Urry, 2014: 5). Lead firms establish relations with hundreds or even thousands of workplaces and factories that form part of a chain, or global production network, hence, relationally constituted. The efforts and apparatuses necessary for the imposition of ‘despotic’ labour regimes are not only enforced at *specific* locations, like workplaces, factories, export zones, and, on a wider scale, nationally defined production regimes; but also mediated by locally instituted powerholders, including managers, foremen, employment agencies, security guards, the industrial zone’s riot police, management- or government-controlled unions, spies and goons, landlords, industrial relations courts, and prisons (May, 2010: 139). The nominalist principle at work here is that the ‘universal exists only in the singular – that is plurality of its particular modes, places and operations’ (Bosteels, 2009: 163). Spatial unevenness also means that any worker agency that opposes these conditions essentially confronts these particular manifestations rather than the distant (invisible) powerholders associated with subcontracted capitalism, May argues (2010: 139). Under these circumstances, he continues:

There are plenty of local effects, but the particular adversary to address goes missing. It is of the character of transnational capitalism that the source of economic oppression

is often thousands of miles away, separated from those it exploits by many levels of bureaucracy, language, and national borders.

In other words, subcontracted capitalism not only fractures production processes; it also fractures and, hence, variegates labour's opposition to it. In other words, the embeddedness of labour in locally rooted social relations obscures the structural coordinates and power geometries that comprise GPNs. The invisibility of distant powerholders means that the material ground for direct confrontation between workers and their 'true' employer is largely absent.

This perspective assigns *transnational* agency to capital while - basically - denying it to labour, which, from this perspective is reacting to the local effects. Seemingly there is little space for workers to escape their 'entrapment' in place and confront these distant powerholders. The transnational labour governance that emerged in response to sweatshop scandals, which this paper discusses, are hierarchically designed with little or no input from the workers. While this paper takes these concerns seriously, it finds this perspective limited and, therefore, seeks to find what space, if any, there is for a worker-driven 'politics' within the global production network. In other words, it seeks to ground, conceptually, how worker-driven activities impact the mechanisms, organs and practices of private labour governance?

Nike

This paper seeks to address the above questions, understand worker agency in the context of 'subcontracted capitalism', and more specifically, in relation to one of its 'protagonist' lead firms, namely, the sportswear brand Nike. It was Nike that, in the late 1960s, pioneered a system based on 'setting up the decentralized production networks that today stand at the heart of transnational capitalism' (Appelbaum and Lichtenstein, 2006: 106-7; Donaghu and Barff 1990; Goldman and Papson 1998; Merk, 2011; 2014). The company never owned factories and has become a world-famous brand by outsourcing all of its labour-intensive production to hundreds of suppliers. This allowed Nike to amass huge profits and extend its market domination. Its models are based on

flexible sub-contracting that, in the decades that followed, would become the dominant business strategy in the sportswear sector and many other industrial sectors as well. Nike's business strategy is predicated on its social distancing from the world of labour, which is exemplified by Nike's business philosophy: brands: not products. Although this dual model of outsourcing plus branding was very lucrative early on in Nike's existence; by the early 1990s, cracks that undermined its branded image began to appear. In a relatively short period of time, Nike became the target of a broad range of campaigns contesting its labour practices in its global production network (Klein, 2000).

Jacques Rancière

This story has been told many times, and so the reader may experience it as a little *too* familiar, clichéd even. However, the purpose of this paper is to reinterpret these disputes around Nike through the prism of Jacques Rancière's conceptual framework. Rancière (1940–) is a French philosopher, renowned for his work on critical political theory, aesthetics, pedagogy and history. This paper will attempt to apply some of his signature features - most importantly, 'axiomatic equality', 'subjectification', 'politics' and 'police' - to understand (or reinterpret) the *politics* of transnational labour governance within global production networks (GPNs). This may contribute to a stronger conceptualization of labour agency within GPNs, rather than associating it empirically with a trade union activity here and a worker revolt there (see Castree, 2007: 858).

For Rancière, equality consists of two axioms: First, genuine emancipation implies actors confirming their equality, which is understood as a presupposition or axiom rather than a sociologically verifiable condition, an essence, or a political objective to be achieved at some future date. Equality is a 'mere assumption that needs to be discerned within the practices implementing it' (Rancière, 1999: 33). In other words, there is no substantive ground for equality: its ontological status remains empty. Instead, equality is an assumption in need of verification: it can only be demonstrated retroactively and is, henceforth, always paired to a hierarchically organised - that is,

inegalitarian – social order. His second axiom states that ‘all intelligence is one’. The notion of equal intelligence is accepted as a precondition for emancipatory action.⁴ This does not mean that competences are distributed equality, but that we ‘can always encounter or construct situations where we can verify the equality of intelligence’ (Rancière, 2016: 115). Any hierarchical order, Rancière argues, is based on the paradox that those who must obey orders must be capable of understanding them. ‘And to do that’, Rancière argues, you must already be the equal of the person who is ordering you (1999: 16). It means that, as Deranty explains, ‘[u]nderneath the existence of social hierarchy, there lies the more fundamental recognition of pure, ontological equality’ (2003: 144). This can be applied to various contexts, whereby ‘any struggle that seeks to vindicate the universal equality of speakers denied their right to express their voice is a political struggle’ (Deranty, 2003: 145). In the context of industrial relations, this happens, for example, when a group of workers seek to reconfigure the repressive hierarchy of the factory regime by confronting factory management on an equal footing.

Another important conceptual contribution made by Rancière is his distinction between ‘police’ and ‘politics’, where the first designates ‘the set of practices associated with the operation of institutions, with the management of populations and the administration of things’ (2011: 249). A police order – not to be confused with uniformed officers, overt repression, or the ‘truncheon blows of the forces of law and order’, as Rancière puts it – refers here to a ‘partition of the sensible’, which ‘defines (allocates) ways of perceiving, doing, being, and saying’ (1999: 29). This may sound abstract, but it can refer to any hierarchical social order that regulates social relations, thus seeking to determine who counts and who does not; and provides this order with a mode of legitimation, including, as this paper argues, the practices, mechanisms and organs of transnational labour governance in GPNs. ‘Politics’, by contrast, is an unsettling yet generative force; namely, a set of practices that challenges the configurations, assumptions and social orders that defend or justify the status quo. Politics reflects the capacity of the excluded or marginalised – in Rancièrian terms, ‘the part with no part’ – to disrupt and undercut the systems and hierarchies that dominate them. It happens when those with no part make a claim to be counted. ‘Politics’, for

Rancière, 'is that activity which turns on equality as its principle' (1999: ix). Hence, it is not bound to a specific place or procedures (parliament, elections, government institutions etc.), but occurs in different contexts. It happens, for instance, when female workers in EPZs challenge the prevailing social expectations, patriarchal roles, and cultural stereotypes or when Chinese workers put down their tools despite repressive laws that outlaw these kinds of actions. These disruptions represent moments when marginalised groups, the excluded, actually 'speak for themselves' and highlight the injustices they are made to endure (Van Munster, 2009: 273).

This paper tries to apply Rancière's conceptual framework to understand private labour governance within global production networks and create analytical space to grasp the role worker agency plays in it. We will proceed as follows: In the next section, we will briefly recall the earlier, emblematic, anti-sweatshop contestations around Nike, which helped to spotlight the hidden labour of subcontracted capitalism. Next we will discuss first GPN policing, the notion of decoupling, and the role that ethical inscriptions play in private labour governance. This will be followed by a discussion of worker-driven discontent, which we argue, perpetually transgresses the instituted forms of GPN policing by putting ethical inscriptions and declarations to the test (Kesby, 2012: 124). In our conclusion, we propose a – Rancierian-inspired – definition of the *politics* of private labour governance. And, finally, we close with an elaboration of a number of the benefits and limitations of a Rancierian interpretation.

1. An endless series of local crises

Until the late 1980s, poor working conditions in global production networks attracted very little public attention, with the exception of a small group of researchers writing on the New International Division of Labour and a few geographers (Froebel et al. 1980; Dicken, 1986). Virtually no one knew or cared much about the sweatshops and the levels of exploitation in the production of well-known branded products. Although bitter worker struggles occurred in countries like South Korea, Taiwan or Malaysia; these stories remained local, unnoticed by the general public, and no connection had yet been made to the role that lead firms played in the realm of subcontracted

capitalism. This started to change in the early 1990s when accounts of poor working conditions, poverty wages, and worker-driven discontent from Indonesia and other countries began to provide ammunition for various cross-border anti-sweatshop campaigns. These stories had an impact beyond the local level when major media outlets began picking up the reports and even more so when campaign organisations began questioning the paradoxical situation of lead firms simultaneously orchestrating and governing complex global production networks while they denied any responsibility for working conditions, sometimes referred to ‘complicity criticism’ (Scherer and Palazzo, 2011: 913). Meanwhile, cross-border solidarity networks like the Clean Clothes Campaigns and Maquila Solidarity Network, began to operate as a ‘mobilising structure’ (McAdam et al., 1996), which enabled differently positioned activists to take concerted action ‘to challenge dominant systems of authority [and] enact alternative imaginaries’ (Leitner et al., 2008: 157).

Worker-driven discontent in the spaces of production in combination with name-and-shame campaigns in the spaces of consumption set the stage for the debate on the responsibilities that lead firms have for working conditions. In a matter of a few years, critical stories about Nike suddenly began springing up everywhere. *Life Magazine* published a photo of a 12-year old Pakistani boy sewing a Nike football. The *New York Times* reported on how Vietnamese workers at one Nike supplier were exposed to 177 times the legal limit of the carcinogenic chemical toluene (November 8, 1997). Michael Moore’s documentary *The Big One* challenged Nike CEO Phil Knight on the issue of underage workers in Indonesia. The CBS news program *48 Hours* featured a segment titled ‘Just Do It—Or Else’, which documented a series of abuses at a Nike plant in Vietnam. It showed Korean supervisors meting out physical punishment to discipline workers. Employees who made stitching mistakes received blows to the head. This is only the tip of the iceberg of Nike supply chain scandals that surfaced in the press. But what it does is illustrate how – in a matter of a few years – the Nike name came to denote worker abuse, sweatshops and global injustice. As one observer writes, ‘Niked’, emerged as a neologism for ‘both the phenomenon of market campaigns and the worst corporate nightmares that arise from them’ (Conroy, 2007: 12). At one point, the *New York Times* reported on “the swoon of the swoosh”, noting that “having plastered the

world with a corporate icon rivalled perhaps only by Coca Cola's cursive, Nike is trying to tone it down, hide it, possibly even lose it." Nike's "brand soul" had been especially hurt 'by a spate of negative stories about its overseas labour practices and its defensive posture' (Conroy, 2007: 12).

To Nike, being confronted by supply chain discontent from a significant number of locations it must all seem like some 'many-headed hydra' that, in the mythic tales of Hercules, represents a nine-headed water monster that seemed invincible because, for each head that was cut off, two new ones grew in its place (cf. Linebaugh and Rediker, 1990). Each scandal or campaign situates worker dissent in a particular time-place context. But, *as a series of local crises* (Knight and Greenberg, 2002: 558), they also offer an opportunity to publicly declare that something is indeed terribly wrong with Nike's entire supply chain. These individual workplace disruptions, in other words, began as a surrogate for the social injustices associated with subcontracted capitalism.

Nike's initial response, by contrast, involved their naturalising the order of subcontracted capitalism: One manager responded to violations at one of Nike's suppliers: '[t]hey are our subcontractors. It's not within our scope to investigate ... *I don't know that I need to know*'.⁵ Another manager dismissed the criticism, stating simply: 'we're about sports, not manufacturing 101' (cited in: Baron, 2001). This was a common response at the time, not just by Nike, but also by many other companies as well. In its attempt to disqualify working conditions as a legitimate object of discussion; the company simply maintained that they had nothing to account for since the alleged abuses were taking place at legally independent contractors. In essence, they argued that there was no conflict that needed to be resolved via a bargaining process (or an actual court case). In Rancièrian terms, 'there [was] no political stage *because* there [were] no parties' as far as Nike was concerned (Rancièrè, 1999: 26. Italics in original). Nike simply dismissed any exposed abuses and claims generated by workers and their anti-sweatshop allies as 'out of place' because the relation between lead firm and supplier was never a 'legal' or 'political' relation and always just a purely 'economic' one (Rancièrè, 2011: 4). What these responses seemed to ignore, of course, was that the locus of the conflict was precisely the very *absence* of this kind of legal framework

within the social order of subcontracted capitalism. These worker contestations helped to disrupt and call into question the demarcations that shield private powers from accountability for the abuses that occur in their supply chains. ‘Nike was right in strictly legal terms’, Ruggie would later comment, ‘but wrong to infer that this answer would suffice’ (2013: 5).

Emblematic campaigns

The first challenge that this emerging, heterogenous movement faced was how to alter the *perception* of what is seen and heard in the realm of subcontracted capitalism. They needed to make an effective argument regarding the co-responsibility for working conditions by lead firms. The anti-Nike protests were emblematic, John Ruggie argues (2013: 17), precisely because these were ‘the first of many to raise the question of what responsibilities a brand or lead firm has towards workers in low-cost and poorly regulated jurisdictions who manufacture their products – the supply chain issue, in short.’ Angela Hale and Jane Wills came to a similar conclusion when they argued that the early campaigns against Nike were important not just because they generated discussions about who is ultimately responsible for the local effects of subcontracted capitalism but also because it ‘led to a conclusion that has become the foundational demand of the anti-sweatshop movement: “that all companies take responsibility for working conditions throughout their supply chains”’ (Bair and Palpacuer, 2008: 4; Wills and Hale, 2007). In other words, by reconfiguring workplace struggles at supplier factories as a dispute involving Nike, these campaigns generated fundamental questions about the boundaries and separations characteristic of subcontracted capitalism. These contestations sought to establish the very existence of a common sphere and thus lead to a reconfiguration of private affairs into public matters. It symbolises that politics, for Rancière, ‘is a way of re-partitioning the political from the non-political. This is why it generally occurs ... in a place which was not supposed to be political’ (2011a: 4).

2. Policing global production networks

So far, we have argued that the campaigns against Nike played an important role in challenging the wrongs associated with subcontracted capitalism. These contestations and scandals have spotlighted the hidden supplement of subcontracted capitalism that Nike has tried so hard to 'eliminate' by externalising all of its production to third parties operating in low-wage countries. Nike was hardly alone; similar processes of bottom-up contestation and struggle can be identified in many other industries, including garments, coffee, jewellery, chocolate, gold, palm oil, toys, coffee, tea, mobile phones, PCs and so on. Today, it might be hard to find a commodity, industry, or sector that has not been affected by disputes that, in one way or another, seek to '[re-establish] the link, blurred by global outsourcing, between brands and retailers in the North and workers in supplier factories in the South' (Rodriguez-Garavito, 2005: 204). These campaigns not only reveal the poverty and abuse found in factories, mines and plantations but also promote awareness and offer forms of cross-border solidarity and support. In short, these campaigns attempt to make manifest, however fleeting and fractional, the social relationships that constitute subcontracted capitalism. It has turned global production networks (GPNs) into sites of regulatory struggle (MacDonald, 2014; Amoore, 2002; Klein, 2000). By constructing a 'relationality' between lead firms and (socially distanced) work forces, these campaigns have helped to provoke a transformation of the perception and the meaning of (transnational) justice. The concepts of the global supply chain or the global production network offer activists a 'symbolic heuristic' to highlight the many hidden links of subcontracted capitalism and to identify a 'tangible reference point [like Nike] to promote new norms of transnational responsibility' (MacDonald, 2014: 168).

Since the 1990s, this has resulted in an expanding range of transnational labour governance mechanisms and initiatives, including codes of conduct, social auditing, multi-stakeholder, reporting and certification initiatives that emphasise some form of lead firm responsibility in efforts to respect both labour and human rights (for discussions, see e.g.: O'Rourke, 2003; Fransen 2012; MacDonald, 2014). It was also articulated more formally when, in 2011, the UN Human Rights Council unanimously

endorsed the UN Guiding Principles on Business and Human Rights for implementing the UN 'Protect, Respect and Remedy' Framework (hereafter UNGP), which nowadays serves as an authoritative, albeit voluntary, reference point in debates on transnational labour governance in GPNs. Since business enterprises can have an impact on virtually the entire spectrum of internationally recognised human rights, the UNGP confirms that all of them are held to a certain level of accountability.⁶ Hence, the UNGP state that business must respect the 'entire spectrum of internationally recognized human rights – understood, at a minimum, as those expressed in the *International Bill of Human Rights*⁷ and the principles concerning fundamental rights set out in the ILO's *Declaration on Fundamental Principles and Rights at Work*. By covering both civil and political rights *as well as* economic, social and cultural rights, the UNGP provides a wide interpretation of the human rights responsibilities of businesses. In addition, the UNGP argue that business must 'seek to prevent or mitigate human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts' (source??). This acknowledges that corporations are not self-contained, separate units but relationally constituted and embedded in broader sets of supply chain – or GPN – relations.

Decoupling

We have already briefly mentioned the distinction Rancière makes between 'police' and 'politics'. This paper, as applied to private governance mechanisms in GPNs, argues that policing refers to those practices that seek to maintain the status quo and exclude workers from any meaningful form of participation. A key practice at work here is decoupling, which refers to the gap between ethical discourse and implementation (or effects). As a legitimising cover, decoupling refers to practices whereby TNCs pay lip service to ethical principles in an attempt to restore brand legitimacy and trust (Bartley and Egels-Zandén, 2015; Banerjee, 2008; Nova and Wegenaar, 2016). Many have argued that these efforts arise predominantly from management's strategic aim to protect the company's reputation or to reassure consumers that the company is behaving ethically. This happens when ethical policies are endorsed in a mere aspirational mode, while the imperatives of profit-making create 'strong and

systematic incentives for firms to violate their own supply chain codes' (MacDonald, 2014: 177). For example, while Nike endorses freedom of association in its code of conduct, it does not prevent them from sourcing the majority of its sport shoes from China and Vietnam where this right is not recognised (Egels-Zandén and Merk, 2014). The criticism is that CSR is basically a proxy or cover for some other objective returns in a variety of guises. Several authors have linked the growing importance of private governance and self-regulation to neo-liberal policies (see, e.g., Bartley, 2005; Cutler et al., 1999; Sum, 2010; Sum and Jessop, 2013). Other argue that CSR is a way for companies to neutralise or co-opt opposition to corporate power in ways that suits their own (neo-liberal) agenda (Phillips, 2016: 601; LeBaron et al., 2017). An example of this is Nike's Girl Effect campaign which, in partnership with NGOs, development agencies and the UN, purportedly endorses feminist ideas but, as Hengeveld argues, essentially 'seeks to discipline and educate girls (and the NGOs that represent them) in a way that supports the status quo, distracts from corporations' misbehavior and expands the power of the market' (2015: 11; and, more broadly on the practices of NGO co-optation: Dauvergne and LeBaron, 2014).

These criticisms basically reiterate Marx's critique on human rights, which he considered ideological spin that masks the class character of the capitalist mode of production. Despite their universal appeal, human rights issues simply aid the (bourgeois) notion of exchange relations among free and equal property owners that enter into voluntary contract with one another in the sphere of circulation. Today's critical scholars argue that private labour governance represents a similar hidden agenda; CSR essentially serves the reputational needs of brands, the privatisation agenda of neo-liberalism, a tool to co-opt opponents or as a means of re-coding ethics as business opportunity. In short, it refers to the ways that businesses strategically select how they define the objects, scope, goals and processes of transnational labour governance and, thus, decide who is included *or* excluded from the organs set up to monitor, implement and verify labour rights. In these systems, lead firms tend to position themselves as the sole decision makers about how they will act upon their responsibility to respect labour rights. They are careful about what they expose and keep out of the public eye; and selective in how they identify, address and remediate

social and human rights concerns. They contend that the mechanisms, practices and organs of transnational labour governance in GPNs exist to maintain and reproduce the status quo of subcontracted capitalism (or neo-liberalism). They may help create 'human rights markets' that can aid in filling the backlog of social audit firms (Fransen and Lebaron, 2018), create business for CSR service providers or human rights consultants, but have little to do with actually protecting worker rights. GPN policing, in other words, refers to approaches that suggest that the protecting of labour rights, as Ben Selwyn (2012: 76) puts it, 'can be delivered by collaboration between elite bodies, in particular firms, states and international organizations'. It suggests a technical solution rather than confronting the 'underlying power-relation upon which GPNs are founded' (Taylor, 2011: 456). Instead, 'powerful supply chain actors', Kate MacDonald argues, 'strongly resist initiatives that would destabilize established patterns of control' (2014: 175; Anner, 2012). Transnational labour governance – the 'police order' of GPNs – is designed to administer the status quo of subcontracted capitalism. Hence, it promotes a top-down, elite administration while marginalising worker agency.⁸

Ethical inscriptions

From a Rancierian perspective, however, transnational labour governance cannot be reduced to such strategic calculations that simply mask or obscure intentions; instead, this perspective argues that the logic of policing is confronted by a different logic, namely, the verification of quality, which has the potential to disrupt or undermine social hierarchies. Politics, for Rancière, is the 'collective action emerging from the presupposition of equality' (May, 2010a: 70). For Rancière, there are two main reasons why ethical inscriptions embodied in human rights declarations, constitutions, and other (semi-) legal documents such as codes of conduct, 'are not merely an abstract ideal, situated far from the givens of the situation'. That is because, firstly, these inscriptions remain 'part of the configurations of the given, which consist not only of situations of inequality, but also inscriptions that offer equality a form of visibility' (Rancière, 2010: 76). Thus, rather than being simple ideological instruments that seek to cover the 'gap between the ideological appearance of the universal legal form and

the particular interests that sustain it'; this interpretation suggests that 'the form is never "mere" form but involves a dynamic on its own, which leaves traces in the materiality of social life' (Žižek, 2005: 130).

Secondly, Rancière notes that they are 'the rights of those of who make something of that inscription, deciding not only to "use" their rights but also to build cases to verify the power of the inscription. Such inscriptions can turn into 'a ground for a claim, into a space open to dispute' (Ranciere, 1995: 47). It is a practice of reclaiming rights. Hence, the rights, promises and normative expectations pronounced in transnational labour governance mechanisms, like codes of conduct, ethical declarations, human rights guidelines and roadmaps, etc., present a resource that is mobilised in the argumentative dimension of social struggle by which actors seek to reappropriate abstract or 'empty' human rights categories and employ them for immediate emancipatory practices (Munster, 2009: 276; Žižek, 2005). In short, 'human rights should not be exposed as something else', the Rancièrian approach proposes, 'they should be verified' (Munster, 2009: 276). For example, in 2014, when over 30.000 Chinese workers at Yue Yuen – a major Nike supplier - started a two week strike after they discovered a range of violations in relation to pension payments (Schmalz et al. 2017), these workers 'acted as subjects that did not have the right they had' (Rancière, 2004: 305), namely, the right to organize freely, the right to strike – 'and had the rights that they had not'⁹ – through the (wild) strike action they enacted the political rights that are denied to them. Such actions are an example of 'equality in action' (May, 2010). At issue is not simply to check whether rights are confirmed or denied by reality, but to bring to light what their confirmation or denial mean' (2010: 78).

3. Polemical verification

We can easily trace this dynamic within the realm of anti-sweatshop contestations: from the moment that Nike adopted a code of conduct in 1992, it turned into a standard against which 'reality checks' can take place (Ascoly and Zeldenrust, 1999). Nike's code of conduct immediately began functioning as a contested reference point in worker-driven struggles. Workers, often at great personal risk, have challenged – and

continue to challenge – the hierarchical order of the factory regime while continuing to defy state repression by participating in wildcat strikes, rallies and clandestine union meetings, joining picket lines, blocking streets, occupying buildings, rebelling against management orders, vandalising factories or protesting against poverty wages and so on. As we mentioned in the introduction, the authoritarian means associated with subcontracted capitalism are always enforced and mediated by a specific set of locally instituted powerholders and practices. Worker struggles primarily manifest themselves ‘as a set of local struggles against particular targets’ (May, 2010: 139), while lead firms like Nike – sourcing from these local workplaces – basically function as proxy targets and are involved primarily because of their potential influence on factory management and local authorities (Dent, 2004; Armbruster-Sandoval, 2005a; 2005b; Den Hond et al., 2014; Merk, 2009; Merk and Zajak, 2019)..

From cats into tigers

We can illustrate this with the Bed & Bath struggle. This Bangkok-based contractor was producing for Nike, Levi Strauss, Adidas and Reebok, but suddenly shut its doors without notice in 2002, leaving 850 workers unemployed and without further recourse to recovering their severance pay and back wages. A factory closure obviously has negative consequences for workers, not the least of which is the loss of employment. However, the full impact is often far worse because the owners usually fail to follow proper factory closure procedures, often close down abruptly, neglecting to pay back wages, benefits and severance pay. And, in response, even though the workers had no formal union representation, they decided to protest and formulated demands for the three powerholders on the local, national and global level. Junya Yimprasert from Thai Labor Campaign support group recalls:

We found out that the factory and the equipment already belonged to the bank. If the workers were to demand a share of the proceeds of the sale, they would get zero, so they decided to change the strategy. First they would hold the employer responsible; second the government; and finally the brands they had produced for’ (cited in Sluiter, 2009: 67).

Since the government had no real influence over the delinquent employer, who had left the country, workers decided to focus on government compensation. The campaign, however, was not just about proper compensation; it was also about making themselves heard, establishing a presence, which included organising as a collective and becoming a valid bargaining force. This is why Rancière emphasises the theatrical or spectacular element of politics, which ‘consists in transforming this space of “moving-along” into a space for the appearance of a subject; the people, the workers, the citizens’ (Rancière, 2010: 45). To be taken seriously, these workers had to make themselves seen and heard. As Yimprasert elaborated:

The workers of Bed & Bath were mostly young, high-spirited girls and boys. About 400 of them decided to fight. We saw them transformed from cats [in]to tigers. First, they were sitting there [at the factory] humbly, waiting for mercy from the Ministry of Labour. After two weeks, when they realised nothing was going to happen, they blocked the car of the minister when it left the Ministry of Labour. He was visibly worried. At that moment they realised they had power when they acted together. They changed from passive waiting to active intervention. We occupied the ground floor of the Ministry. ‘It is our home now,’ the workers said, ‘we have nowhere else to go.’ They walked up every floor and knocked on doors, asking officials what they were doing and telling them about their predicament. They stayed there for three months (cited in Sluiter, 2009: 67).

There was solidarity action from overseas labour rights and support organisations, who sent, among other things, letters of concern to the branded buyers. Although the brands refused to compensate the workers, they did apply some pressure on the Thai government. After three months of campaigning, the government finally relented and compensated the involved workers from its Employee Support Fund (Sluiter, 2009: 68). When the protests finally ended, some 40 former Bed & Bath workers founded the worker cooperative: Dignity Returns.¹⁰ Manoka, one of the former employees, pointed out that the struggle was ‘not for survival but for the rights of the workers to establish the fact that workers could run a factory.’¹¹ This demonstrates how the workers developed an effective campaign and created a stage to polemically assert their equality. As Yimprasert observed:

I think this is a way to break the circle of exploitation. Thailand is a hierarchical country, a class society. If you are born poor, you will live poor. It is difficult to change this belief into a conviction that *everyone is equal*, because it is ingrained in the minds of workers themselves. We have introduced many slogans to destroy that mental hierarchy. We made a poster saying: 'The employer is a human being, the politician is a human being, the worker is a human being' (cited in Sluiter, 2009: 69, italics added).

The Bed & Bath workers took the stage and made themselves heard; they put forward a claim to be recognized as equals. But in order to achieve this, as the quote suggest, they had to go through a 'process of disidentification [and] escape from the roles assigned to them...' (Van Munster, 2009: 269).

Enacting rights

The above example of Bed & Bath is just one of several dozen (see appendix 1. **[To be added]**): worker-driven cases in Indonesia, Guatemala, Philippines, Namibia, Honduras, Mexico, Thailand, Sri Lanka, Pakistan, China, El Salvador, Nicaragua, Turkey, among others. Each of these campaigns represent "moments" where the marginalized of subcontracted capitalism make visible the injustice done to them. These many processes involving bottom-up contestation and struggle can be found throughout Nike's GPN and have, over time, developed into a loosely organised, yet enduring, transnational network of labour rights organisations. Taken case by case, one can certainly point out the intermittent, fleeting and precarious character of these GPN disputes; but, we argue, they also form an ongoing challenge to Nike's GPN policing. Each of these 'polemical demonstrations' can be understood as an interruption of the hierarchical logic(s) of GPN policing as the distribution of social roles is disputed from the ground up (hence, operative at different socio-spatial scales). These actions have ensured that Nike has been confronted by ongoing social movement pressure since the early 1990s.

At the same time, while cross-border solidarity, pressure tactics and lobbying were important in efforts to engage lead firms like Nike to express their concerns about the

situation; the Bed & Bath case also illustrates that the gravity of these protests and campaigns remains primarily focused on the workplace and the community where the workers reside (Dent, 2004). The workers' commitment to pursuing a dispute is often the key to winning these cases, while the overseas campaign activities that target brands and retailers remain an end toward a goal 'rather than the principal outcome or objective of the struggle', as two labour researchers argue in a study on contestations at Nike supplier, Kuk Dong, which resulted in the first collective bargaining contract *ever* between an independent union and a garment factory in Mexico (Knight and Wells, 2007: 98). It also requires a high degree of unity, cohesion, trust and group solidarity among the workers initiating these kinds of high-risk mobilisations. This level of commitment is necessary to offset significant employer and government pressure. This highlights the importance of rooted and empowered workers. Hence, one should be careful not to over-determine the network's capacity to resolve this type of industrial conflict, as is sometimes suggested in the literature on transnational advocacy networks (Keck and Sikkink, 1998; for a critique, see also Armbruster-Sandoval, 2005a).

Although most of these campaigns depart from a particular workplace, they may have a broader social impact. The Bed & Bath case resulted in new legislation in Thailand that addresses factory closure protocol [check]. In other cases, intense struggles led to the creation of spaces where workers could organise. Take for instance Jaqalanka Ltd., a supplier of Nike and Columbia, located in the Katunayake Free Trade Zone (FTZ), Sri Lanka. This walled-in free trade zone is notorious for its anti-union practices. Jaqalanka's workers have accused management of harassing and intimidating members of a newly formed union, which included death threats issued at union members if they refused to quit the union. International advocacy support helped the union withstand this kind of pressure. The result was that Jaqalanka eventually recognised the union's basic rights. Anton Marcus, the Free Trade Zones and General Services Employees' Union of Sri Lanka (FTZ&GSEU) representative, observed:

Auditors from Nike visited the factory and finally the company recognised our union. It had an impact on all [of the] free trade zones. The Board of Investment governing the zones amended its guidelines to allow for unions and make employers recognise them.

We still have many problems, but at least now we have zones with unions (cited in: Sluiter, 2009: 56).

Something similar happened in the Cavite Economic Zone in the Philippines, which was also known for its 'no union, no strike' policies. Researcher Steven Charles McKay (2006) points out how the Workers Assistance Center, a labour NGO, slowly managed to create a space in the zone for labour organising activities, using a community and alliance-organising strategy, while collaborating with overseas anti-sweatshop activists to put pressure on international brands such as Nike. The existence of an extra-local campaign network can serve as an important detail in providing workers with a new stage and new audience that may be perceptive to their grievances.

These contestations or 'resonant places' do not emerge as 'alternative command centres' but instead operate 'as focal points for generating political energies across space' (Anderson, 2015: 58). For instance, if workers in Honduras (the Hugger & Vision Tex succeed in making Nike accepting responsibility for severance payments after a factory closes and the owner fled the country; there is no reason why workers in, say, Indonesia would not demand the same. If illegally dismissed unionists are reinstated in Thailand; what would stop workers in Bangladesh from demanding the same thing?

4. Conclusion: The politics of transnational labour governance

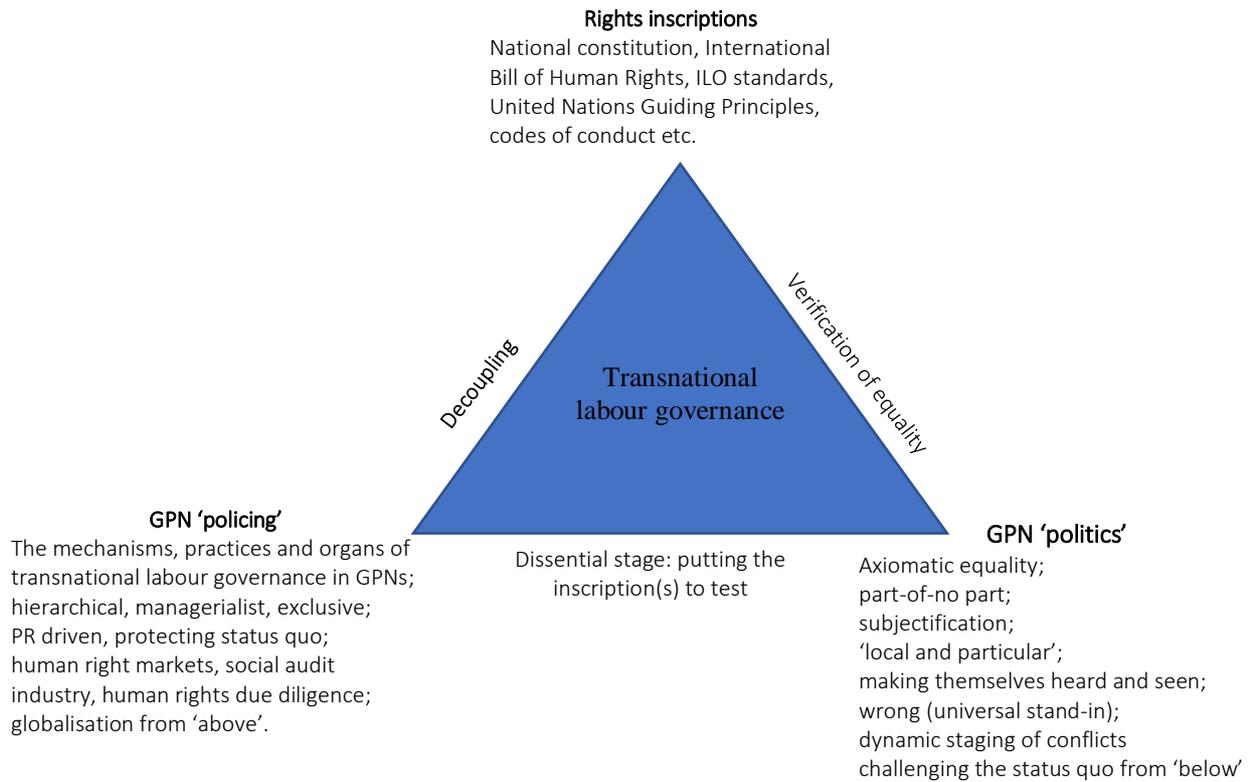
Subcontracted capitalism distances lead firms from workforces, allowing them to exploit gaps in legal regulations, while the capacity to fragment production orders puts them in a position to 'play off' work forces from different localities against one another. Despite their attempt to 'emancipate' themselves from labour and disassociate themselves from the working conditions and the exploitation and abuse at supplier factories; these lead firms were also confronted with 'the reality of labour agency and resistance' (Cumbers et al., 2008: 370). Here we specifically singled out Nike to illustrate how anti-sweatshop protests have been successful in making the company 'accept an ownership share in the problem' (Ruggie, 2013: 5). This pressure has contributed a whole range private labour governance mechanisms, organs and practices that we argued is part of a policing apparatus, one that is exclusive and decoupled from workplace and business practices.

Human rights do not exist as an a priori universal category – as the widespread denial and violation of these rights testifies – but those people without rights can certainly invoke them during social struggles (Rancière, 2004; Ingram, 2008; Kesby, 2012). In short, the rights expressed in the transnational labour governance of GPNs become *political* when their denial in practice is contested. Rather than dismissing private governance mechanisms as a mere illusion 'manufactured' to conceal the actuality of exploitation on which (subcontracted) capitalism rests; a Rancierian approach highlights how these ideological edifices 'can function as the springboard for a global emancipatory politics [whereby] the global can be reclaimed from the point of view of the abject' (Munster, 2009: 276). The mechanism at work here is sometimes referred to as an emancipatory syllogism (Davis, 2010: 96), which reflects the necessary relation between universal statements and their particular (non)enactment. The universal claim is not an 'empty illusion but a logical operator', whereby each case reflects 'the discursive and practical construction of polemical verification, a case, a demonstration' (Rancière, 1992: 60).

Worker-initiated disruptions and protests restage and rephrase issues such as wage irregularities, poverty, repression of the right to organise, harassment, intimidation and the dismissal of activists, etc., found at many different locations and social contexts, Rancière stresses that such struggles take place ‘in the space of the police’ (2011a: 8; see also, 1999: 31). In other words, politics is always ‘bound up’ with the policed space of the workplace (Rancière, 1999: 31), the policed space of nationally defined labour regimes, and, ultimately, the policed space of transnational labour governance. In the context of this paper, this occurs when workers ‘provocatively’ pair a particular injustice to a universal right and, by doing so, expose the contingency of the universal category in the first place. This happens for example when justice claims are framed in terms of specific rights’ violations within Nike’s supply chain; emphasizing that Nike should live up to their own ethical commitments, but this also happens in relation to other ethical inscriptions like the labour law, the constitution and so forth. In these protests, workers set themselves apart from the GPN ‘policing’ that attempts to postpone the moment of the fulfilment of a human right by demanding their (immediate) realisation. These contestations challenge the practice that workers’ rights can be reached progressively - always full of promises that never manage to bear fruit.

Although the explicit demands and grievances presented by these campaigns play an important role, they often remain secondary to the underlying process of political subjectification and emancipation, namely, the right to be heard, to be seen and taken seriously; and the right to be recognised as an equal party by both direct and distant adversaries. In other words, it refers to ‘the emergence of a collective subject that is the *subject of action* rather than its object’ (May, 2009: 115, italics in origin).¹² It is against this background of (micro-) struggles that worker agency intersects and plays out in transnational labour governance processes; while as an egalitarian presupposition it represents a force that operates independently (exterior) of the private/public apparatuses that seek to monitor and police GPNs. The politics of transnational labour governance should be identified in the verification of equality by those ‘without rights’; and the ‘dissential’ stage where the inscription is put to the test. Figure 1 summarises this dynamic.

Figure 1 transnational labour governance



Cosmopolitan ghosts

Let us now close with an elaboration of a number of the benefits and limitations of a Rancierian interpretation of the politics of transnational labour governance. We could argue that component power of these place-based (rooted) struggles can also be used to conceptualise worker agency without falling into the trap of abstract internationalism where global subjects are derived from theoretical assumptions about how global capitalism generates its own opposition (as in Marx and Engels' gravediggers) and discourses where 'cosmopolitan ghosts' dominate rather than 'concrete, historical subjects' (Drainville, 2004: 31). These discourses risk turning workers' agency into a cog in a larger process where their agency is instrumental to the unfolding of historical forces. In contrast to a spectral subject – e.g., global civil society, multitude, new dangerous class etc. – a Rancierian-inspired approach seeks to reverse this logic by making 'the universal follow from the demonstration, that is, from the practice of politics itself' (Tanke, 2011: 59). The methodological consequences of this anti-necessitarian or restrictive nominalist approach is that understanding the systems

of abuse, exploitation, injustice etc., as Jean-Phillipe Deranty has stated, 'can no longer be carried out from above or behind the back of the exploited, but has to be carried out immanently, in the exploited's own words and actions. The hermeneutics of the social and political fields demand that the observer take the position of a participant' (2003:...).

An analysis that departs from the grassroots level would also help to avoid a conceptualisation where contesting transnational corporations is equated exclusively with 'upscaling' protests in areal terms. This process occurs when it is suggested that 'local' or 'national' scales have become 'ineffectual or irrelevant [because] the international is geographically "bigger" than the national and local', as Castree argues (2000: 274). The danger with these narratives is that they tend to confer authority on actors operating at the 'global' level over actors operating at a (presumably) 'local' level. This can happen, for example, when anti-sweatshop campaigns are designed by organisations that arise from the spaces of consumption with no or little input from organisations at the spaces of production. Or worse, when NGOs focus exclusively on consumers as the privileged actor of change, who they seek to mobilise by using the images and stories of sweated labour as raw materials in communication campaigns that, Brooks points out, look very similar to the marketing strategies of their corporate adversaries. Although workers are presented as the main beneficiaries of these campaign activities, the anti-sweatshop narratives only allow workers to 'practice the agency of victimhood' (2007: 60). These campaigns privilege the agendas of (Northern-based) NGOs rather than the marginalised workers (ibid.: xxvi). Rancière's approach warns, in short, against external mediations, which can all too easily turn into barriers that prevent emancipatory action instead of facilitating it (Mecchia, 2010). His conceptual framework can also provide a fresh or grounded perspective on worker agency under subcontracted capitalism; one that foregrounds the ways its agency has an impact on the mechanisms, processes and institutions of transnational labour governance.

Politics of the instant

Some might object, pointing out that such workplace-centred campaigns merely represent a ‘politics of the instant rather than duration’ (Jameson, 2013), while the conflicts and violations are actually indicative of a more general pattern of abuses associated not only with localised socio-political contexts in which the production processes occur *but* are also indicative of how lead firms organise GPNs to maximise flexibility, profits and put pressure on the suppliers (Esbenshade, 2008; Anner et al. 2013). For example, addressing poverty wages that leave workers malnourished or force them to accept 70-hour (or more) working weeks transcend individual blame or liability because all of the actors stand in relation to, and play a part in, a structurally complex industry. Engaging lead firms like Nike in impromptu efforts to remediate such violations effectively ‘individualizes responsibility’ and seems like a very limited strategy for achieving broader social change (Young, 2004: 375). At best, we suggest that this dynamic creates a virtuous spiral – whereby a singular case of discontent simultaneously represents a re-opening of a debate, holding lead firms to account, and, in some cases, can help spur a broader social impact (see our earlier examples from the Philippines, Sri Lanka and Mexico). Others might point out that this seems like an unsatisfactory strategy in the face of the enormous power that lead firms possess. Given that Nike sources from approximately 580 factories in more than 40 countries, one might challenge the very notion of organising an entire supply chain on a factory-by-factory basis as not really a viable option. As Ross observes in his book *Slaves to Fashion*: ‘If change efforts were to focus on one campaign per factory, the reform process could stretch through a millennium’ (2004: 282). Although these sites of discontent may present a temporary challenge to GPN monitoring and brand policies, some critics fear that these struggles dissolve as quickly as they emerge and, therefore, it remains a force without much efficacy. Most of the campaigns react to abuse, which leads some to question the capacity of ‘fire-fighting’ campaigns to proactively ‘address the underlying structures that will continue to reproduce those conditions in factory after factory’ (Esbenshade, 2008: 467; Ross, 2006).

It is true that Rancière's work shows very little interest in how emancipatory politics can become sedimented, institutionalised and, thus, part of a broader, transformative process that aims to reconfigure social hierarchies and inequalities. His emphasis on the irreducibility and self-reliance of emancipatory political action, operating autonomously from the 'pedagogues of progress',¹³ precludes any institutionalisation of a (political) program that addresses inequality on an enduring basis (Rancière, 1995: 84). For Rancière, however, such mediating institutions always run the risk of becoming an impediment to emancipatory action and social transformation (Mecchia, 2010). This counts not only for corporate-driven programs that seek to 'account for' workers utilising CSR programs but the same critique can also easily involve other parties – in the context of this paper, NGOs or consumer groups, for instance – that make (disputable) claims that they speak on behalf of the workers. Simply put, for Rancière 'durable politics is a contradiction in terms' (Keucheyan, 2013: 176), as he defines *politics* as the 'affirmation of a capacity', or a 'supposition to be posited from the outset and endlessly reposed' (Rancière, 1995: 84). Rancière thus refuses to engage with the path-shaping and path-dependent nature of hegemonic transformation. Questions involving how policy readjustments can be mainstreamed or universalised go unaddressed by Rancière's anti-foundational conception of politics. His interest is strictly confined to an elaboration of the conditions of the possibility of emancipatory action. The polemic verification of equality entails that 'politics' takes the shape of an event associated with specific circumstances. Emancipation, in other words, 'is tied to the act of its own verification, which is forever in need of reiteration' (Rancière, 1995: 84).

Rancière's reluctance is reminiscent of what the German sociologist Robert Michels' termed the 'iron law of oligarchy', which claimed that rule by an elite is inevitable even if democratic ambition and ideals were at the root of the political movement. For some, no doubt, this failure to address organisational questions on how to synthesise grievances at a global level is a fundamental weakness (Davis, 2018:...). Such critiques typically reiterate Marx's (1865) critique of unions – whose policies, he argued, would all too easily be restricted to 'applying palliatives, not curing the malady' – or Lenin's polemic against ephemeral spontaneity, associated with wildcat strikes, spontaneous

revolts, etc. In this tradition, righting injustices on a transnational level provokes questions regarding the building of a global (labour) movement, the setting of long-term goals, agendas and transformative projects that would, ultimately, supplant hierarchical or exclusionary police orders. Rancière would, however, argue that there is no final escape from the police order (Chambers, 2012; chapter. 3). Emancipatory movements are doomed to remain marginal and, some might argue, tied to a self-defeating anarchism (Hewlett, 2007: 106). On the other end of the spectrum, reformists are likely to find Rancière's conceptualising of 'normal' politics (i.e., policing) impoverished because it dismisses any form of politics based on mutual understanding (consent) and ultimately over-valorises revolt (ibid.: 113). This leaves little common space for trade unions, labour rights NGOs or activists to collaborate with business in multi-stakeholder programs, framework agreements or types of ethical programs.

Rancière's narrow conception of politics – defined by its insurrectional moments – deliberately provides few clues for (labour) rights strategists (either endorsing a reformist or radical agenda) on how to promote a longer-term emancipatory program. But these criticisms miss Rancière's essential point, namely that we must 'distinguish between the existence of politics from its effectiveness', otherwise, as May argues, 'we risk missing it in the moment of its happening, and, on the other hand, ascribing it where it does not exist' (2009: 116). The politics of transnational labour governance, from this perspective, must be seen in precisely those dissensual moments when the marginalised of subcontracted capitalism – by acting out of the presumption of equality – put ethical inscriptions to test.

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Appendix

To be added

¹ Marx famously claimed 'it would be possible to write a whole history of the inventions made since 1830 for the sole purpose of providing capital with weapons against working-class revolt' (source). Elsewhere he argued that machinery was 'the weapon employed by the capitalist to quell the revolt of specialist labour'. (Marx, 1955: 77). Elsewhere Marx concludes that 'it would be possible to write a whole history of the inventions made since 1830 for the sole purpose of providing capital with weapons against working-class revolt. We would mention, above all, the self-acting mule, because it opened up a new epoch in the automatic system' (Marx, 1976: 563).

² In the literature on the impact global value chains this is typically referred to as social downgrading; Marxists would refer to it as a strategy based on 'absolute' surplus value extraction

³ <http://fair.work>

⁴ This is fairly analogous to Gramsci's (1971: 9) remark that 'all men are intellectuals [...] but not all men in society has the function of intellectual.'

⁵ (Far Eastern Economic Review 1991, cited in Connor, 2011: 110, italics added)

⁶ UNGP 12, commentary)

⁷ The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights)

⁸ Much of the scholarship on a private or non-state governance mechanism suffers from a similar bias, Tsogas argues (2018: 2-3), with much analytical attention paid to the legal language and wording of codes of conduct, the identification and study of administrative and procedural practices of monitoring initiatives, the company's handling of stakeholders and so on; while mostly ignoring both the effects of these initiatives on actual worker conditions while the agency of labour is largely written out of the script' (Cumbers et al., 2008: 370). This also means that most analytical efforts are biased towards actors operating in the spaces of consumption rather than the spaces of production.

⁹ Ranciere, 'Who is the Subject of the Rights of Man?' in Ian Balfour and Eduardo Cadava, *And Justice for All?*, 103: 2/3 *South Atlantic Quarterly* (2004), p.305

¹⁰ See: <https://www.dignityreturns.org>

¹¹ Cited in: WSF (2004) 'Seminar on Experiences in Organising Garment Workers: A Brief Report', p.22, <https://cleanclothes.org/resources/recommended-reading/wsf-report.pdf/view> [last accessed, February 7, 2018]

¹² For Ranciere, this is important because political dialogue 'is never a simple dialogue', as is suggested in theories about deliberative democracy or theories of CSR that take their inspiration from Jurgen Habermas; instead a Rancierian approach emphasizes that subordinated groups must struggle to make their voice count as one that is acknowledged as legitimate. If GPN policing reduces worker to as passive object to be monitored in social auditing processes (an aggregated number), to exist as collective subject workers must disrupt these practices

¹³ Ranciere:

'Equality is not a goal that governments and societies could succeed in reaching. To pose equality as a goal is to hand it over to the pedagogues of progress, who widen endlessly the distance they promise that they will abolish. Equality is a presupposition, an initial axiom, or it is nothing' (Ranciere 2003 [Afterword]: 223).

See also: Rancière, J. (1995) 'On the shores of politics'. London: Verso.p.84; The object of criticism is the way these approaches – as disciplining discourses - construct subjects. Ranciere 2003 [Afterword] : 223); for a critical discussion: Toscano, Alberto (2011) *The limits of Anti-Sociology*, in: Bowman, Paul and Richard Stamp (eds.) *Reading Rancière*, Coninum, London and New York, p.222-3